

International Legal Research Interest Group

Letter from the Editor

Dear ILRIG Members,

It is with great pleasure that we present to you the Fall 2022 issue of the International Legal Research Interest Group's newsletter the *Informer*. In this issue, we focus on the topic of post-pandemic international research. We provide everything from member news and updates to professional development opportunities to member-submitted essays and articles. Lastly, please see our Call for Submissions for the Winter 2022-23 *Informer* edition in this newsletter.

I wanted to thank the following individuals for their contributions to the ILRIG *Informer* Fall 2022 newsletter: Jenny Gesley, Alex Zhang, Louis Myers, Sherry Xin Chen, Anuoluwa Maria Ajala, and Catherin van Kampen. Please do not hesitate to contact me at ilrignewsletter@gmail.com with any newsletter submissions and/or requests. We hope that you enjoy this issue.

Warm Regards,

Brittany L. Menton
Newsletter Editor, *Informer*

Research Tip of the Season

Have you ever had to research European Union (EU) legislation and were wondering if and where the EU member states had transposed a certain EU directive? The EU EurLex website includes a neat feature that helps you with that question. The "National Transposition" section allows you to "search for the titles, and, if available, the texts of the measures, together with information on the dates of notification, national identifiers of the acts and links to the transposed EU act." In addition, all the documents published in the national transposition section in the last 14 days can be accessed. The section is available at <https://eur-lex.europa.eu/collection/n-law/mne.html>.

You can also go to the EurLex page of the directive in question and select the tab "national transposition" on the left hand side. For example, for the Consumer Rights Directive 2011/83/EU, the information on national transposition is available at <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32011L0083>.

Provided by:

Jenny Gesley
ILRIG Co-Chair and Foreign Law Specialist
Library of Congress

INSIDE THIS ISSUE

Letter from the Newsletter Editor

1

Research Tip of the Season

1

Member News and Updates

1

Member Publications

2

Professional Development

2

Career Opportunities

3

Short Essays

3

Call for Submissions for the ILRIG Newsletter

5

International Legal Research Interest Group

ILRIG OFFICERS

Co-Chairs

Alex Zhang
Jenny Gesley

Secretary

Lucie Olejnikova

Chair, Awards Committee

Michael McArthur

Chair, Education Committee

Marcelo Rodriguez

Editor

Brittany L. Menton

Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.



Member News & Updates

The Law Library of Congress recently published two international law research guides and delivered two webinar presentations on international law topics. The research guide, “**Introduction to Public International Law**,” was published in 2021, and a **corresponding presentation** was given by the Law Library on June 28, 2022. The research guide, “**Researching Treaties and Other International Agreements**,” was published in the spring of 2022. Its corresponding presentation (**recording forthcoming**) was given by the Law Library on August 2, 2022.

The public international law research guide includes sections on the sources of international law and includes recommended online and physical resources. The webinar presentation provided an overview of the different sources of international law and provided strategies and examples to research issues within each source of law.

The treaties and international law research guide includes sections on researching multilateral treaties, non U.S. bilateral treaties, and U.S. bilateral treaties. It also includes a section on travaux préparatoires.

The webinar presentation focused heavily on providing examples of different resources and strategies to perform treaty and international agreement research. Several examples of multilateral treaty research and both U.S. and non-U.S. bilateral treaty research were presented in a live demonstration.

Along with the Law Library’s recent international law updates, the Law Library has also been busy with other FCIL ventures. **The Guide to Law Online: Nations** has been undergoing a migration to the LibGuide format, and as of the week of August 7, countries from A-H had been updated and published online. The Law Library’s Foreign Law Specialists have also contributed to online learning with webinar presentations covering a variety of topics including green energy and the war in Ukraine. More information about the Law Library’s foreign law webinars is available online from the **Legal Research Institute**.

Provided by:

Louis Myers
Legal Reference Librarian
Library of Congress

Member Publications

ASIL ILRIG Co-chair, Jenny Gesley, co-authored the Article 130 in *The European Union: A Commentary on the Legal Foundations*. The book is available in Ebook (PDF) format here: <https://www.bloomsbury.com/us/euro-pean-monetary-union-9781509918973/>.

Professional Development

CAFLL 2022 Conference

After a hiatus of three years, the Chinese and American Forum on Legal Information and Law Libraries (CAFLL) is back in full force! The CAFLL 2022 Confer-

ence will unveil its first webinar in an online series at the beginning of September 2022.

Founded in 2010, CAFLL has been active in its mission of encouraging, developing, and facilitating exchanges between Chinese and American law libraries and librarians for more than one decade. Through conferences, visits, lectures, training and other channels, libraries and librarians from both sides have formed a strong bond and long-lasting friendship.

The CAFLL 2022 Conference will center on the core values and evolving roles of legal information and information professionals. Starting from early September, panelists from both China and the U.S. will

—continued on page 3

Professional Development —continued from page 2

engage you in a series of webinars discussing the librarians' evolving roles in the age of transformation—as scholars researching Chinese legal intellects, as education specialists in both traditional law school classrooms and other programs, and as technology specialists revolutionizing reference services with the newest tools. At the foremost forum on Chinese and American law librarianship, you will also hear stories on how to build a Western-style law library in Shenzhen, China and comparative reports from both Chinese and American law librarians on the current status of legal research curriculum.

