Sources of Public International Law

Lesley Dingle, Squire Law Library, University of Cambridge

Several fundamental problems confront those seeking the sources of international law. First and foremost, at the conceptual level, there is no constitutional ‘machinery for the creation of rules of international law’ so that the notion of ‘formal sources’ is misleading (Crawford 2012, 20). However as pointed out by Lowe (2007, p 100) “International Law has something close to a constitutional document which is a statement of the fundamental principles upon which the international legal order is based”. This was adopted by the UN General Assembly in 1970 as Resolution 2625. It is important to realise that these are principles, not rules, which makes their interpretation and implementation far from straightforward. An additional problem is the phenomenon of ‘fragmentation’ of international law (see, e.g., Koskenniemi 2008; Shaw 2017, p 48) and the whole question of non-state actors (e.g. Roberts and Sivakumaran in Evans 2018 p 89 – 118).

What we can search for is evidence of ‘general consent or acceptance of states [that] can create rules of general application’; sources that may provide such evidence are, for example, decisions of the International Court of Justice (ICJ), United Nations General Assembly resolutions and various ‘law-making’ multilateral treaties (Crawford 2012, p 20). But these ‘sources and evidences’ are extensive, diffuse and decentralised. Even locating them is a challenge.

This account of sources follows the priorities used by the ICJ, as set out in article 38(1) of the ICJ’s Statute (1945). I have added some additional materials, 5 – 7, not specifically identified in the Statute:

1. International Conventions
2. International Custom
3. General Principles of Law recognized by (civilized) nations
4. Judicial Decisions and Teachings of Publicists
5. Other Sources
6. Encyclopaedias, Digests etc
7. Research Guides, Resources & Blogs/Commentaries

However, as pointed out by Crawford (2014 p 56) the text of Article 38 dates back nearly verbatim to the Statute of the Permanent Court of Int Just, Geneva 16 December 1920. i.e. it is essentially a pre-world war 2 construct.

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1 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Seven basic principles set out in http://www.un-documents.net/a25r2625.htm
Consequently modern publicists consider that other additional sources should be specifically identified e.g. Evans (2018), where Roberts and Sivakuruman, (p 100) suggest that cognizance of sources such as: universal declarations; UN SC resolutions; *jus cogens* norms; and UN GA resolutions, should be taken into account.

With regard to Koskenniemi and “fragmentation”, topics such as human rights, investment law, environmental law, and specialized aspects therein are sometimes viewed as generating independent bodies of law\(^3\). Nevertheless, they are still part of the general corpus of public international law, and I nest them herein within the main categories 1-7. Researchers will need to adopt systematic strategies for tracking down such items.

*Italics* = Subscription Services  
(Round brackets) = Additional information

### 1. International Conventions

International conventions are simply written agreements concluded between two or more states or international organisations and governed by international law. They may be bilateral or multilateral. Other names include conventions, protocols and covenants but they are most commonly known as treaties.

#### 1.1 General Treaty Sources\(^4\)

- United Nations Treaty Collection\(^5\)
- Council of Europe\(^6\)
- European Union (Europa website\(^7\))
- African Union\(^8\)
- National Treaty Collections

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3 Such topics are the result of the phenomenon of fragmentation referred to above by Koskenniemi 2008
4 See Appendix II for additional notes
6 [http://conventions.coe.int/](http://conventions.coe.int/)
8 [https://au.int/treaties](https://au.int/treaties)
Canada Treaty Series 9, US TIAS10, UK Treaties Online 11, AustLII, Base Pacte12, Belgian Treaties, 13, Tractatenblad14, New Zealand Treaties Online 15, South African Treaties16, Lexis17, HeinOnline18

Historical Collections
Consolidated Treaty Series19
British Foreign and State Papers 20
Hertslet’s Commercial Treaties21
Recueil des Principaux Traités d’Alliance, de Paix22
Treaties and other International Agreements of the USA 1776 - 194923
Avalon Project24

Major Treaty Portals and Sources
WorldLII International Treaties25
Minnesota Human Rights Library26
International Legal Materials27

