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MESSAGE FROM THE CHAIRMAN

In 1983 the cantons created the Institute of Federalism. In the course of its 40-year history, the Institute has forged a solid reputation not only as a centre of expertise whose knowledge and guidance are sought



after in Switzerland and beyond, but also as an indefatigable and clear-eyed observer of federalism, with a proven ability to keep track of the latest developments, spot new challenges and weigh up potential risks. Federalism is a finely engineered and complex machine that is controlled by the cantons but occasionally has to contend with a little sand in its gears. Identifying and solving these problems, all in a spirit of openness and respect, is vital. Here, the Institute of Federalism plays a lead role by offering professional advice, input and support. Yet, advances are not a given. Diversity, multiculturalism and a plurality of voices - the strengths and advantages of federalism - can only find full expression in a climate of respect and mutual understanding. Likewise, federalism can only bring government closer to the people if it is visible and transparent. Federalism therefore must be nurtured, defended and promoted, whether through the creation of democratic forms of government abroad or as a counterweight to Switzerland's drift towards greater centralisation.

The Institute of Federalism todays stands at an inflection point. If it is to continue to provide its renowned services, respond appropriately to demand and expand its customer base, the Institute will need to secure more long-term funding. A parliamentary procedural request (interpellation) on precisely this matter was submitted to the Federal Council. This was followed by a motion submitted to the Federal Assembly by a parliamentary commission demanding core funding for the Institute due to its status as a centre of expertise; the National Council [the lower house] acceded to this request. This decision is a welcome recognition of the Institute's work. It is equally a call to step up action to ensure that federalism remains engaged and fit for the future.

Pascal Broulis, Chairman



1. FOREWORD

Once again, the Institute had a busy year in 2019. It was also an eventful year for the world of federalism generally. In Switzerland, the relationship between the federal, cantonal and communal governments has undergone a series of changes while a number of other countries were beset by institutional instability. These developments generated strong demand for the Institute's services over the last 12 months.

The annual report provides the funding and governing bodies as well as all interested members of the public with an overview of the work and finances of the Institute during the previous year. Before looking at the core business activities in 2019, the Board would like to single out a number of general but important developments for the Institute.

1.1 Core funding

Since 2017, when the longstanding contractual relationship between the Institute and the Swiss Agency for Development and Cooperation (SDC) came to an end, the University of Fribourg has provided the lion's share of IFF funding. Further sources of funding are the *ch Foundation for Federal Cooperation*, the canton of Fribourg and the Principality of Liechtenstein. However, these resources only cover the structural costs of the National Section. Unfortunately, the International Section has no core funding which would allow it to set up the basic structures needed to handle the robust demand for its services promptly and professionally. As things currently stand, it is unable to answer all of the requests for support and advice it receives.

This situation prompted the then Fribourg State Councillor Beat Vonlanthen to submit a motion (Securing the long-term provision of expert services in Switzerland and abroad) to the Council of States, which adopted it by a clear majority in 2018. The Political Institutions Committee of the National Council [the lower house] reformulated this motion; it now demands that the Federal Council guarantee adequate co-funding of the Institute due to its status as a centre of expertise. In September 2019 the National Council voted overwhelmingly in favour of the motion. It is expected to be debated on the floor of the Council of States in March 2020. However, the outcome of this political procedural request is far from a foregone conclusion; even if approved, it will be some time before the Institute will feel the effect. The Institute therefore contacted the Federal Department of Foreign Affairs (FDFA) to negotiate transitional core funding for International Section services. These discussions are still ongoing but we remain optimistic that a clear roadmap for the Institute will emerge over the coming year.

1.2 Statutes and organisational structure

In December 2019 the Law Faculty Council approved the proposal of the Institute Council to completely revise the IFF statutes. In addition to amendments to bring them into line with the revised regulations of the University and the Faculty, the new statutes will feature a number of substantive changes. For example, the composition of the Institute Council will be reduced from a maximum of 25 members to 13. In future, the National and International Centres will keep separate accounts given their different fields of activity, partners and funding structures. What this means in practice is that services the Institute provides to the Confederation, the cantons and the communes and those provided to parties outside Switzerland, in particular development cooperation partners, will be clearly delineated. It goes without saying that both centres will continue to work together closely and leverage their synergies. The statutes will also contain a provision that will allow for the appointment of professors from other faculties to the Board. The inclusion of political scientists and economists will better equip the Institute to take a more interdisciplinary approach to its study of federalism. The new statutes have been submitted to the senate of the University of Fribourg for approval.

The Institute played its part in securing the future of the Swiss Centre of Expertise in Human Rights (SCHR) for several years to come. The fate of this federal pilot project had been in the balance for quite some time but a decision on its future was finally forthcoming from the Federal Council on 13 December 2019, when it issued a dispatch on the creation of a national human rights institution that operates independently of the federal, cantonal and local authorities and has its own legal personality. While the SCHR welcomes this initiative, which would satisfy the Paris Principles, it notes that the earmarked funding of CHF 1 million would not be enough in the event that the cantons and universities were to withdraw their support. The Institute has played an active role in the SCHR from the outset and manages the «Institutional Questions» thematic cluster. In the coming year, efforts will focus on planning and organising the transition to the new Institution.

1.3 Personnel

The Institute bade a fond farewell to *Pierre-Alain Carrel*, one of the longest serving members of its staff. Mr Carrel began working in an administrative capacity for the Institute in 1984, a few months after the *ch Foundation* transferred responsibility for what was then the Research Institute for Federalism and Regional Structures to the

2. LOOKING BACK ON 2019

University of Fribourg. Before he took early retirement, Mr Carrel managed the front desk of the Institute and carried out countless internal administrative duties. Over the years, he has had a first-row seat and actively contributed to the Institute's development into a centre of expertise of national and international renown. Mr Carrel put his heart and soul into everything he did for the Institution and his colleagues, and was fastidious in ensuring that visitors and delegations to the Institute received a warm welcome as well as any assistance they might have needed. It will take some time to accept that Mr Carrel, who had become the highly regarded public face of the Institute, will no longer be manning the front desk. We would like to thank him once again for his service over the last 35 years and wish him all the very best for the next chapter.

1.4 Prospect and thanks

In addition to pursuing our efforts to secure core funding for the activities of the National and International Centres, we will spend 2020 working on the inaugural foundation seminar on federalism. From 2021, under the aegis of the Federal Office of Justice, the Council of States, the *ch Foundation*, the Association of Swiss Communes and the Swiss Union of Cities, the Institute will offer a seminar over several days on the foundations and practice of federalism. The goal is to improve participants' understanding of federalism-relevant issues and processes in political affairs through exposure to real-life examples and experiences.

We also would like to take this opportunity to thank the members of the Institute Council, especially its president, *Pascal Broulis*, Member of the Cantonal Government of Vaud and president of the ch Foundation, as well as his vice-president, *Jean-Pierre Siggen*, president of the Fribourg government, for their tireless work for the Institute. Political support is paramount if we are to secure adequate core funding for the Institute.

Our thanks also go to all governing bodies, supporters and users of our services, as the University of Fribourg and its Faculty of Law. Particular thanks go to all our staff whose commitment, professionalism, input and high-calibre work make for an expansive and interesting annual report.

Eva Maria Belser Andreas Stöckli Bernhard Waldmann

National activities

In 2019 the Institute continued to track and evaluate federal-ism-relevant developments in lawmaking, jurisprudence and the literature on behalf of the *ch Foundation*. It also continued its work with the *Federalism Cockpit* (cf. also the 2018 annual report), evaluating the compliance of federal and cantonal bills and parliamentary procedural requests with the Federal Constitution; it published its findings in the IFF Newsletter, which is available on the Institute's website. The National Section also published six newsletters on cantonal proposals submitted to the vote of the people (referendums).

Much of the work of the National Centre was taken up with legal opinions, which generated considerable third-party funding. See Section 3.1 and Section 5.2 for more detailed information.

Continuing education provision and knowledge transfer were also a core part of the National Section's work in 2019. The Institute once again organised the Murtner Gesetzgebungsseminare [Murten Legislative Seminars], which is divided into two stand-alone sessions: legislation methodology (together with the Centre for Legislative Studies of the University of Zurich) and the drafting of legislation (together with the Federal Chancellery and the Federal Office of Justice). This Institute was also part of a working group made up of representatives from the Federal Office of Justice, the Office of the Council of States, the ch Foundation, the Swiss Union of Cities and the Association of Swiss Communes to develop a detailed plan for foundation seminars on the principles and practical application of Swiss Federalism; it was later approved by the organisations behind this initiative. The Institute will provide the seminar under the aegis of these organisations. The first seminar is scheduled for 2021. Last but not least, professors and research staff attended and presented papers at a large number of conferences and symposia (cf. Section. 5.4 for a detailed list).

International activities

Last year, many countries worked on improving how their systems of government are organised. Several of these states, whose recent history has been marred by protracted conflict, have entered into or continued to take part in talks, and in many places the people took to the streets to protest against dictatorial or corrupt rulers. Others have carried on along the path towards federalisation or decentralisation. The Institute monitored these



many developments and seized every opportunity it was given to share its experiences and insights with foreign partners on the peaceful management of diversity.

