

1-1-2006

GlobaLex: A Unique and Valuable Tool for International Law Research

Heidi Frostestad Kuehl

Pritzker Legal Research Center, Northwestern University School of Law

Follow this and additional works at: <http://scholarship.law.cornell.edu/ijli>

The *International Journal of Legal Information* is produced by The International Association of Law Libraries.

Recommended Citation

Kuehl, Heidi Frostestad (2006) "GlobaLex: A Unique and Valuable Tool for International Law Research," *International Journal of Legal Information*: Vol. 34: Iss. 3, Article 4.

Available at: <http://scholarship.law.cornell.edu/ijli/vol34/iss3/4>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in *International Journal of Legal Information* by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

GlobaLex: A Unique and Valuable Tool for Foreign, Comparative, and International Law Research

HEIDI FROSTESTAD KUEHL*

I. Introduction

How do I find Romanian statutes and cases in English? How might I better understand treaty research and use of *travaux préparatoires*, find available online and print resources for international agreements, and obtain a cogent overview of this topic? What sources might be helpful for researching religious legal systems, such as Hindu, Buddhist, or Islamic law? Where can I find a description of the legal system of Belarus? As U.S. law schools are becoming increasingly global in their scope and preparation of students and LLM programs abound, law librarians will more frequently encounter foreign, comparative, and international law reference questions like the above.¹ In addition, if a reference librarian does not have a background or exposure to foreign, comparative, and international research or if there isn't a foreign and international law librarian at the institution, reliance on available online

* Heidi Frostestad Kuehl is Reference Coordinator and Research and Instructional Services Librarian at the Pritzker Legal Research Center, Northwestern University School of Law, Chicago, Illinois.

¹ See, e.g., Alberto Bernabe-Riefkohl, *Tomorrow's Law Schools: Globalization and Legal Education*, 32(1) SAN DIEGO L. REV. 137-162 (Wntr 1995); John Edward Sexton, *The Global Law School Program at New York University (Symposium on Globalization)*, 46(3) J. LEGAL EDUC. 329-335 (Sept. 1996); Stephen H. Legomsky, *Globalization and the Legal Educator: Building a Curriculum for a Brave New World*, 43(2) S. TEX. L. REV. 479-489 (Spring 2002); Dean David E. Van Zandt, *Globalization Strategies for Legal Education*, 36(1) U. TOL. L. REV. 213-220 (2004); and Adelle Blackett, *Globalization and its Ambiguities: Implications for Law School Curricular Reform*, 37(1) COLUM. J. TRANSNAT'L L. 57-79 (1998). See also Diane Penneys Edelman, *It Began at Brooklyn: Expanding Boundaries for First-Year Law Students by Internationalizing the Legal Writing Curriculum*, 27(2) BROOK. J. INT'L L. 415 (2002) and Adolf Sprudz, *International Legal Research: An Infinite Paper Chase*, 16(2) VAND. J. TRANSNAT'L L. 521, 524 (Summer 1983) (advocating that basic knowledge of international legal research is a "conditio sine qua non" to successfully approach problems in international law in a "contemporary reality of an increasingly interdependent, complex world").

reference sources, such as research guides, and traditional reference works in foreign and international law will be essential.² One excellent online resource that provides research guidance in the areas of foreign, comparative, and international law and has an authoritative and fascinating portal of research articles is *GlobaLex*.³

II. The Inception of *GlobaLex*

Nearly two years ago, the vision for *GlobaLex* came to fruition and received the approval and generous support from the Hauser Global Law School Program by Prof. Joseph Weiler⁴ and Dean Richard Revesz of the New York University School of Law⁵. The idea of *GlobaLex* as an “electronic publication dedicated to international and foreign law research”⁶ was spearheaded by Mirela Roznovschi, Foreign and International Law Reference Librarian at New York University School of Law, who is also editor for the project. One of the goals for founding *GlobaLex* was to continue to enhance international and foreign legal scholarship worldwide by

