An Introduction to Foreign and International Legal Research Tools

by Nick Harrell

Colorado legal researchers need not specialize in foreign or international law to encounter a foreign or international legal research project. These projects can arise from representing local businesses (e.g., a company that uses foreign manufacturing has labor concerns) or individuals (e.g., a client isn't sure whether a divorce in the Philippines will be recognized in Colorado). This article explores some resources and tools available to Colorado legal researchers who confront questions of law involving a foreign country or the international landscape. All of the resources discussed in this article are free, except the *Foreign Law Guide*,[1] which is available in most publicly accessible law libraries.

While often grouped together—including in this article—foreign law and international law are distinct areas of law. Foreign law involves the domestic laws of a non-U.S. country (e.g., Canadian tort law or Chinese contract law), while international law deals with legal relationships among countries. International law is generally divided into two areas: public international law (i.e., the laws and norms that regulate interactions among countries) and private international law, which is typically referred to as conflicts or choice of law.

Many of the resources discussed below may be used for researching both foreign and international law. However, a foreign law research project will likely focus on a particular country and its laws. In contrast, international law research often involves materials such as treaties and international court proceedings, which can be found through governmental and intergovernmental organizations. Furthermore, foreign law materials are often published only in the official language of the country, but international law materials are often available in English.

The Research Process

To research foreign or international issues, a researcher should complete the following steps:
1. Determine whether the research project involves foreign law, international law, or both.
2. Identify the relevant jurisdiction (e.g., German domestic law or international environmental law).
3. Identify the structure of the legal system or governing body (e.g., common law or an international tribunal).
4. Locate secondary authority.
5. Locate primary authority (if available).

This process is similar to the process used for a Colorado or federal research project. However, the last step, locating primary authority, differs from typical research because a researcher may not have access to foreign primary authority for every jurisdiction. And if the researcher can access primary authority, it may be in a language that the researcher cannot read. Depending on the importance of the legal research project, the researcher may want to contact a foreign and international law specialist or an attorney in the foreign country for assistance.

Foreign and International Legal Research

As the process above indicates, it is helpful to determine whether a research problem involves foreign law, international law, or a combination of both. This determination may lead the researcher to seek out country-specific sources rather than international sources. Sometimes a legal research project may touch on both foreign and international law. For example, if the researcher represents a technology company with valuable patents and is con-

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cerned about whether those patents will be honored in Japan, the researcher may need to consult international intellectual property law (e.g., treaties between the United States and Japan regarding the treatment of patents) and the domestic intellectual property laws of Japan.

If a research project requires foreign law research, the researcher should determine what type of legal system governs the country of interest. JuriGlobe,[2] a project from the University of Ottawa, provides a thorough list of countries and their respective legal systems. Determining whether a country uses a common law, civil law, or other system informs the type of primary and secondary sources the researcher may expect to find. For example, while civil law countries may have reported court opinions, they will have fewer opinions than the United States, and those opinions will often have little or no precedential value.

After making these preliminary determinations, the legal researcher can explore secondary sources discussing the relevant country or international legal system.

Secondary Sources

Researchers may use several types of secondary sources to research foreign and international legal issues. The following is a sample of those resources.

Research Guides

When researching foreign or international legal issues, as with Colorado or federal legal issues, beginning with a research guide informs the researcher about the area of law and its respective resources. Often researchers may want to consult several research guides for a foreign or international law research project because of the variability in the scope and currency of the research guides.

The Hauser Global Law School Program at New York University's School of Law maintains GlobaLex,[3] an extensive collection of research guides on foreign and international legal topics. Those guides are prepared by practitioners in those countries or by experienced researchers, and are updated periodically. To access the most up-to-date version of a particular guide, click on the "UPDATE" link for the relevant guide. (See Figure 1.)