This year two delegations from Myanmar visited the Institute for advice on their efforts to transform their country into a federal state. Thea Bächler, Nicolas Schmitt and Eva Maria Belser also delivered a series of lectures and provided their expert consultancy services. This work took them to Nay Pyi Taw and other parts of the country, which has the longest running civil war in the world (cf. «In Focus»). In early 2019 the Institute welcomed a delegation from Italy, led by government minister Riccardo Fraccaro, who wanted to learn more about Swiss federalism and specifically how a federalist system and direct democracy work together. In autumn, a group of governors from the Philippines spent a week in Switzerland where they acquainted themselves with the theory of federalism and its practical application. Finally, several ambassadors travelled to Fribourg to discuss developments in their respective countries and explore cooperation opportunities with the Institute of Federalism. On the eve of Sri Lanka's presidential elections in autumn 2019, which were dominated by security and counter-terrorism problems, Eva Maria Belser travelled to the country on behalf of the Federal Department of Foreign Affairs (FDFA). She took part in a series of events in Colombo and Jaffna that sought to address the pressing issues of power-sharing and the form that devolution could take in Sri Lanka. Prof. Belser also undertook a FDFA mission to the Maldives. The island state has decided to decentralise its system of government and asked Switzerland for support with the implementation of its ambitious programme.

After a long wait and fruitless efforts, members of the Syrian government, the opposition and civil society finally met in autumn 2019. The meeting in Geneva was held under the auspices of the UN and centred on the creation of a new constitution for the war-torn country. On behalf of the European Centre for Kurdish Studies, which is funded by the German Foreign Affairs Department, Eva Maria Belser taught at five one-week workshops for members of the negotiating committee and provided them with advice and guidance. Although the prospects for a swift and successful end to the talks remain bleak, the Institute will continue to provide representatives of the opposition and civil society with support and advice. This work, which will benefit from EU funding, will continue but will likely take place in Geneva, close to where the UN talks are being held.

The EU project LoGoV launched in 2019; its aim is to address the growing divide between urban and rural communes and brings together 18 research partners. After a kick-off event in Bolzano and a coordination meeting in Munich, Flavien Felder and Eva Maria Belser travelled to Argentina, Ethiopia and Singapore on research visits and began working on LoGov case files. The aim of the multiannual research project is to better understand how federal states react to the growing heft of metropolitan regions and the marginalisation of rural areas. The Institute is also involved in the SNSF interdisciplinary research project on the sustainable trade in agricultural products; the first meeting took place in 2019. Its aim is to develop proposals on how Switzerland can best implement the new constitutional provision on food security without violating its obligations under international law.

An interdisciplinary workshop, jointly organised by Bolzano and Canterbury, took place in May 2019. Entitled «Federalism and Conflict Resolution», it explored, using concrete examples, the type of role that federal models of government can play in internal conflict resolution processes and peaceful approaches to dealing with separatist movements. The papers from the writing workshop will be published by McGill University Press. Plans for the 2020 workshop in Canterbury are already well under way. The subject at hand will be natural resources. In addition, two new volumes in the Palgrave series «Federalism and Internal Conflicts», edited by Sören Keil and Eva Maria Belser, were published in 2019. One deals with a comparison of constitutional asymmetry in multinational federalism, the other with the political economy of federalism in Nigeria (cf. the list below for more details). Cooperation with our partner institutions also extends to continuing education provision; over the course of the year, several colleagues were involved in training events in Bolzano, Canterbury, Innsbruck and Nice. Last but not least, the partnership between the Institute and the Council of Europe continued; in autumn 2019 Eva Maria Belser was elected as vice-chair of its Group of Independent Experts of the European Charter of Local Self-Government (GIE).

The longstanding cooperation with the Centre for Federal Studies and Governance in Addis Ababa also continued in 2019. The international conference in Addis, which again was organised in cooperation with Addis Ababa, Bolzano, Cape Town and Fribourg, dealt with the management of linguistic diversity at all levels of multilevel government systems. The main focus of the conference, however,

was the current debate in Ethiopia on whether having one or more working languages in addition to Amharic could help to resolve growing interethnic tensions. Once again, the conference was followed by a seminar over several days for doctoral students from the Centre for Federal Studies and Governance of Addis Ababa University. The Institute also hosted two young guest researchers from Ethiopia. During their three-month stay in Fribourg, they took full advantage of the well-stocked library, engaged in academic discussions with the Institute staff and presented the results of their research during in-house seminars. The Institute also welcomed guest researchers from Iran, Turkey and China (two men and one woman, respectively).

The 2019 conference of the International Association of Federal Studies (IACFS) took place in Speyer, under the patronage of the German University of Administrative Sciences; the issue at hand was human resources law. Over the course of the event, it emerged that there are considerable differences between federal states. Some states allow each of its member states to resolve issues of human resources law independently; other, more decentralised states have a uniform human resources law in place which leaves its members very little room for manoeuvre. The IACFS conference also welcomed new members: UNAM Mexico as well as research centres in Zaragoza and Leioa, will enable the Association to step up its cooperation with Spain.

Given the consequences of the Brexit vote, the Scottish parliament commissioned the Institute to carry out an expert opinion on the single market. Parliament was interested in learning how the powers that Brussels will transfer back to the Great Britain/UK could be re-allocated between London and Edinburgh and began to look into the single market rules for Canada, the US and Switzerland. A delegation from the Scottish parliament will travel to Switzerland in 2020 to discuss the report and benefit from the expertise and insights of federal and cantonal single market specialists.

The International Section also formulated a legal opinion for the Federal Commission against Racism (FCR). It concerned a recent Swiss Federal Supreme Court decision on a clause in canton of Neuchâtel legislation regarding the provision of official places for the Travelling community to stay. Given that this new piece of legislation was the second special law enacted in Switzerland regulating the residency of Roma, Sinti and Yenisch (*Mantouches*) com-

munities on cantonal territory, the FCR asked the Institute to study whether the new rules were compatible with higher-order federal and international law.

Two subjects dominated the Institute's work with the Swiss Centre of Expertise in Human Rights (SCHR), whose institutional future finally appears to be secured (cf. Foreword): the fundamental rights of older people and the implementation of the UN Convention on the Rights of Persons with Disabilities (cf. «In Focus»). Given that it will take some time to implement the Federal Council proposals, it was decided to extend the SCHR pilot project for two more years. The Institute for Federalism, therefore, will continue to deal with the institutional aspects of the implementation of human rights by the Confederation, cantons and communes. We are especially delighted that we can count in the future on the input of Liliane Minder who this year successfully defended her doctoral thesis which explores the issue of dealing with past violations of fundamental rights.

In January Eva Maria Belser was awarded the 2019 Federalism Award. The award ceremony was held during the *ch government* seminar in Interlaken. State Councillor Pascal Broulis, president of the *ch Foundation*, and cantonal minister Heidi Z'graggen, vice-president of the *ch Foundation*, presented Prof. Belser with her award. The *ch Foundation* prize is in recognition of the Institute of Federalism in research, continuing education and consultancy services – and spurred the IFF on to continue to do its best in the future in order to better understand federalism and its many forms and to share its knowledge and experience on the subject with interested partners.



3. IN FOCUS

3.1. Legal clarifications and legal opinions

Legal clarifications and legal opinions have been part of the core activities of the Institute since it was founded. In the early years this work centred around comparative studies of cantonal legislation on a given subject. However, the advent of online legislation registers (in particular LexFind) has led to a sharp fall in these commissions. Much of the legal opinion work is dominated by issues related to the constitutional division of powers between the Confederation and cantons, the design of intercantonal and intercommunal pacts and their interpretation, and on financial federalism. The National Section also provides legal opinions on constitutional and administrative law matters that tie in directly or indirectly with federalism.

Section 5.2 contains a detailed list of all legal clarifications and legal opinions drafted in 2019. Below are some of our work which merits closer attention.

The Swiss Conference of Cantonal Directors of Education (in particular the Conference of Cantonal Ministers of Cultural Affairs) asked the Institute to study what possibilities existed to oblige cantons to co-fund transregional cultural institutions. It delivered legal opinions on the scope of application and instruments of Art. 48a Cst, specifically in relation to transregional cultural institutions. This work benefited from input by an expert group.

A further commission concerned the legal arrangements for cooperation between the local authorities in the canton of Fribourg on the protection, management and planning of landscapes of national importance. For objects whose territory is spread over several communes, the communes must work together to perform their implementing responsibilities. The Institute devised a specimen agreement to guide the local authorities and the cantons when designing the form that their institutional cooperation should take. In May 2017 the National Council accepted a postulate which asked the Federal Council to propose a roadmap for the introduction of a freeze on the hiring of federal personnel similar to the spending brake. The aim of the postulate is to stem regulatory density by creating higher obstacles for the approval of decrees demanding the hiring of additional personnel. In a legal opinion commissioned by the Federal Office of Personnel (FOPER), the Institute looked at how a "hiring freeze" could be designed and the attendant legal issues. It also analysed the possible consequence of this measure on the legislative process and general parliamentary business. On 20 September 2019, the Federal Council, in fulfilment of the postulate, issued its report which draws largely on the analysis of the Institute, and called for it to be abandoned.

After an advertisement with religious content on a bus in the city of Biel/Bienne caused debate in the media and the political community, and in particular led to a cross-party postulate entitled "Pas de prosélytisme sur nos bus" [no proselytising on our buses] was submitted to the city council, the Biel public transport provider asked the Institute to provide a legal clarification on the latitude that transport providers in Biel have in relation to authorising religious and political advertising. The report essentially concludes that a general prohibition on religious and political advertising on vehicles and facilities belonging to the providers would be unconstitutional. However, a ban could be justified in specific cases

The Federal Act of 19 June 2015 on the Electronic Patient Record (EPRA) led to a new provision to the Health Insurance Act (HIA), requiring listed hospitals to join a community or parent community within three years of EPRA coming into effect, i.e. by 14 April 2020, and to adopt the electronic patient record system. As part of the reports commissioned by the Federal Office for Public Health (FOPH), the Institute explored the question of the legal consequences for hospitals if they failed to meet this obligation within the required deadline. The report concluded that removing hospitals from the list could be disproportionate – an appraisal which may be of relevance for the competent cantons for their hospital planning activities.

