Introduction to International and Foreign Legal Research

by Kyle K. Courtney, Esq. for BHRH Lawyers' Network
March 2010
Foreign and Int’l Law in U.S. Courts

April 2009: Justice Ruth Bader Ginsburg at Moritz College of Law at Ohio State University

• “I frankly don’t understand all the *brouhaha* lately from Congress and even from some of my colleagues about referring to foreign law”

• “Why shouldn’t we look to the wisdom of a judge from abroad with at least as much ease as we would read a law review article written by a professor?”
Sotomayor’s Confirmation Statements

• “American law does not permit the use of foreign law or international law to interpret the Constitution.”

• “Foreign law cannot be used as a holding or precedent or to bind or to influence the outcome of a legal conclusion interpreting the Constitution.”

• Now a standard question for nominees
Foreign and Int’l Law in U.S. Courts

• Justice Stephen Breyer has declared that “comparative analysis emphatically is relevant to the task of interpreting constitutions.”

• Stated that United States Courts “face an increasing number of domestic legal questions that directly implicate foreign law.”

• Justice Breyer noted “neither I nor my law clerks can easily find relevant comparative material on our own. The **lawyers** must do the basic work: finding, analyzing, and referring us to that material.”
Sample U.S. Decisions


• Atkins v. Virginia, 492 U.S. 302 (2002). Court invoked a brief filed by the European Union which catalogued the overwhelming repudiation of the practice by the rest of the world.

More Recently: **Graham v. Florida**

- Justice Kennedy notes that juvenile LWOP has been “rejected the world over….The judgment of the world’s nations that a particular sentencing practice is inconsistent with basic principles of decency, demonstrates that the court’s rationale has respected reasoning to support it.”
- Again some scholars/politicians argue about the “unfortunate reference to foreign authorities to support the Court’s interpretation of the Eighth Amendment.”
Plan for Today’s Session

• Overview of Foreign/Int’l Legal Systems
• Secondary Sources
• Primary Documents and Finding Tools
• Translation Resources
• Commercial Databases
• Current Awareness
• Research Strategies and Examples
Foreign Law
The Law of Other Countries

World Legal Systems, University of Ottawa
Foreign Law

Types of Legal Systems:

• Common Law
• Civil Law
• Combination of both
• Religious Law
• Customary Law

See http://www.juriglobe.ca/
Other Source to Study Foreign and International Legal Systems

- Germain’s Transnational Law Research
- Modern Legal Systems Cyclopedia
- Szladits, A Bibliography on Foreign and Comparative Law: Books and Articles in English
- Civil Law Tradition: Europe, Latin America & East Asia
- Introduction to Foreign Legal Systems (AALL)
- Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research
- Comparative Legal Traditions in a Nutshell
International Legal Systems Overview

• Public International Law
  – Governs the relationships between
    • National governments;
    • Intergovernmental organizations (IGO)
    • National govts and IGOs
    • Also regulates governments and IGOs across national boundaries
  – Topics: international trade, human rights, IP, international environmental law, and more
International Legal Systems

• Private International Law
  – Governs the choice of which national law to apply when there are conflicts in the domestic law of different countries related to private transactions between private parties.
    • a.k.a. “conflict of laws” in US
  – Topics: conflicts in areas of contracts, marriage and divorce, jurisdiction, recognition of judgments, adoption, abduction.
International Legal Systems

• Comparative Law
  – “The study of the similarities and differences between the law of two or more countries, or between two or more legal systems. Comparative law is not itself a system of law or a body of rules, but rather a method or approach to legal inquiry.” - Bob C. Berring, *How to Find the Law* (1989)
    • Largely the turf of scholars and academics
    • Presents the same challenges as foreign law
International Legal Systems

• Transnational Law
  – All law which regulates actions or events that transcend national frontiers. Both public and private international law are included, as are other rules which do not wholly fit into such standard categories.
  – Topics: legal relationships between a state and alien individuals or corporations, frequently in commercial, industrial, or investment.
International Legal Systems

• Supranational Law
  – A supranational organization:
    • Has powers that its member states do not have because they surrendered those powers to it
    • May enact rules that preempt the laws and regulations of its member states
    • May grant rights and privileges to the nationals of its member states, which those nationals may directly invoke

  – Only one real supranational legal order: the European Union
International Legal Systems

• Soft Law
  – Non-binding documents or instruments (guidelines, declarations, principles) that may have use politically, but are not enforceable.
  – Akin to unenforceable international law, but soft law is not even as aspirational
  – Topics: international economic law, international environmental law, etc.
Research Methods

• How do you begin learning about an area of law that is new to you?
• Start with Secondary Sources
  – Research Guides
  – Reference Works
  – Legal Dictionaries/Citation Guides
  – Foreign Law Portals
  – Subject and Regional Websites
  – Journals and Periodicals
Secondary Sources

Start with a Research Guide!

Research Guides and Bibliographies Online

- LLRX Guides
- GlobalLex: Foreign and Comparative Law Research (NYU Law)
- Guide to Electronic Resources for International Law (ASIL)
- Intute Foreign Law Guides (UK Based)
- Lillian Goldman Law Library: Foreign Law Research Guide (Yale)
Global Law School Program

Courses : Calendar : Global Faculty : Students : The Lighter Side : Meet Rita & Gus Hauser

Hauser Home / Global Research Tools / Globalex /

International Law Research
Comparative Law Research
Foreign Law Research

- Afghanistan : Islamic Republic of Afghanistan Legal System and Research
- Albania : Researching the Albanian Legal System
- Algeria : Algerian Law Guide
- Argentina : A Research Guide to the Argentine Legal System
- Armenia : A Legal Research Guide to Armenia
- Austria : The Austrian Legal System and Laws: a Brief Overview
- Belarus : Guide to Legal Research in Belarus
- Belgium : Research Guide to Belgian Law
- Bermuda : Finding the Law in Bermuda
- Bosnia and Herzegovina : A Guide to Legal Research in Bosnia and Herzegovina
- Botswana : Botswana's Legal System and Legal Research
- Brazil : Doing Legal Research in Brazil
- Bulgaria : The Bulgarian Legal System and Legal Research
Guide to Legal Research in Nicaragua

By Magda Violeta Blandino

Magda Violeta Blandino holds Law and Notary Public degrees from Universidad Nacional Autónoma de Nicaragua. She also obtained an LL.M. from The George Washington University, Washington, D.C. Currently she is a professor of Commercial Law at Universidad Nacional Autónoma Nicaragua and Attorney at Law at Consortium Centroamérica – Taboada & Asociados in Nicaragua.

Published March 2007

Table of Contents
1. General Information
2. The Constitution
   2.1. Constitutional Law
3. Structure of Government
   3.1. The Executive Branch
   3.2. Legislative Branch
   3.3. The Judicial Branch
   3.4. The Electoral Branch
   3.5. Administrative Law
   3.6. Other State Organs
      3.6.1. Public Prosecutor’s Office
      3.6.2. Attorney General’s Office
4. Sources of Law
   4.1. Legislation
      4.1.1. Codes
   4.2. Treaties
   4.3. Jurisprudence
5. DR-CAFTA
6. Foreign Investment
   6.1. Expropriation
7. Research Tools
   7.1. Government Internet Sites
   7.2. Legal Associations
   7.3. Law Schools
   7.4. Books and Publications
Secondary Sources (cont’d)

Major Reference Works

• *Reynold’s and Flores Foreign Law Sources* (now online *Foreign Law Guide*)
• *Germain’s Transnational Law Research*
• *Martindale Hubble International Law Digest* (online LexisNexis)
• *Modern Legal Systems Cyclopedia*
ALGERIA

A French province since the mid-19th century, Algeria was seized from the decaying Ottoman Empire and colonized and developed by the French along with a policy involving forced settlement. The French policy was to sequester and confiscate public lands, in theory held by the Bey of Algiers, but actually used and cultivated by local populations, and to redistribute the property to French citizens. The legal systems remained based on principles of Islamic law of the Malekite school, although now more structured around French-inspired codifications. Total independence was achieved in 1962 after a violent four-year war or revolution against the French. During the 25-year period following independence, a series of military juntas ruled and developed a legal system designed to further the principles of democratic socialism while emphasizing the secondary role to be played by Islam in such an order.

A new, democratic constitution was approved 28 February 1989 (the third since independence, not counting National Charters), which restored multiparty democracy and mandated the restructuring of the economy along more liberal and less doctrinaire lines. Following this, the general operations of government and the organization and functions of the state were reformed by a sequence of executive decrees, 31 May 1989 to 30 August 1989. In February of 1991, after Islamic fundamentalists with the announced intention of restoring Islamic law achieved pluralities in general elections, democratic government was suspended. The 1989 constitution was succeeded by the 1996 constitution (also adopted by referendum). This represents the fourth constitution since independence.

The administration of justice and the judicial structure follows the French model. The basic court system is secular; there are 17 courts of first instance and above that Courts of Appeal in the major cities of Algiers, Oran and Constantine. The Council of State, when joined with the High Court of Appeal, functions as the Supreme Court. There are justices of the peace at the primary level. Part of their jurisdiction is exclusive and part may be appealed to the courts of first instance. There is a separate range of commercial courts.

By Loi 5 of 16 January 1991, French ceased to be an official lan-
MAJOR PUBLICATIONS

Titles of materials containing translations, digests or outlines of legislation are given in abbreviated format. More complete information on those titles followed by an asterisk will be found at the end of this section on Algeria. Materials whose titles are followed by the symbol "■" are described with full bibliographic information in the "List of Materials Indexed" commencing after the Materials Indexed tab.

MAJOR CODIFICATIONS

1. Civil Code

2. Code of Civil Procedure

3. Commercial Code

4. Criminal Code

(12/2001 Release)
COMMUNICATIONS

CIVIL PROCEDURE
Code of Civil Procedure.
See also ADMINISTRATION OF JUSTICE
EVIDENCE

CIVIL RIGHTS
See CONSTITUTION AND POLITICAL LEGISLATION

COMMERCIAL
Commercial Code.
Sales, Civil Code, sections 351-412. Translated in Commercial laws of the Middle East: Algeria.
In general, commercial legislation of interest to foreign persons contained in a range of laws and decrees of 1988/90.
See also INVESTMENTS, FOREIGN

COMMERCIAL AGENTS
See BRANCHES AND SUBSIDIARIES

COMMUNICATIONS (INCLUDING TELECOMMUNICATIONS AND SATELLITE TRANSMISSIONS)
See also INFORMATION AND DATA PROTECTION
SUBJECT HEADINGS

MAJOR CODIFICATIONS
1. Civil Code
2. Code of Civil Procedure
3. Commercial Code
4. Criminal Code
5. Code of Criminal Procedure

OFFICIAL GAZETTE

COMPILATIONS OR OFFICIAL CODIFICATIONS

SESSION LAWS

COURT REPORTS

SUBJECT ARRANGEMENT

ABORTION AND FAMILY PLANNING

ACCOUNTING AND AUDITING
Belize

Introduction

Belize, an independent nation within the British Commonwealth, has been known as British Honduras for most of its existence. It has been self-governing since 1964 and took the name Belize in 1973, however, final independence was delayed by the need for settlement of a centuries’ old territorial dispute with Guatemala. Independence was granted without any settlement, the territorial integrity of the new nation being guaranteed by the United Kingdom.