The *Foreign Law Guide*, another great starting point, is a fee-based collection of legal research guides available at most law libraries. Other good sources of foreign and international legal research guides include:

- the Law Library of Congress[4]
- the University of Denver Westminster Law Library[5]
- the Georgetown University Law Library.[6]

Websites

Research guides should lead to other relevant secondary sources, such as treatises and websites, which may include English-language primary sources. The availability and scope of these sources vary by country and international legal topic. Generally, more resources exist and are available for topics and countries in which U.S. businesses are involved; for example, resources on manufacturing in China will be easier to find than resources on criminal procedure in Chad. Some useful websites are:

Figure 1. Click "UPDATE" for GlobaLex research guides. Hauser Global Law School Program, New York University School of Law, Foreign Law Research, GlobaLex, www.nyulawglobal.org/globalex.

Figure 2. The ODS search page with a UN Symbol. United Nations, Official Document System, https://documents.un.org/prod/ods.nsf/home.xsp.

- Export.gov, maintained by the U.S. Department of Commerce International Trade Administration, which "help[s] U.S. companies export."[7] Its Country Commercial Guides provide non-legal and legal information about foreign countries. The guides include summaries of trade, labor, intellectual property, and other regulations. Export.gov also describes and links to various free trade agreements that the United States is a part of, including the pending Trans-Pacific Partnership.
- Electronic Information System for International Law (EISIL),[8] maintained by the American Society of International Law (ASIL), which serves as a gateway to many international primary and secondary sources. EISIL has a standard search box, but its table of contents navigation is useful as well. In particular, most of the main subject headings on EISIL include links to "Basic Sources," which direct researchers to the main treaties and websites on a given topic. ASIL also maintains the Electronic Resource Guide (ERG), which is a collection of thorough research guides on various international research topics.[9] These librarian-created guides are available as PDFs and provide important background information and links to resources for the topics they cover.
- The World Legal Information Institute (WorldLII),[10] a member of the Free Access to Law Movement, which provides access to and a search engine for primary and secondary sources of legal information for 20 countries.

Primary Sources

Secondary source research should lead to relevant primary sources. In conducting primary source research, researchers should keep in mind the type of legal system that is applicable, and specifically what that means for the weight of the primary authority they find.

International Law

Researchers may look to intergovernmental organizations and nongovernmental organizations to find primary and secondary international law materials. The United Nations is a particularly good source, and its specialized organizations (e.g., the World Intellectual Property Organization) host many of their respective documents.

United Nations (UN) documents can be found in the Official Document System (ODS).[11] ODS has many search options, but the easiest way to find a specific document is to input its UN symbol. (See Figure 2.) The Dag Hammarskjöld Library, the UN's library, has a useful research guide for finding UN documents, including information on UN document symbols.[12]

Individual UN specialized agency websites have documents specific to their respective topics. For example, the World Intellectual Property Organization (WIPO) website's Reference section serves as a gateway to intellectual property laws and regulations for individual countries as well as international treaties.[13] The WIPO site, like other intergovernmental organization sites, also provides information about the signatories of various treaties and general overviews of the areas of law that the body covers.

Foreign Law

Foreign governmental websites, like U.S. governmental websites, often provide access to primary legal materials. However, these materials might not be published or updated regularly, and they might not be available in English.

While most U.S. research projects involve direct citation to binding primary authority, research on a foreign law issue might end with citation to a secondary authority where access to foreign primary materials is not available.

Other Resources

In addition to sources available on the Internet, researchers may find useful primary and secondary resources in print in local law libraries. The holdings of foreign and international materials vary among libraries, so researchers should consult the online catalog or librarians at particular locations.

Librarians can also direct researchers to additional resources and help with creating a research strategy for a project.

Overcoming Language Barriers

Language barriers are a recurring problem in international and foreign legal research. The resources for a particular country may be in a language that the researcher cannot read, or cannot read proficiently enough to conduct legal analysis. The legal researcher's most authoritative option is to find an official or credible unofficial translation of the desired text. Most law libraries have collections of foreign laws and codes in print, sometimes with translations. To find these, search library catalogs to determine whether a library has a particular translation. The above-referenced research guides also indicate where a researcher might find an English-language translation of various resources.

When such translations are not available, Google Translate provides a workable solution.[14] Machine translation has its drawbacks, but Google Translate can quickly and relatively accurately translate almost any text it receives. Even better, Google's Chrome browser automatically asks researchers whether they would like to translate foreign HTML text into English when navigating on foreign language websites. (See Figures 3 and 4.)

