Learning from Each Other

Inter-Judicial Cooperation, Jurisprudential Dialogue, and the Architecture of International Human Rights Protection

Milagros Mutsios Ramsay

01.07.2026 doi: 10.59704/89f36f03d826c9b8

The relationship between the world's regional human rights courts has undergone a quiet but consequential transformation over the past decade. What began as occasional, informal exchanges among judges and registries — encounters at conferences, the mutual citation of landmark judgments, coordinated submissions to United Nations human rights bodies — has matured into something more deliberate and structurally significant. Today, the Inter-American Court of Human Rights, the European Court of Human Rights, and the African Court on Human and Peoples' Rights communicate through established institutional channels, produce shared intellectual outputs, and read each other's decisions with the specific attention of courts that understand themselves to be engaged in a common legal project.

This blog post examines that transformation from the perspective of the Inter-American Court. It does so not by canvassing the full literature on international judicial dialogue — a rich and growing field — but by attending closely to the three dimensions in which cooperation actually operates: the formal architecture of trilateral engagement, the bilateral relationship between the Inter-American and European Courts, and the jurisprudential dialogue that flows through the decisions themselves. The field of climate change and human rights provides the central illustration, both because it has produced some of the most technically ambitious decisions in the recent history of international human rights adjudication, and because it represents a domain in which the complementarity between the regional systems is most legible.

The Formal Architecture of Trilateral Cooperation

Inter-judicial cooperation among the three regional courts is not improvised. It rests on a deliberate institutional architecture that has been constructed with care over the past eight years, beginning with the Declaration of San José of 2018.[1]

Signed on the fortieth anniversary of the Inter-American Court and the entry into force of the American Convention on Human Rights, the Declaration of San José established a Permanent Forum for Institutional Dialogue among the presidents of the three regional courts. The Forum was grounded in an explicit premise: that despite the great diversity of the continents served by the three courts, it is necessary to build synergies and confront common challenges in an integral and comprehensive manner to effectively protect the rights of persons under their respective jurisdictions. The language is notable for its candor about what the three courts share, and about why sharing it matters.

The Forum has met on four occasions. The Fourth International Human Rights Forum took place in Arusha, Tanzania, in March 2026 — a choice of location that itself reflects the Forum's commitment to rotating its geographical center of gravity.[2] The Arusha meeting addressed emerging challenges in international human rights adjudication, with particular emphasis on the implications of technological

[1] Declaration of San José, signed by the President of the Inter-American Court of Human Rights, the European Court of Human Rights, and the African Court of Human Rights, San José, Costa Rica, November 2018. https://www.corteidh.or.cr/tablas/tres-cortes/san-jose.html

[2] Fourth International Human Rights Forum of the Three Regional Courts, Arusha, Tanzania, 3-4 March 2026. See also the Third Forum declaration (2022) and the Second Forum (2020).

change, environmental crisis, and the fragmentation of multilateral institutions for the work of regional human rights courts.

Alongside the Forum, the three courts have developed a concrete and practical tool of cooperation: the Joint Jurisprudence Report.[3] Published annually, the Report presents a selection of each court's most emblematic or innovative decisions of the preceding year. It is addressed not primarily to the courts themselves — who presumably read each other's decisions through other means — but to the broader community of practitioners, scholars, and domestic courts that engage with international human rights law. In this sense, the Report functions as a channel of dissemination, extending the reach of inter-judicial dialogue beyond the courts' own institutional perimeter.

The significance of this architecture should not be overstated, but neither should it be underestimated. Formal declarations do not, by themselves, change how courts decide cases. But they do something important: they create a normative frame within which inter-judicial engagement is understood as an institutional commitment rather than an individual preference. When judges meet at the Forum, they do so as representatives of courts that have formally committed to dialogue. When the Joint Jurisprudence Report is published, it is an institutional product, not a personal initiative. That shift from informal to institutionalized cooperation has consequences for the durability and legitimacy of the dialogue.

The Bilateral Relationship: Between Declaration and Practice

Within the broader architecture of trilateral cooperation, the bilateral relationship between the Inter-American Court and the European Court occupies a particular place. It is the longest-standing of the three bilateral relationships, with roots in the earliest decades of the Inter-American system, when the European Court's jurisprudence provided one of the few available models for a newly established regional human rights court operating in a continent with no prior experience of such an institution.