Finally, the Institute received a request from the Ministry of Home Affairs of the canton of Zug to examine a number of legal issues surrounding its announcement at the end of 2017 that the canton will withdraw from the intercantonal agreement on the development and running of the Intercantonal Forestry School Maienfeld by the end of 2020.

3.2. Myanmar (formerly Burma) and federalism: a long road ahead

Historical background

Burma was founded in the 11th century from a union of several kingdoms and colonialised by the British empire in 1824. In 1948 the country, by then renamed the «Union of Burma», gained independence. Since 1989 it is officially known as *Myanmar*, a name which is derived from the Burmese word for one of the country's oldest ethnic groups (the Bamar). This is why some consider the name exclusionary.

Political context

Alongside the Bamar (Burman), the majority ethnic group, Myanmar is home to over 130 ethnic minorities, each with their own language and culture. The latter make up close to one third of the population, and are spread over more than half of Burmese territory. In 1947 tensions began to rise between the Burmese majority and the ethnic minorities. Aung San, the father of Aung San Suu Kyi and considered by many as the founder of modern Myanmar because he was responsible for liberating the country from the British Commonwealth, called a meeting with minority groups in the city of Panglong in Shan, a state in the north of the country. He promised to create a federal system of government that would guarantee the equal rights of all of the country's ethnic groups. His assassination shortly before Myanmar gained independence brought an end to these plans. In response, minority ethnic groups took up arms against the central government, which was controlled by the Bamar. The internal conflict remains unresolved to this day, making it the longest civil war in history.

From 1962 the country was ruled by a succession of military dictatorships. Although a civilian government was installed in 2011, the powerful military, who are automatically given 25% of the seats in parliament, still dominate. After the party of Aung San Suu Kyi, the National League for Democracy (NLD), won the November 2015 elections, she was appointed prime minister while one of her relatives assumed the presidency.

Despite its beauty and natural resources, Myanmar is one of the most fragile states in the world. The government is unable to guarantee the safety of its citizens and deliver essential public services. Added to this is the absence of constructive relations between the authorities and the population. If Myanmar is to combat poverty and fragility, it must address its most pressing problems, namely conflicts, violence and human rights violations.

Federalism in Myanmar: a long-held but far-off dream

Can federalism help bring about peace? Under Aung San Suu Kyi, the federalism dream is still in Myanmar. In an attempt to resolve the conflict – one of the most important motivating factors behind Suu Kyi's federal ambitions – the government convened in July 2018 the third session of the 21st Panglong Union Peace Conference, in the capital Ny Pyi Daw.

The conference brought together representatives of the government, the military and armed ethnic groups, with the aim of not only calming tensions but also sketching out the form that a federal government could take. In the absence of genuine political will, notable advances have so far remained elusive. In her closing remarks, Aung San Suu Kyi pledged to pursue her efforts to bring about peace.

The minority groups in Myanmar see federalism as an instrument that would allow them to retain their own troops and fiscal sovereignty; in return, they would pledge to give up their independence claims. This would effectively lead to the creation of several nations within one nation.

Given that Myanmar's powerful army (tatmadaw) will only accept a federal state if the current system of government remains in place, they strongly oppose this proposal. It argues that the rebel forces should instead become part of local border patrols operated by the tatmadaw. The autonomy arrangement would be the subject of later negotiations.

An additional hurdle is that if this proposal was accepted it would require a constitutional amendment approved by three-quarters of parliament. Given that the army occupies one quarter of parliament, it is unlikely that such an amendment would pass.

Relations between Switzerland and Myanmar

Switzerland immediately recognised the newly independent state and established diplomatic relations in 1956. Initially, Swiss representation in the country was limited to an honorary consulate in the former capital Rangoon, now Yangon. As the democratisation process progressed and Myanmar's efforts to become more open, Switzerland established an embassy in the country in 2012.

Switzerland is involved in many projects in Myanmar. These include negotiations for a nationwide ceasefire, study tours for important stakeholders, logistical and financial support for the Centre for Diversity and Harmony, and the creation of a code of conduct for free





and fair elections and campaigning. It regularly runs three-week courses on international relations, good governance and public participation for representatives of government ministries, parliament, regional governments, political parties and civil society. Switzerland supports Myanmar on its long path to peace, democracy and harmonious economic and social development. A fundamental prerequisite for improving the situation, and a first step towards progress is stability. The causes of political, social and economic conflicts and thus to institutional instability must be tackled. Switzerland seeks to support the peace process by addressing the conflict itself and stressing the link between development, humanitarian aid and peace, particularly in areas where the ceasefire is fragile. In such circumstances, tangible advances are essential to convince the warring parties of the importance of peacekeeping efforts.

The role of the Institute

Given the history and current situation in Myanmar, it is perhaps not surprising that the federalism discussion focuses on what federalism is, what does it mean in practice and the thinking behind this system of government. Here, it is very important that Myanmar has expert guidance and information at its disposal. All parties should be convinced of the mutual advantages of a federal system or a largely centralised system that integrates aspects of federalism.

For years the Institute for Federalism has been commissioned to provide this type of training and orientation, either through meeting with delegations on neutral territory to explain the realities of federalism, or by sending its experts to Myanmar to illustrate the advantages of the federal idea for linguistically, religiously and geographically diverse states.

In 2019 the International Centre not only welcomed delegations from Myanmar, as it has done for many years, but no fewer than three members of its staff travelled to Myanmar on various assignments.

In July Thea Bächler took part in three seminars in Nay Pyi Taw (the capital), Phaunggy (Lower Myanmar) and Zeepingyi (Upper Myanmar) for members of the administration. The first seminar focussed on local self-government and their responsibilities, while the following two seminars dealt with the key features of federalism and decentralisation. The aim of these events was to improve participants' understanding of how a federal state functions, both in general and more specifically as regards the ongoing process in Myanmar.

From 24 July to 4 August Eva Maria Belser took part in the «Myanmar Federalism Leadership Program 2019». Held at the Hilton in

Nay Pyi Taw, the programme focussed on two issues: the division of powers and local communities. The Institute's co-director gave several classes and also participated in several seminars and working groups. On the final day, simulation exercises gave participants the opportunity to put what they had learnt into practice.

On 10 and 11 December Nicolas Schmitt took part in the «Advanced Course on Governance and Human Security in Kalaw. The course, held under the auspices of the Swiss Embassy which was represented by Thomas Meier, was geared to alumni of Swiss-funded training courses. In the good governance and peacekeeping strand of the two-day course, Nicolas Schmitt explained the key role that federalism and decentralisation can play in these processes.

The path towards federalism in Myanmar is likely to be long, which is why it is all the more important to sustain efforts in this regard.

3.3. Swiss Centre of Expertise in Human Rights (SCHR)

In 1993 the UN General Assembly passed a resolution on national institutions for the promotion and protection of human rights, calling on member states to establish an independent national human rights institution, or NHRI. Independence allows it to work with and support the activities of all levels of government, non-governmental organisations, industry and research.

In 2011 Switzerland launched the Swiss Centre of Expertise in Human Rights (SCHR), Switzerland, a time-limited pilot NHRI project. Its structure is essentially a network of universities network, whereby Confederation purchases services up to a value of CHF 1 million per year. The network comprises the Universities of Bern, Fribourg, Geneva, Neuchâtel and Zurich. Its work centres on six thematic clusters: Migration, Police and Justice, Gender Policy, Children and Youth Policy, Human Rights and Business, and Institutional Issues. The Institute of Federalism has been part of the SCHR from the outset. Given its expertise on federal issues in relation to human rights protection, the Institute is in charge of the Institutional Issues cluster. The above cantons cover the costs of the SCHR infrastructure. The functions and tasks of the SCHR are:

- sharing its practical/applied human rights expertise;
- studies and evaluations on the scope and concrete implementation of human rights standards;
- documentation and analysis of human rights situation in Switzerland such as technical, methodological and substantive support for the authorities in gathering information and preparing reports;

- the promotion of systematic exchanges of expertise and provision of a platform for dialogue, and
- the design of instruments to raise awareness of human rights issues and provision of training events.

The SCHR pilot project was originally limited for four years. In 2015 the Federal Council extended the project for a further four. In December 2019 the Federal Council finally approved the long-anticipated Dispatch on a permanent solution for a Swiss NHRI. Its goal is to make the NHRI a public-law corporation (association); legal provisions pertaining the Institute will be enshrined in the existing Federal Act on Measures pertaining to Civil Peace Support and the Promotion of Human Rights. A further aim is to maintain its university base and site the NHRI in one or more of these institutions. In the interests of a smooth transition, the Federal Council plans to extend the pilot project for a further two years (2020–2022). Parliament will decide on the bill in early 2020.

In recent years the Institute of Federalism handled a great many questions that were institutional in nature or of particular relevance to the cantonal and communal authorities. In 2019, the work of the Institutional Issues thematic cluster was dominated by a study of the rights of people with disabilities.