That part of Belize situated on the Bay of Honduras was discovered by Columbus in 1502, but the Spanish explorers made only the slightest efforts at colonization and the first actual settlement was established by the British in 1638. Constant disputes with the neighboring Spanish colonies meant insecure British control of the area. The troublesome nature of the territory and its lack of obvious economic or strategic benefit ensured a degree of disinterest on the part of British colonial administration and an equal degree of independent self-government by the British buccaneers and settlers almost into the 19th century. In 1786, the colonial administration in London appointed the first of a series of “Superintendants” to direct government in the region, still little more than an extended settlement. In 1862 the Colony of British Honduras was established as a dependency of the colony of Jamaica. It became an independent colony in 1884, and since then remained separate from the other English colonies in the New World, never becoming an administrative unit of some larger island or group of islands in the Caribbean. The British did establish the traditional mixed form of government, calling for an elected local legislature to coexist and share power with an executive and judicial apparatus appointed from England. This situation was replaced at the end of the century by crown colony status, which continued until 1935 when limited self-government was restored.

While Belize is geographically part of the Central American land mass, British colonization and ethnic patterns of 19th century settlement determined that Belize would, in effect, always be within the British sphere of influence and a member and trading partner of the Anglophone Caribbean community. Belize’s isolation from the other Central American republics has been exacerbated by its long-running (and very
ADMIRALTY
   See MARITIME LAW

ADOPTION
   Families and children act 17 of 1998, sections 133–147. This is a major act, reforming and consolidating all the legislation covering guardianship, care, protection, maintenance and adoption of children, including their rights, status and legal capacity. Abrogates and replaces a number of separate chapters and laws, including the Status of children act and the Adoption of children act.

AGENTS AND AGENCY
   See BRANCHES AND SUBSIDIARIES

AIDS
   See HIV/AIDS

AIR AND SPACE LAW
   The U.K. has declared application of the following to Belize: Warsaw convention, effective 4 Jul 1936, along with the Hague protocol, effective 15 Aug 1985 and the Guadalajara convention, effective 15 Mar 1967.

ALIENS
   See CITIZENSHIP AND NATIONALITY
<table>
<thead>
<tr>
<th>Category/Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECORDS</td>
<td>6</td>
</tr>
<tr>
<td>SEALS</td>
<td>6</td>
</tr>
<tr>
<td>EMPLOYMENT</td>
<td>6</td>
</tr>
<tr>
<td>LABOR RELATIONS</td>
<td>7</td>
</tr>
<tr>
<td>ENVIRONMENT</td>
<td>7</td>
</tr>
<tr>
<td>ENVIRONMENTAL REGULATION</td>
<td>7</td>
</tr>
<tr>
<td>ESTATES AND TRUSTS</td>
<td>7</td>
</tr>
<tr>
<td>DEATH</td>
<td>7</td>
</tr>
<tr>
<td>DESCENT AND DISTRIBUTION</td>
<td>7</td>
</tr>
<tr>
<td>EXECUTORS AND ADMINISTRATORS</td>
<td>7</td>
</tr>
<tr>
<td>FORCED HEIRS</td>
<td>7</td>
</tr>
<tr>
<td>TRUSTS</td>
<td>7</td>
</tr>
<tr>
<td>WILLS</td>
<td>7</td>
</tr>
<tr>
<td>FAMILY</td>
<td>8</td>
</tr>
<tr>
<td>ADOPTION</td>
<td>8</td>
</tr>
<tr>
<td>DESERTION</td>
<td>8</td>
</tr>
<tr>
<td>DIVORCE</td>
<td>8</td>
</tr>
<tr>
<td>HUSBAND AND WIFE</td>
<td>8</td>
</tr>
<tr>
<td>INFANTS</td>
<td>8</td>
</tr>
<tr>
<td>MARRIAGE</td>
<td>8</td>
</tr>
<tr>
<td>MARRIED WOMEN</td>
<td>8</td>
</tr>
<tr>
<td>FOREIGN TRADE AND COMMERCE</td>
<td>8</td>
</tr>
<tr>
<td>CUSTOMS DUTIES</td>
<td>8</td>
</tr>
<tr>
<td>EXCHANGE CONTROL</td>
<td>8</td>
</tr>
<tr>
<td>FOREIGN EXCHANGE</td>
<td>9</td>
</tr>
<tr>
<td>FOREIGN INVESTMENT</td>
<td>9</td>
</tr>
<tr>
<td>FOREIGN TRADE REGULATIONS</td>
<td>9</td>
</tr>
<tr>
<td>HEALTH</td>
<td>9</td>
</tr>
<tr>
<td>FOOD AND DRUGS</td>
<td>9</td>
</tr>
<tr>
<td>MEDICAL PROFESSION</td>
<td>9</td>
</tr>
<tr>
<td>SMOKING REGULATION</td>
<td>9</td>
</tr>
<tr>
<td>INTELLECTUAL PROPERTY</td>
<td>9</td>
</tr>
<tr>
<td>COPYRIGHT</td>
<td>9</td>
</tr>
<tr>
<td>PATENTS</td>
<td>9</td>
</tr>
<tr>
<td>TRADEMARKS</td>
<td>9</td>
</tr>
<tr>
<td>LEGAL PROFESSION</td>
<td>10</td>
</tr>
<tr>
<td>ATTORNEYS AND COUNSELORS</td>
<td>10</td>
</tr>
<tr>
<td>MINERAL, WATER AND FISHING RIGHTS</td>
<td>10</td>
</tr>
<tr>
<td>ENERGY</td>
<td>10</td>
</tr>
<tr>
<td>MINES AND MINERALS</td>
<td>10</td>
</tr>
<tr>
<td>WATER</td>
<td>10</td>
</tr>
</tbody>
</table>
HEALTH

FOOD AND DRUGS:

Food safety is governed by multiple legislative provisions emanating from both national and European Union authorities. Market police, special division of National

Note, an in charge of control (including veterinary control) of production, distribution and storage of food products. Failure to comply with food safety regulations may result in fines or revocation of licenses.

Pharmaceutical products sold in Greece must have stable composition. Generic names of active substances contained in product must appear on label, beside or under common name of product.

Products approved by the national Board of Drugs Authority (EOF) obtain licenses valid from 3 to 5 years and are renewable upon request of beneficiary six months before expiration of license.

MEDICAL PROFESSION:

Medical professions are subject to regulations of relevant professional associations.

MEDICAL REGULATION:

Advertising of tobacco products is only allowed in press and special road signs. Where allowed, advertising must contain information on dangers of smoking. (Ministerial Decision 216090 as modified and in force.) Tobacco products may also be promoted through special campaigns and sponsorships, excluding distribution of free cigarettes for promotional reasons.

INTELLECTUAL PROPERTY

COPYRIGHT:

Copyrights, composers, painters, designers, sculptors, turners and engravers have the permanent right of publishing and reproducing their works during their lifetime and of ensuring their rights to third persons. They have also moral protection right of their works until their creation and during 70 years after their death. Copyright protection extends till end of their life and expires 70 years after their death, leaving from end of year of death.

The protection applies to works in writing or artistic works produced in this country, and may be extended to similar works produced abroad under a special decree on reciprocity. Such protection has been extended to works in writing and works produced in the United States by a decree which came into force on Mar. 1, 1943.

TRADEMARKS:

Trademarks are governed by Law 1839 of 16 Sept. 1990.

A trademark is protected from unauthorized copying and imitation of its distinctive features. Right of trademark is protected for 10 years and may be renewed indefinitely upon registration. Protection may be revoked for non-compliance with regulations.

Unlawful use of trademark is punished by at least three months of imprisonment and/or fine.

Courts may grant specific measures to prevent unlawful use of trademark.

RIGHT ON TRADEMARK:

Right on trademark is transferable by succession, by contract or in case of forced execution, even without transfer of business itself. Beneficiary has the right to use its trademark as registered. Use of trademark is protected for 10 years from registration.

On expiry of trademark, if the beneficiary does not extend the protection for an additional 10 years, the trademark is automatically renewed for another 10 years.

Change of seat of address must be duly registered.
Germain’s Transnational Law
Research

Table of Contents

Acknowledgments .................................................. xxxix
Abbreviations ...................................................... xli
Foreword .......................................................... xlv
Introduction ........................................................ xlvii

CHAPTER I: FOREIGN AND INTERNATIONAL LAW:
PROCEDURAL AND PRACTICAL ISSUES ................. I-1

§1.01 Definitions: International Law, Transnational Law,
Comparative Law—Importance of Classification as
Related to the Research Process .............................. I-2
§1.01.1 Public International Law ............................. I-2
§1.01.2 Private International Law or Conflict of
Laws ................................................................ I-3
§1.01.3 Transnational Law .................................... I-4
§1.01.4 International Economic Law ..................... I-5
§1.01.5 International Business Law ....................... I-6
§1.01.6 International Trade Law ............................ I-8
§1.01.7 International Commerce Law .................... I-8
§1.01.8 Comparative Law ..................................... I-8

§1.02 Foreign and International Law in U.S. Practice .... I-9
§1.02.1 Foreign and International Law Questions in
Domestic Practice ............................................... I-9
§1.02.2 Types of Transnational Legal Transactions and
Parties ............................................................ I-10
§1.02.3 Foreign Transactions and Foreign Litigation .... I-12
§1.02.4 Federalism and Foreign Affairs ................... I-12

§1.03 Proof and Pleading of Foreign Law .................. I-14
§1.03.1 Foreign Law in U.S. Courts: Question of Fact
or of Law ......................................................... I-14
§1.03.2 Need for Attorney to Know the Domestic and
§2.07.3  Document Writing ........................................ II-32
§2.07.4  Legal Research in Civil Law Countries ........ II-33
§2.07.5  Formulation of the Legal Rules .............. II-33
§2.07.6  Legal Methodology in Civil Law Countries .... II-34
§2.07.7  Convergence of Common Law and Civil Law ... II-35

