Foreign Law Resources: Non-Canadian Primary Materials

Law 703 Library Session

Nadine Hoffman
Natural Resources, Energy & Environmental Law Librarian
November 22, 2017
Questions from previous sessions?

Today is an overview session on how to find primary foreign materials and where to look for more information.
• For this session, “Foreign” mainly means from countries outside Canada, the United Kingdom, and the United States

• N.B. many research guides and resources define “foreign” as outside the United States
What information might you find from secondary sources?
Secondary Resources – Commentary

• Provides background information
• Provide
  • Titles of resources
  • Other secondary sources
  • Citations
  • Titles of legislation, courts, and case reporters
  • Give country’s background
Secondary Resources – Internet

- Research Guides
  - Foreign Legislation
  - Foreign Cases and Decisions
  - Country & Regional Information
  - International Business
- Government websites
- Google Scholar (and/or Google)
  - Reminder—use link from library webpages & research guides to ensure full access to articles
  - Includes legal content
Availability of Foreign Materials

- **General**
  - Amount available will depend on the country.
  - Not everything is on the Internet.
  - Not everything is written in English. Translations may not be official.

- **Legislation**
  - Many countries put their statutes on the Internet free of charge. Some governments may provide websites with bills, statutes and regulations.

- **Case Law**
  - Case law is generally jurisdiction specific.
  - Many countries have court websites on the Internet. The amount available will depend on the country.
  - Not every case gets published so not every case is searchable.
Foreign Law Guide

- **Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World** (online is Foreign Law Guide), arranged by country
  - Helps determine a country’s constitution and legal structure
  - Often leads to specific resources by subject
  - Content provided by the American Association of Law Libraries (AALL)
  - Available electronically
NEW website!
Foreign and International Law Resources Database

The Foreign and International Law Resources Database (FILRD) allows researchers to browse online through the treasures of some of

Foreign Law Guide

This work endeavors to provide the lawyer or legal researcher with relevant information on sources of foreign law, including complete

Google Scholar

Google Scholar enables you to search specifically for scholarly literature, including peer-reviewed papers, theses, books, preprints,

more...
Foreign Law Guide

Subject: Law
General Editor: Marcel Hoffman

Reclaimed by librarians, academics, and researchers alike, the Foreign Law Guide (FLG) is an essential database offering relevant information on sources of foreign law, including complete bibliographic citations to legislation, the existence of English translations and selected references to secondary sources in one virtual destination. Broad in content and global in scope, the FLG is an indispensable resource for comparative law research and a fundamental tool for developing a foreign and comparative law collection. Approximately 150 jurisdictions are systematically covered and updated by a global team of experts.

Video User Guide | Tips for Effective Browsing

For additional information and subscription details, click Brill.com

Countries
- Afghanistan – France
- Gabon – Jordan
- Kazakhstan – Norway
- Oman – Zimbabwe
- Afghanistan – France ▼

- Gabon – Jordan ▲
  - Gabon
  - The Gambia
  - Georgia
  - Germany
  - Ghana
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  - Grenada
  - Guatemala
  - Guernsey
  - Guinea
  - Guinea-Bissau
  - Guyana
  - Haiti
  - Honduras
  - Hong Kong
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  - Iceland
  - India
  - Indonesia
  - Iran
  - Iraq
  - Ireland
  - Isle of Man
  - Israel
  - Italy
  - Jamaica
  - Japan
  - Jersey
  - Jordan
Japan

(264 words)

Country Editor: Rob Britt

Last update: 12/01/2016

Government & Legal System: Introduction | Government | Legal System | Research Guidance | Citation Notes

Primary Sources: Official Gazette | Compilations or Official Codifications | Session Laws | Codes | Court Reports

Laws by Subject

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

Accounting & Auditing

Administrative Law & Procedure

Admiralty & Maritime

Air & Space

Animals & Animal Welfare

Antitrust: Trade Regulation & Unfair Competition
Japan - Legal System

Sources of Law

Sources of law in the Japanese system include the Constitution, acts of the Diet (hōritsu | 法律), treaties (jōyaku | 条約), judicial precedents (hanrei | 判例), and scholarly opinion.[1] Scholarly opinion is not formally recognized as a source of law, but it does have strong influence on court decisions and the creation of laws.