10 http://www.state.gov/s/l/treaty/ State Dept. TIAS from 1996
11 https://www.gov.uk/uk-treaties UK Treaties Online. Access to over 14,000 UK treaties involving the UK.
Treaties & MOUs: Guidance on Practice and Procedures
Parliamentary Scrutiny of Treaties 9 January 2019 – Interesting session on (potential) role of Parliament in scrutiny of treaties https://parliamentlive.tv/Event/Index/e463843b-0fe5-4704-9ddf-117cc1395b8d
12 http://basedoc.diplomatie.gouv.fr/Traites/Accords_Traites.php Conventions et Accords Internationaux provides text of bilateral & multilateral treaties where France is a party http://www.senat.fr/dossiers-legislatifs/conventions-accords-internationaux.html
14 https://zoek.officielebekendmakingen.nl/zoeeken/tractatenblad Access to all treaties (full text) applicable to The Netherlands since 1951.
16 Contains full text US treaties from 1776, including treaties no longer in force.
17 Treaty & Agreements Library contains, inter alia, Treaties in Force, International Legal Materials[ILM] and BYIL.
18 The text of treaties concluded between 1648 and 1919 can be found (some only in the vernacular) in this series, which comprises 231 volumes. Publication was begun by Professor Clive Parry at Cambridge in 1969 and ceased in 1981. Accessible as OUP subscription from 2014.
21 Five series between 1760 – 1943 by G.F. Martens.
22 English text or official translations of treaties entered into by US from 1776 – 1951.
23 Yale Law School http://avalon.law.yale.edu/default.asp Compiled by Bevans.
24 http://www.worldlii.org/en/special/treaties/ Full text of over 60,000 treaties (30,000+ from the UN collection) simultaneously searchable. Treaties are both bilateral and multilateral from numerous countries, in 27 databases from many sources and from multiple LIIs.
25 http://www1.umn.edu/humanrts/ Subscription via HeinOnline or Westlaw
26 http://www.asil.org/resources/international-legal-materials
27 Via Westlaw, International. Search “Treaties & Agreements”.
Treaty Indexes
United Nations Treaty Series Cumulative Index\(^{28}\)
Flare Index to Treaties\(^{29}\)
Multilateral Treaties: Index and Current Status\(^{30}\)
World Treaty Index\(^{31}\)
Viadrina International Law Project\(^{32}\)

1.2 Specific Areas
UN Intergovernmental Organisations
Law of the Sea: IMO\(^{33}\)
Investment Treaties:
UNCTAD\(^{34}\), National Institutions\(^{35}\) (Austria\(^{36}\), Canada\(^{37}\), India\(^{38}\), UK\(^{39}\), USA\(^{40}\)), *Kluwer Arbitration*\(^{41}\)
Human Rights: UNHCR\(^{42}\)
Labour: ILOLEX\(^{43}\)

Other Intergovernmental Organisations
International Humanitarian bodies: e.g. ICRC\(^{44}\)
Hague Conference on Private International Law [Hague Conventions]
International Institute for the Unification of Private Law [UNIDROIT]
Organization for the Prohibition of Chemical Weapons [OPCW]

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\(^{29}\) [https://ials.sas.ac.uk/digital/ials-digital-resources/flare-index-treaties](https://ials.sas.ac.uk/digital/ials-digital-resources/flare-index-treaties) Searchable database contains details of over 2,000 multilateral treaties from 1600s onwards and important bilateral treaties between 1353 and 1815 with details of print and online access. *Inter alia* directs you to original texts of older treaties, when only the text of later, amended versions is available on a depository website. Also gives the name of the state or organization acting as depositary.
\(^{33}\) [http://www.imo.org/en/About/Conventions/Pages/Home.aspx](http://www.imo.org/en/About/Conventions/Pages/Home.aspx)
\(^{34}\) [http://investmentpolicyhub.unctad.org/IIA](http://investmentpolicyhub.unctad.org/IIA) Most up to date database of bilateral investment treaties. Full text of all available BITs searchable alphabetically. Use Advanced Search for BITs
\(^{35}\) Some country websites contain full text of bilateral treaties
\(^{38}\) [http://finmin.nic.in/bipa/bipa_index.asp](http://finmin.nic.in/bipa/bipa_index.asp)
\(^{39}\) [FCO](https://www.gov.uk/guidance/uk-treaties) for bilateral investment treaties
\(^{40}\) US Dept of Commerce Trade & Compliance Centre [http://tcc.export.gov/](http://tcc.export.gov/) Click into Trade Agreements, Bilateral Investment Treaties
\(^{41}\) [http://www.kluwerarbitration.com/](http://www.kluwerarbitration.com/) Searching is free and provides citations, but a subscription is required for full text documents
\(^{42}\) [https://www.ohchr.org/EN/Pages/Home.aspx](https://www.ohchr.org/EN/Pages/Home.aspx)
\(^{44}\) [https://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByDate.xsp](https://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByDate.xsp)
1.3 Treaty Interpretation – Travaux Préparatoires

International Law Commission45
UN Records - ODS46
International Conferences
ILO47
Intergovernmental Organizations
Hague Conference on Private International Law48
Library Catalogues49
Yearbooks50
UN Audio-Visual Archive51
UN Human Rights Treaties Travaux Préparatoires52
Travaux Préparatoires Guides
Yale Law Library Collected Travaux53
Globalex Guide54

2. International Custom: State Practice & Opinio Juris

Customary international law comprises state practice (actions/inactions of states) and opinio juris (the obligation for action/inaction). Art. 38 of the Statute of the International Court of Justice defines customary law as “evidence of a general practice accepted as law”. Crawford (2012, 24) suggests that sources will include diplomatic correspondence, policy statements, official manuals, state legislation, international and national decisions.