Today, that relationship operates at several levels simultaneously. At the level of heads of institution, it is sustained through regular bilateral meetings, including most recently a meeting held in January 2026 on the Inter-American Court's judicial year inauguration — an event at which a judge of the European Court participated both in the public ceremony and in a subsequent working session. At the level of registries and technical staff, it is sustained through focal point networks that meet regularly in Geneva to address shared operational challenges: caseload management, technological infrastructure, outreach, and the administration of interim measures[4]

This registry-level cooperation deserves more attention than it typically receives in academic discussions of inter-judicial dialogue, which tend to focus on decisions and their citations. The work done by the focal point networks — the exchange of institutional knowledge, the coordination of approaches to common procedural problems, the building of professional relationships among staff members across courts — constitutes the connective tissue of the broader relationship. Courts do not dialogue in the abstract; they dialogue through the people who work in them and for them. Those relationships, built over time in Geneva conference rooms and in the margins of international meetings, are what make inter-judicial dialogue practically possible.

It is also worth noting that the bilateral relationship is not symmetrical. The two courts operate in different legal traditions, serve different regional constituencies, and face different institutional pressures. The European Court operates within a relatively dense network of supranational and intergovernmental institutions that provide both resources and constraints unavailable to the Inter-American system. The Inter-American Court, for its part, operates in a

[3] Joint Jurisprudence Report of the Three Regional Human Rights Courts (annual publication, first edition 2019). The report is available on the websites of each of the three courts. https://www.corteidh.or.cr/tablas/tres-cortes/san-jose.html

[4] On the role of focal point networks and registry-level cooperation in shaping inter-judicial dialogue, see generally Philip Alston & Fréderic Mégret (eds.). The United Nations and Human Rights. A Critical Appraisal (2nd ed, Oxford University Press, 2020), Ch. 14.

regional context marked by persistent rule-of-law deficits, widespread impunity, and structural inequality — conditions that shape the remedial creativity and institutional ambition of its jurisprudence. Genuine dialogue between the two courts requires acknowledgment of these differences, not their erasure.

Jurisprudential Dialogue in the Field of Climate Change

The most consequential form of inter-judicial cooperation is the form that operates through the decisions themselves: the mutual citation, engagement, and intellectual cross-fertilization that occurs when one court reads, cites, and reasons from the decisions of another. In no area is this jurisprudential dialogue more visible, or more legally significant, than in the field of climate change and human rights.

The Convergent Architecture of Climate Jurisprudence

The years 2024 and 2025 produced a series of landmark decisions by the world's most authoritative international courts and tribunals on the human rights dimensions of climate change. The European Court of Human Rights delivered its Grand Chamber judgment in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*[5], recognizing that States have positive obligations under the European Convention on Human Rights to take effective measures to mitigate climate change. The International Tribunal for the Law of the Sea issued an advisory opinion affirming that anthropogenic greenhouse gas emissions constitute marine pollution under the United Nations Convention on the Law of the Sea.[6] The International Court of Justice received a request for an advisory opinion from the United Nations General Assembly on the obligations of States with respect to climate change.[7]

Into this jurisprudential moment, the Inter-American Court introduced Advisory Opinion OC-32/25 — a document of extraordinary scope and ambition, produced through a process that involved 263 written submissions, more than 200 amicus curiae briefs, public hearings in Bridgetown, Brasilia, and Manaus, and the participation of 185 delegations from across the Americas and beyond.[8]

These decisions do not exist in isolation. They read one another, cite one another, and reinforce each other's legal authority. The emerging architecture of international climate jurisprudence is, in this sense, genuinely polycentric: no single court has constructed it alone, and no single decision provides its foundation. What exists is a web of mutually reinforcing standards, produced through the parallel and interacting work of multiple courts operating across multiple legal traditions.

The Substantive Contributions of OC-32/25

OC-32/25 makes several contributions that merit particular attention in the context of inter-judicial dialogue.

The first is its treatment of Nature as a subject of rights. Moving beyond the earlier jurisprudential frame in which the natural environment was protected instrumentally — as the precondition for the enjoyment of other rights — the Court recognized the natural world as a bearer of intrinsic legal protection, drawing on domestic constitutional developments in Colombia, Ecuador, and Brazil, and on the emerging concept of biocultural rights.[9] This represents a significant shift in the conceptual foundations of environmental human rights law, one with implications that extend well beyond the Inter-American system.

The second contribution is the recognition of the right to a healthy climate as an autonomous right, derived from Article 26 of the American Convention in connection with the principle of intergenerational equity.[10] This development is noteworthy both for its substantive content and for its methodological impli-

[5] *European Court of Human Rights (Grand Chamber), Verein KlimaSeniorinnen Schweiz and Others v. Switzerland, Application No. 53600/20, judgment of 9 April 2024.*

[6] International Tribunal for the Law of the Sea (ITLOS), Advisory Opinion on Climate Change and International Law (2024), requested by the Commission of Small Island States on Climate Change and International Law (COSIS).