Law Making Process

Legislative
Japan's parliament is known in English as the National Diet (Kokkai | 国会). The lower house is called the House of Representatives (Shūgiin | 衆議院) and the upper house is called the House of Councilors (Sangiin | 参議院).


The Diet produces a variety of helpful publications and online resources that pertain to the legal system, including:
Japan

Country Editor: Rob Britt

Last update: 12/01/2016

Government & Legal System: Introduction | Government | Legal System | Research Guidance | Citation Notes

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Accounting & Auditing

Administrative Law & Procedure

Admiralty & Maritime

Air & Space

Animals & Animal Welfare

Antitrust, Trade Regulation & Unfair Competition
Foreign Law Guide

C

Citizenship, Emigration, Immigration & Nationality

Civil

Climate Change

Communications, Telecommunications & Satellite Transmissions

Conflict of Laws & Private International Law

Constitution & Politics

Construction, Development, Planning & Property

Consumer Protection

Contracts

Corruption

 COURTS & LEGAL SYSTEM

Crime & Punishment

Cultural Property

Culture, Entertainment & Sports
Japan - Climate Change

(152 words)

Secondary Sources


Subject Searches:

- Climatic changes—Law and legislation—Japan.
- Environmental law—Japan.
- Liability for climatic change damages—Japan.

Primary Sources

  Translated:

- [Act on the protection of the ozone layer through the control of specified substances and other measures] 特定物質の規制等によるオゾン層の保護に関する法律 | Tokutei busshitsu no kisei tō ni voru ozon-sō no hogo ni kansuru hōritsu, Act no. 53/1988, 20 May
### Reference Works

- **Japan - Securities & Stock Exchange**
  - Source: Foreign Law Guide

- **Japan - Organizations**
  - Source: Foreign Law Guide

- **Japan - Bankruptcy & Insolvency**
  - Source: Foreign Law Guide

### Bibliographies

- **The Cisr and the Japanese Sociology of Religion**
  - Source: Index to the Study of Religions

- **Shinto and Buddhism: The Two Major Religions in Japan**
  - Source: Index to the Study of Religions

- **Non being and mu. The Metaphysical Nature of Negativity in the East and the West**
  - Source: Index to the Study of Religions

### Books & Journals

- **The State of Nonprofit Sector Research in Japan: A Literature Review**
  - Source: Voluntaristics Review Brill Research Perspectives

- **Unilateral Trade-related Climate Change Measures**
  - Source: The Journal of World Investment & Trade

- **American Asia Experts, Liberal Internationalism, and the Occupation of Japan**
  - Source: The Journal of American-East Asian Relations

### Primary Sources

- **Identifying Opportunities for Action on Climate Change and Sexual and...**
  - Source: Human Rights Documents Online

- **Ethics and Climate Change - A Study of National Commitments**
  - Source: Climate Change and Law Collection

- **SRHR Info Resources - Climate Change, Population, Sexual & Reproductive Health &...**
  - Source: Human Rights Documents Online
- Code, Session Laws, Gazette, and Compilations refer to legislation
- Court Reports are case reporters
# Reminders for U.S. & U.K.