2.1 Foreign Ministry Websites

UK Foreign & Commonwealth Office: e.g. Help if you’re arrested Abroad55
Foreign Relations of the US56

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48 https://www.hcch.net/en/publications-and-studies/publications2
49 Often academic presses publish commentaries on treaties. Search by Treaty Title. This should produce a commentary if one exists. E.g. ICSID Convention as title should produce the seminal commentary on the treaty by Schreuer.
50 UN Yearbook http://unyearbook.un.org/ Useful for historic research. Country yearbooks e.g. BYIL.
51 http://legal.un.org/avl/ha/lawoftreaties.html
52 http://hr-travaux.law.virginia.edu/
53 https://library.law.yale.edu/collected-travaux-preparatoires
54 http://www.nyulawglobal.org/globalex/Travaux_Preparatoires1.htm
55 FCO https://www.gov.uk/government/organisations/foreign-commonwealth-office
Search “consular assistance”. Select “Help if you’re arrested abroad” https://www.gov.uk/help-if-you-are-arrested-abroad
56 https://history.state.gov/historicaldocuments
Digest of United States Practice in International Law\textsuperscript{57}
White House Memoranda\textsuperscript{58}
Sites worldwide\textsuperscript{59}

\subsection*{2.2 State Legislation}
Many countries publish Gazettes as a first official source of laws. Some also publish Session Laws, which are statutes printed chronologically by date of enactment. Other countries publish codes which bring together all aspects of a defined area. Mostly, codes are published in the vernacular, but some English translations do exist. A good starting point to find where items of State Legislation are held in UK libraries is the FLAG Foreign Law Guide.

FLAG Foreign Law Guide\textsuperscript{60}
Foreign Law Guide\textsuperscript{61}
Globalex, LLRX, WorldLII

\subsection*{2.3 Yearbooks & equivalents\textsuperscript{62}}
Yearbooks for International Law (e.g. British Yearbook of Int Law\textsuperscript{63})
Journals (e.g. American Journal of International Law)
UN Official documents & publications\textsuperscript{64}
UNBISNET (Voting Records)\textsuperscript{65}
Index to Proceedings of the General Assembly\textsuperscript{66}

\subsection*{2.4 International Law Commission\textsuperscript{67}}

\section*{3. General Principles of International Law}
General principles of state law that are brought to bear at the international level. Such principles include notions of good faith and equity.

\section*{4. Judicial Decisions & Teachings of Publicists}

\textsuperscript{57} http://www.state.gov/s/l/c8183.htm From 1989 - 2014
\textsuperscript{58} http://www.whitehouse.gov/briefing-room/presidential-actions/presidential-memoranda
\textsuperscript{59} US Institute of Peace http://www.usip.org/resources/foreign-affairs-ministries-web
\textsuperscript{60} http://193.62.18.232/dbtw-wpd/textbase/collsearch.htm. Collaborative internet gateway to the holdings of foreign and international law in UK. It provides collection descriptions of primary materials in print for foreign jurisdictions.
\textsuperscript{61} Subscription Service http://resemblanceworks.brillonline.com/browse/foreign-law-guide
\textsuperscript{62} Many accessible as abstracts and some full text via Index to Foreign Legal Periodicals. HeinOnline carries many as full text.
\textsuperscript{63} Includes sections entitled (a) Decisions of British Courts during a given year involving questions of public or private international law (b) UK materials on International Law in a given year.
\textsuperscript{64} http://www.un.org/en/index.html Click Documents - Search UNBISNET
\textsuperscript{65} http://unbisnet.un.org/
\textsuperscript{66} https://library.un.org/index-proceedings/general-assembly List of Resolutions near end of each volume gives Resolutions passed during any given session.
\textsuperscript{67} http://legal.un.org/ilc/guide/1_13.shtml Identification of customary international law Oct 2018
Although there is no doctrine of precedent in the ICJ and International
Tribunals, cognizance is taken of previous decisions of the Court. The writings and
opinions of academics play some role in judicial decision making, but since this
influence varies, even between states, its role tends to be restricted to particular points
of law and/or reasoning in judgments of courts or tribunals.

4.1 Decisions of International Courts & Tribunals

European Courts
ECJ68, ECHR69

International Criminal Courts70 & Tribunals71

Global Courts
International Tribunal for the Law of the Sea72
World Trade Organization Dispute Settlement73
TradeLawGuide74
WorldTradeLaw75

International Court of Justice: ICJ website76, ILM77, Westlaw78

Arbitration Institutions
Permanent Court of Arbitration (PCA)79
International Court of Arbitration (ICC)80
London Court of International Arbitration (LCIA)81
International Centre for Investment Disputes (ICSID82)

Resources for Investment Law: Decisions & Awards
Investment Treaty Arbitration (italaw)83