§2.08    Classification and Language Problems ..............II-37
§2.08.1  Legal Concepts ......................................II-37
§2.08.2  Faux amis ........................................ II-38
§2.08.3  The Perils of Translation ......................... II-38
§2.08.4  For Further Reading ...............................II-40

CHAPTER III: FOREIGN AND INTERNATIONAL LAW
RESEARCH SOURCES .............................................III-1

§3.01    Translations and Digests of Foreign Laws ........ III-2
§3.01.1  Where to Start ................................... III-2
§3.01.2  Commercial and Business Law .................. III-3
§3.01.3  General Sources for English Language
         Translations ........................................ III-5
§3.01.4  Compilations of Documents of International
         Law ......................................................III-5

§3.02    Standard Practitioners’ Guides for International
         Business Transactions ..................................III-8
§3.02.1  Current ........................................... III-8
§3.02.2  Older .............................................. III-11

§3.03    Introductory Surveys to the Laws of Foreign
         Countries ..............................................III-13
§3.03.1  Encyclopaedic Sources and General Surveys .... III-13
§3.03.2  Litigation-Oriented Sources ..................... III-14
§3.04    Textbooks on Foreign, Comparative, and
         International Law .....................................III-17
CHAPTER IV: SUBJECTS ........................................ IV-1

AIR AND SPACE LAW ........................................ IV-3

Air Law .............................................................. IV-3
§1.01 Background .............................................. IV-3
§2.01 Current Issues .............................................. IV-4
§3.01 Where to Start ............................................. IV-4
§4.01 Where to Find Texts of Documents ............... IV-7
§5.01 Periodicals ................................................ IV-8
§6.01 Organizations ............................................. IV-9
§6.02 Research Centers and Institutes .................. IV-10
§7.01 For Further Reading ..................................... IV-10
§8.01 Bibliographies ............................................ IV-12
§8.02 Dictionaries .............................................. IV-13
§9.01 Internet Web Sites ...................................... IV-13

Space Law .......................................................... IV-15
§1.01 Background ................................................ IV-15
§2.01 Current Issues .............................................. IV-16
§3.01 Where to Start ............................................. IV-16
§4.01 Where to Find Texts of Documents ............... IV-18
§5.01 Periodicals ................................................ IV-19
§6.01 Organizations ............................................. IV-20
§6.02 Research Centers and Institutes .................. IV-20
§7.01 For Further Reading ..................................... IV-20
§8.01 Bibliographies, Research Guides, and Other Research Sources ................................ IV-20
§8.01 Bibliographies ............................................ IV-20
§9.01 Internet Web Sites ...................................... IV-20.4

ANTARCTICA ...................................................... IV-21
§1.01 Background ................................................ IV-21
§2.01 Current Issues .............................................. IV-21
§3.01 Where to Start ............................................. IV-22
§4.01 Where to Find Texts of Documents ............... IV-22.1
§5.01 Periodicals ................................................ IV-22
§6.01 Organizations ............................................. IV-22.2
FAMILY LAW ................................................ IV-137
§1.01  Background ........................................ IV-137
§2.01  Current Issues ..................................... IV-137
§3.01  Where to Start ................................... IV-137
§3.02  Marriage and Divorce .......................... IV-140
§3.03  Matrimonial Property ......................... IV-141
§3.04  Abortion ........................................... IV-141
§3.05  Adoption ............................................ IV-142
§3.06  Child Custody .................................... IV-143
§3.07  Children's Rights .............................. IV-145
§4.01  Where to Find Texts of Documents ....... IV-146
§5.01  Periodicals ....................................... IV-147
§6.01  Organizations ................................... IV-147
§7.01  For Further Reading ......................... IV-148
§8.01  Bibliographies .................................. IV-148
§9.01  Internet Web Sites ............................. IV-148.1

FINANCIAL LAW ........................................ IV-148.3
§1.01  Background ....................................... IV-148.3
§2.01  Current Issues ................................... IV-148.5
§3.01  Where to Start ................................... IV-148.6
  §3.01.1  Other Important Books .................... IV-148.8
§3.02  Monetary Law, Exchange Rates ............ IV-148.9
§3.03  International Monetary Fund (IMF) ....... IV-148.10
§3.04  New Financial Instruments .................. IV-148.12
§3.05  World Bank ...................................... IV-148.13
§3.06  European Bank for Reconstruction and Development ....................... IV-148.13
§4.01  Where to Find Texts of Documents ........ IV-148.14
§5.01  Periodicals ...................................... IV-148.14
§6.01  Organizations ................................... IV-148.15
§7.01  For Further Reading ......................... IV-148.15
§8.01  Bibliographies .................................. IV-148.15
§8.02  Dictionaries .................................... IV-148.16
§9.01  Internet Web Sites ............................. IV-148.16

HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW ................................ IV-148.19
§1.01  Background ...................................... IV-148.19
# PORTUGAL

<table>
<thead>
<tr>
<th>Section</th>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>§1.01</td>
<td>Introductory Surveys and Practitioners' Guides</td>
<td>V-153</td>
</tr>
<tr>
<td>§2.01</td>
<td>English Language Translations and Digests of Primary Sources</td>
<td>V-154</td>
</tr>
<tr>
<td>§3.01</td>
<td>Subject Studies: International Business Transactions</td>
<td>V-155</td>
</tr>
<tr>
<td>§4.01</td>
<td>Subject Studies: Other Subjects</td>
<td>V-155</td>
</tr>
<tr>
<td>§4.01.1</td>
<td>EU Law</td>
<td>V-156</td>
</tr>
<tr>
<td>§4.01.2</td>
<td>Other</td>
<td>V-156</td>
</tr>
<tr>
<td>§5.01</td>
<td>Dictionaries</td>
<td>V-156</td>
</tr>
<tr>
<td>§6.01</td>
<td>Guides to Research, Bibliographies, and Other Reference Works</td>
<td>V-156</td>
</tr>
<tr>
<td>§7.01</td>
<td>Electronic and Internet Sources</td>
<td>V-156</td>
</tr>
<tr>
<td>§7.01.1</td>
<td>LEXIS/NEXIS</td>
<td>V-156</td>
</tr>
<tr>
<td>§7.01.2</td>
<td>WESTLAW</td>
<td>V-157</td>
</tr>
<tr>
<td>§7.01.3</td>
<td>Internet Web Sites</td>
<td>V-157</td>
</tr>
</tbody>
</table>

# RUSSIA

<table>
<thead>
<tr>
<th>Section</th>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>§1.01</td>
<td>Introductory Surveys and Practitioners' Guides</td>
<td>V-161</td>
</tr>
<tr>
<td>§2.01</td>
<td>English Language Translations and Digests of Primary Sources</td>
<td>V-162</td>
</tr>
<tr>
<td>§3.01</td>
<td>Subject Studies: International Business Transactions</td>
<td>V-162</td>
</tr>
<tr>
<td>§4.01</td>
<td>Subject Studies: Other Studies</td>
<td>V-163</td>
</tr>
<tr>
<td>§5.01</td>
<td>Dictionaries and Periodicals</td>
<td>V-163</td>
</tr>
<tr>
<td>§6.01</td>
<td>Guides to Research, Bibliographies, and Other Reference Works</td>
<td>V-164</td>
</tr>
<tr>
<td>§7.01</td>
<td>Electronic and Internet Sources</td>
<td>V-164</td>
</tr>
<tr>
<td>§7.01.1</td>
<td>LEXIS/NEXIS</td>
<td>V-164</td>
</tr>
<tr>
<td>§7.01.2</td>
<td>WESTLAW</td>
<td>V-165</td>
</tr>
<tr>
<td>§7.01.3</td>
<td>Internet Web Sites</td>
<td>V-165</td>
</tr>
</tbody>
</table>

# SPAIN

<table>
<thead>
<tr>
<th>Section</th>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>§1.01</td>
<td>Introductory Surveys and Practitioners' Guides</td>
<td>V-169</td>
</tr>
<tr>
<td>§2.01</td>
<td>English Language Translations and Digests of Primary Sources</td>
<td>V-171</td>
</tr>
<tr>
<td>§3.01</td>
<td>Subject Studies: International Business</td>
<td></td>
</tr>
</tbody>
</table>
INTERNATIONAL COURT OF JUSTICE

See also UNITED NATIONS, and Ch. III.

§1.01 Background

The International Court of Justice (I.C.J.), located at The Hague, The Netherlands, is the main judicial organ of the United Nations. It decides disputes between nations which have agreed to accept its jurisdiction, and gives advisory opinions.¹ The I.C.J. website provides useful information on the Court, the history, composition, and jurisdiction of the Court, as well as biographies.

§2.01 Current Issues

The Court has recently strengthened its stature as the place to settle interstate disputes. The current President of the Court is Gilbert Guillaume (France) and the Vice-President is Shi Jiuyong (China). The current President of the Court is Shi Jiuyong (China) and the Vice-President is Raymond Ranjeva (Madagascar). Mr. Philippe Couvreur (Belgium) is the Registrar. The fifteen judges are elected to nine-year terms and may be re-elected. The Court itself issues press releases intended to keep the general public abreast of current developments. These are now available on the ICJ’s website (see §9.01).

§3.01 Where to Start

The ICJ website and Cornell mirror ICJ website are a great place to start (see §9.01).

Amr, Mohamed Sameh M. The Role of the International Court of Justice as the Principal Judicial Organ of the United Nations. The Hague: New
ITALY

§1.01 Introductory Surveys and Practitioners' Guides

For multicountry introductory surveys including Italy, see Ch. III, §3.03. In the same chapter, §3.04.1 on introductory works in foreign, comparative, and international law and §3.05.1, casebooks on comparative law, will also be useful. For business information, including marketing reports, economic trends, information on foreign corporations and foreign chambers of commerce, see Ch. III, §3.10. For general political, social, and economic information, see Ch. III, §3.11, which also includes directory information, such as foreign embassies and consulates in the U.S. For statistical information, see Ch. III, §3.12. For general information on the economic climate and investments, LEXIS/NEXIS is very useful, particularly the EUROPE library which contains newswire services, major newspapers and magazines, and business publications such as Investing, Licensing and Trading Conditions Abroad (EUROPE;EIU/LT). The country reports include Italy (REPORT;ITALY). WESTLAW also has several useful business databases. For general information on the economic climate and investments see LEXIS/NEXIS, WESTLAW, and Internet sources in §7.01 of this chapter.


Useful introduction. Discusses sources of law and the basic elements of the principal branches of law including conflict of laws and foreign affairs law.

Provides a good introduction to the law of Italy, and deals with all procedural aspects.


§2.01 English Language Translations and Digests of Primary Sources

For multicountry English language translations and digests of foreign laws, including Italy, see Ch. IV, under your subject of interest (e.g., INTELLECTUAL PROPERTY). For information on translations in general, see Ch. III, § 3.01.


