

Chapter 1 : International taxation - Wikipedia

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Introduction[edit] Systems of taxation vary among governments, making generalization difficult. Specifics are intended as examples, and relate to particular governments and not broadly recognized multinational rules. Unless otherwise specified, the term "income" should be read broadly. Jurisdictions often impose different income based levies on enterprises than on individuals. Entities are often taxed in a unified manner on all types of income while individuals are taxed in differing manners depending on the nature or source of the income. Many jurisdictions impose tax at both an entity level and at the owner level on one or more types of enterprises. However, there are notable exceptions, including U. These regimes tax some class of taxpayers according to tax system applicable to other taxpayers but based on a deemed level of income, as if earned by the taxpayer. Disputes can arise regarding what levy is proper. Procedures for dispute resolution vary widely and enforcement issues are far more complicated in the international arena. The ultimate dispute resolution for a taxpayer is to leave the jurisdiction, taking all property that could be seized. For governments, the ultimate resolution may be confiscation of property , incarceration or dissolution of the entity. Other major conceptual differences can exist between tax systems. These include, but are not limited to, assessment vs. Systems of taxation on personal income No income tax on individuals Territorial Residence-based Citizenship-based Countries that tax income generally use one of two systems: In the territorial system, only local income "income from a source inside the country" is taxed. In the residence-based system, residents of the country are taxed on their worldwide local and foreign income, while nonresidents are taxed only on their local income. In addition, a very small number of countries, notably the United States , also tax their nonresident citizens on worldwide income. Countries with a residence-based system of taxation usually allow deductions or credits for the tax that residents already pay to other countries on their foreign income. Many countries also sign tax treaties with each other to eliminate or reduce double taxation. In the case of corporate income tax, some countries allow an exclusion or deferment of specific items of foreign income from the base of taxation. Individuals[edit] The following table summarizes the taxation of local and foreign income of individuals, depending on their residence or citizenship in the country. It includes entries:

Chapter 2 : International law - Wikipedia

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It is probably the case that almost all nations observe almost all principles of international law and almost all of their obligations almost all the time. However, there are means by which breaches are brought to the attention of the international community and some means for resolution. For example, there are judicial or quasi-judicial tribunals in international law in certain areas such as trade and human rights. The formation of the United Nations, for example, created a means for the world community to enforce international law upon members that violate its charter through the Security Council. Since international law exists in a legal environment without an overarching "sovereign" i. In many cases, enforcement takes on Coasian characteristics, where the norm is self-enforcing. In other cases, defection from the norm can pose a real risk, particularly if the international environment is changing. When this happens, and if enough states or enough powerful states continually ignore a particular aspect of international law, the norm may actually change according to concepts of customary international law. As with any system of law, many violations of international law obligations are overlooked. States may also unilaterally adopt sanctions against one another such as the severance of economic or diplomatic ties, or through reciprocal action. In some cases, domestic courts may render judgment against a foreign state the realm of private international law for an injury, though this is a complicated area of law where international law intersects with domestic law. It is implicit in the Westphalian system of nation-states, and explicitly recognized under Article 51 of the Charter of the United Nations, that all states have the inherent right to individual and collective self-defense if an armed attack occurs against them. Article 51 of the UN Charter guarantees the right of states to defend themselves until and unless the Security Council takes measures to keep the peace. International legal system and United Nations General Assembly Resolution As a "deliberative, policymaking and representative organ", the United Nations General Assembly "is empowered to make recommendations"; it can neither codify international law nor make binding resolutions. The Assembly also declared, by its adoption of resolution A, that it could call for other collective measures "such as economic and diplomatic sanctions" in situations constituting the milder "threat to the Peace". The Uniting for Peace resolution was initiated by the United States in, shortly after the outbreak of the Korean War, as a means of circumventing possible future Soviet vetoes in the Security Council. The legal role of the resolution is clear, given that the General Assembly can neither issue binding resolutions nor codify law. It was never argued by the "Joint Seven-Powers" that put forward the draft resolution, [24] during the corresponding discussions, that it in any way afforded the Assembly new powers. Alleged violations of the Charter can also be raised by states in the Security Council. In rare cases, the Security Council can adopt resolutions under Chapter VII of the UN Charter, related to "threats to Peace, Breaches of the Peace and Acts of Aggression," which are legally binding under international law, and can be followed up with economic sanctions, military action, and similar uses of force through the auspices of the United Nations. The binding nature of such resolutions can be deduced from an interpretation of their language and intent. States can also, upon mutual consent, submit disputes for arbitration by the International Court of Justice, located in The Hague, Netherlands. The judgments given by the Court in these cases are binding, although it possesses no means to enforce its rulings. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. As of June, there are 15 cases pending at the ICJ. Decisions made through other means of arbitration may be binding or non-binding depending on the nature of the arbitration agreement, whereas decisions resulting from contentious cases argued before the ICJ are always binding on the involved states. Though states or increasingly, international organizations are usually the only ones with standing to address a violation of international law, some treaties, such as the International Covenant on Civil and Political Rights have an optional protocol that allows individuals who have had their rights violated by

