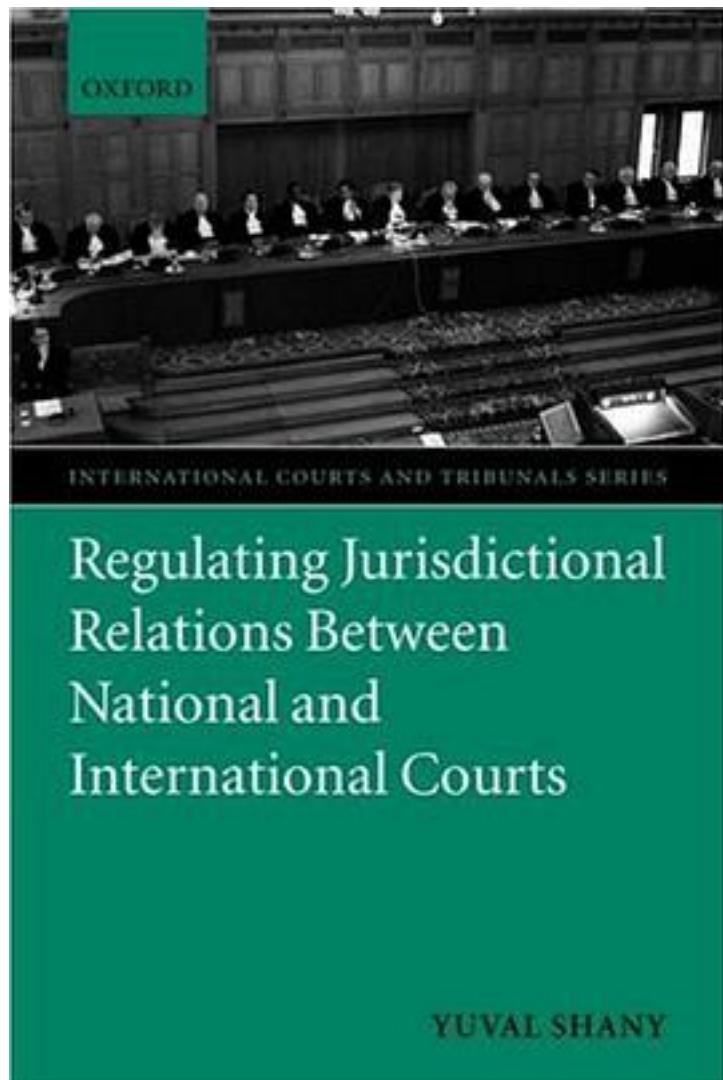


# Regulating Jurisdictional Relations Between National and International Courts



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This book seeks to investigate the growing jurisdictional interaction between national and international courts ie: their parallel involvement in the same or related disputes in the light of competing theoretical, ideological and methodological discourses on the nature of the relationship and the means to regulate it. In particular, it aims to explore what, if any, rules of international law could, or perhaps should govern such interactions, and regulate forum selection or multiple proceedings involving national and international courts. In addition, the book explores the standards of review employed by international courts vis-a-vis the decisions of their domestic counterparts and vice versa. It posits that the regulation of such interactions ultimately depends on the selection of the overarching paradigm that governs the relations between national and international courts (hierarchical as opposed to non-hierarchical and disintegrative or integrative conceptual frameworks). Following academic discussion of the problems and solutions pertaining to the interaction between national and international courts, the book considers the potential applicability of several jurisdiction-regulating measures to jurisdictional interactions between national and international courts. These include rules on forum selection and rules designed to regulate multiple proceedings (e.g. *lis alibi pendens* and *res judicata*), utilization of comity- based measures and doctrines, such as discretionary stay or dismissal of proceedings and margin of appreciation judicial review, and examination of the prohibition against abuse of rights. This segment of the book strives to provide lawyers and academics with a 'tool kit' of measures which could be employed in cases involving jurisdictional interactions between national and international courts.

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