68 http://curia.europa.eu/jcms/jcms/Jo1_6308/
69 http://www.echr.coe.int/ECHR/EN/Header/Case-Law/HUDOC/HUDOC+database/ Tick the
Decision as well as the Judgments (left frame) when searching.
70 International Criminal Court http://www.icc-cpi.int/
71 International Criminal Tribunal for the former Yugoslavia http://www.icty.org/
International Criminal Tribunal for Rwanda http://www.ictr.org/
Special Court for Sierra Leone http://www.sc-sl.org/
72 http://www.itlos.org/
73 http://www.wto.org/ See ASIL Research Guide
http://www.asil.org/sites/default/files/ERG_IECONL.pdf
for further information.
75 Subscribers have access to Dispute Commentary Service which summarises and analyses WTO panel
and Appellate Body reports and WTO arbitrations.
76 http://www.icj-cij.org Search Contentious Cases, by State Party to a Case or date of “culmination”.
For boundary disputes maps are often included.
See research guide to ICJ https://research.un.org/en/docs/icj/judgments
77 See Additional Notes 1.1
78 Contains the full text of ICJ judgments from 1947.
79 Selected cases available from court website and from Reports of International Arbitral Awards
80 Arbitral Body of the ICC (International Chamber of Commerce). Arbitrations are confidential and
offer parties choice of tribunal, arbitrators, rules of law and place of arbitration.
http://www.iccwbo.org/about-icc/organization/dispute-resolution-services/
81 http://www.lcia.org/ Awards are not published
82 https://icsid.worldbank.org/apps/ICSIDWEB/Pages/default.aspx Click “Cases,” to see lists of
pending and concluded cases, awards and decisions. Provides procedural details of ongoing ICSID
proceedings.
83 http://www.italaw.com/ Valuable facility sponsored by University of Victoria (Canada) Law Faculty.
Good reliable source for newly released awards and decisions.
Investment Arbitration Reporter IAR
International Arbitration Case Law
Transnational Dispute Management (TDM)
Westlaw
UNCTAD, CLOUT
Treaty- specific Resources
US Dept of State, Canadian Dept Foreign Affairs
Country websites

General Sources over all subject areas (including Arbitral Awards)
Reports of International Arbitral Awards (R.I.A.A.)
International Law Reports 1919 – present
International Legal Materials (ILM)
Oxford Reports on International Law
WORLDLII International Courts & Tribunals Collection
Also LawCite

PICT
ASIL Guides

Decisions within Municipal Courts
ORIL, BAILLI, Austlii, Globalex country guides

84 http://www.iareporter.com/ News tracking of cross-border arbitrations between foreign investors and host states. Browsing and email alerts are free.
85 http://www.internationalarbitrationcaselaw.com/
86 http://www.kluwerrarbitration.com/ Searching is free and provides citations, but a subscription is required for full text documents.
87 http://www.investorstatelawguide.com/ By subscription. Includes archive of decisions with cross referencing facility, tribunal interpretations, texts of legal instruments and directory of investment treaty law.
88 http://www.transnational-dispute-management.com/welcome.asp Peer reviewed online journal on international arbitration with special focus on investment arbitration.
89 Contains text of commercial arbitration cases from inter alia Australia, Canada, Hong Kong, UK, US. Key in Database Identifier ICA-CASES
90 http://investmentpolicyhub.unctad.org/IIA Treaty-based Investor-State dispute settlement cases. Provides case abstracts for key substantive or procedural issues.
91 Selected case law on UNCITRAL texts http://www.uncitrals.org/clout/showSearchDocument.do
92 http://www.state.gov/s/l/c3439.htm
94 Some country websites contain full text of bilateral treaties e.g.
95 http://www.un.org/law/rjas/ Available from Vol 1 1948. through to Vol XXXII.
96 1919 - CUP. Edited by Karen Lee and Christopher Greenwood. Originally published as the Annual Digest of Public International Law Cases. The set includes the decisions of the domestic courts as well as international courts.
97 Reproduces important primary materials including judicial and arbitral decisions. Accessible via Lexis, Westlaw and HeinOnline.
98 http://opil.ouplaw.com/home/oril
99 http://www.worldlii.org/
100 N. Law citator. Includes indexed cases, journal articles & law reform documents
101 http://www.pict-pcti.org/
103 http://opil.ouplaw.com/page/ILDC/oxford-reports-on-international-law-in-domestic-courts
104 http://www.bailii.org/
106 http://www.nyulawglobal.org/globalex/
4.2 *Teachings of Publicists*

**Journals**

*Full text searching*

- Index to Legal Periodicals\(^{107}\) (Ebsco), Legal Source\(^{108}\) (Ebsco)
- Index to Foreign Legal Periodicals\(^{109}\), HeinOnline \(^{110}\)
- Legal Journals Index\(^{111}\), (Westlaw UK), World Journals\(^{112}\)
- Transnational Dispute Management TDM\(^{113}\)
- Lexis Library\(^{114}\), Hague Recueil\(^{115}\), BeckOnline\(^{116}\)

**Open Access**

Within the UK, following the Finch Report, it is now government policy that all academic journal articles will be OA from 1 April 2016. This does not yet apply to books.

SSRN\(^{117}\), DOAJ

LCIL (Lauterpacht Centre for International Law)

Lunchtime Lecture Series\(^{118}\)

5. Other Sources

Primarily involves the United Nations, but also includes various regional economic organisations, IGOs, NGOs, INGOs and PPIs, which together, are becoming an important, not to say dominant, force in international legislation formulation. They produce what is often called soft law. This is part of the topic of global governance by non-sovereign, largely non-democratic bodies which is discussed by Benvenisti\(^{119}\).