member states to petition the international Human Rights Committee. Investment treaties commonly and routinely provide for enforcement by individuals or investing entities. The only one claiming universal jurisdiction is the United Nations Security Council. East Africa Community[edit] There were ambitions to make the East African Community, consisting of Kenya , Tanzania , Uganda , Burundi and Rwanda , a political federation with its own form of binding supranational law, but this effort has not materialized. Union of South American Nations[edit] Main article: It intends to establish a framework akin to the European Union by the end of It is envisaged to have its own passport and currency, and limit barriers to trade. Andean Community of Nations[edit] Main article: It started with the Cartagena Agreement of 26 May , and consists of four countries: Bolivia , Colombia , Ecuador and Peru. The Andean Community follows supranational laws, called Agreements, which are mandatory for these countries. International legal theory[edit] Main article: International legal theories International legal theory comprises a variety of theoretical and methodological approaches used to explain and analyse the content, formation and effectiveness of international law and institutions and to suggest improvements. Some approaches center on the question of compliance: Other approaches focus on the problem of the formation of international rules: Some of these approaches are based on domestic legal theory , some are interdisciplinary , and others have been developed expressly to analyse international law. Classical approaches to International legal theory are the Natural law , the Eclectic and the Legal positivism schools of thought. The natural law approach argues that international norms should be based on axiomatic truths. In Hugo Grotius argued that nations as well as persons ought to be governed by universal principle based on morality and divine justice while the relations among polities ought to be governed by the law of peoples, the *jus gentium* , established by the consent of the community of nations on the basis of the principle of *pacta sunt servanda* , that is, on the basis of the observance of commitments. On his part, Emmerich de Vattel argued instead for the equality of states as articulated by 18th-century natural law and suggested that the law of nations was composed of custom and law on the one hand, and natural law on the other. During the 17th century, the basic tenets of the Grotian or eclectic school, especially the doctrines of legal equality, territorial sovereignty, and independence of states, became the fundamental principles of the European political and legal system and were enshrined in the Peace of Westphalia. The early positivist school emphasized the importance of custom and treaties as sources of international law. Cornelius van Bynkershoek asserted that the bases of international law were customs and treaties commonly consented to by various states, while John Jacob Moser emphasized the importance of state practice in international law. The positivism school narrowed the range of international practice that might qualify as law, favouring rationality over morality and ethics. The Congress of Vienna marked the formal recognition of the political and international legal system based on the conditions of Europe. International law, as it is, is an " objective " reality that needs to be distinguished from law "as it should be. On this view, "public" international law is said to cover relations between nation-states, and includes fields such as treaty law , law of sea , international criminal law , the laws of war or international humanitarian law , international human rights law , and refugee law. This concerns regional agreements where the laws of nation states may be held inapplicable when conflicting with a supranational legal system when that nation has a treaty obligation to a supranational collective. A further frequently used term is "transnational law", which refers to a body of rules that transcend the nation state. For treaties bind only those who sign them. This is why international politics is called power politics War is the only means by which states can in the last resort defend vital interests Its decentralised nature makes it similar to the law that prevails in preliterate tribal societies. Morgenthau asserts that no state may be compelled to submit a dispute to an international tribunal, making laws unenforceable and voluntary. Later surveys have produced similar contradictory results.

Chapter 3 : IMF Tax Law Notes

Therefore there is much debate on whether international tax law is simply the body of treaties governing cross border transactions or if there is more to it than that. The concept of treaties making up a body of law is a bizarre one and in a sea of bilateral agreements, there seems to be some norm that has formed.

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Chapter 5 : International Tax Law - Exam Notes – The WritePass Journal : The WritePass Journal

International taxation-What is it? International taxation is the study or determination of tax on INCOME /PROFIT of an individual or enterprise, subject to the tax laws of different countries.

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International taxation can mean several thingsThe study of the interaction of different countries’s tax laws, as they affect individuals and companies with income and assets in more than one countryThe comparative study of different countries’s tax laws The international aspects of an individual country’s tax laws.

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the tax system and provides residents with a tax incentive to invest abroad. Such an incentive is almost certainly contrary to the national interests of a State in need of capital for domestic.

Chapter 9 : Taxation Notes | South African Tax Guide

a tax might not always be borne by those who the law says have a responsibility to pay for it. For most taxes, the burden of payments is often shifted, either directly or indirectly to others. A. Tax-Shifting: Tax on Producers (Graphical Analysis).