Switzerland ratified the UN Disability Rights Convention (UN-DRC) in 2014. It obliges all signatories to take the necessary action to ensure that people with disabilities do have a self-determined life and participate fully in all aspects of life. The implementation of these provisions is a shared federal, cantonal and communal responsibility, but the cantons have a particularly important role to play. The federal structure of Switzerland and the resulting differences across cantons and communes can present both an opportunity and a risk for this area of human rights. The thematic cluster Institutional Issues has identified a range of measures and projects from six cantons in the northwest, eastern, western and central Switzerland that pertain directly to people with disabilities and independent living. These will be presented from January 2020 on the website brk-praxisbeispiele.ch/cdph-bonnespratiques.ch. The chosen projects reflect the implementation measures that the authorities have already introduced and should provide other cantons and communes as well as other stakeholders with valuable information and ideas for their own projects. The cantonal implementation measures address the following aspects:

- Accommodation: freedom to choose where and how to live and type of accommodation;
- Employment and education: Self-determination in the choice of their daily structure/schedule and employment with or without remuneration as well as education and training;
- **Support:** More flexible and customised support services (incl. assistance contributions);
- Access to services and facilities;
- Co-determination: Inclusion of people with disabilities in official decision-making;
- Livelihood: Secure livelihoods as a basis for an independent life.

brk-praxisbeispiele.ch is geared at cantonal and communal authorities, disability advocacy groups and professionals in the field. However, it should also be accessible to people with disabilities. Therefore, the website will be barrier-free and all texts will be available in German, French and plain-language versions.



4. ORGANISATION

4.1 Internal developments

The main internal development in 2019 was the retirement of Pierre-Alain Carrel, the Institute's front desk manager and one of its longest serving members of staff. Before his departure in November 2019, Mr Carrel had worked for the Institute for 35 years; his tireless commitment and professional will be sorely missed.

Following his departure, the Board decided the time had come to offer the next generation of administration professionals a chance. After extensive preparations and the necessary training, the Institute was delighted to welcome Sofia Aguilar, an apprentice in her second year of vocational studies.

Three research associates left the Institute, of who two will continue their studies at the chairs of public law which share the premises with the Institute. All three posts were subsequently filled.

One person spent six months at the Institute as part of his alternative civilian service. During this time he assisted with the updating of the Federalism Database and with preparatory work for the 2020 Summer University, as well as a one-week study mission for Philippine minister.

Since 1st May, the Institute has been responsible for the management of the office of the Convivenza Foundation – International Centre for Minorities. At the end of 2019, the Foundation Council held its first meeting at its new premises on Beauregard 1.

Over the summer, the library was reorganised and slightly enlarged to make room for new acquisitions. As a result, the documentation centre has had a complete makeover: documentation has been now updated and displayed more attractively.

The Institute Council met, as always, in early 2019 and autumn. Its work included drafting new statutes for the Institute; it completed its comprehensive revision at the end of the year.

4.2 Institute Council

At the end of 2019, the members of the Institute Council were as follows:

President

Pascal BROULIS, State Councillor and Minister of Finance and Foreign Affairs of the canton of Vaud, representative of the ch Foundation for Federal Cooperation (member since 2017).

Vice-president

Jean-Pierre SIGGEN, President of the Canton Fribourg and cantonal Minister for Education, Culture and Sport (member since 2014)

Other members

Christoph AUER, State Chancellor of the canton of Bern, (member since 2017)

Simon COCHRANE, student representative, University of Fribourg (member since 2019)

Anne-Sophie CONSTANS-LAMPERT, Government employee of the Principality of Liechtenstein (member since 2015)

Jacques DUBEY, Professor of Constitutional and Administrative Law, University of Fribourg (member since 2014)

Roland MAYER, adminstrative director of the ch Foundation for Federal Cooperation (member since 2019)

Peter MISCHLER, Deputy Secretary of the Conference of Cantonal Ministers of Finance (member since 2015)

Nicolas QUELOZ, Professor of Criminal Law, University of Fribourg (member since 2012)

Félise ROUILLER, Representative of the non-professorial teaching staff, University of Fribourg (member since 2019)

Hubert STOECKLI, Professor of Civil Law, University of Fribourg (member since 2010)

Benedikt WÜRTH, Cantonal Minister of Finance (St Gallen) and representative of the Foundation for Swiss Cooperation (ch Foundation) (member since 2013)

4.3 StaffBoard of Directors



Eva Maria Belser, Prof. Dr. iur. Co-Director Professor of Constitutional and Administrative Law evamaria.belser@unifr.ch



Bernhard Waldmann, Prof. Dr. iur.
Co-Director
Professor of Constitutional and
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Andreas Stöckli, Prof. Dr. iur.

Member of the Board

Professor of Constitutional and

Administrative Law

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Tamara PhiliponaExecutive secretary (5%)
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Lydia SturnyExecutive secretary (20%)
lydia.sturny@unifr.ch

National Field

Bernhard WALDMANN, Prof. Dr. iur.

Andreas STÖCKLI, Prof. Dr. iur.



Florian Bergamin, Mlaw Post-graduate assistant florian.bergamin@unifr.ch



Claudia Höchner, lic. phil/Mlaw Research fellow (80%) claudia.hoechner@unifr.ch



Elisabeth Joller, Mlaw, Rechtsanwältin Research fellow (80%) elisabeth.joller@unifr.ch



Nicolas Schmitt, Dr. iur. Research fellow nicolas.schmitt@unifr.ch

Arianna Lanfranchi, Blaw Junior research fellow arianna.lanfranchi@unifr.ch

Nicolas MAIER, Blaw Junior research fellow nicholas.maier@unifr.ch

Internationaler Field

Eva Maria Belser, Prof. Dr. iur.





Flavier Felder, Mlaw Research fellow (60%), flavien.felder@unifr.ch

Christine Verdon, lic. iur. Librarian/media librarian (60%) christine.verdon@unifr.ch



Liliane Minder, Mlaw, Lawyer Post-graduate assistant (90%) liliane.minder@unifr.ch

Zentrale Dienste



Rekha Oleschak Pillai, Dr. iur. Senior research fellow (paid by the hour) rekha.oleschak@unifr.ch



Jean-Pierre Blickle
Head of Central Services (80%)
jean-pierre.blickle@unifr.ch

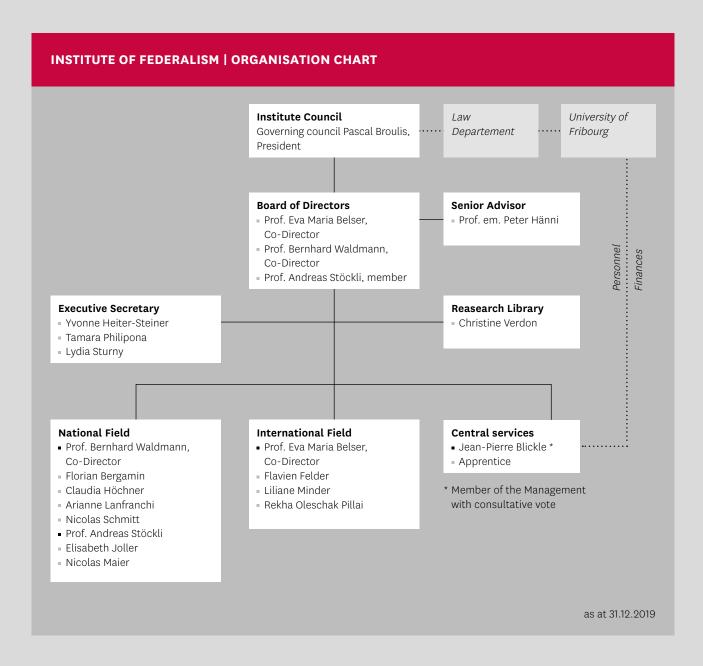


Sofia AguilarApprentice
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Peter Hänni, Prof. em. Dr. iur. Senior Advisor peter.haenni@unifr.ch

4.4 Organisation Chart





5. OVERVIEW OF ACTIVITIES IN 2019

5.1 Research and publications

EVA MARIA BELSER

- Internal Market Approaches Comparative Research (Switzerland), Report to the Scottish Parliament Finance and Constitution Committee, 2019, published on https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/113300.aspx) (co-author: Simon Mazidi).
- Die Befriedung von Krisengebieten durch das Recht, Einige Gedanken zu den Bedingungen gelingender Verfassungsgebung in Zeiten des Aufruhrs, in: Joachim Lege (ed.), Gelingendes Recht, Über die ästhetische Dimension des Recht, Tübingen 2019, 43–63.
- Droits fondamentaux des personnes âgées en Suisse un guide pratique, Lucerne 2019 (online version: https://interact-verlag.ch/collections/neuerscheinungen/products/droits-fondamentaux-des-personnes-agees-en-suisse-un-guide-pratique) (co-authors: Sandra Egli, Andrea Egbuna-Joss, Sabrina Ghielmini and Christine Kaufmann).
- Grundrechte im Alter, Ein Handbuch, Lucerne 2019 (online version: https://interact-verlag.ch/collections/neuerscheinungen/products/grundrechte-im-alter) (co-authors: Sandra Egli, Andrea Egbuna-Joss, Sabrina Ghielmini and Christine Kaufmann).
- Belgien Erschütterungsmesser und Taktgeber im Herzen Europas, in: Parlament der Deutschsprachigen Gemeinschaft Belgiens (ed.), Mögliche Szenarien einer Staatsreform nach 2019, Analysen und Perspektiven im aktuellen belgischen Kontext, Beiträge zum Kolloquium vom 13. April 2018 im Parlament der Deutschsprachigen Gemeinschaft in Eupen, Schriftenreihe Deutschsprachige Gemeinschaft, Volume 9, Eupen 2019, 43–55.
- Multidisciplinary Authors' Workshop Federalism and Conflict Resolution, 23–24 May 2019, Fribourg (co-author: Flavien Felder).
- Scientific cooperation on federalism as a peace-making instrument in the Horn of Africa, Centre for Federal Studies (CFS) of Addis Ababa University (AAU): International Conference on «Federalism and Language Policy for a Multi-lingual Polity», jointly organised by the Centre for Federal Studies and Governance (CFS) of Addis Ababa University (AAU), the South African Research Chair in Multilevel Government, Law and Policy (SARChI) of the Dullah Omar Institute for Constitution, Governance and Human Rights of the University of the Western Cape, the Institute for Comparative Federalism of Eurac Research Bolzano, and the Institute of Federalism of Fribourg University, Addis Ababa, November 2019.