² See, e.g., Reynolds and Flores, FOREIGN LAW: CURRENT SOURCES OF CODES AND BASIC LEGISLATION IN JURISDICTIONS OF THE WORLD (Rothman, 1989 -); Rehberg & Popa, eds., ACCIDENTAL TOURIST ON THE NEW FRONTIER: AN INTRODUCTORY GUIDE TO GLOBAL LEGAL RESEARCH (Rothman, 1998); Raisch & Shaffer, eds., INTRODUCTION TO TRANSNATIONAL LEGAL TRANSACTIONS (Oceana, 1995); and Claire M. Germain, GERMAIN’S TRANSNATIONAL LAW RESEARCH: A GUIDE FOR ATTORNEYS (Transnational Juris Pub., 1991-). See also helpful electronic resources, such as the *ASIL Guide to Electronic Resources for International Law*, edited by Kelly Vinopal, available at <http://www.asil.org/resource/home.htm> (last visited March 7, 2007) and the *Electronic Information System for International Law (EISIL)*, edited by Marci Hoffman and Jill McC. Watson, available at <http://www.eisil.org/index.php?sid=297648529&t=index> (last visited March 7, 2007).

³ See *GlobaLex*, available at <http://www.nyulawglobal.org/globalex/index.html> (last visited March 5, 2007).

⁴ See the *Hauser Global Law School Program (About Us/Staff)*, available at <http://www.nyulawglobal.org/aboutus/aboutus.htm> and <http://www.nyulawglobal.org/aboutus/staff.htm> (last visited March 7, 2007) (noting that Prof. J.H.H. Weiler is the Faculty Director of the Program).

⁵ See the *NYU Law School (Senior Law School Administration)*, available at <http://its.law.nyu.edu/faculty/profiles/index.cfm?fuseaction=listings.senioradmin> (last visited March 7, 2007).

⁶ See “About *GlobaLex*,” available at <http://www.nyulawglobal.org/globalex/about.htm> (last visited March 5, 2007).

providing resources and research guides to support this specialized area.⁷ *GlobaLex* is divided into three categories for conducting research: 1) International Law Research; 2) Comparative Law Research; and 3) Foreign Law Research.⁸ A new section, "Tools for Building Foreign Comparative and International Law Collections," will be added in March 2007.⁹ Each section contains articles written by legal specialists, including lawyers, law librarians, LLM candidates, and foreign officials.¹⁰ By April 2007, there will be approximately 110 jurisdictions represented in *GlobaLex* and more topics in comparative law will also be added throughout the next year. The editor's goal is to eventually cover all of the jurisdictions in the world in order to provide this unparalleled access to information about foreign legal systems, international legal research, and comparative legal research.¹¹ Hot topics in International and Foreign legal research, such as the recent *Research Guide on TRIPS and Compulsory Licensing and Transnational and Comparative Family Law: Harmonization and Implementation*¹², are especially valuable for

⁷ See e.g., Hauser's *Global Law Working Papers*, available at <http://www.nyulawglobal.org/workingpapers/glwpsmain.htm> (last visited March 7, 2007); *Human Rights and Global Justice Working Papers*, available at http://www.nyuhr.org/research_publications.html (last visited March 7, 2007); *Jean Monnet Working Papers*, available at <http://jeanmonnetprogram.org/papers/index.html> (last visited March 7, 2007); *Institute for International Law and Justice Working Papers*, available at <http://www.iilj.org/papers/index.html> (last visited March 7, 2007); and *Book Review Project: European and Global Law Books Reviews*, available at <http://www.nyulawglobal.org/researchtools/bookreview.htm> (last visited March 7, 2007).

⁸ See *GlobaLex*, available at <http://www.nyulawglobal.org/globalex/index.html> (last visited March 7, 2007).

⁹ E-mail from Mirela Roznovschi on March 8, 2007. The new section will include two new articles by Barbara H. Garavaglia (University of Michigan Law Library) on collection development policies and building a foreign, comparative, and international law collection and Dennis Kim-Prieto (Rutgers School of Law Library) on databases for Spanish-speaking jurisdictions.

¹⁰ Note also that many of the foreign law guides had to be translated by authors or translators from those countries into English from the foreign language before being published in *GlobaLex* (e.g., *Guide to Doing Research in Brazil*).

¹¹ Interview with Mirela Roznovschi on March 5, 2007.