Secondary Sources (cont’d)

**Dictionaries/Citation Guides (Print)**

- Bieber’s Dictionary of Legal Abbreviations
- World Dictionary of Legal Abbreviations
- Various Other Foreign Law Dictionaries and Deskbooks
Foreign Dictionaries

- Essential for learning the legal “terms of art” for other jurisdictions

- Codes (Fr. code; Ger. Gesetzbuch; Sp. código; It. codice)

- Laws (loi, Gesetz, ley, legge)

- Decrees (décret, Verordnung, decreto)
<table>
<thead>
<tr>
<th>Abbreviation (English or Pinyin)</th>
<th>Full Title (English)</th>
<th>Abbreviation (Chinese)</th>
<th>Full Title (Chinese)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTA</td>
<td>All China Taiwanese Association</td>
<td>中华全国台湾同胞联谊会</td>
<td></td>
</tr>
<tr>
<td>Ai Wei</td>
<td>All-China Patriotic Hygiene Campaign Committee</td>
<td>爱卫</td>
<td>全国爱国卫生运动委员会</td>
</tr>
<tr>
<td>An</td>
<td>Ministry of State Security</td>
<td>安</td>
<td>国家安全部</td>
</tr>
<tr>
<td>An Ben</td>
<td>Anben Steel Group</td>
<td>鞍本</td>
<td>鞍本钢铁有限公司</td>
</tr>
<tr>
<td>An Gang Ji Tuan</td>
<td>Anshang Steel Group Corporation</td>
<td>鞍钢集团</td>
<td>鞍山钢铁集团公司</td>
</tr>
<tr>
<td>An Jian</td>
<td>Security inspection</td>
<td>安检</td>
<td>安全检查</td>
</tr>
<tr>
<td>An Jian</td>
<td>State Production Safety Supervision Administration</td>
<td>安监</td>
<td>国家安全生产监督管理总局</td>
</tr>
<tr>
<td>An Jian</td>
<td>State Production Safety Supervision Administration</td>
<td>安监总局</td>
<td>国家安全生产监督管理总局</td>
</tr>
<tr>
<td>An Li Hui</td>
<td>Security Council</td>
<td>安理会</td>
<td>安全理事会</td>
</tr>
</tbody>
</table>
## Chinese Section

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
<th>Simplified Chinese</th>
<th>Traditional Chinese</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bu Ke Neng</td>
<td>Impossibility of expectation</td>
<td>不可能</td>
<td>期待不可能</td>
</tr>
<tr>
<td>Bu Pei</td>
<td>Additional claim</td>
<td>补偿</td>
<td>补充赔偿</td>
</tr>
</tbody>
</table>

### C

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
<th>Simplified Chinese</th>
<th>Traditional Chinese</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAAC</td>
<td>Civil Aviation Administration of China</td>
<td>中国民用航空总局</td>
<td></td>
</tr>
<tr>
<td>CAECC</td>
<td>Chinese Association for Enterprise Culture Construction</td>
<td>中国职工思想政治工作研究会</td>
<td></td>
</tr>
</tbody>
</table>
A

A. All India Reporter, Allahabad Series

A Indian Reports, Allahabad Series

Acad. L. Rev.
Academy Law Review, Kerala, India

A.C.C.
Allahabad Criminal Cases

A.C.J. (Mad.Pr.)
Accident Compensation Journal, Madhya Pradesh, India

A.Cr.C.
Allahabad Criminal Cases

A.Cr.R.
Allahabad Criminal Reports

Adam Sl.
Adam on the Law of Slavery in British India

Advocates' Chronicle, India

Afr.Q.
Africa Quarterly, New Delhi

Agra
Agra High Court Reports, India

Agra F.B.
Agra Full Bench Rulings

Agra H.C.
Agra High Court Reports, India
Deskbooks

• Country Specific Deskbooks
  – Ex. China Law Deskbook

• *International Lawyer’s Deskbook*
  – International chapters on topics such as Family Law, Labor Law, Trusts, etc.

• *West’s Legal Desk Reference*
  – Research by Subject section includes country specific guides, treatises, and law reviews
Secondary Sources
Citation Guides

- Print Source
- *The Bluebook:*
  - Rule 20: Foreign sources (p. 151)
  - T.2 Foreign Jurisdictions
  - T.4 Treaty Sources
  - T.5 Arbitral Reports
I’m looking for a criminal case decided by the Judicial Committee of the Privy Council in New Zealand

Where are their decisions reported?

Does the local Library have this set?

Check the Catalog!
Source: Find a Source > 8 Results
Terms: New Zealand Law Reports (Edit Find)

Find a Source Results

Legal > Area of Law - By Topic > International Law > Global Legal > New Zealand > Case Law >
New Zealand Family Law Reports (NZFLR)
New Zealand Law Reports (NZLR)

Legal > Area of Law - By Topic > International Trade > Global Legal > New Zealand > Case Law >
New Zealand Family Law Reports (NZFLR)
New Zealand Law Reports (NZLR)

Legal > Global Legal > New Zealand > Case Law >
New Zealand Family Law Reports (NZFLR)
New Zealand Law Reports (NZLR)

News & Business > Country & Region (excluding U.S.) > New Zealand > Case Law >
New Zealand Family Law Reports (NZFLR)
New Zealand Law Reports (NZLR)

Key:
- Click the link next to these icons to see that folder's contents.
- Click the link next to these icons to search within that source.
- Click the link next to these icons to access that source.
- Click the link next to these icons to search with that form.
- Click the link next to these icons to access that TOC.
CITATION AND ABBREVIATION GUIDES

• NYU School of Law Guide to Foreign and International Legal Citations (GFLIC)
  https://its.law.nyu.edu/jilpgfilc/

• Cardiff's Guide to Legal Abbreviations
  http://www.legalabbrevs.cardiff.ac.uk/

• The Oxford Standard for Citation of Legal Authorities (OSCOLA)
  http://www.law.ox.ac.uk/
NEW YORK UNIVERSITY SCHOOL OF LAW

JOURNAL OF INTERNATIONAL LAW AND POLITICS

GUIDE TO FOREIGN AND INTERNATIONAL LEGAL CITATIONS
# COUNTRY CITATION GUIDES

ARGENTINA

1. COUNTRY PROFILE
2. CITATION GUIDE
   1.0 CONSTITUTION
   2.0 LEGISLATION
   3.0 JURISPRUDENCE
   4.0 BOOKS
   5.0 ARTICLES IN PERIODICALS
   6.0 NEWSPAPERS AND WEEKLY JOURNALS
   7.0 OFFICIAL PUBLICATIONS
   8.0 UNPUBLISHED MATERIALS
   9.0 CITATION OF ELECTRONIC MATERIAL
   10.0 UNWRITTEN SOURCES

III. SELECTED REFERENCES

AUSTRALIA

1. COUNTRY PROFILE
2. CITATION GUIDE
   1.0 CONSTITUTION
   2.0 LEGISLATION
   3.0 JURISPRUDENCE
   4.0 BOOKS
   5.0 ARTICLES IN PERIODICALS
   6.0 NEWSPAPERS AND WEEKLY JOURNALS
   7.0 OFFICIAL PUBLICATIONS
   8.0 UNPUBLISHED MATERIALS
   9.0 CITATION OF ELECTRONIC MATERIAL
   10.0 UNWRITTEN SOURCES

III. SELECTED REFERENCES

AUSTRIA
ARGENTINA

Republica Argentina (Argentine Republic)

1. COUNTRY PROFILE (Civil Law)

Argentina is a federal, democratic republic comprised of twenty-three provinces. It is a civil law system primarily influenced by Italy, Spain, France, and Germany. The official language is Spanish.

The Constitution, adopted in 1853 and most recently amended in 1994, provides for a tripartite government with executive, legislative, and judicial branches. The provinces and the City of Buenos Aires enjoy autonomy and choose their own authorities. Each province and the City of Buenos Aires enacts its own constitution; each provincial constitution provides for municipal autonomy and the scope of its own institutional, political, administrative, economic and financial powers.

The President is the head of state and exercises the executive power. The Constitution requires that the President be elected directly by the people every four years and not serve more than two consecutive terms. Except for the Supreme Court Justices, the President has to select each federal judge from a list of three candidates that is prepared by the Judiciary Council (Consejo de la Magistratura). The President appoints the Supreme Court Justices and the other federal court judges with the consent of the Senate.

The legislative power is vested in the Congress (Honorable Congreso de la Nación), which is comprised of the Senate (Cámara de Senadores) and the Chamber of Deputies (Cámara de Diputados). By direct vote, the people of the provinces and those of the City of Buenos Aires elect representatives to the Chamber of Deputies. Deputies are elected for four years and may be reelected. The Senate consists of three senators from each province and three from the City of Buenos Aires.
Courts of Ordinary Jurisdiction for the District of Buenos Aires (and their abbreviations) include:

- Court of Appeals for Civil Matters: Cámara Nacional de Apelaciones en lo Civil (CNCiv.)
- Court of Appeals for Commercial Matters: Cámara Nacional de Apelaciones en lo Comercial (CNCom.)
- Court of Appeals for Civil and Commercial Matters: Cámara Nacional de Apelaciones Especial Civil y Comercial (CNEspecial Civ. y Com.)
- Court of Appeals for criminal-economic matters: Cámara Nacional de Apelaciones en lo Penal Económico (CNPenal Económico)
- Court of Appeals for Labor Matters: Cámara Nacional de Apelaciones del Trabajo (CNTrab.)
- Lower Courts of Ordinary Jurisdiction: Juzgado Nacional de Primera Instancia (1a Inst.)

Provincial Courts (and their abbreviations) include:

- Corte de Justicia (CJ)
- Suprema Corte (SC)
- Tribunal Superior (TS)
- Tribunal Superior de Justicia (Trib. Sup.)
- Superior Tribunal (ST)
- State Court of Appeals for Civil and Commercial Matters: Cámara de Apelaciones en lo Civil y Comercial (CApel.CC)
- State Court of Appeals for Criminal Matters: Cámara de Apelaciones en lo Penal (CApel. Penal)
- State Court of Appeals for Labor Matters: Cámara del Trabajo (CTrab.)
- State lower Courts of Ordinary Jurisdiction: Juzgado de Primera Instancia (1a Inst.)

4.0 Books

Cite books by name of the author(s) [last name (capitalized), first name, middle initial], title (in quotation marks), publisher, place of publication, year, volume number (if appropriate), and page
4.0 Relationship of International and Domestic Law

The Paquete Habana Case, 175 U.S. 677 (1900).
*Barbuit's Case* (1736) 3 Burr. 1481.