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<th>U.S.</th>
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<td>Congress.gov &amp; Fdsys (formerly GPO Access that will become govinfo)</td>
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<td>British and Irish Legal Information Institute (BaiLII)</td>
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Lexis Advance
Quicklaw
WestlawNext
Legislation

- WorldLII
  - Often links to documents
  - Not necessarily available in English

- LLMC Digital
  - Law Library Microforms Consortium has digitized their collections of microfilm from a variety of countries
  - Historical legislation only
  - “Foreign” means non-U.S. and includes Canada
## Foreign Legislation

### LAW Foreign Legislation

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<td>Nov 10, 2017</td>
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<td>LAW Adjusting to Law School</td>
<td>Oct 23, 2017</td>
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<td>LAW Alternative Energy Law</td>
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Foreign law is the domestic, national or internal law of a country or jurisdiction. This guide is intended to help researchers locate the legislation of foreign jurisdictions.

Foreign Legislation

Foreign law is the domestic, national or internal law of a country or jurisdiction. This guide is intended to help researchers locate the legislation of foreign jurisdictions. The tabs found above will open pages that have links to some relevant key sources. Legal databases may be restricted to University of Calgary users or to Faculty of Law users. It does not include international law and treaties. If that is your topic, there is an International Law guide you may wish to use in your research. Legislative materials on paper are located on the 1st floor of the law library.

Conducting foreign legal research:

- Look at research guides for a specific country to determine what information is available. Foreign Law Guide - is a database that describes legal systems and references sources of law. It may also provide information about English translations.
- Look for a LII (Legal Information Institute) website, or something similar, for that particular country. See what legal materials are available at WorldLII.
- Generally, the steps are the same as for Canadian legal research:
Legal Information Institutes (LII's)

LII's are one of the best places to look for legislation, court decisions and other primary legal materials. Legal materials are available at various LII websites for particular countries or groups of countries:

- World Legal Information Institute (WorldLII)
  Free, independent and non-profit access to worldwide law

- Commonwealth Legal Information Institute (CommonLII)
  Free access to Commonwealth and Common Law

- Pacific Islands Legal Information Institute
  A facility of the University of the South Pacific Faculty of Law

- Asian Legal Information Institute
  Free access to Asian Law

- Southern African Legal Information Institute (SAFLII)
  Legal information for free public access which comprises mainly of case law and legislation from South Africa. SAFLII also hosts legal materials from other countries in the region which are obtained through partnerships, collaborative efforts and more recently through linking to other Legal Information Institutes established in these regions.

- Hong Kong Legal Information Institute (HKLII)
  Free access to legal information in Hong Kong

- Zambia Legal Information Insitute (ZamLII)
News & Database Additions
Last updated 21 November 2017

- Law via the Internet Conference 2017, Newark, USA, 19-21 October 2017 - Call for papers
- International Law Monographs 1639-1950 (WorldLII)
- Goettingen Journal of International Law 2009- (WorldLII)
- United Nations Committee Against Torture - Concluding Observations 1982- (WorldLII)
- International Labour Organization Administrative Tribunal 1947- (WorldLII)
- United Nations Committee on the Elimination of Discrimination Against Women - General Comments 1986- (WorldLII)
- United Nations Committee on the Elimination of Racial Discrimination - General Comments 1972- (WorldLII)
- United Nations Committee on Migrant Workers - Concluding Observations 2006- (WorldLII)
- Asian-African Legal Consultative Organization - Reports 1957- (WorldLII)
- Asian-African Legal Consultative Organization - Resolutions 1953- (WorldLII)
- United Nations International Law Commission 1945- (WorldLII)
- Eritrea-Ethiopia Claims Commission 2000-2005 (WorldLII)
- North Atlantic Treaty Organization Basic Texts 1941- (WorldLII)
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Legal Databases: Comparative Analysis
Legal research was one of the first areas of scholarship to move into the electronic world, with the introduction of dial-up terminals for searching case law in the 1970s. Today, most legal research done in law schools, courts, and the legal profession at large is conducted via computerized databases. Legal professionals depend primarily on services purchased from the two giants in the field, Westlaw and LexisNexis. However, for scholars outside of law schools, the judicial system, or the legal profession, access to primary source materials on the law has traditionally been much more difficult. In addition, the digital products offered by the large legal information companies are not designed for those working on legal history beyond the immediate past, or on the history of law and legislation in countries outside of North America or Europe. Fortunately, this need has been filled by a small number of more historically oriented databases as well as a wide variety of freely available digitized text providers.

