

Istituzioni Di Diritto Internazionale

International Law Reports is the only publication in the world wholly devoted to the regular and systematic reporting in English of courts and arbitrators, as well as judgements of national courts.

There is a great degree of controversy on the proper complexion and role of general principles of law in the international legal order. Opinions range from total rejection of some types of principles to the most enthusiastic endorsement of principles as the necessary oil for the many complex wheels of the legal order. In this book one of the leading public lawyers of his generation explores the concept of good faith and its role in international law. Rather than offer a detailed, comprehensive examination, Kolb aims to map the true points of gravity of the principle of good faith in the international legal order. In so doing, he illustrates how the various legal institutions who operate in the sphere of public international law allow the principle of good faith to unfold.

This volume critically reassesses the history and impact of international law in Italy. It examines how Italy's engagement with international law has been influenced and cross-fertilized by global dynamics, in terms of theories, methodologies, or professional networks. It asks to what extent historical and political turning points influenced this engagement, especially where scholars were part of broader academic and public debates or even active participants in the role of legal advisers or politicians. It explores how international law was used or misused by relevant actors in such contexts. Bringing together scholars specialized in international law and legal history, this volume first provides a historical examination of the theoretical legal analysis produced in the Italian context, exploring its main features, and dissident voices. The second section assesses the impact on international law studies of key historical and political events involving Italy, both international and domestically; and, conversely, how such events influenced perceptions of international law. Finally, a concluding section places the preceding analysis within a broader, contemporary perspective. This volume weighs in on in the growing debate on the need to explore international law from comparative and local viewpoints. It shows how regional, national, and local contexts have contributed to shaping international legal rules, institutions, and doctrines; and how these in turn influenced local solutions.

Il Compendio di Diritto Internazionale è indirizzato agli studenti universitari e a tutti coloro intendano approfondire le linee generali della materia. Accessibile e sintetico, contiene la disciplina dei profili generali della materia, trattando della storia e le teorie principali di essa, dei soggetti, delle norme consuetudinarie, dei trattati, dell'adattamento, della sovranità degli Stati e delle regole di immunità, della prevenzione e risoluzione delle controversie internazionali, dell'illecito internazionale, e dell'uso della forza. Una panoramica sui diritti umani completa questo compendio, che, come tradizione della Manualistica Studiopiigi, fa della chiarezza espositiva e della sinteticità il suo punto di forza. E come sempre, al prezzo più basso d'Italia. Anche il Diritto Internazionale, da oggi, è "facile facile".

Il Corso di diritto internazionale di Sergio Marchisio, giunto alla sua terza edizione, si conferma strumento indispensabile per la conoscenza delle dinamiche di evoluzione del diritto internazionale contemporaneo di fronte alle sfide globali che la comunità internazionale si trova ad affrontare. Coniugando con rigore scientifico e originalità la ricostruzione sistematica delle norme giuridiche vigenti con i casi della prassi internazionale – considerata nutrimento essenziale del diritto internazionale –, il manuale ne evidenzia i rapporti reciproci nelle fasi di creazione, attuazione e garanzia del diritto. Agli studenti, cui il Corso è principalmente destinato, viene così trasmessa la conoscenza dei fondamenti e dei contenuti essenziali di un sistema giuridico che ha conosciuto negli ultimi decenni uno sviluppo impressionante. Ai capitoli dedicati a temi tradizionali, come fonti, soggetti, adattamento dei sistemi giuridici interni, responsabilità internazionale e soluzione delle controversie, si affiancano capitoli che approfondiscono aspetti più evolutivi, relativi alla tutela dei diritti umani e dell'ambiente, al mantenimento della pace nel quadro delle Nazioni Unite, alla promozione dello sviluppo sostenibile, ai progressi nella codificazione dei crimini internazionali e nella creazione di meccanismi di repressione. Il percorso formativo proposto nel Corso di diritto internazionale facilita il necessario apprendimento della tecnica e del linguaggio giuridici e favorisce, con una trattazione chiara e argomentata, l'acquisizione da parte del lettore di un'autonoma capacità di valutazione critica dei caratteri essenziali del diritto internazionale contemporaneo

Il manuale "Istituzioni di diritto internazionale" è indirizzato agli studenti universitari e a tutti coloro intendano approfondire le linee generali della materia. È idealmente diviso in due parti. La prima contiene la disciplina dei profili generali, e quindi tratta dei soggetti, delle norme consuetudinarie, dei trattati, dell'adattamento, della sovranità degli Stati e delle regole di immunità, della prevenzione e risoluzione delle controversie internazionali, dell'illecito internazionale, e dell'uso della forza. La seconda parte tratta invece delle più importanti tematiche settoriali, spesso oggetto di trattazioni specialistiche, e invece inserite nel volume proprio per consentire un primo loro approfondimento. Così, si tratta di diritti umani e diritto internazionale, del diritto del mare, della tutela ambientale nel diritto internazionale, della protezione di beni culturali a livello internazionale, e del diritto internazionale dell'economia. Trattasi quindi di uno dei valori aggiunti di queste Istituzioni di diritto internazionale, che altri manuali non hanno, gli altri due valori aggiunti essendo la sua redazione da parte di diversi autori, ciascuno avente competenze specifiche, e l'attenzione massima per la prassi e in particolare per l'evoluzione della giurisprudenza internazionale e transnazionale. Gli Autori del volume sono professori di diritto internazionale o di diritto dell'Unione europea in diverse università italiane. Provengono dalle scuole internazionaliste di Genova e Milano, da sempre legate da profondi rapporti di collaborazione scientifica e didattica, oltretutto comunanza di interessi sviluppatasi anche attraverso numerosi progetti di ricerca.