Amerada Hess v. Argentine Republic, 830 F. 2d 421 (2d Cir. 1987).

5.0 Interstate Relations

The Schooner Exchange v. M’Faddor, 11 U.S. 116 (1812)
*Timoco Arbitration* (Great Britain v. Costa Rica) (1923) 1 RIAA 375
*Juan Ismael v. Indonesia* [1955] A.C. 72 (J.C.P.C.)
*Ghosh v. D’Rosario* [1963] 1 Q.B. 106 (C.A.)

Banco Nacional de Cuba v. Sabbatino. 376 U.S. 398 (1964)

6.0 Peaceful Settlement of Disputes and Issues of Dispute Resolution

*Landing of the Timorese on Indonesian Waters* (Korea v. Indonesia),
Cardiff Index to Legal Abbreviations

Search:
- by Title
  Enter the title of a Law publication to find the abbreviation
- by Abbreviation
  Enter an abbreviation to find matching Law publication titles

About Cardiff Index to Legal Abbreviations

For further information contact: legalabbrevs@cardiff.ac.uk

Winner of the British and Irish Association of Law Librarians Wallace Breem Memorial Award 2004
FOREIGN LAW PORTALS

• Constitution Finder (University of Richmond)
  http://confinder.richmond.edu/

• Nations of the World, Law Library of Congress (LLOC)
  http://www.loc.gov/law/guide/nations.html

• The World Law Institute (WorldLII)
  http://www.worldlii.org/catalog/215.html

• GLIN - Global Information Network (Library of Congress)
  http://www.glin.gov/

• vLex
  http://vlex.com/
WELCOME

This database offers constitutions, charters, amendments, and other related documents. Nations of the world are linked to their constitutional text posted somewhere on the Internet.

We invite comments or suggestions for improving this index. We would appreciate both your direction to internet sites where other constitutions may be found and your contribution of the texts of constitutions not yet accessible on the Internet. Send them electronically or by post and we will add them to this database. We seek not only constitutions in effect, and their amendments, but also constitutions which have been superseded as well as drafts not yet acted upon or else abandoned.

Search by Country

Afghanistan  Go
<table>
<thead>
<tr>
<th>English</th>
<th>Constitution of 1997</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adopted by National Assembly on 2 April 1997</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>English</th>
<th>Constitution of 1992</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adopted on 17 Oct 1992</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>English</th>
<th>Constitution of 1952 (Extracts)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Articles which are to remain in force pursuant to Article 77</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>English</th>
<th>Constitution of 1947</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From Professor Zbigniew J. Pasek of the University of Michigan, Department of Engineering</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>English</th>
<th>Constitution of 1921</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From Professor Zbigniew J. Pasek of the University of Michigan, Department of Engineering</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>English</th>
<th>Constitution of 1791</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Poland - Constitution

{ Adopted by National Assembly on: 2 April 1997 }
{ Confirmed by Referendum in: Oct 1997 }
{ ICL Document Status: Oct 1997 }

{ Editor's Note
The ICL edition is based on the official Government translation provided to
the public domain on the House of Representatives (Sejm) server. We added
section numbering and article titles in square brackets, placed the paragraph
and subparagraph numbers in round brackets, changed dates to the ICL
format, added ICL-Keys and cross-references. The term 'Sejm' was extended
by House of Representatives for more accurate comparisons of
constitutional texts. Finally, the HTML-Makeup was replaced by our own style
including targets for every chapter, section, and article. }

[Preamble]
Having regard for the existence and future of our Homeland, Which recovered, in
1989, the possibility of a sovereign and democratic determination of its fate,
We, the Polish Nation - all citizens of the Republic,
Both those who believe in God as the source of truth, justice, good and beauty, As
well as those not sharing such faith but respecting those universal values as arising
from other sources,
Equal in rights and obligations towards the common good - Poland,
Beholden to our ancestors for their labours, their struggle for independence achieved
at great sacrifice, for our culture rooted in the Christian heritage of the Nation and in
universal human values,
Recalling the best traditions of the First and the Second Republic,
Evidencing, therefore, the factors generating national solidarity:

...
Welcome to GLIN
The Global Legal Information Network (GLIN) is a public database of laws, regulations, judicial decisions, and other complementary legal sources contributed by governmental agencies and international organizations. These GLIN members contribute the official full texts of published documents to the database in their original language. Each document is accompanied by a summary in English and subject terms selected from the multilingual index to GLIN. All summaries are available to the public, and public access to full texts is also available in participating jurisdictions. To begin searching GLIN, use the search fields below.
<table>
<thead>
<tr>
<th>Title</th>
<th>Conventions (GLIN ID 189125)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Argentina</td>
</tr>
<tr>
<td>Category</td>
<td>Law</td>
</tr>
<tr>
<td>Publication</td>
<td>Boletin Oficial de la Republica Argentina</td>
</tr>
<tr>
<td>Published</td>
<td>17/01/2007; Spanish</td>
</tr>
<tr>
<td>Instrument Class</td>
<td>Law</td>
</tr>
<tr>
<td>Subject Terms</td>
<td>Treaties and agreements; Human rights; Aliens; Immigration; Labor; Discrimination; United Nations; Treaties and agreements, Inter-American</td>
</tr>
<tr>
<td>Summary</td>
<td>Law 26202 enacted on 13 December 2006 and promulgated on 10 January 2007. Approves the International Convention on the Protection of...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Import (GLIN ID 189054)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Argentina</td>
</tr>
<tr>
<td>Category</td>
<td>Law</td>
</tr>
<tr>
<td>Publication</td>
<td>Boletin Oficial de la Republica Argentina</td>
</tr>
<tr>
<td>Published</td>
<td>16/01/2007; Spanish</td>
</tr>
<tr>
<td>Instrument Class</td>
<td>Law</td>
</tr>
</tbody>
</table>
**Search Results - Summary Record**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Argentina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Conventions</td>
</tr>
<tr>
<td>Instrument Number</td>
<td>26202</td>
</tr>
<tr>
<td>Instrument Class</td>
<td>Law</td>
</tr>
<tr>
<td>Publication</td>
<td>Boletin Oficial de la Republica Argentina</td>
</tr>
<tr>
<td>Publication Issue Number</td>
<td>31075</td>
</tr>
<tr>
<td>Publication Specifics</td>
<td></td>
</tr>
<tr>
<td>GLIN ID</td>
<td>189125</td>
</tr>
<tr>
<td>Issuance Date</td>
<td>13/12/2006</td>
</tr>
<tr>
<td>Publication Date</td>
<td>17/01/2007</td>
</tr>
<tr>
<td>Summary (English)</td>
<td>Law 26202 enacted on 13 December 2006 and promulgated on 10 January 2007. Approves the International Convention on the Protection of all Migrant Workers and Members of their Families, adopted by the United Nations Organization on 18 December 1990. Includes text of the Convention. (2 arts., p. 6-12). There are summaries in other languages. <a href="#">View all available translations.</a></td>
</tr>
<tr>
<td>Full Texts</td>
<td>No full texts available</td>
</tr>
<tr>
<td>Subject Terms</td>
<td>Aliens, Discrimination, Human rights, Labor, Treaties and agreements, Immigration, United Nations, Treaties and agreements, Inter-American</td>
</tr>
</tbody>
</table>

*Summary record last updated on 16/03/2007*
Welcome:
Your Account is vLex Global, you have unlimited access to contents from all countries and jurisdictions.

Contents by Country
- Argentina
- Austria
- Belgium
- Brazil
- Canada
- Chile
- Colombia
- Dominican Republic
- France
- India
- Italy
- Mexico
- Netherlands
- Nicaragua
- Panama
- Peru

Inbox
- The first documents from LLMC are already available in vLex. (2008-Nov-04)
- More than 23 million documents at your disposal (2008-Oct-13)
- Interface now available in Russian and Dutch (2008-Jul-17)
- Search in your documents from vLex (2007-Nov-08)

New this Month
- England and Wales Lands Tribunal
  From November 01, 1999
  Last updated: March 16, 2009
  Case Law (United Kingdom)

- Verfassungsgerichtshof
  Cases since January 30, 1980
  Last case: February 16, 2009
  Case Law (Austria)
Home / Brazil / Case Law

**Brazil**

- **Books and Journals**
- **Case Law**
- **Legislation**
- **All the contents**
- **My Documents**

**Contents by Country**

**Justiça Federal**

- **STF. Supremo Tribunal Federal**
  - Cases since July 31, 1934
  - Last case: April 03, 2009

- **STJ. Superior Tribunal de Justiça**
  - Cases since August 28, 1987
  - Last case: February 10, 2009

- **TRF. Tribunais Regionais Federais**
  - Cases since September 14, 1943
  - Last case: March 31, 2009

**Justiça Laboral**
SUBJECT AND REGIONAL SOURCES

- EUR-Lex: The Portal to European Union Law

- Raising the Global Floor (McGill University)
  http://raisingtheglobalfloor.org

- OAS' Secretariat for Legal Affairs
  http://www.oas.org/dil/

- Organization for Security and Co-operation in Europe (OSCE): Legislation
  http://www.legislationline.org/

- Refugee Caselaw (University of Michigan Law School)
  http://www.refugeecaselaw.org/

- i.lex (International Law in U.S. Courts, ASIL)
  http://ilex.asil.org
Welcome

EUR-Lex provides direct free access to European Union law. The system makes it possible to consult the Official Journal of the European Union and it includes inter alia the treaties, legislation, case-law and legislative proposals. It offers extensive search facilities.

50th Anniversary of the Treaty of Rome

News

- Selection of new documents


  24/03/2007: Commission interpretative communication on procedures for the registration of motor vehicles originating in another Member State → pdf

  16/03/2007: Final adoption of the general budget of the European Union for the financial year 2007 → pdf
Welcome

Access to European Union law. Here you can consult the union as well as the treaties, legislation, case-law and use the extensive search facilities available on EUR-Lex.

News

Newsletter 31/3/2009

Selection of new documents


Thematic files
Legislationline.org provides direct access to international norms and standards relating to specific human dimension issues (see list of topics on left-hand column) as well as to domestic legislation and other documents of relevance to these issues. These data and other information available from the site are intended for lawmakers across the OSCE region.

Current ODIHR Legislative Assistance Activities

• The ODIHR is pleased to announce the launch of its newly remodelled and improved legal database, Legislationline.org. The database now contains an entire section devoted to lawmaking issues. This section, which is still under construction, aims at providing quick comparative information on issues relating to the legislative systems of OSCE participating States.