¹² See Do Hyung Kim, *Research Guide on TRIPS and Compulsory Licensing: Access to Innovative Pharmaceuticals for Least Developed Countries*, available at http://www.nyulawglobal.org/globalex/TRIPS_Compulsory_Licensing.htm (last visited March 5, 2007). Other recent examples of "Hot Topics" include Jonathan Pratter's guide to *Travaux Préparatoires*, available at http://www.nyulawglobal.org/globalex/Travaux_Preparatoires.htm (last visited March 7, 2007), and Victor Essien's *Regional Trade Agreements in Africa*, available at

beginning researchers who are grappling with these difficult research issues and where to find the law.

GlobaLex is not just narratives about legal systems and topics with a list of resources; it also represents a powerful forum for freely describing sources of law for particular countries, which might not be information that is freely accessible in certain jurisdictions of the world.¹³ All of the guides attempt to provide a comprehensive mix of both print and electronic resources for research in international, foreign, and comparative law.¹⁴ As such, they are invaluable for organizing all of the available resources for these often complicated topics and jurisdictions of international and foreign legal research. Amazingly, the website is also available for free through the Hauser Global Legal Studies website.¹⁵ For current awareness, the website also provides a “Go Global” e-mail service to receive notification of new Working Papers, Book Reviews, and *GlobaLex* articles most recently published.¹⁶

III. International Law Research

Getting started with research in an area of international law is often a daunting task for the researcher, especially if it is an unfamiliar topic. For that reason, traditional print and online research guides are essential to help guide research toward particularly relevant primary and secondary legal resources. Using *GlobaLex*, researchers are able to access some of the

http://www.nyulawglobal.org/globalex/CEMAC_ECOWAS.htm (last visited March 7, 2007).

¹³ See e.g., Tatyana Khodosevich and Nadia Shalygina, *Guide to Legal Research in Belarus*, available at <http://www.nyulawglobal.org/globalex/Belarus.htm> or Otto Saki and Tatenda Chiware, *The Law in Zimbabwe*, available at <http://www.nyulawglobal.org/globalex/Zimbabwe.htm> (last visited March 7, 2007). This might be considered a great sacrifice by authors in those nations because of the current state of the governments. Interview with Mirela Roznovschi on March 5, 2007.

¹⁴ Interview with Mirela Roznovschi on March 5, 2007.

¹⁵ See *GlobaLex*, available at <http://www.nyulawglobal.org/index.htm> (last visited March 7, 2007) and the link through the Hauser Global Law School Program webpage, available at <http://www.nyulawglobal.com/index.htm> (last visited March 7, 2007).

¹⁶ See “Register to Go Global” on the homepage of the Hauser Global Law School Program homepage, available at <http://www.nyulawglobal.org/index.htm> (last visited March 5, 2007). There are also neat links to recent reviews of “European Law Books” and “Global Law Books” on Hauser’s homepage, available at <http://www.globallawbooks.org/home.asp> and <http://www.europeanlawbooks.org/home.asp> (last visited March 5, 1007).

premier topics in international legal research. For example, the website includes traditional topics in international law, such as the essential *Introduction to Sources for Treaty Research* and a guide to researching the United Nations¹⁷, but it also includes more specialized topics like *Regional Trade Agreements in Africa: A Historical and Bibliographic Account of ECOWAS and CEMAC* and a *Research Guide on TRIPS and Compulsory Licensing*.¹⁸ GlobaLex also has comprehensive guides to the Council of Europe's documentation and the European Union's legal materials for the inexperienced researcher in these areas.¹⁹ Not only do the research guides provide a wonderful overview to these traditional institutions, they also clearly organize print and electronic sources of law, such as the treaties, legislation, and case law of the European Union.²⁰

Finally, the international law portion of GlobaLex contains an indispensable guide to researching the drafting histories of international agreements (or *travaux préparatoires*) written by Jonathan Pratter, which provides a detailed approach for uncovering these hard to find materials in the negotiating histories of international agreements and lists available resources with examples for researchers.²¹ Of course, the website will continue to

¹⁷ See Mark Engsborg, *An Introduction to Sources for Treaty Research*, available at http://www.nyulawglobal.com/globalex/Treaty_Research.htm (last visited March 5, 2007) and Linda Tashbook, *Researching the United Nations: Finding the Organization's Internal Resource Trails*, available at http://www.nyulawglobal.com/globalex/United_Nations_Research.htm (last visited March 7, 2007).