[7] International Court of Justice, Request for an advisory opinion by the United Nations General Assembly (Resolution A/res/77/276) on obligations of States in respect of climate change (2024).

[8] https://corteidh.or.cr/tablas/OC-32-2025/

cations: the Court's willingness to derive new rights from the architecture of the Convention, rather than waiting for explicit textual authorization, reflects a dynamic interpretive approach that the European Court has similarly employed in its own jurisprudence. [11]

The third contribution is the Opinion's treatment of procedural rights in the climate context. States are required to produce and disseminate climate information — including measures against disinformation about the climate crisis. They must ensure meaningful political participation in climate decision-making, particularly for communities most affected by climate change. And they must provide adequate access to justice in climate cases, including the pro actione principle, collective standing, and adapted evidentiary standards to address the inherent challenges of proving causation in complex climate litigation.

The fourth contribution concerns differentiated obligations toward vulnerable groups: children and adolescents, indigenous and tribal communities, Afro-descendant and peasant communities, environmental human rights defenders, and communities in extreme poverty.[12] The Opinion's treatment of these groups reflects a broader jurisprudential commitment — shared with the European Court's recent decisions — to ensuring that the formal recognition of climate rights translates into substantive protection for those who bear the greatest burden of climate impacts while having contributed least to their causes.

Judicial Borrowing as Legal Architecture

The concept of "judicial borrowing" — the practice of one court drawing on the decisions of another — has sometimes been treated with suspicion in international legal discourse, as if citation without binding authority were merely decorative.[13] OC-32/25 offers a different understanding. When the Inter-American Court cites *KlimaSeniorinnen,* it is not engaging in citation for the sake of citation, nor is it simply acknowledging a landmark judgment out of collegial courtesy. It is signaling something about the legal architecture it is constructing: that the obligations it identifies are part of a coherent and mutually reinforcing international framework, not isolated regional standards.

This function of inter-judicial citation — constitutive rather than merely illustrative — has implications for the authority of international human rights law more broadly. One of the persistent challenges of international human rights adjudication is the problem of fragmentation: the risk that different courts, operating in different regional systems, will produce inconsistent or contradictory standards, undermining the coherence and legitimacy of the international human rights project as a whole. The convergent jurisprudence on climate change suggests that inter-judicial dialogue can function as a partial remedy for that fragmentation — not by homogenizing the outputs of different courts, but by producing a shared normative frame within which diversity of approach can coexist with coherence of principle.

The Inter-American Court's engagement with *KlimaSeniorinnen* is also methodologically instructive in a second respect. The European Court's judgment operated primarily through the lens of Article 8 of the European Convention — the right to private and family life — finding that Switzerland's failure to take adequate climate mitigation measures violated the applicants' right to respect for their home environment and well-being. The Inter-American Court, working with a different textual basis, reached structurally

[9] OC-32/25, paras. 78-112 (Nature as subject of rights and its relationship to the right to a healthy environment under the American Convention on Human Rights).

[10] OC-32/25, paras 135-148 (the right to a healthy climate as an autonomous right derived from Article 26 of the American Convention, in connection with the principle of intergenerational equity).

[11] KlimaSeniorinnen, cited above, paras 410-445 (Article 8 ECHR and positive obligations in the context of climate change), see also Duarte Agostinho and Others v. Portugal and 32 Others, Application No. 39371/20, Grand Chamber judgment of 9 April 2024.

[12] OC-32/25, paras 220-255 (procedural rights: access to information, participation, and access to justice in climate matters); paras 256-310 (differentiated obligations towards children, indigenous and tribal peoples, afro-descendant and peasant communities, environmental human rights defenders, and communities in extreme poverty).

[13] On the concept of "judicial borrowing" in international human rights law, see Anne-Marie Slaughter, "A Typology of Transjudicial Communication" 29 University of Richmond Law Review 99 (1994); Eyal Benvenisti &George W. Downs, "Court Cooperation, Executive Accountability and Global Governance," 41 New York University Journal of International Law & Politics 931 (2009).

similar conclusions through a different doctrinal pathway — one grounded in the right to a healthy environment, the right to health, the right to food, and the principle of intergenerational equity. The convergence of outcomes through divergence of methods is itself a form of judicial dialogue: it demonstrates that the standards are not contingent on any single legal framework but rather that they can be re-derived across traditions.