\(^{107}\) Index to Legal Periodicals Only indexes scholarly journals of lasting academic value. See Library Legal Databases http://squire.law.cam.ac.uk/electronic_resources/legal_databases.php

\(^{108}\) Full text access to over 1,100 scholarly peer reviewed journals from Common Law jurisdictions. Includes Index to Legal Periodicals

\(^{109}\) Index to Foreign Legal Periodicals commenced in 1960. Specialises in foreign journals. Good coverage of Yearbooks in International Law. Hosted by HeinOnline with many full text links.

\(^{110}\) Comprehensive image-based collection of legal periodicals. Coverage is from the journals’ inception but does not continue to the most current volume.

\(^{111}\) Indexes scholarly journals as well as non-peer-reviewed practitioners’ tools

\(^{112}\) Westlaw International. U.S. and Canadian based publications. Contains KeyCite.

\(^{113}\) http://www.transnational-dispute-management.com/welcome.asp

\(^{114}\) Coverage of common law journals

\(^{115}\) http://www.nijhoffonline.nl/pages/recueil-courses The Collected Courses Online is the electronic version of the longstanding book series on international law: Collected Courses of the Hague Academy of International Law. Brill also publishes useful and cheap Pocket Books of selected lectures.

\(^{116}\) Contains about 15 full text German journals including Neue Juristische Wochenschrift. Good customer support.


\(^{118}\) https://www.lcil.cam.ac.uk/friday-lunchtime-lecture-series

5.1 UN Bodies

The UN competences include rule making, adjudication, monitoring of compliance with the law and the formulation of policy [Lowe 2007 p. 12 - 14]. The documentation from this body is vast. Official records comprise meeting records, resolutions and decisions and reports of major committees. Accessed via UN Documentation Centre120. Several useful guides (see 7.1) describe inter alia the structure of the UN, the system of document notation, as well as the reporting route (e.g. ILC reports to the GA).

UN General Assembly.121 Articles 24 and 25 of the UN Charter state that Resolutions of the GA are recommendatory. However where States ‘consistently vote for resolutions and declarations on a topic, that amounts to a state practice and a binding rule may very well emerge provided that the requisite opinio juris can be proved’ (Shaw 2014, 82).

There are seven specialised GA committees; the Sixth Committee122 considers legal matters, which include: GA questions, reviewing work of ad hoc GA committees, and approving the codification programme of the ILC (see below). Its website has material from 1977. Summary records of meetings in the Sixth Committee can be retrieved through UNBISNET or the ODS (see 7.1).

UN Security Council.123 Articles 24 and 25 of the UN Charter state that SC Resolutions are binding on all member states of the organisation. In recent years the SC has been willing to lay down rules and principles of general application including use of its power to override customary law and treaty obligations (Boyle and Chinkin 2007, 109-10).

International Law Commission.124 Established by the UN General Assembly in 1947 to develop and codify international law. In addition to draft treaties and guidelines, also prepares reports and studies on topical issues of international law. In some cases the GA adopts a resolution taking note of the final work product, as in State Responsibility. In other cases the work product can form the basis of treaty negotiations as in VCLT (1969). ILC records can be retrieved using UNBISNET or the ODS (7.1 below). ILC Yearbooks accessible online from 1949.

Other UN Bodies. International law is also developed during the work of:

UNCITRAL (United Nations Commission on International Trade Law), whose work is scrutinised by the GA 6th Committee.

UNHCR (United Nations High Commissioner for Refugees), whose recommendations have been adduced before some national courts (see Gardiner 1997, 660).

UNCTAD (United Nations Conference on Trade and Development), whose reports include, inter alia, the harmonization of trade and development policies and cases of investor-state dispute settlement.125

121 http://www.un.org/en/ga/64/resolutions.shtml. Search by General Assembly session number and then by agenda items
122 http://www.un.org/ga/sixth/
124 http://legal.un.org/ilc/
125 http://unctad.org/en/Pages/Home.aspx
5.2 Soft Law

Soft law is a convenient term for a variety of non-Legally Binding instruments used in contemporary international relations (e.g. inter-state conference declarations), common international standards of transnational regulatory bodies, NGOs and professional and industrial associations (see Boyle & Chinkin 2007 p 212 – 213). There is no centralised list – researchers have to look up the particular statements, standards and declarations as required. Such important organisations include the UN, IMF, NATO, World Bank, WTO, ICSID, EU, NAFTA, major international corporations, Amnesty International, and even sporting organisation (e.g. FIFA). They produce inter alia: non – statutory “guidelines”, “declarations”, “recommendations”, and “standards”.

6. Encyclopaedias, Digests, Dictionaries, News

- Max Planck Encyclopaedia of Public International Law
- International Encyclopedia of Ethics
- Who’s Who
- Dictionary of National Biography
- Stanford Encyclopaedia of Philosophy
- Factiva – Political, business & financial news; company & market info
- LexisLibrary – access to many major broadsheets internationally, Times Digital Archive

