ABSTRACTS

Regional integration in Latin America and the Caribbean
Actual situation and future developments

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The process of economic integration in Latin America and the Caribbean during the course of the last half of the past century has been marked by extraordinary legal innovation and diversity. Accordingly, complex issues arise regarding the compatibility of these various forms of economic integration with the GATT-system at large. Where even Latin American authors encounter difficulties in determining the legal qualification and classification of these phenomena, the issue at stake is even more complicated for a European reader, given the habit of judging situations according to our own European experience and perception of integration. This approach leads to substantial discrepancies regarding the understanding of integration, considering that the Latin American-Caribbean integration process has not always been guided by the European model.

For the reasons stated above, the following article not only outlines the most significant theoretical legal questions, but also focuses on the empirical documentation of the different zones of integration in Latin America and the Caribbean. In particular, the special merit of this article is to be found in the systematic compilation of all regional and sub-regional areas of preferential treatment in Latin America and the Caribbean. For the first time in German-language literature, this article meticulously describes the abundance and variety pertaining to these diverse zones of integration. The systemization and classification of the various integration zones permits a deeper understanding of their specific characteristics as well as of their sub-regional interlinkages. Moreover, the classification also allows the - more or less exact - subsumption of the Latin American and Caribbean integration zones under the three conceivable legal foundations for regional areas of preferential treatment, namely (1) Art. XXIV GATT, (2) “enabling clause” (paragraph 2 lit. c of the Decision of 28 November 1979 by the GATT-Contracting Parties) or (3) “waiver”.

African Women and Participation in Public Life and Governance: Relevant Laws and Overview of Recent Experience

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There can be no doubt today that the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. These rights include the right to participate in public life and governance of their country. Over the years, the struggle of human/women's rights activists has resulted in legal provisions both at the international and national levels designed to promote women's right to participate in public life and governance. Significantly, apart from being States Parties to the relevant international instruments, a few African countries have also made national legal/constitutional provisions for the purpose of ensuring women's participation in governance and in decision-making structures of the country. This article seeks to provide an overview of some recent experience of African women relating to the issue of participation in the public life and governance of their countries against the background of relevant international and national instruments. It will be shown that there is an enormous and increasing body of relevant instruments/laws. On the contrary, while African women have recorded some progress or made some gains in recent years, it will be contended here that there is still inequality and discrimination against women in the field of participation in governance and decision-making structures in most African countries, contrary to the relevant laws which remain largely unimplemented.

Simón Bolívar (1783-1830) and the „Bolivarian Constitution of the V Republic" in Venezuela (1999)

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Before he took up office and afterwards the president of the Republic, Hugo Chávez Frías, emphasized the necessity of a fundamental political and legal transformation in Venezuela. His numerous programmes and speeches as well as his „fundamental ideas" for the new „Bolivarian Constitution of the V Republic" always refer to Simón Bolívar and the overthrow of the ancient régime in Nineteenth - Century Latin America.
Is it possible to draw such parallels with the concept of Bolívar? Literature is still undecided about this point at issue. Circumstances, mentalities and conceptions of law in both periods of time were different. With reference to scholarship and influences the case is complicated too. The Enlightenment exerted great influence on Bolívar, as did Napoleon with regard to politics and constitution. However, Bolívar was less a thinker, but a man of

action. His general trend was not to build up a coherent image of the world as a system. Also Hugo Chávez refers to many examples, amongst them Simón Rodríguez and Ezequiel Zamora in the nineteenth century, Fidel Castro and Norberto Ceresole in the twentieth century. Chávez appreciates Bolívars constitutions of Peru and Bolivia (1826) and several bolivarian institutions. Therefore the assembly of 1999 anchored a new „Poder Ciudadano" and the „Poder Electoral" in the constitution. Furthermore Chávez construes the president as „the head of the nation" to personify the national unity and territorial souvereignty of the Venezuelan people. This points out that Bolívar too stressed the indispensability of a powerful executive branch and finally imposed the institution of an „elective monarch" in Bolivia and Peru. But unlike Bolívar Chávez` concept of constitution promotes interventionism, redistribution and infringement of economic rights. His speeches encourage Venezuelan people to class struggle. After all, Chávez` idea of society is very different with the liberal conception of Bolívar referring to his economic and aristocratic view that was a decisive factor for the moderation of powers and a system of checks and balances according to the first bolivarian constitutions of Venezuela (1819) and Colombia (1821).