• On 5 November, a day before the opening of the Supplementary Human Dimension Meeting on Democratic Law-making in Vienna, the ODIHR Legislative Support Unit is holding an Experts’ Meeting on "Better Legislation in the OSCE region: Improving Lawmaking Processes, Instruments and Techniques". This meeting aims at consolidating the ODIHR methodology for responding to requests for assistance by OSCE participating States in improving the efficiency and transparency of their legislative systems.

• OSCE meeting to discuss ways to ensure democratic lawmaking. The process of lawmaking is the focus of an OSCE meeting that starts on Thursday in Vienna. Democratic lawmaking is not just about ensuring that laws are enacted by democratically elected representatives. It is also about ensuring that the public in general is given reasonable opportunities to contribute. The process whereby laws are
Terrorism

Refine your query by picking one of the following subtopics

• State of emergency

Search international norms and standards

• United Nations
• Council of Europe
• OSCE
• Others

Search EU/EC legal and other documents

Search by Country: Terrorism
Primary law legislation:

**Primary legislation**
- Loi no 2006-64 du 23 janvier 2006 relative à la lutte contre le terrorisme et portant dispositions diverses relatives à la sécurité et aux contrôles frontaliers (in French)
- Loi no 86-1020 à la lutte contre le terrorisme (in French) (1986)
- Penal Code (provisions inserted in 1996, lastly amended in November 2001)
- Code Penal (dispositions inserées en 1996, amendées en novembre 2001)
- Code de Procédure Pénale (articles 706-16 a 706-25-1)

**Secondary legislation**
- Décret n° 91-1052 relatif au fichier informatisé du terrorisme mis en œuvre par les services des renseignements généraux du ministère de l'intérieur (in French) (1991)

**Case-law**
- The following offences constitute acts of terrorism where they are committed intentionally in connection with an individual or collective undertaking the purpose of which is seriously to disturb the public order through intimidation or terror:

  1° wilful attacks on life, wilful attacks on the physical integrity of persons, abduction and unlawful detention and also as the hijacking of planes, vessels or any other means of transport, defined by Book II of the present Code;
  2° theft, extortion, destruction, defacement and damage, and also computer offences, as defined under Book III of the present Code;
  3° offences committed by combat organisations and disbanded movements as defined under articles 431-13 to 431-17, and the offences set out under articles 434-5, 441-2 to 441-5;
  4° the production or keeping of machines, dangerous or explosive devices, set out under article 3 of the Act of 19th June 1871 which repealed the Decree of 4th September 1870 on the production of military grade weapons;
Nearly 150 countries have agreed to apply the same legal definition of a "refugee" to decide who is entitled to their protection. This site is designed to assist judges, advocates, and policymakers around the world to access leading court decisions that interpret the refugee definition set by the 1951 Refugee Convention and its 1967 Protocol.

Our Current Collection

Our core collection contains cases from the highest national courts of Australia, Canada, Germany, New Zealand, Switzerland, the United Kingdom, and the United States. These cases have been selected and summarized by the Director of the Refugee Caselaw Site, Professor James Hathaway of the University of Michigan Law School, and by Professor Walter Kain of the Institute of Public Law of the Faculty of Law, University of Bern.

Since 2004, the collection has been incrementally expanded to include decisions from other asylum countries, as well as the most important decisions of lower courts and tribunals in the core collection states. These cases are selected and indexed by teams of leading experts and members of the International Association of Refugee Law Judges from around the world.
Guided Search

The Guided Search is our preferred method! It’s easy to use; our extensive list of variables to customize your search. Find only the cases that fit all of your requirements by selecting any combination of one or more variables from the menus below. You can use as many or as few search variables as you wish. For additional help, read the Guided Search Tutorial.

I would like to search:

- Both the Core Collection and the National Sites
- Only the Core Collection indexed by Professors Hathaway & Kälín
- Only the National Sites indexed by National Coordinators

Decided In:
- All Asylum Countries

Court:
- All Courts

Dates:
- Jan 1950 and Apr 2007

Claimant’s Country of Origin:
- All Countries of Origin

Select Hathaway Numbers:
- All Hathaway Numbers

Concept:
- All Concepts

Case Name:
- Select Concepts
How to Select Concepts:

Selecting key concepts can increase the efficiency of your search. Use this Concept Selection Tool to select as many concepts as needed.

To select a concept:
- Click on the ☑ next to the letter you wish to browse.
- The available concepts will now be displayed.
- Check all the concepts that apply.
- You must click the SELECT button to save your selections.

Concept Selection Tool:

- ☑ Harassment
- ☑ Hardship, economic
- ☑ Health care, right to, risk of denial of
- ☑ Hearing refugee claims
- ☑ HIV/AIDS
- ☑ Homosexuality
- ☑ Housing, right to, risk of denial of
  - ☑ Human rights
  - ☑ Human rights violations
Search Results

1. Mwangi v Attorney General

Date Decided: December 16, 2005
Jurisdiction: United States
Hathaway Number(s): 4.5

Court: Court of Appeals 3rd Circuit
Country of Origin: Kenya
Site Name: CORE COLLECTION

Description: Women's rights activist was assaulted by members of the Mungiki sect, a group opposed to westernization and women's equality, but found that Kenya was taking "real steps to curb the actions" of the Mungiki.

View Case File  Save to the Briefcase

2. Zazai v Minister of Citizenship and Immigration

Date Decided: September 20, 2005
Jurisdiction: Canada

Court: Federal Court of Appeal
Country of Origin: Afghanistan
Welcome to i.lex: The Legal Research System for International Law in U.S. Courts.
This online database of select U.S. court cases and related materials is designed to serve as a practical resource for members of the judiciary and other legal professionals to identify and understand how international law is interpreted and applied by U.S. courts at both the federal and state level.

Users may search i.lex content in the follow ways: 1) by using one of the drop down menus, 2) by keyword search and 3) by clicking on the search terms provided in the i.lex tag cloud.

Please note that this site is currently in development, contact us if you have questions or concerns.

**TOPIC (ctrl + click to deselect an item)**
- Forum Non-Conveniens
- Arbitration and Enforcement of Judgements
- Civil Procedure
- Conflict of Laws
- Constitutional Rights
- Criminal Procedure

**JURISDICTION (ctrl + click to deselect an item)**
- US Supreme Court
- All State Courts
- All US District Courts
- US Court of Appeals for the Federal Circuit
- US Court of International Trade
- US Tax Court

**TREATY (ctrl + click to deselect an item)**
- The Hague Convention on International Child Abduction
- Protocol Relating to the Simplification and the Acceleration of the Procedure in International Child Abduction (Brussels, 1996)
UN Based Research

• UN Research can be difficult (UN publication symbols, overwhelming information, poor search interface, etc.)

• **Universal Periodic Review Working Group**
  • GA resolution 60/251 in 2006 - forms Human Rights Council and mandated UPR of each state's fulfillment of its human rights obligations and commitments.
  • The Working Group holds three sessions per year - At each session, 16 countries are reviewed
  • Classic example of UN research
Universal Periodic Review Research

• Working documents are issued under the series symbol:
  A/HRC/WG.6/[session]/[country abbreviation]/-

• **Hard**: Searching symbols in the [ODS](#)
• **Easy**: The OHCHR has developed a special [database](#) for the documentation related to the universal periodic review.

• The Working Group issues a report for each country which summarizes the meetings held and includes conclusions or recommendations.
UPR Research

• **South Africa example**
• One note: Use the official symbol to find UPR *drafts* in the ODS
• Ex. **A/HRC/WG.6/2/L.14**

• The Working Group has not issued a sessional report that covers all the activities of the Working Group during the course of one session (yet?)
Research Methods
Journals and Periodicals

• Law Review Articles
  ▪ What does it search? Full text or Citation?
  ▪ Scope and Years of coverage
    - **Lexis** (INTLR, full text, < 20 years)
    - **Westlaw** (INT-TP, full text, < 20 years)
    - **Legal Trac** (International Law and Comparative Law, full text, < 20 years)
    - **Hein Online** (full text and coverage from inception)
    - **Wilson’s Index to Legal Periodicals** (International Law, citations only, < 20 years)
    - **Paper Indexes** (citations only but extensive coverage)
Journals and Law Reviews

- **Legal Trac (1980 - )**
  800+ journals from U.S., Canada, Great Britain, Australia, and New Zealand
  
  Westlaw: Legal Resource Index (LRI)
  Lexis: Legal Resource Index (LGLIND)

- **Index to Foreign Legal Periodicals (IFLP) (1985 - )**
  500 legal journals published worldwide
  - Advanced Search
    - “Subject words”
      - Legal Research AND country name
      - Legal System? AND country name
    - Keywords
      - Legal AND country name
Primary Documents and Finding Tools

Caselaw and Jurisprudence

• International Law Reports
• ILM (Int’l Legal Materials)
• American Journal of International Law
  – International Decisions
  – Contemporary Practice of the U.S. Relating to International Law
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>PREFACE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>v</td>
</tr>
<tr>
<td>EDITORIAL NOTE</td>
<td>vii</td>
</tr>
<tr>
<td>ADVISORY COMMITTEE</td>
<td>ix</td>
</tr>
<tr>
<td>TABLE OF CASES (alphabetical)</td>
<td>xiii</td>
</tr>
<tr>
<td>TABLE OF CASES (according to countries)</td>
<td>xv</td>
</tr>
<tr>
<td>TABLE OF TREATIES</td>
<td>xvii</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF CANADA</td>
<td>1</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF ENGLAND</td>
<td>77</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF INDIA</td>
<td>394</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF NEW ZEALAND</td>
<td>539</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF PAKISTAN</td>
<td>567</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF THE PHILIPPINES</td>
<td>654</td>
</tr>
<tr>
<td>DECISIONS OF THE COURTS OF SOUTH AFRICA</td>
<td>668</td>
</tr>
<tr>
<td>APPENDIX I: STATE IMMUNITY ACT 1978</td>
<td>718</td>
</tr>
</tbody>
</table>
PAKISTAN

Sovereign immunity—Foreign State—Restrictive theory of immunity
—Contract for building embassy premises—Arbitration clause—
Whether arbitration clause defeated by sovereign immunity —
Pakistan Civil Procedure Code, Section 86—Whether applicable to
actions against foreign States or merely foreign rulers—International
law in general—Relationship of international law and municipal
law—The law of Pakistan

SECRETARY OF STATE OF THE UNITED STATES OF AMERICA
v. GAMMON-LAYTON

Pakistan, High Court of West Pakistan. 2 November 1970

(Dorab Patel and Mohammad Haleem JJ.)

