Contents

*Table of Cases*  xvi
*Table of Treaties*  xxix
*Table of International Instruments*  xxxiii
*Table of Domestic Legislation*  xxxv
*List of Abbreviations*  xxxix

**Introduction**

I. Doctrinal Implications of Increased Jurisdictional Interaction  1
II. The Internationalization of the National  8
III. The Need for Regulation  15
IV. Structure of the Treatise and Research Methodology  20

**I. COMPETING PARADIGMS FOR DELINEATING RELATIONS BETWEEN NATIONAL AND INTERNATIONAL COURTS**

1. Categorizing Vertical and Horizontal Jurisdictional Interactions  27
   1.1 Stating the Obvious: Regulated Interactions between National and International Courts  27
   1.2 Uncharted Territory: Unregulated Interactions between National and International Courts  39

2. Conceptualizing the Relations between National and International Courts  78
   2.1 Traditional Objections to Regulation: Dualism and Hierarchy  78
   2.2 Alternative Relationship Theories  92

3. The Fragmentation of International Law  107
   3.1 Fragmentation and Jurisdictional Interaction  107
   3.2 Disintegrationism and Integrationism in Practice  110
   3.3 Analogies to the National/International Relationship  117
II. REGULATING RELATIONS BETWEEN NATIONAL AND INTERNATIONAL COURTS

4. The Feasibility of Regulation: Do National and International Proceedings Overlap?
   4.1 Non-Hierarchical Context 126
   4.2 Applicability of International Jurisdiction-regulating Rules 130
   4.3 Conditions of Jurisdictional Competition 131
   4.4 Interim Conclusions 144

5. Application of Jurisdictional-regulating Norms 145
   5.1 Choice of Forum Rules 146
   5.2 Multiple Proceedings 155
   5.3 Interim Conclusions 163

6. Flexible Jurisdiction-regulating Rules 165
   6.1 Comity 166
   6.2 *Abus de droit* 191
   6.3 Interim Conclusions 194

Conclusions 197

Bibliography 201
Index 213