To register for the webinars at the CAFLL 2022 Conference, please look out for announcements at the conference website: <https://cafillnet.org/2022-cafill-conference>.

Prepared by:

Sherry Xin Chen
Legal Information Librarian & Lecturer in Law
Boston College Law Library ■

Career Opportunities

PRO BONO VOLUNTEER OPPORTUNITIES FOR THE YEZIDI GENOCIDE JUSTICE CAMPAIGN (Amsterdam, the Netherlands, and New York, New York)

Additionally, I would like to share the Yezidi Genocide Justice Campaign that was begun in January 2022 and advocates for the legal prosecutions of corporate actors that aided and abetted ISIS. Here is the link to that campaign: <https://yezidigenocidejusticecampaign.org/>

Legal volunteers are welcome to submit letters of interest to volunteer to: catherinevankampen@gmail.com.

Short Essays: War, Exploitation, and International Legal Research

Exploring Legal Accountability of Global Technology and Social Media Companies for the Cyber Exploitation and Online Human Trafficking of Yezidis and other Minorities by ISIS

By:

Emmanuel Didier, Pro Bono Legal Advisor, Yezidi Legal Network

Angelika Hellweger, Pro Bono Legal Advisor, Yezidi Legal Network / NL Helpt Yezidis

Robert Jeffrey Powell, Pro Bono Legal Advisor, Yezidi Legal Network

Catherine van Kampen*, Pro Bono Legal Advisor, Yezidi Legal Network / NL Helpt Yezidis

Abstract: New legal and regulatory challenges are emerging as technology infiltrates every aspect of public and private life on a global scale. The growing dominance of largely unregulated global technology and social media companies presents grave concerns for international and national lawmakers and regulators grappling with health, safety and security issues such as cyber exploitation and discrimination, digital harassment and violence, online human trafficking and cyber sexual exploitation, particularly of vulnerable populations living in conflict zones. Additional issues relate to the biases and discrimination programmed into artificial intelligence and how global technology and social media companies are using powerful algorithms to expand their global audiences without possessing the technical language competency needed to enforce their community standards prohibiting the dissemination of hate speech, illegal content and unlawful activities on their platforms. While social media has benefits, it can also facilitate crimes such as cyber exploitation, sexual terrorism and online human trafficking that especially harm socially marginalized and economically vulnerable people—specifically women and children. This law article focuses on the nexus be-

—continued on page 4



Short Essays: War, Exploitation, and International Legal Research —continued from page 3

tween cyber exploitation, enslavement, sexual torture and online human trafficking on global technology and social media platforms and its connection to terrorism financing with a detailed discussion of what happened to Yazidi women and children and other religious and ethnic minorities during the rise of the Islamic State of Iraq and Syria (ISIS, ISIL, IS or the Islamic State). This law article will also explore the legal frameworks in the United States, Europe and Iraq that might allow victims of cyber exploitation to pursue criminal and civil accountability against corporate actors.

International Legal Research for the Furtherance of Human Right Best Practices

By:

Anuoluwa Maria Ajala, Lead City University, Ibadan, Nigeria

Introduction

In spite of efforts to promote human rights globally, reports on the practices of the same in various nations of the world still leaves a lot to be desired. Availability and access to information on human right issues, challenges and best practices may present a way out of challenges faced all over the world with regards to basic rights and freedom of individuals and peoples. International legal research (ILR) presents a means through which details and statistics on the inherent rights may be obtained for improving the practice globally. This could be made possible through the aspects entailed in the fact-finding process. International legal research comprises a number of aspects that can be explored in furthering human rights. They entail the development of research questions, adoption of theory and methods, consultation of information sources, organization of findings and drawing up conclusions.¹

Research questions

Research questions may be descriptive, normative or critical. Descriptive human rights research questions are raised to discuss details of existing human right practices and legal frameworks just as they are. The research questions contrast human rights in theory with human rights in practice. For instance, in theory, universal human rights supersede cultural rights however the reverse is the case in practice.² Descriptive research questions evokes explanations on conformity or otherwise of human right practices with the law, and influences of various impulses as well as interaction of human right laws with the society.

Normative research questions seek information on what ought to be with regards to human right practices. It may be about certain factors that ought to be considered such as implications of human rights violations on economic development. ILR may direct in researching on external parameters on best human rights practices for presenting arguments on what human right practices should entail. With ILR, it may be possible to discover and apply normative legal theories in developing standards for determining how human rights can be practiced. For instance, when consequences are considered and there is a high probability of them being positive, then such practices with possible positive consequences would be deemed what should obtain in human rights practice.