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127 For a critique of the concept of soft law see Klabbers 2017 p 40 - 42
129 Encyclopaedia of Public International Law, Oxford, OUP, 2012. Published under the auspices of the Max Planck Institute of Comparative Law and International Law. Stellar editorial board. Electronic subscription hosted by OUP and integrated with OUP’s Oxford Reports on International Law. See also Encyclopaedic Dictionary of International Law, Clive Parry et al, New York: Oceana Publications 1986. This combines the features of a dictionary and an encyclopaedia with scholarly analysis and source references
130 Reference work. Peer reviewed articles incorporate metaethics, practical ethics and normative ethics.
131 Keesing’s Record of World Events 1931 – present (formerly Keesing’s Contemporary Archives) Cambridge. Provides a unique contemporary record of modern history and is a factual objective reference of current affairs.
132 Published since 1849, a leading source of information about over 33,000 influential people in British public life.
133 Over 600,000 biographies.
134 http://plato.stanford.edu/ Scholarly open access reference work.
135 Factiva for comprehensive coverage of news worldwide. Source, then drill down by region, country, etc.
136 LexisNexis for quality broadsheets world-wide. See also Times Digital Archive covering 1785 – 2012 via Gale.
7. Research Guides, Oral Histories, Blogs/Commentaries

7.1 UN Guides/Resources
- UN Treaty Reference Guide 137
- Research Guide 138
- Audiovisual Library of International Law (AVL) 139
- UNBISNET 141
- UN-I-QUE 142
- ODS 143
- Mini Series. Newly launched Jan 2020 140

7.2 Other Guides
- ASIL Guides 144
- LLRX 145
- Globalex 146
- Academic Library Guides 147
- The Bluebook 148
- OSCOLA 149

7.3 Oral Histories
- Cambridge Eminent Scholars Archive 150

7.4 Blogs/Commentaries
- EJIL: Talk 151
- ASIL Insights 152
- Public Law for Everyone 153
- Kluwer Arbitration Blog 154
- Opinio Juris 155
- International Law in Brief 156
- International Law Reporter 157
- International Law Prof Blog 158
- UK Human Rights Blog 159
- UK Constitutional Law Association 160

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137 UN Treaty Reference Guide - 
138 http://research.un.org/en
139 http://www.un.org/law/avl/
141 http://unbisnet.un.org/ Access to meeting records of the Principal organs from mid 1980s. By country, organization, speaker, document symbol or topic.
145 http://www.llrx.com/
146 http://www.nyulawglobal.org/globalex/index.html
147 https://libguides.bodleian.ox.ac.uk/law-internat
148 http://libguides.iais.sas.ac.uk/publicinternationallaw
149 https://port.sas.ac.uk/course/view.php?id=120#section - Customary International Law Tutorial by Hester Swift
150 https://www.soas.ac.uk/library/subjects/law/
152 http://www.law.ox.ac.uk/publications/oscola.php
153 https://www.squire.law.cam.ac.uk/eminent-scholars-archive
154 http://www.ejiltalk.org/author/jlouth/ - Outstanding academic contributions
155 http://www.asil.org/insights Scholarly commentaries archived from 1996
156 http://publiclawforeveryone.com/ - Written by Cambridge University Public Lawyer
157 http://kluwerarbitrationblog.com/ 158
158 http://opiniojuris.org/ 159
159 http://www.asil.org/blogs/lib useful for treaty information as well as updates on international dispute settlement
160 http://ukconstitutionallaw.org/
The Constitution Unit

Bibliographic Sources

Beneyeto J. & Kennedy D. 2012 New Approaches to International Law, Springer 277 pp
Crawford, J. 2019. Brownlie’s Principles of Public International Law. 9th Ed OUP 803 pp
Pocket books of the Hague Academy of International Law. 537 pp
Swift, H. 2019 Researching Customary International Law, LIM 2019 19 (3) 169 - 175

APPENDIX

Additional Notes

1.1 General Treaty Sources.

United Nations Treaty Collection

The United Nations Treaty Collection is a potentially useful source of treaty texts. It provides access to full text of bilateral and multilateral treaties and related subsequent actions. There are two important databases:


Huge repository providing access to full text of bilateral and multilateral treaties contained in the United Nations Treaty Series (UNTS). UN treaty documents contain reservations, declarations, notifications and objections to particular treaties. Search by popular name, title and party. Entry into force and registration date, status and signature and ratification information is provided.

b). Status of Multilateral Treaties Deposited with the Secretary General.

Updated daily. Gives the current status (signatures, ratifications, reservations, etc) of over 560 treaties deposited with the Secretary General. In the Status Table, countries underlined are those which registered reservations, declarations, etc at the time of signing or ratifying. See also the Vienna Convention on the Law of Treaties 1155 U.N.T.S. 331.

161 http://constitution-unit.com/
UNTS also includes the League of Nations Treaty Series containing Treaties created between World War 1 and World War 2\textsuperscript{162}.

If researchers cannot find a particular treaty in the UNTS or a National Treaty Collection, websites of sponsoring organisation should be consulted. International organisations often publish treaties for which they are depositories. For example, the IMO is the depository for many multilateral treaties in the field of shipping law and marine pollution. Researchers might also contact local Foreign Ministry Treaty Sections, particularly for status information, e.g. whether a country has ratified a treaty.

**Historical Collections**

**Consolidated Treaty Series**

Predecessor Collection to *League of Nations Treaty Series*. The text of treaties concluded between 1648 and 1919 can be found (some only in the vernacular) in this series, which comprises 231 volumes. Publication was begun by Professor Clive Parry at Cambridge in 1969 and ceased in 1981\textsuperscript{163}. Since 2014 accessible via OUP.

