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## Scope

This research guide gives a very basic introduction to international law research and its sources. For more in-depth treatment of different areas of international law research please refer to the other international law research guides available in the library.

## Source

*International Legal Research in a Nutshell*, Hoffman & Berring

[KZ1234 .H64 2008](#)  
[Companion Website](#)

## Definitions

**Public International Law:** Governs the relationships between national governments, between intergovernmental organizations, and between national governments and intergovernmental organizations. Topics include human rights, international trade, international environmental issues, and issues of intellectual property. Most of these topics will revolve around treaties as the primary body of law but will also include the work of both intergovernmental and nongovernmental bodies.

**Private International Law:** Governs the choice of law to apply when there are conflicts in the domestic law of different countries that relate to private transactions between individual parties. In the U.S., Canada and England this general area is known as *conflict of laws*. National laws are the primary sources of private international law, however treaties are also sources.

**Foreign Law:** Law of a sovereign nation. Defines the roles of governments with relation to the people they govern and controls the relationships between people. Does not have effect outside the boundaries of the nation. Constitutions, statutes, regulations and court decisions are the primary sources of foreign law in common law nations. In civil law nations court decisions are secondary sources. There are currently five legal systems in the world today: common law, civil law, customary law, religious law, and mixed legal systems.

**Comparative Law:** Not a body of law itself, it is the study of the similarities and the differences of the laws of two or more nations or between two or more legal systems.

## Sources of International Law

Describing the sources of law for a single national legal system is much more straightforward than describing the sources of law for the legal system that exists at the international level. Binding and persuasive authority establish a nation's laws and the nation, as a sovereign entity, has the power to enforce its laws. The nation has control of its people and its territory and its laws are binding. The sources of public international law lack sovereign power. There is no central authority and no power to make public international law stick. Thus the sources of international law are always subject to dispute and interpretation and must be viewed in context.

Traditional sources of international law are :

- International conventions (treaties);

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- Customary law (general practice of states and intergovernmental institutions that are legally binding and generally recognized by all states);
- General principles of law; and
- Jurisprudence and the teachings of eminent international law scholars, as a subsidiary means for the determination of rules of law.

These traditional sources of international law base their authority on Article 38 of the International Court of Justice Statute (ICJ Statute). The ICJ Statute is generally considered to be the most authoritative enumeration of the sources of international law.

**Chart of how different legal systems use authority:**

	<b>Common Law</b>	<b>Civil Law</b>	<b>Public International Law</b>	<b>Private International Law</b>
<b>Primary sources</b>	Constitutions	Constitutions	Treaties	National Law
	Statutes/Codes	Statutes/Codes	Customary Law	Treaties
	Regulations	Regulations	Generally Recognized Principles of Law	Customary Law
	Court Decisions			
<b>Secondary Sources</b>	Scholarly Commentary	Court Decisions	Court Decisions	Court Decisions
		Scholarly Commentary	Teachings of Publicists (Scholarly Commentary)	Scholarly Commentary

Table from page 11 of *International Legal Research in a Nutshell* (2008)

These sources for international law can be found in print resources and online from free websites and subscription databases. To get you started with basic international law research here are ten international law sources from print and subscription databases at Florida Coastal.

1. *Principles of Public International Law*, Ian Brownlie
2. *Oppenheim's International Law*, L. Oppenheim
3. *Guide to International Legal Research*
4. *Foreign Law Guide*, Thomas H. Reynolds.
5. Official or national gazettes, session laws, or codes
6. Official, unofficial, or commercial court reporters
7. *Constitutions of the Countries of the World*
8. *International Lawyers Deskbook*
9. *Martindale Hubbell International Law Digest*
10. HeinOnline Libraries:

[Foreign and International Law Resources Database](#)  
[Treaties and Agreements library](#)  
[United Nations Law Collection](#)

[KZ3225.B76 A37](#) Gen. Collection  
[KZ3264.A316 1992](#) Gen. Collection  
[KZ1234.G85 2007](#) Ref. Collection  
 Subscription database in catalog  
 See [Foreign Law Guide](#) for titles  
 See [Foreign Law Guide](#) for titles  
[K3157.A2 B58 1971](#) Gen. Collection  
[K559.I57](#) Reference Collection  
[KF190.M3745](#) Gen. Collection  
 Subscription database