The survey below is by no means exhaustive but is intended to guide the legal historian or scholarly legal researcher through the world of online legal resources by type.
Published Case Reports

The base unit of analysis and research for most legal scholars is the published case report, i.e., the description of the facts of a particular case before a judicial body, the verdict or resolution of the case, and often the opinion or opinions of the presiding authorities on the issues at stake. Case reports provide scholars of the legal past rich detail about the circumstances of a dispute as well as the legal reasoning brought to bear on the matter by a judge. This style of printed report is historically most common in jurisdictions influenced by the English common law, but can also be found elsewhere. Millions of such case reports exist, ranging in length from a few sentences to hundreds of pages, and in date from the Middle Ages to the present.

Case reports also have a confusing double identity. They exist on their own as the record of a case (e.g., Smith v. Johnson) as well as part of a larger body of reported cases from a given tribunal or jurisdiction (e.g., the cases heard in a given term by the United States Supreme Court). The fact that these case reports often exist in many forms—their original published state as part of a volume, reprinted in a later series, or extracted and formatted as an individual unit of electronic text—can cause further difficulties for a researcher.

Some providers like LexisNexis and Westlaw specialize in facilitating quick discovery and retrieval of case reports as self-contained units and thus are most useful when trying to track down the text of a particular case or a set of cases revolving around a similar issue, dispute, or law. Other databases like LLMC-Digital and HeinOnline provide easier access to case reports in their original published form and are more useful when looking for a point in time, a particular court, or jurisdiction.

LLMC-Digital

LLMC-Digital is the online platform for the nonprofit Law Library Microform Consortium (LLMC). It provides access to millions of page images of documents related to legal history from the 13th century to the present in jurisdictions all around the world, particularly the legal history of the United States, Haiti, Britain, and the British empire from the 18th century to the late 1900s. LLMC-Digital has particularly strong holdings in case reports. It holds every volume of the United States Supreme Court reports both in their reprinted form and nominate form. Likewise, LLMC-Digital also provides access to the published reports of the U.S. federal appellate courts from their inception as well as those of a number of other federal tribunals.

Beyond federal law, LLMC-Digital contains extensive holdings of reported cases from every U.S. state’s Supreme Court, and strong holdings in reports from state appellate courts. Most importantly, LLMC-Digital contains a large number of published reporters from foreign jurisdictions, in particular all corners of the British Empire. This includes: almost all reported cases from Canadian federal and provincial courts back to their inception; the full run of English reported cases prior to 1865; numerous Scots law reporters; extensive runs of law reports from the Indian subcontinent; and reports from Australia, Ireland, and South Africa. In all of these cases, LLMC-Digital’s strength is in historical case reporters; the closer to the present one gets, the weaker the coverage becomes.

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Jun Tsuruta*

The purpose of this paper is to clarify the present state and problems of Japanese measures against the protection and preservation of the marine environment from the perspective of international law and Japanese domestic laws and regulations. The analysis is divided into three sections. Firstly, the relationship between Part XII of UNCLOS and the IMO marine environmental treaties will be addressed in brief. Secondly, Japanese implementation of the IMO treaties will be addressed in the context of the regulations regarding both dumping waste into the sea from vessels and marine pollution from vessels. Finally, this paper will clarify the problems regarding the Japanese implementation of marine environmental treaties.

Keywords
Marine Environment, UNCLOS, IMO, Japan Coast Guard, London Protocol

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<td>311</td>
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LAW Foreign Cases and Decisions

This guide is intended to help researchers locate the cases and decisions of foreign jurisdictions.

Foreign Cases and Decisions

Foreign law is the domestic, national or internal law of a country or jurisdiction. A case is a decision made by a court or board or tribunal.

