

■ PREFACE

Claudia Fuchs & Konrad Lachmayer

World Bank Immunity, European Welfare State and Same-sex partnerships in Austria

Welcome to the year 2008! With the New Year the ICL-Journal is starting its second volume. As the title indicates, the issue 1/2008 contains analyses of a number of constitutional matters.

The first article from *Gerhard Thallinger* deals with "The possible role of domestic courts in enhancing World Bank accountability". The article deals with victims claiming to suffer damage or harm from a World Bank project and examines the possibilities of how to pursue remedies on the national level and how to ask for a request of investigation before the World Bank's Inspection Panel. Thereby, the article analyzes to what extent the establishment of the Inspection Panel has an impact on the scope of the Bank's jurisdictional immunity as granted by domestic courts.

The second article discusses the "The Concept of Solidarity in National and European Law: The Welfare State and the European Social Model". *Juliane Ottmann* is transferring the model of social solidarity from the nation state to the European Union. As a starting point, she presents different perspectives of solidarity from a moral, legal, sociological and economic point of view. The developments on the European level are significant. The article is founding these developments with a theoretical basis, discussing different approaches like *Rawls'* veil of ignorance, *François Ewald's* "Contrat de Solidarité" or *Durkheim's* concept of organic solidarity.

Starting with the new volume 2008, the ICL-Journal aims to outline the basic facts of Austrian constitutional law. As a first step, *Ronald Faber* gives an introduction to the normative concept of the Austrian constitutional court. The author presents the organisation of the constitutional court as well as its reviewing powers. He also deals with the ongoing reform process of the Austrian constitution and its impact on the jurisdiction of the constitutional court.

In the rubric "Austrian constitutional developments", this issue puts the focus on constitutional court decisions regarding same-sex partnerships. In the last decade a major shift in the law on same-sex partnerships and enabling same-sex marriage is reflecting a new tolerance in Europe as a whole. The situation in Austria is still at an intermediate stage wedged between a rather conservative approach of discriminating against same-sex partnerships on the one hand side and a more liberal point of view regarding the tolerance of same-sex partnerships. For this reason, the case-law of the Austrian constitutional court is of particular importance in this process. Hence a number of recent decisions have been selected for publication in this journal and are presented and discussed by *Patrick Segalla, Graciela Faffelberger, Stefan Huber* and *Christoph Bezemek*.

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Finally, *Elisabeth Handl* reviews the outstanding book "The Making of International Law" written by *Alan Boyle* and *Christine Chinkin*, published by Oxford University Press, 2007. The book deals with the making of international law from a procedural and an institutional perspective. The general approach also includes international law making by international courts.

Enjoy the first issue 2008!

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