¹⁸ See, *supra* note 12, for these guides by Victor Essien (ECOWAS and CEMAC) and Do Hyung Kim (TRIPS).

¹⁹ See, e.g., Sophie Lobey, *History, Role, and Activities of the Council of Europe: Facts, Figures, and Information Sources*, available at http://www.nyulawglobal.com/globalex/Council_of_Europe.htm (last visited March 7, 2007) and Duncan E. Alford, *European Union Legal Materials: An Infrequent User's Guide*, available at http://www.nyulawglobal.com/globalex/European_Union.htm (last visited March 7, 2007).

²⁰ For example, the European Union law guide provides helpful guidance for understanding the principal institutions of the EU, as well as pointing researchers toward primary sources like EU treaties, legislation, case law, and official reports on EU activities. *Id.*

²¹ Pratter provides four useful models of *travaux préparatoires* publication in his article and gives examples of researching the drafting history of international agreements, such as the Hague Conference on Private International Law. See Jonathan Pratter, *À la Recherche des Travaux Préparatoires: An Approach to Researching the Drafting History of International Agreements*, available at

expand to include more topics in international law to help researchers, reference librarians, and those other scholars who rely on comprehensive research guides in unfamiliar areas of the law for their scholarship and location of reliable resources.²²

IV. Foreign Law Research

In the foreign law research portion of the GlobaLex website, the editor has expanded the scope of the project to include research guides for over 110 jurisdictions of the world as of April 2007.²³ This phenomenal effort is unparalleled in its currency and vital guides to online and print resources for foreign legal research. For novice researchers who are approaching a foreign jurisdiction for the first time, the GlobaLex articles provide an overview of the country's legal system, branches of government and sources of primary law, governmental institutions, helpful secondary sources, and websites of the foreign law faculties.²⁴ Because the guides are often written by expert librarians or lawyers in those jurisdictions, they provide a unique and authoritative perspective of the primary and secondary sources of law.²⁵

http://www.nyulawglobal.com/globalex/Travaux_Preparatoires.htm (last visited March 5, 2007).

²² Research guides currently presented in the "International Law Research" section of *GlobaLex* include the following topics: APEC, ASEAN, Council of Europe, ECOWAS and CEMAC, European Union, International Commercial Law, International Criminal Law, International Environmental Law, International Health Law, International Marine Environmental Law, International Sports Law, International Trade, International Treaties, NAFTA and CAFTA, Sustainable Development Law, Terrorism, TRIPS, and the United Nations. See International Law Research, <http://www.nyulawglobal.org/globalex/index.html#> (last visited March 7, 2007).

²³ Interview with Mirela Roznovschi on March 5, 2007. This number accounts for the number of jurisdictions covered by *Finding the Law: the Micro-States and Small Jurisdictions of Europe*, available at <http://www.nyulawglobal.org/globalex/Microstates.htm> (last visited March 8, 2007) and *Introduction to Researching South Pacific Law*, available at http://www.nyulawglobal.org/globalex/South_Pacific_Law.htm (last visited March 8, 2007).

²⁴ See, e.g., Dahmène Touchent, *A Guide to the Tunisian Legal System*, available at <http://www.nyulawglobal.org/globalex/Tunisia.htm> (last visited March 5, 2007).