Foreign law can be difficult to locate as it is often not as well documented as domestic law. This guide is intended to help researchers locate the cases and decisions of foreign jurisdictions. The tabs found above will open pages that have links to some relevant key sources. Legal databases may be restricted to University of Calgary users or to Faculty of Law users. It does not include international law. If that is your topic, there is an International Law guide you may wish to use in your research.

Countries are considered either common law or civil law jurisdictions. Common law countries are largely part of the Commonwealth or formerly part of the British Empire. In civil law countries, released cases are made available by courts, boards, and tribunals.

All countries release cases that are often published in case reports or reporters and may be available in print or electronically. Reporters fit into three categories: official, unofficial general or unofficial topical. Judgements are published directly by the court or tribunal from where the decision was made. Cases may also be found in journals or legal newspapers.

You may be able to find foreign reporters in print on the 1st floor of the law library.
Legal Information Institutes (LIIs)

LIIs are one of the best places to look for legislation, court decisions and other primary legal materials. Legal materials are available at various LII websites for particular countries or groups of countries:

- **World Legal Information Institute (WorldLII)**
  Free, independent and non-profit access to worldwide law

- **Commonwealth Legal Information Institute (CommonLII)**
  Free access to Commonwealth and Common Law

- **Pacific Islands Legal Information Institute**
  A facility of the University of the South Pacific Faculty of Law

- **Asian Legal Information Institute**
  Free access to Asian Law

- **Southern African Legal Information Institute (SAFLII)**
  Legal information for free public access which comprises mainly of case law and legislation from South Africa. SAFLII also hosts legal materials from other countries in the region which are obtained through partnerships, collaborative efforts and more recently through linking to other Legal Information Institutes established in these regions.

- **Hong Kong Legal Information Institute (HKLII)**
  Free access to legal information in Hong Kong

- **Zambia Legal Information Institute (ZamLII)**
World Legal Information Institute
Free, independent and non-profit access to worldwide law

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News & Database Additions
Last updated 21 November 2017

- Law via the Internet Conference 2017, Newark, USA, 19-21 October 2017 - Call for papers
- International Law Monographs 1839-1950 (WorldLII)
- Goettingen Journal of International Law 2009- (WorldLII)
- United Nations Committee Against Torture - Concluding Observations 1987 - (WorldLII)
- International Labour Organization Administrative Tribunal 1947 - (WorldLII)
- United Nations Committee on the Elimination of Discrimination Against Women - General Comments 1836 - (WorldLII)
- United Nations Committee on the Elimination of Racial Discrimination - General Comments 1972 - (WorldLII)
- United Nations Committee on Migrant Workers - Concluding Observations 2006 - (WorldLII)
- Asian-African Legal Consultative Organization - Reports 1957 - (WorldLII)
- Asian-African Legal Consultative Organization - Resolutions 1958 - (WorldLII)
- United Nations International Law Commission 1945 - (WorldLII)
- Eritrea-Ethiopia Claims Commission 2000-2009 (WorldLII)
- North Atlantic Treaty Organization Basic Texts 1941 - (WorldLII)
WorldLII >> Categories

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- Lawyers
- Legislation
- Parliaments
- Publishers & Bookshops
- Research
• Aida Hanrei
  Administrators group of Aichi University organised the case database. It covers about 1000 cases in major law fields. In Japanese.