The Normative Stakes of Inter-Judicial Cooperation

The argument for inter-judicial cooperation is sometimes presented primarily in functional terms: courts that share information make better decisions; courts that cite each other build more coherent international law; courts that cooperate reduce duplication and increase efficiency. These arguments have force, but they do not capture what is most important about the practice — particularly at the present moment.

We are living through a period of significant stress for the international human rights system. The multilateral institutions through which that system has been built and sustained face unprecedented pressure: from States that have withdrawn from international treaties, from governments that have openly challenged the authority of international courts, and from the broader erosion of the political conditions — rule of law, democratic accountability, respect for independent institutions — that make international human rights protection possible. In this environment, the capacity of international courts to resist those pressures depends in part on their ability to speak with a coherent and mutually reinforcing voice.

Inter-judicial cooperation, understood in this light, is not merely a technical practice. It is a form of institutional resilience. When the three regional courts meet in Arusha to affirm their shared commitment to the protection of human rights, they are not only exchanging professional knowledge — they are demonstrating that the international human rights system has a spine, and that its constituent institutions understand themselves as parts of a common project. When OC-32/25 cites *KlimaSeniorinnen* and the International Tribunal for the Law of the Sea's climate opinion in the same breath, it is signaling that the climate obligations it identifies are not the innovation of a single regional court that might be dismissed or ignored, but the expression of a convergent international understanding that has been independently arrived at by multiple authoritative institutions.

At the same time, it is important to be clear about what inter-judicial cooperation cannot do. It cannot substitute for the political will of States to comply with international human rights obligations. It cannot address the structural conditions — poverty, inequality, impunity — that underlie so many of the violations that come before the regional courts. And it cannot resolve the genuine tensions that exist between different legal traditions, different conceptions of rights, and different understandings of the proper role of judicial institutions in democratic societies.

What it can do is something more modest but still significant: it can ensure that the international human rights system develops as a coherent whole rather than fragmenting into disconnected regional pockets; it can increase the persuasive and normative authority of international human rights decisions by demonstrating that they reflect not merely the preferences of a single court but the considered judgment of multiple independent institutions; and it can create the conditions — the institutional relationships, the shared intellectual frameworks, the professional trust — that make genuine cooperation possible when it is needed most.

Conclusions

The practice of inter-judicial dialogue among regional human rights courts has reached a stage of institutional maturity that warrants careful attention from scholars and practitioners alike. The formal architecture of the Permanent Forum, the Joint Jurisprudence Report, and the bilateral mechanisms sustaining day-to-day cooperation among courts and registries represents a deliberate and durable infrastructure — built with attention to both the possibilities and the limits of cooperation across different legal traditions.

Climate change and human rights illustrates both the achievements and the potential of that infrastruc-

ture. The convergent jurisprudence produced by the Inter-American Court in OC-32/25, the European Court in *KlimaSeniorinnen*, and the International Tribunal for the Law of the Sea marks, at minimum, the emergence of a shared normative framework for understanding States' human rights obligations in the face of the climate emergency. Whether that framework will translate into effective domestic implementation — whether the communities whose rights are at stake will actually experience its protection — depends on factors that lie beyond any court's reach. But the framework itself is significant, and its coherence is, in substantial part, a product of the inter-judicial dialogue this blog post has examined.

For the Inter-American Court, whose jurisprudence has long operated at the intersection of ambition and constraint — ambitious in its conception of rights, constrained by the structural realities of the region it serves — inter-judicial cooperation offers a particular resource: the authority that comes from being part of something larger. OC-32/25 is a more powerful document because it participates in a global jurisprudential conversation, not despite operating within a regional system.

The title of the panel from which this blog post derives — *Learning from Each Other* — captures something essential about the spirit of inter-judicial dialogue at its best. It is a spirit of genuine intellectual exchange: curiosity about how other courts have approached problems that all courts share, and openness to the possibility that answers arrived at in one legal tradition might illuminate questions being worked through in another. That spirit, modest as it may sound, is not a small thing. In the current moment, it may be one of the more consequential contributions that international courts can do for the rule of law.

ABOUT THE AUTHOR

Milagros Mutsios Ramsay
Milagros Mutsios-Ramsay is a JSD Candidate at Yale Law School and a Lawyer at the Inter-American Court of Human Rights.

SUGGESTED CITATION

Ramsay, Milagros Mutsios: Learning from Each Other: Inter-Judicial Cooperation, Jurisprudential Dialogue, and the Architecture of International Human Rights Protection, Verfassungsblog, 01.07.2026, doi: 10.59704/89f36f03d826c9b8.

Licensed under CC BY-SA 4.0.

Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260701-190626-0.