- LoGov Local Government and the Changing Urban-Rural Interplay (H2020-MSCA-RISE-2018 Grant Agreement). Das IFF ist Partner dieses Horizon 2020 Projekts. Eva Maria Belser is a member of the Research Coordination Committee (RCC). Activities in 2019:
 - Bolzano Kick-off meeting for LoGov Local Government and the Changing Urban-Rural Interplay, Bolzano, 26–27 February 2019 (Eva Maria Belser and Flavien Felder).
 - Meeting of the Research Coordination Committee, Bolzano, 27 February 2019 (Eva Maria Belser).
 - «Local Government and the Changing Urban-Rural Interplay Switzerland» dossier (case studies).
 - Research visit to the Universidad Nacional de San Martin, UNSAM, Buenos Aires, 4–8 August 2019 (Flavien Felder).
 - Research visit to the Centre for Asian Legal Studies (CALS), National University of Singapore (NUS), 5–20 August 2019 (Eva Maria Belser).
 - LoGov Local Government and the Changing Urban-Rural Interplay, 2nd RCC Meeting, Munich, 16 September 2019 (Eva Maria Belser and Flavien Felder).
 - Research visit to the Centre for Federal Studies and Governance (CFS), Addis Ababa University (AAU), 11–25 November 2019 (Eva Maria Belser).
- NRP 73 ,Sustainable Trade Relations for Diversified Food Systems», SNSF research project. Eva Maria Belser is a co-applicant (co-applicants: Elisabeth Bürgi and Stefan Mann). The kick-off meeting was held on 13 December in Bern: Joint workshop on benchmarks' setting and kick-off learning fields.
- Palgrave series «Federalism and Internal Conflicts», Palgrave Macmillian (eds.: Sören Keil and Eva Maria Belser).

Publications in 2019:

- Patricia Popelier/Maya Sahadžić (eds.), Constitutional Asymmetry in Multinational Federalism, 2019.
- Dele Babalola, The Political Economy of Federalism in Nigeria, 2019.

FLORIAN BERGAMIN

- Föderalismusrelevante Rechtsprechung des Bundes- und des Bundesverwaltungsgerichts im Jahr 2018, IFF Newsletter 1/2019 (co-author: Klara Grossenbacher).
- Verfassungsmässigkeit des Graubündner Parlamentswahlsystems, in: IFF Newsletter 2/2019.

- Föderalismus-Cockpit: Rechtliche Würdigung ausgewählter Geschäfte, in: IFF Newsletter 2/2019 (co-authors: Claudia Höchner and Liliane Minder).
- BGer 1C_511/2018: Hohe Anforderungen an touristisch bewirtschaftete Zweitwohnungen und ihre fraglichen Auswirkungen auf die Parahotellerie, in: Aktuelle juristische Praxis (AJP) 12/2019, 1340–1344 (co-author: Franziska Raaflaub).

ANDREA EGBUNA-JOSS

■ Internationale Berichterstattungspflichten und Follow-up im Bereich Menschenrechte: Die Arbeiten des SKMR, Status Quo und Ausblick, SCHR Newsletter, March 2019.

SANDRA EGLI

- Grundrechte im Alter, Ein Handbuch, Lucerne 2019 (online version: https://interact-verlag.ch/collections/neuerscheinungen/ products/grundrechte-im-alter) (co-authors: Andrea Egbuna-Joss, Sabrina Ghielmini, Eva Maria Belser and Christine Kaufmann).
- Droits fondamentaux des personnes âgées en Suisse un guide pratique, Lucerne 2019 (online version: https://interact-verlag.ch/collections/neuerscheinungen/products/droits-fondamentaux-des-personnes-agees-en-suisse-un-guide-pratique) (co-authors: Andrea Egbuna-Joss, Sabrina Ghielmini, Eva Maria Belser and Christine Kaufmann).

ELISABETH JOLLER

- Darf Justitia ein Kopftuch tragen?, ZBl 120/2019, 115-137.
- Politische und religiöse Werbung an Fahrzeugen und Anlagen öffentlicher Verkehrsbetriebe, ZBl 120/2019, 475-500 (co-author: Andreas Stöckli).
- Einführung einer «Personalbremse» auf Bundesebene? Rechtliche Einordnung und Bewertung, recht 2019, 258–273 (co-author: Andreas Stöckli).

LUKAS MARXER

Ausgewählte Entwicklungen im Regierungs- und Verwaltungsorganisationsrecht der Kantone im Jahr 2018/2019, in: Jahrbuch 2018/2019 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Bern 2019, 323–345 (co-author: Andreas Stöckli).

- Umsetzung der UNO-Behindertenrechtskonvention in der Schweiz, Umsetzungsmassnahmen von sechs ausgewählten Kantonen, website «brk-praxisbeispiele.ch» bzw. «cdph-exemplespratiques.ch», Swiss Centre of Expertise in Human Rights, SCHR
- The Case of Jura in Switzerland, in: Understanding the Occurrence and Outcome of Self-Determination Referenda in Europe, Fédéralisme Régionalisme, Université Liège, Belgium, 19/2019 (co-author: Simon Mazidi).
- «Die lachhafte Gerechtigkeit», Quid Law Review, 1/2019.

NICOLAS SCHMITT

■ Local Government in Switzerland: Organisation and Competences — Местное правительство в Швейцарии: Организация и Компетенция, in Local Government and Direct Forms of Democracy – The Experience of Russia and Switzerland, AKF «Polito» Publishers, Kaluga, 2019, p. 15 (in English), p. 63 (in Russian).

ANDREAS STÖCKLI

- Bundesrat und Bundesverwaltung, in: Maya Hertig Randall/ Benjamin Schindler/Oliver Diggelmann (eds.), Verfassungsrecht der Schweiz / Droit constitutionnel suisse, Volume III, Zurich/Basel/Geneva 2020, 1723–1756.
- Verwaltungskontrolle eine Einführung, in: Jahrbuch 2018/ 2019 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Bern 2019, 3–46.
- Ab welchem Zeitpunkt gilt der neue kantonale Richtplan? Bemerkungen zum Urteil 602 2019 3 des Kantonsgerichts des Kantons Fribourg vom 3. September 2019, in: Fribourger Zeitschrift für Rechtsprechung (FZR) 2019, 135–147.
- Einführung einer "Personalbremse" auf Bundesebene? Rechtliche Einordnung und Bewertung, in: recht 2019, 258–273 (coauthor: Elisabeth Joller).
- Elektronisches Patientendossier und Krankenversicherungsrecht: Was passiert mit Spitälern, die sich nicht rechtzeitig einer (Stamm-)Gemeinschaft gemäss EPDG anschliessen?, in: Aktuelle Juristische Praxis (AJP) 2019, 1156–1170.
- Politische und religiöse Werbung an Fahrzeugen und Anlagen öffentlicher Verkehrsbetriebe, in: Zentralblatt für Staats- und Verwaltungsrecht (ZBI) 9/2019, 475–500 (co-author: Elisabeth Joller).



- Neujustierung des Schweizerischen Finanzausgleichs: Kompromiss zwischen «ressourcenstarken» und «ressourcenschwachen» Kantonen gefunden!, in: Europäisches Zentrum für Föderalismusforschung (ed.), Jahrbuch des Föderalismus 2019, Tübingen 2019, 285–298.
- Staatliche Aufsicht über die Wirtschaft und ihre Akteure Organisatorische Fragen, in: Isabelle Häner/Bernhard Waldmann (eds.), Staatliche Aufsicht über die Wirtschaft und ihre Akteure, Zurich 2019, 105–151.
- Wege zur Umsetzung der Menschenrechtskonvention in der Schweiz, in: Plädoyer 3/19, 20–23.
- Prämienverbilligungen für Kinder und junge Erwachsene in Ausbildung – welcher Spielraum verbleibt den Kantonen? Bemerkungen zu BGE 145 I 26, in: IFF Newsletter 2/2019 (coauthor: Nicolas-Oskar Maier).
- Schweizerische Vereinigung für Verwaltungsorganisationsrecht/Andreas Stöckli (ed.), Jahrbuch 2018/2019, Verwaltungsorganisationsrecht – Staatshaftungsrecht – öffentliches Dienstrecht, Bern 2019, 345 pages.
- Rechtsprechung des Bundesgerichts, des Bundesverwaltungsgerichts und der kantonalen Gerichte zum Verwaltungsorganisationsrecht, zum Staatshaftungsrecht und zum öffentlichen Dienstrecht im Jahr 2018, in: Jahrbuch 2018/2019 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Bern 2019, 195–271 (co-author: Peter Hänni).
- Ausgewählte Entwicklungen im Regierungs- und Verwaltungsorganisationsrecht der Kantone im Jahr 2018, in: Jahrbuch 2018/2019 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Bern 2019, S. 223–245 (co-author: Lukas Marxer).
- Rechtsprechung zur Baubewilligung, in: Baurecht 5/2019, 220–225.
- Rechtsprechung zur Baubewilligung, in: Baurecht 2/2019, 81–86.