• Colonial Cases of China & Japan [Search]
  Cases transcribed from digital copies of newspapers in the British Library's Newspapers site (on Colonial Cases, University of Macquarie)

• Computers and Internet [Search]
  Case abstracts in English (on Temple University Japan)

• Consumer Law Judgements [Search]
  Summary of cases since 1998. Produced by National Consumer Affairs Center (in Japanese)

• Intellectual Property High Court [Search]
  Official website (On Supreme Court of Japan)

• Intellectual Property High Court of Japan 2005
  Full text searchable selected decisions mostly in English (on AsianLII)

• International Decisions Concerning Japan
  Selected decisions concerning Japan in WTO, Court of European Justice, Tribunal for Law of the Sea in English (on WordLII)

• Japanese Cases in English - Intellectual Property [Search]
  Cases relating to Japanese intellectual property law (on institute of Intellectual Property (IIP))

• Japanese Court Cases and Analysis - Software Protection [Search]

• Judgements of Labor Law
  Cases after 1948 (In Japanese)

• Judgements of the Supreme Court [Search]
  Full text in English of selected judgments of the Supreme Court of Japan (On Supreme Court of Japan)

• New Case at Ritsumeikan Law Review

• News Flash for Japanese Tax Law Judgements
  News for recent Japanese tax law cases (In Japanese)

• News Flash of Japanese Judgements [Search]
  News for recent Japanese judgements. Only summary (In Japanese)

• Order and Judgements of Unfair Labor Commission [Search]
  Site in English and Japanese. Database is only in Japanese

• Overview of the Judicial System in Japan [Search]
  In English (on Japanese Supreme Court)

• Selected Labor Law Cases
  It provides cases from 1985 to 1992 field index (In Japanese)

• Senrei [Search]
  Summaries of important recent constitutional, civil and commercial law cases and articles and essays on a variety of topics relating to law in Japan.

• Supreme Court Judgements, Page of Lawyer's Goma
  Supreme court's judgements after 1995 (In Japanese)

• Supreme Court of Japan [Search]
  Homepage in Japanese and English including new decisions, some full text databases and an extensive explanation of Japanese judicial structure.

• Supreme Court of Japan 1950
  Numerous full text searchable decisions in English (on AsianLII)

• Transparency of Japanese Law Project [Search]
  English translations of Japanese judicial decisions arranged by topics including Intellectual property, Finance, Insolvency and Corporate laws.
Databases

Search by database name or use filters to help find what you are looking for

Law (49)
All Database Types
All Vendors / Providers
Search for Databases Go

49 Databases found for Law
Clear Filters/Browse All Databases

Best Bets!

CanLII
Alternative Name(s) & Keywords: Canadian Legal Information Institute, Provincial and territorial statutes and regulations
CanLII is a non-profit organization managed by the Federation of Law Societies of Canada to provide Open Access, freely accessible

HeinOnline
Alternative Name(s) & Keywords: Hein Online;
Contains the full text of numerous legal journals and monographs, U.S. government documents, foreign and international law materials,

WestlawNext Canada
Alternative Name(s) & Keywords: LawSource, LawSource, LabourSource, Labour Source
WestlawNext Canada is a full text and indexing database that provides access to a variety of law and finding tools. It includes more...
Index to Foreign Legal Periodicals

The Index to Foreign Legal Periodicals, produced by The American Association of Law Libraries, provides access to legal

International Law Reports

Alternative Name(s) & Keywords: Justis

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<td>Carbon budgets</td>
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Similar options to what we previously with the International Law Reports

Climate Change Act 2008

2008 Chapter 27

An Act to set a target for the year 2050 for the reduction of targeted greenhouse gas emissions; to provide for a system of carbon budgeting; to establish a Committee on Climate Change; to confer powers to establish trading schemes for the purpose of limiting greenhouse gas emissions or encouraging activities that reduce such emissions or remove greenhouse gas from the atmosphere; to make provision about adaptation to climate change; to confer powers to make schemes for providing financial incentives to produce less domestic waste and to recycle more of what is produced; to make provision about the collection of household waste; to confer powers to make provision about charging for single
- **United States**
  - HeinOnline – U.S. Federal Legislative History Library
  - Congress.gov
  - FDSys (formerly GPO Access and will be govinfo) – for U.S. federal government
  - Secondary literature
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Other Library Resources

- Library catalogue/search box
- WorldCat – discussed during the Search Tips session
Inter-Library Loan
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