

ABSTRACTS

Otto Luchterhandt

Transnistrien vor und nach dem Regimewechsel in Kiew und Russlands Krim-Annexion

Transnistria prior to, and after the change of government in Kiev and Russia's annexation of Crimea

The military intervention, occupation and annexation of the Crimean peninsula by the Russian Federation as well as its covered military intervention in Eastern Ukraine starting in spring 2014 and lasting until today combined with an aggressive propaganda of the imperial and chauvinistic concept of "Novorossiya" have renewed and intensified international political attention to the Russian protectorate of Transnistria and its political perspectives. The article gives an overview on the most important political and juridical aspects of the contemporary geopolitical situation of Transnistria. With special emphasis it focusses on the internal conflicts and changes within the internationally unrecognized de facto-State since 2009 (constitutional crisis and its solution, 2009/2010; presidential elections, 2011; parliamentary elections, 2015).

Michael Geistlinger

Die Volksrepubliken Lugansk und Doneck

The People's Republics of Lugansk and Donetsk

The Minsk process for solving the armed conflict between the Ukraine and the People's Republics of Donetsk and Lugansk has been prolonged until the end of 2016. An analysis of the constitutions and the legislation of the two republics shows that time is running quickly on the Ukrainian side for developing a realistic approach towards engaging representatives of the two republics into a constitutional reform. So far, the Ukraine uses octroys instead of negotiations and civil society's consensus, thereby supporting indirectly a consolidation of the two republics leading toward independence instead of re-integration.

Goran Cobanov

Kosovo

For the almost two decades that have passed since 1999, the clarification of Kosovo's status has been at a standstill. Since the declaration of independence in 2008, the political and economic situation has been deteriorating, especially during the last three years. From the wave of economic emigration witnessed in 2015, we can infer that Kosovo's population does not believe in its governmental institutions any more. Fears have surfaced that Europe's youngest state may violently collapse because it could not develop properly. This article examines the most important questions concerning the classification of Kosovo as so called "stabilized de facto-regime" from a legal point of view. The focus is on Jellinek's theory of the three state elements, namely the territory of the state and the agreements with neighbouring states, the definition of population, nationality and especially (dual) citizenship, and the authority of the state. The question of how many

instances of diplomatic recognition are required and whether membership in international institutions is necessary is discussed as well. The situation concerning Kosovo's status has to be clarified. Without an agreement with Serbia, Russia, China, and several EU member states on the status issue, there will be no stability. Therefore, the international community, and especially the EU, should stay in Kosovo for the next decade and strengthen the state authorities, mainly by pruning corruption.

Lennart Bültermann

Abchasien und Südossetien

Abkhazia and South Ossetia

When, in August 2008, reports spread about Georgian troops shelling the South Ossetian capital Tskhinvali, followed a few days later by a naval confrontation between Georgia and Russia off the coast of Abkhazia, a supposedly substantive part of the interested public heard of the existence of those political entities for the very first time. Anyhow, long until that final outbreak of violence, Abkhazia and South Ossetia already had adopted their own constitutions and functioned in many ways like modern nation states. The present article gives an overview of the current institutional framework with particular regard to the citizenship law. It concludes that Abkhazia's and South Ossetia's success as political entities will partly depend on how they are going to cope with the integration of non-national resident groups in their societies.

Ewa Łętowska/Aneta Wiewiórowska-Domagalska

A “good” Change in the Polish Constitutional Tribunal?

The article presents the development of the constitutional crisis in Poland after the 2015 elections, won by Prawo i Sprawiedliwość. The changes that are taking place in Poland at the moment (the new legislation and the general political attitude presented by the governing party) do not favour liberal democracy in its classical, parliamentary meaning, but aim at concentrating political power (dominance of the executive branch represented by a political leader). Disarming institutional system that secures balancing of powers is one element of this process. The changes are carried out in the name of the will of the people that cannot be tamed or stopped by law, which places itself above the people. The Constitutional Tribunal, as a guardian of the Constitution (the only body that can adjudicate on the conformity with the Constitution) is one of the first victims of this policy.

Bogusław Banaszak

The Changes to the Act on the Constitutional Tribunal and of the

Changes in the Make-up of the Constitutional Tribunal in Poland

In line with Article 2 of TEU, the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice,

solidarity and equality between women and men prevail. This article analyses the actions of the Sejm elected on 25 October 2015, and concludes that these actions are in fact intended to restore the above-mentioned values in the process of appointing the judges of the Constitutional Tribunal.

Marina M. Kurjačaja

**Elektronische Demokratie im heutigen Russland: Schaffung,
Entwicklung und Perspektiven
E-Democracy in Contemporary Russia: Implementation,
Development and Perspectives**

This article examines the problem of how to realize freedom of speech through the implementation of modern forms and means of civil participation in governance as well as in regional/municipal self-government (i.e., means of E-democracy). The article tackles key issues associated with human rights, civil society, direct democracy, freedom of speech and E-democracy.