²⁵ See, e.g., Lubabalo Booi, *Botswana's Legal System and Legal Research*, available at <http://www.nyulawglobal.org/globalex/Botswana.htm> (last visited March 7, 2007); José Miguel Álvarez and Jessica Ramos, *Guide to Legal Research in Honduras*, available at <http://www.nyulawglobal.org/globalex/Honduras.htm> (last visited March 7, 2007); and Odgerel Tseveen and Battsetseg Ganbold, *The Mongolian*

Many of the articles give fascinating overviews of the history of the governments and legal systems with links to online English-language resources for further exploration.²⁶ For example, the governments of Belarus and the Kyrgyz Republic are intricately described with interesting examples of their newer governmental structures and available resources in English.²⁷ Some of the research guides clearly emphasize the location of online resources in English for the particular jurisdiction, such as those websites identified in *French Law on the Internet: The Basics and Free Resources*, *Material on Russian Federation Law in English: Selection of Sources*, and *Japanese Law via the Internet*.²⁸

Many of the guides also include references to topical resources for particular subjects of research in foreign and comparative law like the guide to German business and commercial laws, which can be extremely helpful for a researcher who is comparing a particular subject and correlating laws among

Legal System and Laws: A Brief Overview, available at <http://www.nyulawglobal.org/globalex/Mongolia.htm> (last visited March 7, 2007).

²⁶ See, e.g., Tatyana Khodosevich & Nadia Shalygina, *Guide to Legal Research in Belarus*, available at <http://www.nyulawglobal.org/globalex/Belarus.htm> (last visited March 7, 2007); Edilenice Passos, *Doing Legal Research in Brazil*, available at <http://www.nyulawglobal.org/globalex/Brazil.htm> (last visited March 7, 2007); and Angel Panayotov, Lora Kapelovska, and Nikolay Bebov, *The Bulgarian Legal System and Legal Research*, available at <http://www.nyulawglobal.org/globalex/Bulgaria.htm> (last visited March 7, 2007).

²⁷ See Tatyana Khodosevich & Nadia Shalygina, *Guide to Legal Research in Belarus*, available at <http://www.nyulawglobal.org/globalex/Belarus.htm> (last visited March 7, 2007) and Sania Battalova, *A Guide to the Legal System and Legal Research in the Kyrgyz Republic*, available at <http://www.nyulawglobal.org/globalex/Kyrgyz.htm> (last visited March 7, 2007). Perhaps it is understated how valuable it is to have citation to online and print resources available in English, which is often one of the main challenges of foreign law research.

²⁸ See Emmanuel Barthe, *French Law on the Internet: The Basics and Free Resources*, available at http://www.nyulawglobal.org/globalex/French_Law_Free_Resources.htm (last visited March 5, 2007); Lucy Cox, *Material on Russian Federation Law in English: Selection of Sources*, available at <http://www.nyulawglobal.org/globalex/Russia.htm> (last visited March 5, 2007); and Makoto Ibusuki, *Japanese Law via the Internet*, available at <http://www.nyulawglobal.org/globalex/Japan.htm> (last visited March 5, 2007).

jurisdictions of the world.²⁹ Currently, GlobaLex also provides an excellent inclusion of many African, South American, and Central American jurisdictions for which it is often hard to locate thorough descriptions, explanations, and links to primary law in English.³⁰ It is exciting to think that GlobaLex will strive to include articles for almost all foreign jurisdictions of the world in the future.³¹ Overall, the effort to provide guidance to the online and print legal resources and overviews of the legal systems of countries of the world in a single portal is essential for researchers when confronting a foreign legal research issue and an especially helpful tool for law librarians when helping them with their research.

V. Comparative Law Research

Through GlobaLex's comparative law portal, researchers are able to access a variety of articles that guide and organize available online and print resources for the specialty legal topics of comparative law. For example, for complicated research inquiries about religious legal systems, researchers can rely upon the excellent sources found in Marylin Johnson Raisch's *Religious Legal Systems: A Brief Guide to Research and Its Role in Comparative Law*.³² Within each comparative law article, the authors provide overviews of the areas of comparative law, descriptive secondary sources such as essential books and articles, and primary legal resources for each jurisdiction.³³

²⁹ See Martina Kammer and Anne Scharrenberg, *German Business and Commercial Laws: Guide to Translations into English and Select Auxiliary Sources*, available at http://www.nyulawglobal.org/globalex/Germany_Business.htm (last visited March 5, 2007). See also topical areas within foreign law guides, e.g., topical civil codes in jurisdictions like Brazil or the formal laws on certain topics in Sudanese legal research.

