ABSTRACTS

The Changing Tides of Small Island States Discourse – A Historical Overview of the Appearance of Small Island States in the International Arena

By *Jenny Grote*, Berkeley

Although nowadays mostly known as the countries particularly vulnerable to the effects of climate change, small island states as a group have been the object of varying international development discourses since the early 1970s. It is argued that these discourses are not only intimately linked to the evolution of North-South relations in general, but might even be seen as prototypical of the changing hopes and malaises that have dominated the relationship between developed and developing countries in the last few centuries.

Three main eras of small island state discourse can be distinguished. The initial island states discourse, born in the years of hope for a New International Economic Order, focused on overcoming structural disadvantages hindering the socioeconomic development of Developing Island Countries. During the stalemate of the 1980s, the developmental problems of Island Developing Countries were addressed with neoliberal prescriptions of the search for a niche in the global economy which would provide for some sort of competitive advantage while even rhetorically, international commitment to support this endeavor was flagging. Finally, starting in the early 1990s, island states discourse concentrated on the sustainable development of Small Island Developing States in the face of climate change.

While the emphasis of this article is on small island states *discourse*, i.e. the changing frames of reference for the articulation of international attention to the concerns of small island states, it is also analyzed if and how the different discourses, as the basis for the exercise of power, have translated into action in favor of this group of countries.

Debate on Constitutional Reforms in Chile

By *Peter Gailhofer*, Zürich

Unlike other South American states, which either established new constitutions or "returned" to their former, preauthoritarian constitutions after the end of their 20th century military regimes, Chile retained its 1980 constitution after the end of Pinochet´s rule, drafted and put into force by the authoritarian government. The "constitutional heritage" of the military regime, designed as an institutional framework for a limited democracy, conditioned and constrained the feasibility of democratic reforms in Chile after Pinochet´s defeat in a 1988 plebiscite and throughout the following period of transition.

After an extensive constitutional reform in 2005, the necessity of further reforms

remains a subject of controversial debate. Still, the 1980 constitution, and thus the partially preserved institutional order of the military regime, on the one hand determines the proceedings and the feasible outcome of democratic reforms. On the other hand – given its illegitimate origin and its constraints to democratic participation and decision making – the constitution as a whole is contested: politicians, legal scholars and political activists aim for an entirely new, genuinely democratic constitution. This report shall, following a short summary of the debate's historical and institutional background, provide an overview of some of its most relevant subjects and arguments.

The Convention on the Rights of the Child – a comparative analysis of the implications to Austria and India

By *Julia Villotti*, Innsbruck

The Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20th 1989 is, if measured by the number of participant UN member states, the most successful international convention in history. With the notable exceptions of Somalia and the United States of America, all member states are now signatories and have, to varying degrees taken appropriate measures to implement the standards as provided by the Convention into their national legal orders.

A short overview of the development of child rights at the international level forms the introduction of the present article. Then, by a comparative analysis, the implications to India and Austria are evaluated – two states at opposite ends of the spectrum with regards to geographical scope, demographics and culture. Thereby the varying means of implementation, inherent problems and opportunities are explored. Finally, the Convention itself is critically assessed.

The role of the Guardian Council in the Constitution of Iran

By *Foroud Shirvani*, München

The Guardian Council (šourā-ye negahbān) is one of the most relevant institutions in the Constitution of the Islamic Republic of Iran. Its role is stated in the Constitution and is to be seen in context with the central religious, ideological and normative axioms of the Islamic Republic. Due to the Constitution all kinds of national law have to be based on Islamic criteria. Therefore, the Guardian Council has to review the bills of the Islamic Consultative Assembly (i.e. the Parliament) regarding their compliance with Islamic ordinances and the provisions of the Constitution. The interpretation of the Islamic criteria and canons is duty of the religious jurists (*fuqahā*) who are members of the Guardian Council. These members are appointed by the religious Leader. The other members of the Guardian Council are jurists recommended by the Head of the Judiciary to the Islamic Consultative

Assembly and elected by this body. The Guardian Council is a hybrid institution: On the one hand, it is staffed with jurists, makes decisions on the basis of law and fulfils judicial tasks. On the other hand, the Guardian Council at least partially belongs to the legislative power. This finding is confirmed by Art. 93 of the Iranian Constitution stipulating that the Islamic Consultative Assembly generally has no legal status without the simultaneous existence of the Guardian Council. In the political process the Guardian Council has lost its original power to some extent. One of the reasons is the transfer of competences to the Exigency Council. This institution is similar to an arbitration panel engaged in cases where the Consultative Assembly and the Guardian Council cannot reach agreement.