



# iCourts *insights*

## International Courts in Latin America and the Caribbean – Foundations and Authority

During the decades of post-World War II, Latin America and the Caribbean countries hoped to strengthen market and political integration by establishing several international courts (ICs). Instead, these ICs have been the most successful on matters only remotely linked to market integration, such as intellectual property, human and fundamental rights, and enforcement of the rule of law in their member states. While puzzling at first sight, these developments have allowed them to influence Latin American and Caribbean politics and society and to become important players in their contexts.

### **What we knew before**

The Latin American and Caribbean ICs would play a crucial role in market integration since they are institutional copies of the highly successful Court of Justice of the European Union.

### **What we know now**

The Latin American and Caribbean ICs have developed important roles beyond market integration by evolving from mere institutional copies of the European Court to adapting to their local and legal contexts. As such, they are not failures, but institutions that have developed

unique roles where they were most needed; quite often beyond European style market integration.

### **Implications of new knowledge**

Contrary to what some lawyers and political scientists believe, there is no universal success formula for ICs. Rather, socio-political contextual factors – like the history of a region, the timing of their creation, the interests of powerful actors, the national and regional politics, and the legal culture – often play a decisive role in influencing the direction of ICs.

### **Research source**

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