T. Althunayan

Dealing with the Fragmented International Legal Environment
WTO, International Tax and Internal Tax Regulations

Taxes are sometimes so fundamental to domestic systems that they are almost impossible to change, as when the tax system is part of a nation's majority religion or is linked to another value deeply rooted in local communities, such as housing or farming. There is a danger in the WTO, a Geneva-based entity, making decisions for people living in distant locations with regard to tax issues related to their local needs and wants. The Saudi Arabian tax system exemplifies the tension between religion, tax and trade, because tax has a role in the country's religion and is an essential part of its laws. Therefore, there is a need for maintaining a delicate balance between local needs and international commitments with respect to taxation.

Contents

Fields of interest
International & Foreign Law/Comparative Law; Financial Law/Fiscal Law; European Law/Public International Law

Target groups
Scientists

Type of publication
Monograph

F. Calderoni, Milano, Italy

Organized Crime Legislation in the European Union
Harmonization and Approximation of Criminal Law, National Legislations and the EU Framework Decision on the Fight Against Organized Crime

Just a few months after the entry into force of the EU Framework Decision on the fight against organized crime, this book provides an unprecedented analysis of the national and European legislation on organized crime. The book provides a critical examination of the European policies and legal instruments to promote the harmonization and approximation of criminal law in this field (including the United Nations Convention on Transnational Organized Crime).

The current level of harmonization among EU Member States and the approximation to the standards of the new Framework Decision are discussed in detail, with the help of tables, graphs and maps. The results highlight the problems surrounding the international legal instruments and the inconsistencies of the national approaches to combating organized crime.

Fields of interest
Criminal Law; European Law/Public International Law; International & Foreign Law/Comparative Law

Target groups
Lawyers, policymakers and academics interested in European union law, criminal law, comparative criminal law, international criminal law, criminology, officials, members and other professionals related to international and European organizations (e.g. European judicial network, United Nations office of drug and crime, Europol, Interpol, Office of the Constitutional Court of the Republic of Poland, Warsaw, Poland (Eds)

Type of publication
Monograph

J. Jemielniak, University of Copenhagen, Denmark; P. Miklaszewicz, Office of the Constitutional Court of the Republic of Poland, Warsaw, Poland (Eds)

Interpretation of Law in the Global World: From Particularism to a Universal Approach

The volume examines the impact of applying transnational rules application on the repertory, methods and practice of legal interpretation. It scrutinizes how globalization processes in law - those reaching top-down (such as European law), as well as those developing bottom-up (such as the new lex mercatoria and international commercial arbitration) - influence the often highly innovative use of various methods of legal rendition. It also examines to what extent they affect supranational and domestic decision-making. Capturing the current development of universalizing tendencies in legal interpretation, the book offers both an extensive theoretical background and thorough studies on adjudicatory practice in such fields as European and constitutional law, international business law and arbitration or criminal law.

Contents

Fields of interest
International & Foreign Law/Comparative Law; General Law/Fundamentals; Law Theory/Law Philosophy

Target groups
Scientists, practitioners, professionals

Type of publication
Contributed volume
Killing in a Gray Area between Humanitarian Law and Human Rights

How Can the National Police of Colombia Overcome the Uncertainty of Which Branch of International Law to Apply?

Armed forces can be confronted with the problem of correctly classifying a targeted group as one that is or is not party to an armed conflict. In particular, this happens in a context of a high level of violence where a non-international armed conflict is (likely) occurring at the same time, such as in Iraq, Afghanistan, Brazil or Mexico. The difficulty of qualifying the targeted group leads to a legal uncertainty in which it is unclear whether an operation is governed by international humanitarian law or the international law of human rights. The problem is of particular interest when lethal force is resorted to, as killing might be illegal under one of the two branches. The book attempts to provide guidance on how this uncertainty can be overcome. In order to do so, the requirements to kill under IHL and human rights law are analyzed and compared, as well as assessed in concrete operations of the National Police of Colombia who face this problem on a regular basis.

Contents
Introduction.- The Situation in Colombia.- Legal Requirements for the Use of Lethal Force.- Use of Lethal Force by the National Police of Colombia in Various Operations.- Main Findings and Thesis Statement.

Fields of interest
European Law/Public International Law; International & Foreign Law/Comparative Law; Political Science

Target groups
Libraries, humanitarian organizations, armed forces, NGO's in the field of human rights

Type of publication
Monograph

The Rule of Law in Comparative Perspective

This new volume on The Rule of Law in Comparative Perspective compares the different conceptions of the rule of law that have developed in different legal cultures. Lawyers and legal scholars from various legal systems describe the social purposes and practical applications of the rule of law, and how it might be improved in the varied circumstances of their own courts and policies. This book will be of interest to lawyers, judges, public officials, and to all those wishing to improve the fundamental structures of their own legal systems, by bringing equal justice to every person subject to the power of the state.

Features
- A unique comparative study on one of the most important questions in contemporary legal reform
- Provides a multinational insight into how the Rule of Law has developed in different legal cultures
- Essential reading for those wishing to improve the fundamental structures of their own legal systems

From the contents
1. An Introduction to the Rule of Law in Comparative Perspective; Mortimer Sellers
2. The Rule of Law in Ancient Greek Thought; Fred D. Miller Jr.
3. The Liberal State and Criminal Law Reform in Spain; Aniceto Masferrer
4. Some Realism about Legal Certainty in the Globalization of the Rule of Law; James R. Maxeiner
5. Is Goal-Based Regulation Consistent with the Rule of Law?; S.J.A. ter Borg, W.S.R. Stoter
6. Reflections on Shakespeare and the Rule of Law; Robert W. Peterson

Fields of interest
International & Foreign Law/Comparative Law; General Law/Fundamentals; Philosophy of Law

Target groups
Legal scholars, academics, lawyers, public officials, NGOs and judges

Type of publication
Contributed volume

Shaping Internet Governance: Regulatory Challenges

In collaboration with Mirina Grosz and Romana Weber

The recent intensive discussions about the contents of Internet governance addressed manifold aspects of a possible regulatory regime. Since an international treaty structure is missing and self-regulation as a normative model does not suffice in all respects, new architectural and constitutional theories need to be developed.

Features
- Analysis of the regulatory topics related to internet governance

From the contents

Fields of interest
International & Foreign Law/Comparative Law; European Law/Public International Law; Legal Aspects of Computing

Target groups
Scholars and professionals in the field of internet law, law reform agencies, libraries

Type of publication
Monograph