Note: citations to treaties that have arisen in decisions of courts and tribunals can also be found in the Index to the series *International Law Reports*\textsuperscript{164}.

**Recueil des Principaux Traités d’Alliance, de Paix**\textsuperscript{165}

**National Treaty Collections**

Publication can be in government gazettes, journals or some other official treaty series. In the UK all treaties are subject to ratification, accession, acceptance, approval or analogous procedure by being laid before Parliament in accordance with the statutory provisions of Part 2 of the Constitutional Reform and Governance Act 2010 (formerly a procedure known as the Ponsonby Rule\textsuperscript{166}). They are published as a Command Paper, in pdf since 1997 on the FCO website. The new FCO UK Treaties Online\textsuperscript{167} provides access to over 14,000 UK treaties from 1892. It includes pdf of original maps (with full topographic and boundary details). It also includes some translations of treaties from original languages. Earlier British Treaties dating back to at least 1812 may be found in the BFSP.

**International Legal Materials**

This journal contains current international and foreign documentation on international law, including treaties, some MOU’s, as well as cases of international interest and other documents of current relevance. Often the first general publication of instruments is through *ILM*.

**Flare Index to Treaties**

This searchable database contains details of over 2,000 multilateral treaties from 1856 to the present with details of print and online access. *Inter alia* it will direct you to original texts of older treaties, when only the text of later, amended versions is available on a depository website. Treaties have been selected from the Multilateral Treaties: Index and Current Status, compiled and annotated by M.J. Bowman and D.J. Harris\textsuperscript{168}, as well as *International Legal Materials*\textsuperscript{169}.

1.2 Specific Areas

International organizations publish treaties for which they are depositories. An example of this is the IMO (see Lowe 2007, p. 86). The ILO has a well developed treaty website as does the WTO. However it is often the case that these websites will not contain the original text, in which case you may have to consult one of the older print treaties (e.g. Martens or BFSP). With luck you will be directed to these older treaty series through the *Flare Index to Treaties*.

2.1 Foreign Ministry Websites

\textsuperscript{162} https://treaties.un.org/pages/Content.aspx?path=DB/LoNOnline/pageIntro_en.xml

\textsuperscript{163} Dobbs Ferry, N.Y. Oceana Publications

\textsuperscript{164} See Section 4.1 Judicial Decisions

\textsuperscript{165} G.F. Martens. À Gottingue : Chés Jean Chretien Dieterich, 1791-1800.

\textsuperscript{166} See Aust (2013 p. 305) for a more detailed account.


\textsuperscript{168} London: Butterworths, 1984, ninth supplement, 1992

\textsuperscript{169} Washington, D.C., American Society of International Law, 1962-
Foreign ministries provide information on policy and position across a wide range of international issues. For instance, the FCO has useful manuals on diplomatic law\textsuperscript{170}, while the US State Department’s “Digest of International Law” which supplements the print Digest of United States Practice in International Law, is also now available online.

### 2.3 Yearbooks & Equivalents

**British Yearbook of International Law**
1920 - present. Publishes, \textit{inter alia}, summaries of decisions of international tribunals and digests of national cases.

**UN Official documents & publications**
The official records and documentation of the United Nations, its specialized agencies and other international organizations, constitute a key source of information on, \textit{inter alia}, the development of legal norms\textsuperscript{171}. A large number of such records and documentation are accessible on the UN website. This includes the Yearbook of the International Law Commission New York\textsuperscript{172}, which contains articles and documents on international law and foreign law published by several countries and is a good source of custom and state practice.

### 4.1 Decisions of International Courts & Tribunals

**European Courts**

- \textit{European Court of Justice} — The Court’s website, provides access to all case law since 1953.

- \textit{European Court of Human Rights} — An important court for international adjudication. Receives over 60,000 applications per year\textsuperscript{173}

  Case law is contained in a database called HUDOC. This provides the most comprehensive collection of decisions and judgements from the Commission and the Court.

**International Criminal Courts and Tribunals**

Special procedural rules often apply. Statutes and rules of the ICTY and ICTR have gone further than previous tribunals in their protection of women as victims of sexual violence

**Global Courts**

- \textit{International Tribunal for the Law of the Sea (ITLOS)}

  Established under the auspices of the 1982 Law of the Sea Convention by SC Resolution 687 in 1991. Has decided 25 cases to date. A subsidiary organ – Sea Bed Dispute Chamber (SBDC) was set up to handle specialised cases related to exploiting the deep sea bed. Both are open not just to states but also organizations and allow parties to enjoy some of the advantages of arbitration (See Merrills p 560 in Evans 2018).

- \textit{World Trade Organization dispute settlement}

  The adjudication of trade disputes through the WTO Dispute Settlement mechanism is an important and active area. The WTO Dispute Settlement website provides access to WTO dispute resolution documents, including panel reports, Appellate Body reports and adopted panel reports. A helpful subscription database in this rapidly growing area is WorldTradeLaw.net\textsuperscript{174} which provides Dispute Settlement Commentaries. Also useful is TradeLawGuide\textsuperscript{175} which provides excellent support, for content and technical support. TradeLawGuide purports to be the only database that allows noting up of WTO law. It also provides comprehensive pinpoint citations.

