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## **International jurisprudence in domestic courts**

### *Abstract for the general public*

Contemporary processes of globalization cause profound changes within the international legal system. We are witnessing a substantial proliferation of international regulations and their scope has not only extensively widened, but concurrently profoundly deepened. It results in a significant overlap of national and international norms. Simultaneously, international law confers more extensive rights on individuals and private parties, who are determined to safeguard them in judicial proceedings in all available fora. Consequently, domestic courts decide presently on cases and disputes, which few decades ago were reserved exclusively for international tribunals. Parallely, judicialization of international relations is occurring. After the Cold War many new international tribunals with wide scopes of jurisdiction have been established. Furthermore, traditional tribunals, for example the International Court of Justice in The Hague, are struggling with a sharp increase in the number of disputes being brought before them for settlement. Thus, the international jurisprudence is growing.

All those changes result in bringing international tribunals and domestic courts closer together in exercising their functions. The former more frequently consult domestic judicial decision in interpreting international agreements and determining norms of customary law. Domestic judgments are as well often a subject of a dispute to be resolved by international judges. Their national counterparts similarly refer to and cite international jurisprudence while applying international law. From time to time, parties to proceedings seek to enforce international decision in an internal legal order via national courts.

The goal of the research project is to examine what is the status and role of international jurisprudence in domestic courts in relation to judicial decisions they render. This question will be addressed from the perspective of both public international law as well of selected national constitutional regimes. In line with the assumptions of the proposed research, both a theoretical (existing legal regulations) and practical (their application in judicial practice) aspects will be analysed in detail.

The structure of the project consists of three basic components, what is also reflected in the research plan. The first one concentrates on the analysis of the international normative material (relevant treaties, customary law, jurisprudence) and existing legal doctrinal studies. The second part of the project utilizes the legal-comparative method to verify the status and role of international tribunal judgments in selected national jurisdictions. The third element of the project is national in nature. The relevant provisions of Polish constitutional law and the practice of higher Polish courts (Constitutional Tribunal, Supreme Court, Supreme Administrative Court, selected courts of appeal) will be analysed in relation to judgments of international tribunals. This research task will be supplemented with a survey conducted among Polish judges on their experiences with international jurisprudence.

The outcomes of the project will allow to answer the question what the real and actual role of the jurisprudence of international tribunals in national courts is. They are also supposed to complement the existing state of knowledge, as the available domestic and foreign studies do not scrutinize the proposed topic in a comprehensive manner and focus predominantly on the position of national courts within the international system underlying their role as State organs. Thus, those researches tend to see only one side of the coin, but rarely address the other, namely the status of international jurisprudence in domestic proceedings and underlying obligations of national courts.