



UNIVERSITY OF AMSTERDAM



## Conference

### **International Law through the National Prism: The Role of Domestic Courts in Shaping International Law**

**Amsterdam, 10 October 2014**

#### **Background & Theme**

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##### **Background**

Domestic and international courts are frequently engaged in the interpretation and application of international law. This practice may influence how other courts, whether domestic or international, construe and apply international law. Even if an interpretation by one court in itself is not binding for other courts, practice has shown that courts faced with questions of international law frequently look at how their colleagues in other states and/or at the international level have addressed similar questions. The search for solutions that carry transnational support can be particularly valuable in cases that are politically charged or otherwise controversial. Court-to-court dialogue on questions of international law has the potential to strengthen judicial credibility, the quality of judicial decisions and perhaps also the coherence of international law.

Yet, questions of both a practical and theoretical nature have hampered our understanding of the actual and potential significance that judicial dialogue harbours for the application and development of international law. These questions form the background for the project 'International Law through the National Prism: the Impact of Judicial Dialogue'. The project is funded by the European Science Foundation (ESF) as a European Collaborative Research Project in the Social Sciences (ECRP) and conducted by a partnership of the universities of Amsterdam, Berlin (Humboldt), Lodz, Oslo and Vienna. The universities of Salamanca, Siena and Tel Aviv are associated partners.

Over the past three years, researchers at participating universities have investigated the concept, method, and process of transnational judicial dialogue. They have examined the extent and trends of dialogue: how often and in what situations courts engage in dialogue with international or foreign courts, and to what extent it varies across regions and depending on the subject matter and/or the specific source of international law.

##### **Theme**

The final conference of the collaborative research project will present to a wider audience the main findings of the project and their implications for the shaping and development of international law. ECRP researchers and invited experts will address key aspects of the possible swing-back effect from judicial dialogues to the international legal order. The conference will include a normative reflection on decisions to give weight to judgments of other courts; an analysis of the actual extent of judicial dialogues and their impact on the development of international law in selected areas of international law and by selected courts and tribunals; an assessment of the impact of domestic court decisions in terms of the sources of international law; and a discussion of the question whether, why and how international courts and tribunals do (not) attach relevance to decisions of domestic courts.