BERNHARD WALDMANN

- Allgemeines Verwaltungsrecht (co-author: René Wiederkehr), Zurich/Basel/Geneva 2019.
- Staatliche Aufsicht Eine Einführung, in: Isabelle Häner/Bernhard Waldmann (eds.), Staatliche Aufsicht über die Wirtschaft und ihre Akteure, 7. Forum für Verwaltungsrecht, Bern 2019, 1–20.
- Kommentar zu Art. 23e-23m NHG, in: Peter M. Keller/Jean-Baptiste Zufferey/Karl-Ludwig Fahrländer (eds.), Kommentar NHG, 2nd edition (co-author: Julien Borlat), Zurich/Basel/Geneva 2019.

Rechtsprechung zum öffentlichen Recht, Bereich «Raumplanung», in: Zeitschrift für Baurecht und Vergabewesen BR/DC 2019, 77-81, 280-284.

FLORIAN BERGAMIN/CLAUDIA HÖCHNER/LILIANE MINDER

■ Föderalismus-Cockpit: Rechtliche Würdigung ausgewählter Geschäfte, in: Newsletter zum Schweizerischen Föderalismus 2019/2.

5.2 Expert reports

Expertentätigkeit im Rahmen des syrischen Verfassungsgebungsprozesses, organisiert vom Europäischen Zentrum für kurdische Studien Berlin (Eva Maria Belser zusammen mit Sören Keil). Im Jahre 2019 haben fünf Veranstaltungen stattgefunden:

- Drafting Workshop Constitution of Syria (Berlin, 12–13 January);
- «Einheit in Vielfalt Eine Verfassung für Alle Syrer*innen», first workshop for members of the Syrian Constitutional Committee (Malta, 26–30 March);
- «Einheit in Vielfalt Eine Verfassung für Alle Syrer*innen», second workshop for members of the Syrian Constitutional Committee (Malta, 8–12 May);
- «Einheit in Vielfalt Eine Verfassung für Alle Syrer*innen», third workshop for members of the Syrian Constitutional Committee (Sarajevo, 7–11 September);
- «Einheit in Vielfalt Eine Verfassung für Alle Syrer*innen», fourth workshop for members of the Syrian Constitutional Committee (Loccum, 27 November–2 December);

Religious and political advertising on public buses, legal opinion for the Public Transport Providers of the city of Biel/Bienne, 9 January (Andreas Stöckli and Elisabeth Joller)

Assistance to the Federal Roads Office (FEDRO) as part of a workshop on the digital economy (UBER), January (Florian Bergamin)

Assistance to the Federal Roads Office (FEDRO) as part of a workshop on self-driving vehicles, January (**Florian Bergamin**)

Legal opinions on the introduction of a freeze on federal personnel recruitment for the Federal Office of Personnel (FOPER), January (Andreas Stöckli and Elisabeth Joller)

Advisory opinion on a legal clarification issued by the Federal Roads Office (FEDRO) regarding the taxi law in the canton of Zurich, February (**Florian Bergamin**)

Scope and instruments of Art. 48a Cst: An analysis in light of intercantonal agreements on cultural institutions of transnational importance, legal opinions for the Swiss Conference of Cantonal Ministers of Culture, March (Bernhard Waldmann and Klara Grossenbacher)

Advisory opinion on parking meters and the payment of parking fines, for the Federal Roads Office (FEDRO), March (**Florian Bergamin**)

Legal opinion regarding the enrolment of hospitals in a community or reference community pursuant to EPRA – Consequences of late enrolment, commissioned by the Federal Office for Public Health (FOPH), April (Andreas Stöckli and Miroslav Barukčić)

Legal opinions on overtime pay for members of the SwissSkills 2018 project, commissioned by the State Secretariat for Education, Research and Innovation (SERI), May (Andreas Stöckli and Elisabeth Joller)

Implementation of the Protection, Maintenance and Planning of Inventory-listed Landscapes of Cantonal Importance, project assistance and drafting of a specimen communal pact on the protection and maintenance of landscapes of cantonal importance, May (Bernhard Waldmann)

Member of the Origins Law Expert Committee of the Federal Office of Justice, chaired by Prof. Alexandra Jungo, June (**Eva Maria Belser**)

Opinion commissioned by the Finance and Constitution Committees of the Scottish Parliament, Edinburgh: Internal Market Approaches – Comparative Research (Switzerland), Report to the Scottish Parliament – Finance and Constitution Committee, (published on https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/113300.aspx), August (Eva Maria Belser and Simon Mazidi)

Participation in an administrative enquiry commissioned by the Graubünden cantonal government in connection with agreements on public tenders in the Graubünden Canton Office of Public Works, from Sept. 2018 to end of August 2019 (Andreas Stöckli, Martin Beyeler and Peter Hänni, with input from Elisabeth Joller)

Assistance on the project «Intercantonal burden-sharing in the field of culture: an overview». Input to the expert group report commissioned by the Swiss Conference of Cantonal Ministers of Education (EDK), until September (**Peter Hänni**)

Naming of the Vice-Chair of the Group of Independent Experts of the European Charter of Local Self-Government (GIE), October (**Eva Maria Belser**)

Draft advertising regulations for the public transport providers of the city of Biel/Bienne, November (Andreas Stöckli and Elisabeth Joller)

Brief opinion on Federal Supreme Court decision 145 I 73, for the Federal Commission against Racism (FCR), December (**Eva Maria Belser** and **Liliane Minder**)

Legal opinion on questions regarding the termination of the agreement on the Intercantonal Forester School Maienfeld, on behalf of the Directorate of the Interior of the Canton of Zug, December 2019 (Andreas Stöckli and Lukas Marxer)

Lead on an administrative inquiry commissioned by the Graubünden cantonal government in connection with agreements on public tenders in the canton of Graubünden Office of Public Works, ongoing (Andreas Stöckli and Martin Beyeler, with input from Elisabeth Joller)

Membership of the Federal Electricity Commission (ElCom) (Andreas Stöckli)



5.3 Study Tours

16.04., Fribourg	«Il federalismo e la Svizzera», visit by an Italian delegation led by Government Minister Riccardo Fraccaro on Swiss federalism, organised by the Swiss Embassy in Rome (Fabrizio Crameri)
02.10., Fribourg	«Theories of Federalism», study tour by members of the Secretariat of the Union Peace Dialogue Joint Committee Myanmar, organised by the Human Security Division of the FDFA (Eva Maria Belser)
02.10., Fribourg	«Swiss Federalism», study tour by members of the Secretariat of the Union Peace Dialogue Joint Committee Myanmar, organised by the Human Security Division of the FDFA (Eva Maria Belser)
09.10., Fribourg	Visit by the Maldives Ambassador Hala Hameed; discussion on possible cooperation and briefing on business trip to Male (Eva Maria Belser)
23-29.10., Sri Lanka	Study mission to Sri Lanka on «Input on Constitutional Models of Power Sharing in Sri Lanka», organised by the Human Security Division of the FDFA and the Swiss Embassy in Colombo (Eva Maria Belser)
29.10-01.11., Maldives	Study mission to the Maldives on decentralisation, organised by the Human Security Division of the FDFA and the Swiss Embassy in Colombo (Eva Maria Belser)
18-22.11., Fribourg	Study mission by a delegation of 11 provincial governors from the Philippines on Swiss federalism (Nicolas Schmitt)
28.11., Fribourg	Talks on possible collaboration with representatives from the Georgian Technical University, the Akaki Tsereteli University Kutaisi and the Georgian Embassy (Eva Maria Belser)

5.4. Continuing education courses

13th Conference of the Schweizerische Vereinigung für Verwaltungsorganisationsrecht (SVVOR) on «Kontrolle, Compliance und Risikomanagement in der öffentlichen Verwaltung und in öffentlichen Unternehmen», in conjunction with Stämpfli Verlag AG Bern; University of Fribourg, 25 January (**Andreas Stöckli**)

Guest lectures as part of the Master's programme of the Centre international de formation européenne (CIFE) in Nice (January) (Eva Maria Belser)

Guest lectures as part of the Winter School on Federalism and Governance 2019, organised by Eurac Bolzano and the University of Innsbruck (February) (**Eva Maria Belser**)

Murtner Gesetzgebungsseminar, Foundation Seminar I: Legislation methodology, in cooperation with the Centre for Legislative Studies, University of Zurich, 10–12 April, Murten (**Bernhard Waldmann**)

Workshop for the alumni of the Myanmar Federalism Leadership Programme (Nay Pyi Taw, 26–28 July), organised by the Hanns Seidel Foundation Munich, (Eva Maria Belser with Sören Keil, Christine Forster and Paul Anderson)

Myanmar Federalism Leadership Programme «Designing Federalism for a peaceful and prosperous Myanmar» (Nay Pyi Taw, 29 July-4 August), organised by the Hanns Seidel Foundation Munich (**Eva Maria Belser** with **Sören Keil, Christine Forster** and **Paul Anderson**)

VESO continuing education day, 4 October, Winterthur, lecture on autonomy and self-determination in light of national and international regulations (**Liliane Minder**)

Murtner Gesetzgebungsseminar, Foundation Seminar II: Drafting legislation, in cooperation with the Federal Chancellery and the Federal Office of Justice, 27–29 November, Murten (**Bernhard Waldmann**)

Doctoral Colloquium, Centre for Federal Studies and Governance (CFS) of Addis Ababa University (AAU), November (**Eva Maria Belser** and **Nico Steytler**)