Conclusion

This article provides just a sample of foreign and international law resources available to legal researchers. Beyond the free resources mentioned above, librarians and other more experienced foreign and international legal researchers may offer leads to specialized subscription databases. However, the tools discussed in this article can give researchers a good starting point for—and often a final answer to—a foreign or international legal research project.
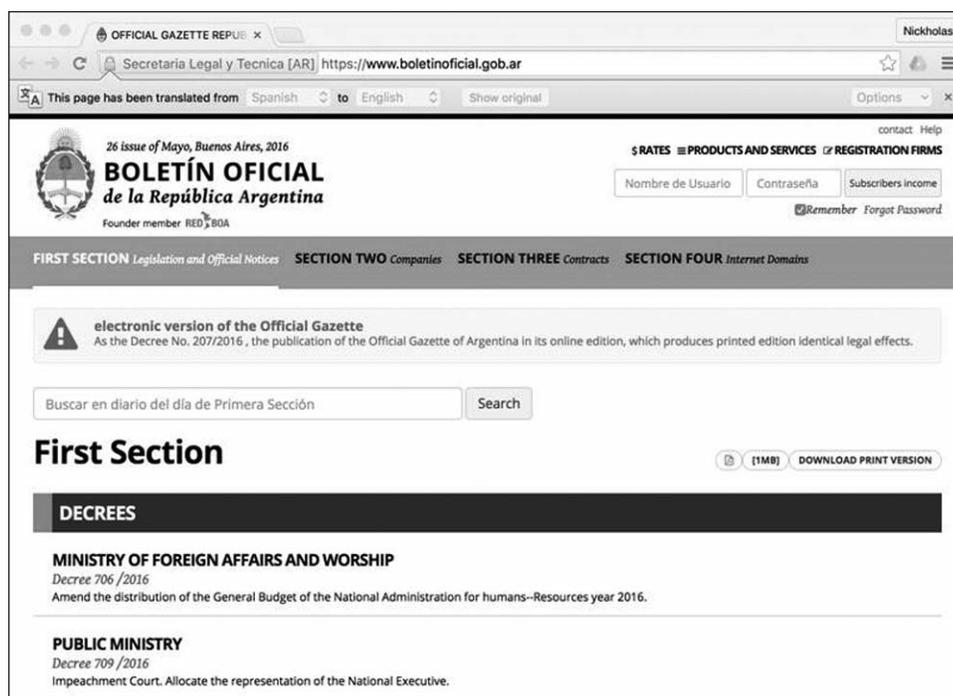

Figure 3. The website for the Argentinian Official Gazette translated by Google Chrome's built-in translation. Republica Argentina, Boletin Oficial, www.boletinoficial.gob.ar.

Figure 4. The website for the Argentinian Official Gazette without translation. Republica Argentina, Boletin Oficial, www.boletinoficial.gob.ar.

Notes

1. The *Foreign Law Guide* is edited by Marci Hoffman, an international and foreign law librarian at the University of California Berkeley.

2. University of Ottawa, JuriGlobe—World Legal Systems, www.juriglobe.ca/eng/index.php.

3. Hauser Global Law School Program, New York University School of Law, Globalex, www.nyulawglobal.org/globalex.

4. The Law Library of Congress, "Guide to Law Online," www.loc.gov/law/help/guide.php.

5. University of Denver Sturm College of Law, Legal Research Guides, http://libguides.law.du.edu/index.php.

6. Georgetown Law Library, Foreign & International Law, http://guides.ll.georgetown.edu/home/foreign-law.

7. U.S. Department of Commerce International Trade Administration, www.export.gov.

8. American Society of International Law, EISIL, http://eisil.org.

9. American Society of International Law, "Electronic Resource Guide," www.asil.org/resources/electronic-resource-guide-erg.

10. World Legal Information Institute, www.worldlii.org.

11. United Nations, "Official Document System," https://documents.un.org/prod/ods.nsf/home.xsp.

12. Dag Hammarskjöld Library, UN Documentation: Overview, http://research.un.org/en/docs.

13. World Intellectual Property Organization, Reference, www.wipo.int/reference/en.

14. Google Translate, https://translate.google.com. ∎