

## ■ PREFACE

*Claudia Fuchs & Konrad Lachmayer*

### **Launching the Vienna Online Journal on International Constitutional Law (ICL-Journal)**

It is a great pleasure to present the first number of the Vienna Online Journal on International Constitutional Law! The ICL-Journal is a quarterly published eJournal containing articles on recent developments in International Constitutional Law from researchers, scholars and other professionals. The idea to publish a quarterly eJournal was developed in the context of the NICLAS Summer School (New International Constitutional Law Approach – Summer school) which was held in Vienna in 2007 for the first time. The summer school's main aim is to analyse developments of the European Union in an International Constitutional Law perspective, primarily focusing on the aspects of democracy, governance and human rights.

The International Constitutional Law-approach as a new legal perspective combines Constitutional law, public international law, European law and legal theory. The interrelations between different levels of multi-level constitutionalism (international level, European level and national level) are examined. The focus also lies on comparing different constitutional structures and the underlying constitutional concepts.

The Online Journal will serve as a publishing platform both for the scientific results of the above mentioned Summer School as well as for other articles relating to International Constitutional Law. Besides putting the spotlight on constitutional developments in other countries and on supra- and international levels, the Vienna Online Journal on International Constitutional Law wants to be a "window" to Austrian Constitutional Law from the perspective of the English speaking world and has thus the objective of facilitating the reception of Austrian constitutional law in international legal studies. Since regular reports about Austrian constitutional legislation and jurisprudence are hardly available in foreign languages, the ICL-Journal wants to fill this gap by reporting on constitutional developments in Austria. For this purpose, every issue contains summaries of recent and relevant decisions of the Austrian Constitutional Court.

Finally, book reviews provide an overview of new publications both in International Constitutional Law and Austrian public law.

The Vienna Online Journal on International Constitutional Law is edited by a team of young Austrian researchers, who work at different Austrian universities, scientific institutes and public institutions. The Scientific Advisory Board of the ICL-Journal is composed of leading professors and lawyers in the field of constitutional law in Austria.

In this first issue of the ICL-Journal you will find three papers, authored by lecturers of the NICLAS Summer School 2007. *Walter van Gerven* is dealing with

a comparison on "Federalism in the US and Europe". After analysing the historical developments of federalism in the United States and selected European nation states, *van Gerven* focuses on federalism as a concept for the European Union. *Mark van Hoecke's* article about "Structure of Legal Systems and Conceptions of Democracy" claims that a singular legal approach in understanding democracy is not enough; moreover, we "have to take into account underlying conceptions of democracy or competing conceptions that are part of the public political debate within the society to which the legal system applies". Finally, in his article "Threats of Terrorism and Selected Case Law of the European Court of Human Rights" *Jan Sikuta*, judge at the European Court of Human Rights, presents a tour d'horizon through the court's case law dealing with terrorism. He concludes as follows: "States must have the ability to protect themselves effectively against terrorism, and human rights law must accommodate this need."

Three reports on constitutional developments in Austria provide an overview of recent decisions of the Austrian Constitutional Court. The current issue deals with limits to the freedom of assembly by militant democracy, data protection in traffic law and limits to transparency for Austrian administration. In the section "book reviews" you will find a recently published book on the increasing interrelation of different constitutional systems.

Thus, we hope that our ICL-Journal deals with topics that are of interest to you and allows for an informative insight into Austrian constitutional law. Enjoy this first issue!

*Claudia Fuchs & Konrad Lachmayer*

The ICL-Journal is an all-electronic, e-mail delivered, quarterly published, academic periodical with a focus on International Constitutional Law. If you are interested in receiving the journal, you may download each issues from: [www.icl-journal.com](http://www.icl-journal.com). There is no subscription fee.

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