5.5 Presentations and conferences

07.01., Saas Almagell	«Mit dem Studium in die Welt hinaus – einige Perspektiven», presented at Skilex (Eva Maria Belser)
11.01., Interlaken	«Das Krafteverhältnis zwischen Regierung und Parlament – Herausforderungen und Tendenzen», presented at the ch government seminar, organised by the ch Foundation for Federal Cooperation (Bernhard Waldmann)
23.01., Nice (France)	«Federalism and Minority Rights – A Multifaceted Relationship», presented at the Centre international de formation européenne (CIFE) (Eva Maria Belser)
24.01., Nice	«Ethiopia – A Controversial Experiment with Ethnic Federalism», Centre international de formation européenne (CIFE) (Eva Maria Belser)
24.01., Nice	«Iraq – A Failed Attempt to Impose Federalism», presented at the Centre international de formation européenne (CIFE) (Eva Maria Belser)
25.01., Fribourg	«Kontrolle der Verwaltung – Auslegeordnung und aktuelle Herausforderungen», presented at the 13 th Conference of the Schweizerische Vereinigung für Verwaltungsorganisationsrecht (SVVOR) on «Kontrolle, Compliance und Risikomanagement in der öffentlichen Verwaltung und in öffentlichen Unternehmen», University of Fribourg (Andreas Stöckli)
29.01., Lucerne	«Grundrechtliche Fragen am Ende des Lebens», presented at the Canton of Lucerne Legal Practitioners Association (Eva Maria Belser)
30. – 31.01., Nice (France)	«Comparative Federalism», presented at the Centre International de Formation Européenne CIFE) (Nicolas Schmitt)
06.02., Fribourg	«Neue Urteile – neue Entwicklungen im öffentlichen Recht», presented at the Swiss and International Construction Law, University of Fribourg (Bernhard Waldmann and Rudolf Muggli)
05.02., Innsbruck (Austria)	«Legal Conflicts in Federal Systems and the Role of Courts», presented at the Winter School on Federalism and Governance 2019: Federalism and the Rule of Law (Eva Maria Belser)
06.03., Fribourg	«The Danish Girl», panel discussion as part of the «Recht im Film» series (Eva Maria Belser)
08.03., Bern	«Religiöses Erziehungsrecht und staatlicher Bildungsauftrag im Konflikt», presented at the Workshop of the Interfaculty Research Cooperation (IFK) Religious Conflicts and Coping Strategies of the University of Berne on the topic «Das religiöse Erziehungsrecht der Eltern – Rechtliche und philosophische Perspektiven» (Andreas Stöckli)
14.03., Biel	«Entwicklung und Bedeutung des Subsidiaritätsprinzips», Subsidiarität – eine permanente Herausforderung, national symposium of the Swiss Conference for Social Welfare (SKOS) (Eva Maria Belser)
21.03., Fribourg	Presentation given at the INSOS conference on autonomy and self-determination in light of national and international regulations (Liliane Minder)
21.03., Warsaw (Poland)	«Strong case Study - Education», «Strong case Study - Foreign Affairs», presentations, organised by the Swiss Embassy in Warsaw and the Polish «Social contract Incubator» (Nicolas Schmitt)
27.03., Malta	«Verfassung und Verfassungsrecht – Begriff, Bedeutung und Funktionen», workshop for members of the Syrian Constitutional Committee (Eva Maria Belser)
28.03., Malta	«Menschenrechte: Begriff, Arten, Funktionen», workshop for members of the Syrian Constitutional Committee (Eva Maria Belser)



07.05., Fribourg	«Fürsorgerische Zwangsmassnahmen und Fremdplatzierungen, eine Übersicht aus rechtlicher Perspektive», presented as part of the Master's lecture series on the protection of basic and human rights by Prof. Eva Maria Belser (Liliane Minder)
10.05., Malta	«Der Transitionsprozess in Südafrika», workshop for members of the Syrian Constitutional Committee (Eva Maria Belser)
10.05., Malta	«Transition und Transitionsgerechtigkeit: Begriff, Bedeutung, Themen», workshop for members of the Syrian Constitutional Committee (Eva Maria Belser)
10.05., Murten	«Regelungsinstrumente», presented at the Murtner Gesetzgebungsseminar on legislation methodology, organised by the University of Fribourg (Bernhard Waldmann)
14.05., Fribourg	«Grund- und Menschenrechte in der Sozialhilfe», presented as part of the Master's lecture series on the protection of basic and human rights by Prof. Eva Maria Belser, University of Fribourg (Thea Bächler)
20.05., Trento (Italy)	« <let's (eva="" an="" analysis="" and="" at="" belser)<="" between="" cantons="" colloquium="" confederation="" conflicts="" constitutional="" court:="" court»,="" europe="" european="" experiences="" governments="" in="" litigation="" managing="" maria="" national="" of="" out="" presentation="" solving="" subnational="" talk!»="" td="" the="" –=""></let's>
24.05., Fribourg	«Kurdistan – The Utopia of the Kurds and the Spectre of their Neighbours», presented at the Authors' Workshop, Federalism and Conflict Resolution (Eva Maria Belser)
06.06., Bolzano (Italy)	«Stateless Nations and Federal Projects: Attempts and failures to accommodate the Kurds in Iraq and Syria», presented at the Summer Institute Bolzano: Negotiating and Sharing Power(s): Autonomy, Recognition and Cooperation (Eva Maria Belser)
12.06., Sarajevo (Bosnia and Herzegovina)	«Legacies of the Past, Burdens of the Present, Liabilities for the Future – Constitutional Safeguards to Be and Remain Different», presented at the IPSA Conference on «Diversity and Democratic Governance» (Eva Maria Belser)
13.06., Sarajevo	«Federalism as a Tool of Conflict Resolution – Bosnia in Comparative Perspective», Round Table, IPSA Conference (Eva Maria Belser)
14.06., Sarajevo	«Policy Issues in Deeply Divided Societies», presented at the IPSA Conference on «Diversity and Democratic Governance» (Eva Maria Belser)
18.06., Bern	«Ältere Menschen und Grundrechte: Praxisfälle einer Ombudsstelle aus Pflege und Betreuung», presented at the Conference Human rights in Switzerland; Federal, cantonal, city and municipal implementation (Eva Maria Belser)
20–21.06., Melbourne (Australia)	«The Legal Concept of Cities in the Context of Swiss Federalism», presented at the conference Human rights at a workshop on «Cities in Federal Theory», organized by the University of Melbourne Law School (Florian Bergamin)
25.06., Bern	«Die Bedeutung der ILO für Schweizer Arbeitnehmende», presented at the event 100 Years of Worker Success Stories, the International Labour Organization (ILO) (Eva Maria Belser)
27.06 28.06., Lucerne	«Verwaltungstätigkeit und Verwaltungsverfahren» and «Wiedererwägung und Revision», presented at the Central Switzerland Trainee Lawyers Course, organised by the Stiftung für Rechtsausbildung (Bernhard Waldmann)
01.07., Fribourg	«The Federalism World Tour», «What is Federalism? Switzerland as an example», presentations during the YMCA Jerusalem Youth Chorus visit
03.07., Dorigny, Lausanne	«Direct Democracy: the Swiss Example», presented at the World Science Journalists Conference, Swiss Science Lounge

06. – 07.07., Nay Piy Taw (Myanmar)	«Local Government and Federalism», presentation, and participation in panel debate on «Case Studies: Challenges of local governance – what works and what does not work», part of the Forum on Accountable and Representative Local Governance in Myanmar, organised by the Democracy Reporting International (DRI), Danish Institute for Parties and Democracy (DIPD) and the Hanns Seidel Foundation (Thea Bächler)
08.07., Phaunggyi (Myanmar) + 22.07, Zeepingyi (Myanmar)	«Introduction to Constitutions and Federal Ideas», presented at the UCSB Executive Level Officials Management Course on «Law and Political Science: Federalism, Regionalism and Decentralization», organised by the Hanns Seidel Foundation (Thea Bächler)
09.07., Phaunggyi + 23.07., Zeepingyi	«Federalism in Europe: Germany and Switzerland», presented at the UCSB Executive Level Officials Management Course on «Law and Political Science: Federalism, Regionalism and Decentralization», organised by the Hanns Seidel Foundation (Thea Bächler)
10.07., Phaunggyi + 24.07., Zeepingyi	«Basics on Fiscal Federalism & Fiscal Constitutions Compared», presented at the UCSB Executive Level Officials Management Course on «Law and Political Science: Federalism, Regionalism and Decentralization», organised by the Hanns Seidel Foundation (Thea Bächler)
12.07., Phaunggyi + 25.07., Zeepingyi	«Fundamental Rights in Federal and Multilevel Countries», presented at the UCSB Executive Level Officials Management Course on «Law and Political Science: Federalism, Regionalism and Decentralization», organised by the Hanns Seidel Foundation (Thea Bächler)
2629.07., Nay Pyi Taw	«Local Government in Federal Systems», presented at the Myanmar Federalism Leadership Programme, organised by the Hanns Seidel Foundation, Munich (Eva Maria Belser)
01.08., Nay Pyi Taw	«Designing Local Government in Federal Systems», presented at the Myanmar Federalism Leadership Programme, organised by the Hanns Seidel Foundation, Munich, (Eva Maria Belser)
13.08., Singapore	«Pluralism and Regional and Local Governance in Europa», presented at the National University of Singapore, LoGov seminar (Eva Maria Belser)
13. – 14.08., Canterbury (England)	«Comparing Federal Systems and Federations», «Federalism in the German-speaking world (with an unavoidable glimpse at USA)», presented at the Politics Summer School, organised by the Politics and International Relations programme of Canterbury Christ Church University (CCCU) and the Centre for European Studies (CEFEUS) (Nicolas Schmitt)
30.08., Lucerne	«Religiöse Privatschulen im Spannungsfeld zwischen Privatschulfreiheit und Recht auf ausreichenden Grundschulunterricht», presented at the network meeting of cantonal primary school authorities on private schools and private tuition/homeschooling (Andreas Stöckli and Marina Piolino)
04.09., Lucerne	«Föderalismus und Strafverfolgung – mit welcher Zukunft?», presented at a conference on «Zum Sinn und Wesen des Föderalismus», organised by the Public Prosecutors' Academy (Bernhard Waldmann)
06.09., Bern	«Religionsfreiheit versus Nichtdiskriminierung – Hat der Staat für Nichtdiskriminierung innerhalb der Religionsgemeinschaften zu sorgen und kann er das überhaupt?», presented at the conference in honour of the 40th anniversary of the Institute of Law and Religion (Eva Maria Belser)
08.09., Sarajevo	«Motive für vertikale Gewaltenteilung», workshop for members of the Syrian Constitutional Committee (Eva Maria Belser)
13.09., Fribourg	«Staatsrecht», presented at ALUMNI IUS FRILEX-, Service Pack 2019, University of Fribourg (Eva Maria Belser)