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\textsuperscript{170} Support for British Nationals Abroad: a Guide

\textsuperscript{171} UN Audiovisual Library, Publications & Documents http://www.un.org/law/avl/

\textsuperscript{172} 1940-...http://untreaty.un.org/ilc/publications/yearbooks/yearbooks.htm

\textsuperscript{173} See Crawford (2019 p 689)

\textsuperscript{174} http://www.worldtradelaw.net/dsc/main.htm

\textsuperscript{175} http://www.tradelawguide.com
International Court of Justice

The judgments of the ICJ are singled out because they are the most important component of the source of law known as judicial decisions.

The Court’s website is comprehensive and particularly efficient in bringing various documents, briefs, transcripts and final judgments into the public domain.

Arbitration Institutions

Although the ICJ is very important, in purely numerical terms it is not the primary means for the resolution of disputes. Only a few cases each year are referred to the court for judicial settlement. Arbitration is more commonly used for the settlement of disputes, and operates purely on the basis of a voluntary agreement between the parties. The arrangements for these tribunals will differ from one instance to the next. It is ad hoc for a particular dispute, often with no provision for publication because proceedings are not undertaken by an institution. Consequently, sometimes the judgments and documentation are difficult to find.

The area with the most traffic in international arbitration (in terms of the number of cases and tribunals) is probably investment arbitration, which concerns disputes between foreign investors and host states. Again these are difficult to find because they are ad hoc. It is important that they are accessed however because of their legal and commercial significance: there has to be certainly about the rights and obligation of companies in foreign jurisdictions.

Disputes relating to investment arbitration, are often handled though tribunals established though Bilateral Investment Treaties (BITs). A feature of BITs is that diplomatic intervention of the home state is not usually called for. Arbitration is between the host state and the foreign investor. The 1965 International Centre for the Settlement of Investment Disputes Convention (ICSID) created an arbitral institution to administer investment arbitrations – usually under UNCITRAL rules (See Crawford 2019 p 713 – 715).

Permanent Court of Arbitration

Established in 1899. Supports ad hoc arbitral proceedings, particularly investor/state matters, for which it provides registry support and hosts oral proceedings. Operates its own set of optional rules for arbitration. Selected cases available from court website and from Reports of International Arbitral Awards (see Collections below).

Collections

Reports of International Arbitral Awards (R.I.A.A.)

The UN has taken it upon itself the publication of selected arbitration awards of international decisions - a) between States and b) between States and international organizations. Full text searchable by Volume or Party name. Scrollable Tables of cases from vols 1 – XXXI.

International Law Reports 1919 – present

Originally published as the Annual Digest of Public International Law Cases. This is the only publication wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators, as well as judgments of national courts. Cases are published in full in their original form and where necessary, translations of foreign judgments are provided. Summaries follow each report. Series is arranged according to a comprehensive classification scheme. Available electronically from JustisOne as well as CUP.

4.2 Teachings of Publicists

Journals – Full Text Searching

Index to Legal Periodicals & Books (ILP)

This large database goes back to 1908 as a product of the AALL (American Association of Law Libraries). In 1961 Wilson purchased ILP from AALL and since 1978 Wilson assumed complete and independent responsibility for the publication. It is currently hosted by EBSCO. Indexing is done

by one centralised team which deals with English language journals. ILP currently indexes ~1100 mainstream journals with permanent reference value from Common Law jurisdictions.

**Legal Source**

Merged databases from EBSCO and H. Wilson (ILP). Provides access to more than 1,100 scholarly and trade publications including book reviews and case studies. Detailed indexing. International coverage of major common law jurisdictions. Good technical and content support.

**Index to Foreign Legal Periodicals (IFLP)**

Begun in 1960 at the Institute of Advanced Legal Studies (London), but since 1984 has been run from University of California at Berkeley. Online access currently via HeinOnline. IFLP is a multilingual index to articles and book reviews in legal journals published worldwide. Because IFLP indexes journals in the vernacular, there are correspondents globally handling obscure journals or lesser known jurisdictions.

### 7.1 UN Resources

**Treaty Reference Guide**

Provides a basic - but not exhaustive - overview of the key terms employed in the United Nations Treaty Collection, such as treaties, agreements, conventions, charters, protocols, declarations, memoranda of understanding, modus vivendi and exchange of notes. Also included is a glossary of terms relating to treaty actions.

**UN Digital Library**

Catalogue of UN documents and publications indexed by UN Dag Hammarskjöld Library and the Library of the UN Office at Geneva. Includes commercial publications and other non-UN sources held in the collection of the Dag Hammarskjöld Library. Coverage is primarily from 1979 but indexing for resolutions of GA, ECOSOC, SC & Trusteeship Council back to 1945. Users may search voting records of resolutions adopted by the General Assembly and Security Council from 1946 forward. The Index to Proceedings of the General Assembly provides lists of all Resolutions in any given year.\(^\text{77}\)