First published in 1917 (Part 1) and 1918 (Part 2), with a second edition in 1946, this is the first English translation of Santi Romano's classic work, *L'ordinamento giuridico* (The Legal Order). The main focus of *The Legal Order* is the notion of institution, which Romano considers to be both the core and distinguishing feature of law. After criticising accounts of the nature of law centred on notions of rule, coercion or authority, he offers a compelling conception, not merely of law as an institution, but of the institution as 'the first, original and essential manifestation of law'. Romano advances a definition of a legal institution as any group who share rules within a bounded context: for example, a family, a firm, a factory, a prison, an association, a church, an illegal organisation, a state, the community of states, and so on. Therefore, this understanding of legal institutionalism at the same time provides a ground-breaking theory of legal pluralism whereby 'there are as many legal orders as institutions'. The acme of a jurisprudential current long overlooked in the Anglophone environment (Romano's work is highly regarded in France, Germany, Spain and South America, as well as in Italy), *The Legal Order* not only proposes what Carl Schmitt described as a 'very significant theory'. More importantly, it offers precious insights for a thorough rethinking of the relationship between law and society in today's world.

International Law provides a comprehensive theoretical examination of the key areas of international law. In addition to classic cases and materials, Carlo Focarelli addresses the latest relevant international practice to illustrate contemporary themes and trends in international law and to examine its most topical challenges.

This title examines the process through which the European Convention on Human Rights, along with the case law of the European Court of Human Rights, has been interpreted and applied in the Member States, and how this has impacted upon their domestic legal orders.

This book studies the topic of forced climate migrants (commonly referred to as "climate refugees") through the lens of international law and identifies the reasons why these migrants should be granted international protection. Through an analysis focused on climate change and human rights international law, it points out the legal principles and rules upon which an international obligation to protect persons forced to migrate due to climate change is emerging. Sciacaluga advocates for a state obligation to protect climate migrants when their origin countries have become extremely environmentally fragile due to climate change—to the point of becoming unable to guarantee the exercise of inalienable human rights in their territories. Turning to the future, this book then investigates the current elements on which a "forced climate

migrants law” could be built, ultimately arguing for the duty to provide some form of assistance to forced climate migrants in a third state within the international legal system.

The emergence of new and substantial human migration flows is one of the most important consequences of globalisation. While ascribable to widely differing social and economic causes, from the forced migration of refugees to upper-middle-class migration projects and the movement of highly skilled workers, what they have in common is the effect of contributing to a substantial global redefinition in terms of both identity and politics. This book contains contributions from scholars in the fields of law, social sciences, the sciences, and the liberal arts, brought together to delineate the features of the migration phenomena that will accompany us over the coming decades. The focus is on the multifaceted concept of 'border' as representing a useful stratagem for dealing with a topic like migration that requires analysis from several perspectives. The authors discuss the various factors and issues which must be understood in all their complexity so that they can be governed by all social stakeholders, free of manipulation and false consciousness. They bring an interdisciplinary and comparative perspective to the social phenomena such as human trafficking, unaccompanied foreign minors, or ethnic-based niches in the job market. The book will be a valuable guide for academics, students and policy-makers.

This book is based on the observation that international law is undergoing a process of change and modernization, driven by many factors, among which the affirmation and consolidation of the role of the individual and of the theory of human rights stand out. In the contemporary world, international law has demonstrated an ability to evolve rapidly. But it is still unclear whether its modernization process is also producing structural changes, which affect the subjects, the sources and even the very purpose of this law. Is it truly possible to speak of a paradigmatic and ideological change in the international legal system, one that also involves a transition from a state-centred international order to a human-centred one, and from inter-state justice to global justice? The book addresses three fundamental aspects of the modernization process of international law: the possible widening of the concept of international community and of the classic assumptions of statehood; the possible diversification of the sources of general international law; and the ability of international law to adapt to new challenges and to achieve the main goals for humanity set by the United Nations. The overall objective of the book is to provide the tools for a deeper understanding of the transition phase of contemporary international law, by examining the major problems that characterize this phase. The book will also stimulate critical reflection on the future prospects of international law.

Judicial review of taxation in the world's two most economically significant multistate systems, the European Union and the United States, has exposed a remarkable divergence. Although there are important differences between the competences of the two tribunals, the fact remains that the European Court of Justice has been much more aggressive in striking down Member State income tax rules than has the United States Supreme Court in comparable cases. This book – the only full-scale comparative analysis of the tax jurisprudence of the two judicial systems, now in an updated second edition – asks: Why this divergence? And what can the two tribunals learn from each other about adjudicating issues that arise from the interaction of tax regimes in the context of a single market? Among the contributory issues and topics covered are the following: – conceptions of sovereignty and federalism; – discrimination in direct tax matters as an obstacle to a meaningful single market; – allocation of taxation competences; – nonresident versus resident taxation; – double burdens on cross-border economic activity; – retroactive recovery of unlawful state aid in the European Union; – role of competition law; – the revenue interests of states; – levels of corporate taxation; – the OECD Model's nondiscrimination rules; and – the preliminary interpretation mechanism of the Court of Justice. An insightful and penetrating analysis of a topic of material importance to governments, tax policy makers, and tax lawyers on both sides of the Atlantic, this book clearly explains how the Supreme Court and the Court of Justice continue to struggle with the conflict between generally accepted tax principles and the effective prevention of discriminatory treatment of taxpayers. All tax professionals concerned with the interaction of sovereignty, tax assignment, legislation, and judicial decisions in tax law will benefit greatly from its clear-sighted and comprehensive treatment, as well as from its perspectives on the practical implications of each tribunal's decision making.

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