Critical research questions scrutinize the relationship between human right laws and powers of governments and discover the gaps between what is and what ought to be concerning human right practices. This category of research questions reveals the connection between human right laws and political powers, such as restrictions imposed by the former on the latter. The aim is

—continued on page 5

1 Lieblich, E. 2021. How to do research in international law – a basic guide for beginners. Harvard Internal Law Journal Online, 62.

2 Asomah, J. 2015. Cultural rights versus human rights: a critical analysis of the trokosi practice in Ghana and the role of civil society. African Human Rights Law Journal, 15:1.

Short Essays: War, Exploitation, and International Legal Research —continued from page 4

to expose political powerplays with the assumption that there is a lacuna in human rights legislation and implementation leading to further steps to suggest solutions. For example, the question of effects of international human rights law on protected persons in occupied territories have been raised.³ Through ILR, theoretical tools may be discerned to support the research questions.

Theories and methods

ILR involves the use of theories and methods for analyzing and assessing human right questions. Researchers are able to develop ways of addressing human rights research questions by relying on legal theories. The use of method may involve literature search on human rights legal frameworks of various jurisdictions, and interview of stakeholders. This aspect of ILR guides in deciding how to collect, analyze and organize the information gathered, and also the appropriate theory to be applied for specific human rights situation.⁴

Information sources

In the course of carrying out ILR, relevant primary and secondary information sources are consulted. For example, International Legal Materials (ILM), a publication of the American Society of International Law picks primary sources of information on a regular basis, some of which dwell on human rights. Judicial decisions and international tribunals having jurisdiction over specific human research questions can be discovered. Given that some domestic courts rule on international legal matters or refer to international law in their decisions, ILR may lead to the discovery of domestic courts' deci-

sions on such matters as sources of relevant human rights information. Some sources include Oxford Reports on International Law, Cambridge Law Reports, decisions of the European Court of Human Rights, the International Criminal Court and the International Court of Justice.

ILR may also facilitate access to United Nations documents on human rights, produced by either organizations of the UN or by states in the course of their interaction with the former. For instance, the UN Human Rights Council website would have scores of human rights statistics.

Conclusion

Steps involved in ILR facilitate the discovery of human right conditions globally, challenges faced and how some countries are able to overcome them. Best practices identified would be at the disposal of countries experiencing challenges in keeping human rights practices afloat. With years of practicing and imbibing best practices, human rights practices are enriched leading to global advancement of human rights. ■

Call for Submissions for the ILRIG Newsletter

ILRIG endeavors to provide accessible opportunities for new professionals to feature their work in a space that is reserved specifically for them, as well as a platform to highlight their achievements and accomplishments. As such, we are pleased to announce the following options for our members to feature their work in future editions of the ILRIG newsletter:

i. *New Developments in International Law*

Members are invited to submit short pieces (up to 300 words) that provide a descriptive update of a recent development or news item from any area of

3 Aeyal, M. 2007. Human Proportions: are human rights the emperor's new clothes of the international law of occupation?, 18 EUR Journal of International Law.

4 Ratner, S. and Slaughter, A. 1999. Appraising the methods of International Law: a prospectus for readers, Journal of International Law, 93:291-292



Call for Submissions for the ILRIG Newsletter —continued from page 5

public or private international law, such as but not limited to new activities at international organizations, a decision of an international court or tribunal, and/or treaty negotiations.

ii. **Short Essays: International Legal Research and Open Access**

Members are invited to submit an original essay (up to 900 words) focusing on advances in international legal research and open access to international legal research. The possibilities are wide ranging and could include how the law of armed conflict applies to a particular incident, ramifications for international economic law, the protection of the environment, etc.

iii. **Member Spotlight**

Members are invited to submit an announcement highlighting an achievement or professional update, whether it be a new position, a publication, an award, or anything else that we can celebrate (up to 150 words).

iv. **Member Updates**

Members are invited to submit an announcement (up to 150 words) highlighting an achievement or professional update, whether it be a new position, a publication, an award, or anything else that we can celebrate.

v. **Opportunities Available**

Members are asked to submit open positions (both paid and volunteer) for legal research positions available. Please include the association name, position title, position summary, and contact information.

vi. **Upcoming/Recent Publications/Books**

Members are invited to submit information regarding a recently published or upcoming book or publication they assisted with. Please include your name, the authors, the title, publication date, and a brief summary (up to 200 words).

vii. **Upcoming Events of Interest**

Members are invited to submit information regarding upcoming events of interest to the ILRIG community including meetings (in-person and virtual), webinars, classes, conferences, roundtables, panels, etc. Please provide the date, time, location (virtual or in-person), host, and summary (up to 200 words).

Send submissions to ilrignewsletter@gmail.com and put "ILRIG NEWSLETTER SUBMISSION" in the subject line. Be sure to provide your full name, title, and organization or affiliation. If your submission is for the Member Spotlight, please include a high-resolution photo of yourself. We accept submissions on a rolling basis and encourage members to submit early. The deadline for submission is **November 1, 2022**. ■

Disclaimer: Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical. If you would like to provide information on specific events/opportunities for the newsletter, please send to ilrignewsletter@gmail.com.