Summary: The facts:—The respondent, Messrs Gammon-Layton, acting
under a written contract with the United States of America, had constructed
a building for the United States Embassy. Following disputes over the
contract, the respondent invoked the arbitration clause and secured an arbitra-
tion award in its favour, which it then sought to have made a rule of court.
The U.S.A. claimed sovereign immunity. This claim was rejected and the
U.S.A. appealed, contending that it was entitled to immunity either by
virtue of the Pakistan Civil Procedure Code, Section 86\(^1\) which provided
that actions against the ruler or ambassador of a foreign State might be instit-
tuted only with the consent of the Government of Pakistan, or under general
international law.

Held:—The appeal was dismissed.

(1) The Civil Procedure Code, Section 86, applied only to actions against
the ruler of a foreign State, not to actions against the State itself.
(2) Section 86 did not apply to arbitration proceedings, which were distinct
from proceedings in the courts.
(3) International law as interpreted by the courts of Pakistan did not confer
## AMERICAN JOURNAL OF INTERNATIONAL LAW

**VOL. 101** January 2007 **NO. 1**

**CONTENTS**

<table>
<thead>
<tr>
<th>State Compliance with the Recommendations of the African Commission on Human and Peoples’ Rights, 1993–2004</th>
<th>Frans Viljoen and Lirette Louw</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>As part of its protective mandate, the African Commission on Human and Peoples’ Rights decides individual complaints alleging violations of the African Charter on Human and Peoples’ Rights by state parties. This article charts compliance with the Commission’s recommendations concerning violations under the individual complaints procedure, highlighting the limited direct effect of the Charter and identifying the main factors that have affected state compliance. The future role of the Commission and the African Union in improving compliance is also considered.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agora: Military Commissions Act of 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Commissions: A Concise History</td>
</tr>
<tr>
<td>The Amendment of the War Crimes Act</td>
</tr>
<tr>
<td>The Military Commissions Act, the Geneva Conventions, and the Courts: A Critical Guide</td>
</tr>
</tbody>
</table>
American Journal of Int’l Law
International Decisions

Notes and Comments
Responsibility to Protect: Political Rhetoric or Emerging Legal Norm? Carsten Stahn 99
Genuine Consent to Sexual Violence Under International Criminal Law
Wolfgang Schomburg and Ines Peterson 121

Correspondence 140

International Decisions
Edited by Daniel Bodansky 140

Armed Activities on the Territory of the Congo (James Thuo Gathii) 142
International Court of Justice judgment on the use of force by Uganda in the Congo

Barbados/Trinidad and Tobago (Barbara Kwiatkowska) 149
UN Convention on the Law of the Sea Chapter VII arbitral tribunal maritime delimitation award regarding the continental shelf and EEZ

Prosecutor v. Karemera, Ngirumpate, & Nzirorera (Kevin Jon Heller) 157
International Criminal Tribunal for Rwanda decision on whether to take judicial notice of genocide against the Tutsis in 1994

Prosecutor v. Milutinović et al. (Jacob Katz Cogan) 163
International Criminal Tribunal for the Former Yugoslavia decision regarding the production of intelligence information
Contemporary Practice of the United States Relating to International Law

Edited by John R. Crook

New U.S. Legislation on Military Commissions, Interrogations, Judicial Review of Detainee Claims

Military Commissions Authorized, Procedures Defined

Habeas Corpus Curtailed

Regulating Interrogations, Limiting Officials’ Individual Responsibility

Senior Administration Officials Voice Varying Perspectives on International Law

Senate Approves UK Extradition Treaty and Other Bilateral and Multilateral Treaties, Attaches Reservations and Understandings

Peru’s Offer of a Reward for a Fugitive Falls Within FSIA’s Commercial Activity Exception

U.S. Efforts to Restrict Internet Gambling

New Statement of U.S. Space Policy

President States International Fisheries Policy Aimed at Sustainability

D.C. Court of Appeals Finds Decisions Under Montreal Protocol Lack Domestic Legal Effect

Attorney General Announces Reforms of Immigration Courts and Appeals Board

U.S. District Court Dismisses Alien Tort Claims Suit Against Canadian Oil Company for Events in Sudan

United States Joins Australia and New Zealand in Criticizing Proposed Declaration on Indigenous Peoples’ Rights

President and Congress End Limits on Military Training for Parties to ICC Treaty

Continued UCMJ Proceedings Involving Civilian Deaths in Iraq

United States Supports UN Sanctions, Vigorous Enforcement Following North Korean Missile and Nuclear Tests

Continuing Efforts to Address Iran’s Nuclear Program Appear to Yield Little Progress
Primary Documents and Finding Tools

International Instruments

- International Legal Materials (ILM)
- Electronic System for International Law (EISIL)
- WorldLII
- Bayefsky
- U. of MN Human Rights Library (sample)
- HuriSearch
TREATIES AND AGREEMENTS

Framework Convention for the Protection of the Marine Environment of the Caspian Sea
Text of Agreement.................................................................................................................. 1

JUDICIAL AND SIMILAR PROCEEDINGS

European Court of Human Rights (ECHR): Case of Broniowski v. Poland
Text of Decision.................................................................................................................... 13

International Centre for the Settlement of Investment Disputes (ICSID): Joy Mining Machinery Limited v. Arab Republic of Egypt
Text of Decision................................................................................................................... 73

International Centre for the Settlement of Investment Disputes (ICSID): MTD Equity SDN. BHD. and MTD Chile S.A. v. Republic of Chile
Text of Decision.................................................................................................................... 91

International Centre for the Settlement of Investment Disputes (ICSID) Siemens A.G. v. The Argentine Republic
Text of Decision.................................................................................................................... 138

Constitutional Court of South Africa: Samuel Kaunda and Others v. President of the Republic of South Africa and Others
Text of Decision.................................................................................................................... 173

United Kingdom (U.K.) House of Lords: Regina v. Secretary of State for the Home Department (Appellant) ex parte Mullen (Respondent)
Text of Decision.................................................................................................................... 224
GERMAN FEDERAL CONSTITUTIONAL COURT: IN THE PROCEEDINGS ON THE CONSTITUTIONAL
COMPLAINT OF MR. AL-M., AND HIS MOTION FOR A TEMPORARY INJUNCTION

[November 5, 2003]
+Cite as 43 ILM 774 (2004)+

Order of the Second Senate of 5 November 2003
- 2 BvR 1506/03 -

in the proceedings on the constitutional complaint of Mr. Al-M., a Yemeni citizen,
... and his motion for a temporary injunction

RULING:

The constitutional complaint is rejected as unfounded.

This disposes of the motion for a temporary injunction.

GROUND:

A.

By way of his constitutional complaint, the complainant challenges orders of the Frankfurt am Main Higher Regional Court (Oberlandesgericht) that declared the complainant's extradition to the United States of America for criminal prosecution admissible and rejected the remonstrances that the complainant made against the orders as unfounded.

I.
WorldLII

• 892 databases from 123 countries and territories via the Free Access to Law Movement
  ▪ Australasian Legal Information Institute (AustLII); British and Irish Legal Information Institute (BAILII); Canadian Legal Information Institute (CanLII); Hong Kong Legal Information Institute (HKLII); and more
Foreign Law Research Difficulties
“I Need This In English”

• Conceptual Difficulties
• Language Barrier
• English Translations
  – Official?
  – Authoritative? Current?
  – Free translation tools on the Web
Translation Resources

- Babel Fish
- Systran
- Google Language Tools
- FreeTranslation
- WorldLingo
BE CAUTIOUS WITH TRANSLATIONS

• Translations may not be authoritative.
• Translation may not be up-to-date.
• *Traduire c’est trahir* - “To Translate is to Betray.”
• Beware using online translations sources such as BabelFish and freetranslation.com
Babel Fish Samples

From French Intellectual Property Code by Babel Fish:

The existence or the concluding of a contract for services or of service by the author of a work of the spirit does not carry any exemption from the pleasure of the right recognized by the subparagraph 1st.

Here is the official translation from the Legifrance Web site:

The existence or conclusion of a contract for hire or of service by the author of a work of the mind shall in no way derogate from the enjoyment of the right afforded by the first paragraph above.
“Official” Translation of Foreign Laws

- Constitutions of Countries of the World (Oceana)  
  http://www.oceanalaw.com/

- Oxford Reports on International Law (ORIL)  
  http://www.oxfordlawreports.com/

- Institute of Global Law Online (now at Univ. of Texas at Austin)
Translations of Constitutions

• Constitutions of the Countries of the World
• Authoritative English translations by scholars familiar with the legal systems and languages of the foreign jurisdictions they cover.
• Both a Primary and Secondary Source in one:
  – complementing the documents are introductory and comparative notes examining recent amendments, and highlighting pertinent historical, political, and economic factors.
### Search Screen

#### Search Form Fields:

- **Products:**
  - Countries of the World
  - Dependencies & Territories
  - United States

- **Custom Selection:**
  - All Locations
  - Geographic
  - Political
  - Economic

- **Locations:**
  - Location list
  - (Separate with semicolons)

- **Text:**
  - Enter search text

- **Scope:**
  - All Documents

- **Document Type:**
  - All Documents

- **Date Range:**
  - Between
  - January
  - through
  - January

- **Sort by:**
  - Location
<table>
<thead>
<tr>
<th>Country</th>
<th>Title</th>
<th>Date</th>
<th>Date Amended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyprus</td>
<td>The Constitution of the Republic of Cyprus, 1960</td>
<td>08/18/1960</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>The Constitution of Japan, 1947</td>
<td>11/03/1946</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>The Constitution of Japan, 1947 (Official Translation)</td>
<td>11/03/1946</td>
<td></td>
</tr>
<tr>
<td>Kyrgyz Republic</td>
<td>The Constitution of the Kyrgyz Republic, 1993 (as Amended to 2003)</td>
<td>05/05/1993</td>
<td>02/18/2003</td>
</tr>
<tr>
<td>Kyrgyz Republic</td>
<td>The Constitution of the Kyrgyz Republic, 1993 (as Amended to 1998)</td>
<td>05/05/1993</td>
<td>10/21/1996</td>
</tr>
<tr>
<td>Lithuania</td>
<td>The Law on the Constitutional Court of the Republic of Lithuania, 1997 (as Amended to 2003)</td>
<td>02/03/1997</td>
<td>11/19/2003</td>
</tr>
</tbody>
</table>
43. Protection of home and correspondence

Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health—

1. to be secured in his home against entry, search and seizure; and

2. to the privacy of his correspondence and other means of communication.

[44. Enforcement of fundamental rights][22]

(1) The right to move the [High Court Division][23] in accordance with [Clause (i)][24] of Article 102 for the enforcement of the rights conferred by this Part of [sic] guaranteed.
Welcome to Oxford Reports on International Law

International law decisions

Oxford Reports on International Law is intended to be a single point of reference for all international law jurisprudence, providing serious researchers access to the widest possible range of international law jurisprudence. All reported decisions have a headnote, the full text of the decision, and are linked to the Oxford Law Citator.