13.09., Fribourg	«Rechtsprechung zum Verwaltungsrecht», presented at ALUMNI IUS FRILEX-, Service Pack 2019, University of Fribourg (Andreas Stöckli)
13.09., Fribourg	«Aktuelle Urteile zum Verwaltungsverfahren», short presentation at the University of Fribourg Law Faculty Alumni conference, organised by the Vereinigung Alumni lus Frilex association (Bernhard Waldmann)
20.09., Stellenbosch (South Africa)	«Why the Turn to Global Constitutionalism at the WTO harms African Constitutionalism», presented at the 7 th Stellenbosch Annual Seminars on Constitutionalism in Africa 2019 (SASCA 2019) (Eva Maria Belser)
20.09., Schönenwerd	«Perspektiven des Föderalismus – mit einem Seitenblick auf den Bereich der sozialen Sicherheit», presented at the 2019 Conference of IV Offices on «Föderalismus vs. Zentralstaat: Ist Verschiedenartigkeit in der Einheit Trumpf?» (Andreas Stöckli)
09.10., Fribourg	Presentation at the lecture series to celebrate the 30th anniversary of the UN Convention on Children's Rights, Children's rights from an interdisciplinary viewpoint: Placing children in foster care during the 20th century and children's rights in Switzerland (Liliane Minder)
14.10., Bolzano (Italy)	EURAC Scientific Committee Meeting (Eva Maria Belser)
16 20.10., Speyer (Germany)	«Unity and Diversity of the Civil Service in Switzerland», presented at the IACFS conference in Speyer on «Unity and Diversity of Civil Service in Federal and Unitary/Decentralized Countries» (Eva Maria Belser and Thea Bächler)
25.10., Colombo (Sri Lanka)	«Devolution for Development and Harmony: The International Experience», keynote speech at the book launch (Eva Maria Belser)
25.10., Colombo	«Models of Power Sharing», presented at the University of Colombo (Eva Maria Belser)
26.10., Colombo	Participation in the National Seminar on Devolution (Eva Maria Belser)
28.10., Jaffna (Sri Lanka)	«Constitutional Safeguards for Units of Power-Sharing», presented at the University of Jaffna, Department of Law (Eva Maria Belser)
28.10., Jaffna	«Pros and cons of the 13 th Amendment to the Constitution of Sri Lanka», Lunch meeting with Governors (Eva Maria Belser)
28.10., Jaffna	«Exploring Options for Power Sharing in Ethnically Polarised Societies» Civil Society meeting at Chelvanayagam Centre (Eva Maria Belser)
30.10., Male (Maldives)	Meeting with Mohamed Aslam, Minister of National Planning and Infrastructure; meeting with President Mohamed Nasheed, Speaker; meeting with Ibrahim Ameer, Minister of Finance; meeting with Male City Council; meeting with Transparency International, Aiman Rasheed, organised by the Human Security Division of the FDFA and the Swiss Embassy in Colombo (Eva Maria Belser)
30.10., Fribourg	«Arme Kinder in der reichen Schweiz», presented at the lecture series «Interdisziplinäre Perspektiven auf die Kinderrechte», organised by Dr. Gisela Kilde (Thea Bächler)
31.10., Male	Meeting with Mr. Mohamed Shafeeg Mahmood, Chief Executive Officier of the Local Government Authority; meeting with member of parliament, with Ferdinand von Habsburg and Shamha, UNDP, organised by the Human Security Division of the FDFA and the Swiss Embassy in Colombo (Eva Maria Belser)

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06.11., Murten	«Bye-bye Demokratie – Die starken Männer sind zurück», Wissenschaftscafé, with Prof. Gilbert Casasus and Prof. Mark Schelker (Eva Maria Belser).
09. – 10.11., Guangzhou (China)	The Second International Conference on Reform of State Governance and Rule of Law at South China Normal University (SCNU), Faculty of Law: (a) Opening speech; (b) The Economic Constitution of Switzerland, presentation (Peter Hänni)
12.11., Guangzhou	«The European Union: Institutional Set Up and Functioning», lecture given at the SCNU, Faculty of Law (Peter Hänni)
13.11., Guangzhou	«German and French Administrative Systems: A Comparison» lecture given at the SCNU, Faculty of Law (Peter Hänni)
13.11., Guangzhou	«The Economic Constitution of Switzerland», presented at the Guangdong University for Foreign Studies (Peter Hänni)
14.11., Guangzhou	«Fiscal Federalism: The Swiss Tax System between Equality and Autonomy», lecture given at the SCNU, Faculty of Law (Peter Hänni)
14.11., Bern	«Comparaison entre systèmes fédéraux et systèmes décentralisés», «Suisse: fédéralisme et répartition des compétences», course on good governance and migration for Cameroonian diplomats (GCSP) (Nicolas Schmitt)
18.11., Addis Ababa (Ethiopia)	«Concepts of States», presented at the PhD seminar, presented at the Center for Federalism and Governance Studies, University of Addis Ababa (Eva Maria Belser)
18.11., Addis Ababa	«Concepts of Power-Sharing», presented at the Center for Federalism and Governance Studies, University of Addis Ababa (Eva Maria Belser)
18.11., Salzburg (Austria)	«Fiscal Federalism in Switzerland», presented at the Comparative Fiscal Federalism workshop, University of Salzburg (Centre of European Union Studies) (Andreas Stöckli)
18.11., Fribourg	«The Creation of a New Canton: Jura», presented as part of a study tour for provincial governors from the Philippines (Liliane Minder and Simon Mazidi)
19.11., Fribourg	«Die Fremdplatzierung von Kindern und Jugendlichen in einer interdisziplinären Perspektive», presented as part of the lecture on «Verdingkinder als Stiefkinder der Geschichte: Aufarbeitung und Entschädigung», Philosophy and History Faculty (Liliane Minder)
19.11., Addis Ababa	«Federalism as an Instrument of Conflict Resolution», presented at the Center for Federalism and Governance Studies, University of Addis Ababa (Eva Maria Belser)
19.11., Addis Ababa	«Federalism and the Protection of Minorities within Minorities», presented at the Center for Federalism and Governance Studies, University of Addis Ababa (Eva Maria Belser)
22.11., Addis Ababa	«States, Laws and Languages: The Challenge of Multilingual Governance», presented at the symposium on «Federalism and Language Policy for a Multi-Lingual Polity» (Eva Maria Belser)
22.11., Bern	«Airbnb aus verwaltungsrechtlicher Perspektive», presented at the Swiss Institute of Comparative Law (SIR) conference on «Airbnb and the Law: New developments in short-term rentals» (Andreas Stöckli)
27.11., Loccum (Germany)	«Verfassung und Verfassungsgebung», workshop for members of the Syrian Constitutional Committee (Eva Maria Belser)



27.11., Fribourg	«Einführung in das Asylrecht», presented as part of the Quali+ Programmes «Rechtswissenschaft für Nichtjuristen», University of Fribourg (Simon Mazidi)
28.11., Murten	«Normtypen», presented at the Murtner Gesetzgebungsseminar on drafting legislation, Institute of Federalism, University of Fribourg (Bernhard Waldmann)
28.11., Murten	«Aufbau und Systematik von Erlassen», presented at the Murtner Gesetzgebungsseminar on drafting legislation, Institute of Federalism, University of Fribourg (Peter Hänni)
06.12., Bern	«Origins law and fundamental rights», Origins Law Expert Committee (Eva Maria Belser)
10. – 11.12., Kalaw (Myanmar)	«Human Security and Good Governance», «Governance and Public Management», «Governance in Federal States», presented as part of the «Advanced Course on Governance and Human Security», organised by the Swiss Embassy (Nicolas Schmitt)
11.12., Fribourg	«Kinder und das Individualbeschwerderecht – Papiertiger oder brauchbares Instrument?», presented as part of the lecture series «Interdisziplinäre Perspektiven auf die Kinderrechte», organised by Dr. Gisela Kilde (Simon Mazidi)
12.12., Lucerne	«Nebenbeschäftigungen im öffentlichen Dienst – was erlaubt ist und was nicht», presented at the Public Employment Law Conference of the Institute for Legal Studies and Legal Practice, University of St. Gallen (Andreas Stöckli)
12.12., Lucerne	«Religiöse Bekleidungsvorschriften im öffentlichen Dienst – verfassungsrechtliche Aspekte», presented at the Public Employment Law Conference of the Institute for Legal Studies and Legal Practice (IRP-HSG) (Elisabeth Joller)
18.12., Fribourg	«Sozialversicherungsrecht», presented as part of the IUR I intensive seminar, University of Fribourg (Thea Bächler)
20.12., Krakow (Poland)	Seminar on direct democracy and federalism, organised by the Swiss Embassy and the Polish association «Social Contract Incubator» (Nicolas Schmitt)



Impressum

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