³⁰ See, e.g., Victor Essien, *Researching Ghanaian Law*, available at <http://www.nyulawglobal.org/globalex/Ghana.htm> (last visited March 5, 2007) and Ana Cristina Rodríguez, *Guide to Legal Research in Guatemala*, available at <http://www.nyulawglobal.org/globalex/Guatemala.htm> (last visited March 5, 2007).

³¹ Interview with Mirela Roznovschi on March 5, 2007.

³² Marylin Johnson Raisch, *Religious Legal Systems: A Brief Guide to Research and Its Role in Comparative Law*, available at http://www.nyulawglobal.org/globalex/Religious_Legal_Systems.htm (last visited March 7, 2007).

³³ *Id.* Marylin Johnson Raisch, for example, provides a neat chart in her guide with the implementation of religious laws in several jurisdictions. See also Andrew Grossman, *Finding the Law: The Micro-States and Small Jurisdictions of Europe*, available at <http://www.nyulawglobal.org/globalex/Microstates.htm> (last visited March 7, 2007).

For beginning foreign and comparative law research, there are also extremely helpful introductory guides to foreign legal research by Mary Rumsey of the University of Minnesota and comparative law research by Paul Norman of the University of London's Institute of Advanced Legal Studies.³⁴ These articles can help de-mystify the research process by identifying available traditional sources for beginning research and relevant secondary and primary resources in print and online for the researcher.³⁵ For more complex comparative law research, GlobaLex also provides articles written by specialists for current hot topics like Immigration Law, Transnational and Comparative Family Law, and Religious Legal Systems.³⁶ For example, for immigration law, an exhaustive comparative guide to the laws of Australia, Canada, and the United States is given, which would be extremely vital to an immigration lawyer in any of those jurisdictions given the transnational nature of today's practice.³⁷ Because of the wealth of descriptive materials and resources for both the novice and the experienced practitioner, the comparative law portal of GlobaLex is extremely effective for assisting with research and scholarship in this often difficult research area.

VI. Conclusions

GlobaLex provides a single portal of comprehensive research articles for the future of legal scholarship in the areas of international, foreign, and comparative law, which will continue to expand to meet the needs of the growing community of international lawyers, scholars, and law librarians.

³⁴ See Mary Rumsey, *Basic Guide to Researching Foreign Law*, available at http://www.nyulawglobal.org/globalex/Foreign_Law_Research.htm (last visited March 7, 2007) and Paul Norman, *Comparative Law*, available at http://www.nyulawglobal.org/globalex/Comparative_Law.htm (last visited March 7, 2007).

³⁵ These articles are also quite helpful for law librarians who are guiding the researcher's location of pertinent materials during a reference interview.

³⁶ See, *supra* note 32; Annmarie Zell, *Immigration Law- A Comparative Approach Guide to Immigration Law of Australia, Canada and the United States*, available at http://www.nyulawglobal.org/globalex/Comparative_Immigration_Law.htm (last visited March 7, 2007); and Marilyn Johnson Raisch, *Transnational and Comparative Family Law: Harmonization and Implementation*, available at http://www.nyulawglobal.org/globalex/Transnational_Comparative_Family_Law.htm (last visited March 7, 2007).

³⁷ See Annmarie Zell, *Immigration Law- A Comparative Approach Guide to Immigration Law of Australia, Canada and the United States*, available at http://www.nyulawglobal.org/globalex/Comparative_Immigration_Law.htm (last visited March 7, 2007).

Because of its breadth for these critical areas of legal research, law librarians will continue to rely upon the guides as essential tools for reference interviews with patrons and for instruction in law schools. In addition, GlobaLex can be helpful for student research in Advanced Legal Research courses, law school seminars in foreign and international legal topics, and for research preparation and guidance in an increasingly global practice. Many law libraries already link to GlobaLex articles on their websites to guide students and faculty members to the valuable research guides for foreign and international legal research. Law librarians who specialize in foreign and international law or who have a passion for these areas of the law also have an opportunity to teach the available resources cited in GlobaLex and can provide much needed guidance by referring to these authoritative articles. As for the future of GlobaLex, it will continue to expand and provide resources for myriad foreign jurisdictions and areas of international law, which will be an invaluable service for the legal community because of the frequent use of its recommended sources and valuable descriptions for areas of international, foreign, and comparative law.