The most recently reported decisions are displayed below. You can search the whole of our database with the Quick Search or Advanced Search. Alternatively you can view our reports by discrete subject area or date by using the box on the left or the links on the navigation bar.

To find out more about Oxford Reports on International Law’s structure, policies, and contributors click here.
Current Awareness
Online Updates

- **Government Gazettes Online**, University of Michigan
  - Listing of online government gazettes
  - Each listing includes a description of the contents and coverage

- **Global Legal Monitor**, Law Library of Congress
  - Legal Developments Around the World
  - Each issue arranged by subject with country-by-country index
CURRENT AWARENESS RESOURCES

Blogs and Newsletters

• Opiniojuris
  http://opiniojuris.org/

• International Law Prof Blog
  http://lawprofessors.typepad.com/international_law

• International Law in Brief (ILIB)
  http://www.asil.org/ilib/ilibarch.htm
Time to Shut Down the Cambodia Special Tribunal?
by Peggy McGuinness

I have not been following the work of the Cambodia special chambers, which is probably why I found these views by James Bair (blogger, loyal OJ reader and soon-to-be JD from Northeastern Law School) all the more informative and interesting. Bair is a former legal intern at the Extraordinary Chambers in the Courts of Cambodia (ECCC) and has followed the tribunal’s work closely since its inception. He writes, “In light of the continuing allegations of corruption, and after the ECCC has continuously failed to provide the fundamentals of a fair trial at the Khmer Rouge Tribunal, I am reluctantly calling for the Court to be closed.” Bair raises important questions and critiques of the hybrid model of international criminal justice. Here’s an excerpt from his blog post, which can be found in full here:
Resolutions, Declarations, and Other Documents

- US-Russia Statement on Nuclear Arms (April 1, 2009)
- International Tribunal for the Law of the Sea Amends Articles 113 and 114 of the Rules of the Tribunal (March 17, 2009)

Judicial and Similar Proceedings

- King v. Cessna Aircraft (11th Cir. March 27, 2009)
- Commission v. Greece (E.C.J. March 26, 2009)
RESEARCH APPROACHES AND STRATEGY

• 2ndary source useful at the beginning of the research process

• Depends on the background of the individual researcher and skill level in using the resources

• Consult variety of resources for comprehensive research

• Become familiar with particular resources

• Consult both print and electronic for a comprehensive research product

• Use the TOC, Index, or subject headings - a researcher can tell whether a source will be useful or not within 5 minutes.
Research Example

• International Perspectives on Abortion
• Comparison of:
  – English Abortion Statute passed in late 1960’s
  – 1970’s abortion decision from Germany
    • Translated from German to English
• Immediate issues:
  – Older cases/law
  – Language
  – Online? Books?
English Statute: Use Martindale Hubbell International Digest (Print or Online)
“England” and “abortion”
Competent adults can only be treated with their consent, which is valid provided that they have been informed in broad terms of nature of procedure which is intended. (Chatterton v. Gerson [1981] 1 All ER 643). Competence is tested in relation to patient's ability to understand information relevant to decision, to retain that information, to use or weigh that information as part of process on making decision, and to communicate his decision (Mental Capacity Act [MCA] 2005, §3[1]). Competent patients are free to decline treatment for reasons which are
certain death but normal life for stronger twin, who would otherwise have suffered heart failure within a couple of months due to double strain of pumping blood through her own and her twin's body. (Re A [2000] 4 All ER 961).

**Abortion.** - **Abortions** can be provided under **Abortion** Act 1967, which allows for **abortions** to be performed during first 24 weeks of pregnancy on social grounds and - without time limit - in order to prevent grave permanent injury to physical or mental health or loss of life of pregnant woman, and on grounds of fetal abnormality. Procedurally, in any but emergency situation **abortion** has to be performed by registered medical practitioner after two such practitioners have, in good faith, formed opinion that one or more of grounds for lawful **abortion** are present. Conscientious objection to participation in such treatment is possible.

**Abortion** Act 1967 applies only in **England** and **Wales**, and in **Scotland**. In **Northern Ireland**, **abortions** can only be performed to save life or avert grave physical or mental injury to pregnant woman. (R v. Bourne [1938] 3 All ER 615).

**Mental Illness.** - Compulsory treatment for mental illness is governed by **Mental Health Act** 1983. Persons suffering from mental illness can also seek treatment voluntarily. Mentally ill patients in many cases retain their capacity to consent to treatment, especially if treatment in question relates to their physical condition rather than their mental health.

**REVISER:** Revised for 2006 edition by FACULTY OF LAW, CAMBRIDGE UNIVERSITY, Cambridge, CB3 9DZ. See category Courts and Legislature, topics Law Reports, Statutes. **England** is member of EU. See also European Union Law Digest.

**NOTE:** Note: This revision incorporates legislation through August 31, 2005.
Other Fee Sources

• Now, use the UK Statutes Online to search for the official language of the 1967 Act.

• The UK Statute Law Database (SLD) is the official revised edition of the primary legislation of the United Kingdom made available online for free.

Part II: Translated German Decision, 1970’s

- Start with Secondary Sources
- Due to the date (1970’s) might start with Hein Online
- But also a health issue – PubMed?
- Major case cited to in comparison with Roe v. Wade – better chance of translation
- Search Terms
German abortion decision

1. Enter your search words here: German abortion decision
2. Match: ○ any words, ○ all words, ○ phrase.
3. Limit results to date range:
   Year since: _____ Year through: _____
4. Select title(s) to search.
   ○ all titles
   ○ A.B.A. Antitrust Section
   ○ A.B.A. J.
   ○ A.F. L. Rev.
5. Sort final results by: Title (alphabetical)
6. Search

- Select either "all titles" or one or more titles by clicking on the desired titles while holding the CTRL key.
- Choose Search Articles to begin your search.

Full Text Word and Phrase Search
- Searches are not case-sensitive. Extended Search Help

- Enter four digit year; leave blank for "since inception" or "through most recent holding".
- Hold down the "Ctrl" key when clicking to select multiple titles on most browsers. Limit the number of titles selected for best performance.

- Note: Full text word and phrase searching uses uncorrected OCR text which was generated from the page images for each volume. Due to OCR errors, not all matches may be found.
Searching for phrase: german abortion decision from inception through most recent holdings

Search status: Complete...Hits found: 65

1. 35 American Journal of Comparative Law (1987)

2. 43 American Journal of Comparative Law (1995)


6. 11 Brooklyn Journal of International Law (1985)


1. Mark Tushnet, a former coordinator and still a frequent speaker for the Critical Legal Studies movement, has called the right to reproductive choice "a lef
tish sort of right which, it is said, leftists must recognize as not relative lest they lose
their political credentials." Tushnet, "An Essay on Rights," 62 Tex. L. Rev. 1363, 1365 (1984). Note, however, that Tushnet goes on to argue such a right would no longer make sense even to leftists in a society slightly different from our own. See
also infra n. 21.

2. Quintano Ripollés, in his historical analysis of abortion legislation, is puzzled by the fact that at the political level European socialists have long tended to favor
more elective abortion, despite the "individualism" he sees represented by such a po
sition. He theorizes that past explicit use of anti-abortion laws to increase the ar
mies and labor forces of capitalist nations may have caused socialists to oppose such
laws. I would add that Left commitments to sexual equality could also point in this
direction. But neither demographic decline nor women's equality seems necessarily
to further the development of socialism. 1 Tratado de Derecho Penal, Parte Especial,
504-05 (1962).

by Jonas & Gorby, "West German Abortion Decision: A Contrast to Roe v. Wade—

spective, see Gerstein & Lowry, "Abortion, Abstract Norms, and Social Control: The
Decision of the West German Federal Constitutional Court," 25 Emory L.J. 849
(1976).
WEST GERMAN ABORTION DECISION:
A CONTRAST TO ROE v. WADE†

Translated by ROBERT E. JONAS*
AND JOHN D. GORBY**

Guiding Principles
applicable to the judgment of the First Senate of the 25th of
February, 1975:

— 1 F.C.C. 1/74 —
— 1 F.C.C. 2/74 —
— 1 F.C.C. 3/74 —
— 1 F.C.C. 4/74 —
— 1 F.C.C. 5/74 —
— 1 F.C.C. 6/74 —

1. The life which is developing itself in the womb of the
mother is an independent legal value which enjoys the protec-
tion of the constitution (Article 2, Paragraph 2, Sentence 1;
Article 1, Paragraph 1 of the Basic Law).

The State's duty to protect forbids not only direct state
attacks against life developing itself, but also requires the state
to protect and foster this life.

2. The obligation of the state to protect the life developing
itself exists, even against the mother.

3. The protection of life of the child en ventre sa mereB
takes precedence as a matter of principle for the entire duration
of the pregnancy over the right of the pregnant woman to self-
determination and may not be placed in question for any par-
ticular time.

† [Hereinafter cited as Translation]. Due to certain differences of
opinion between the two translators, it is suggested that the reader refer
to both the Remarks by Robert Jonas, and the Introduction by John
Gorby.—Editors.
* B.A., St. Louis University (1965); J.D., Notre Dame (1970). Mem-
ber of the Illinois Bar.
** Associate Professor of Law. John Marshall Law School: B.A.

Abortion, abstract norms, and social control: the decision of the West German Federal Constitutional Court.

Gerstein H, Lowry D.

PMID: 11663702 [PubMed - indexed for MEDLINE]

MeSH Terms
Abortion: rights or technicalities? A comparison of Roe v. Wade with the abortion decision of the German Federal Constitutional Court.

Brown HO.

Abstract

PIP: A comparison of the difference in approach, philosophy, and perception of social implications of abortion in the United States and Germany is examined by contrasting the Roe v. Wade decision of the U.S. Supreme Court with the abortion decision of the German Federal Constitutional Court. Roe v. Wade effectively established abortion on demand prior to "viability" (approximately 6 months) and makes it difficult to prevent it for any reason at any time prior to live birth. When the West German Federal Diet passed the Fifth Law for the Reform of the Penal Code which allowed abortion on request up to 12 weeks of conception and for reasons of maternal health up to 22 weeks, the Constitutional Court declared it null and void 8 months later. The 2 courts reached their decisions for quite different reasons. In the U.S. "Jane Roe" was a real, though anonymous, woman. Other real persons had been trying to overturn abortion statutes in various states. The German court acted on a petition brought by 193 members of the Federal Diet and 4 of the states. It was thus, under the German system, obligated to
Thank You

Kyle K. Courtney, Esq.
Northeastern School of Law Library
400 Huntington Avenue
Boston, MA 02115
p. 617.373.3480
k.courtney@neu.edu