



Institut für Föderalismus
Institut du Fédéralisme
Institute of Federalism

ANNUAL REPORT

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2021

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MESSAGE FROM THE CHAIRMAN

The Institute of Federalism has found a new momentum thanks to the re-establishment of its working relationship with the Federal Department of Foreign Affairs (FDFA). As Chair of the Institute Council, I wish to offer my wholehearted thanks to the Head of the FDFA, Ignazio Cassis, for this positive development. As part of the contract signed with the Swiss Agency for Development and Cooperation (SDC), the Institute will receive an annual contribution of 250,000 Swiss francs over a four-year period. This funding will ensure that the Institute has the best possible conditions in place to host foreign delegations wishing to learn more about our federal system, and can continue to provide continuing education services to its international partners.



Among the many other projects that are in the pipeline, I would like to single out the creation of a training course for new cantonal council members, which the IFF is currently developing in partnership with the Conference of Cantonal Governments (KdK). We must always take advantage of the institutional laboratory that is readily available to us, and foster openness and curiosity for what is happening elsewhere, because these constitute the essence of Swiss federalism.

For the ch Foundation, spring 2021 saw the arrival of the 6th National Federalism Conference. My thanks go to the authorities of the canton of Basel-Stadt for overseeing the organisation of this event. The organisers adapted to the requirements imposed by the pandemic with flexibility and inventiveness, two qualities also shared by federalism itself.

1. FOREWORD

Most of the conference took place remotely. It ended on a high note, with the adoption of the 'Basel Declaration', which expresses a shared commitment to a future-oriented federalism. Its preamble states: "Federalism, like direct democracy, is intrinsic to Switzerland. It makes it strong and ensures a diverse and rich economic, social and cultural diversity landscape, both for the country and its inhabitants." I am convinced that we also have federalism to thank for the fact that we have managed to weather the economic and health stress test caused by the Covid-19 crisis relatively well.

Last year saw the relaunch of the 'Prize for Federalism', with a new format based on a public call for applications and prize money worth 10,000 Swiss francs. The 2021 winner was the 'easyvote' campaign created and run by the Federation of Swiss Youth Parliaments, which encourages and facilitates the participation of young citizens in the democratic life of their commune, canton and country. It embodies the dynamic federalism promoted by the ch Foundation. Activities and measures include the discussion platform 'ch-blog', and the 'ch Reihe' project, which supports the translation and creation of Swiss works of literature, and aims to facilitate exchanges between students, authors and translators from different cultural and linguistic backgrounds.

Pascal Broulis

The Covid-19 pandemic continued to dominate life at the Institute this year. During the first half of 2021, remote working remained the norm for many members of staff. The public health situation also led to the cancellation or postponement of several events, including the inaugural Federalism Seminar, the Summer University, study trips and research visits. Nonetheless, we managed to hold other events, but with changes to their usual format. This was the case for the Murtner Gesetzgebungsseminar [Murten Legislative Seminars] on the drafting of legislation. Given that a significant share of the course is taken up with interactive group work, the organisers initially opted for a hybrid approach. In the end, the entire seminar was held remotely in February and March, using a combination of podcasts, online group work and livestreams.

The International Centre team also moved several conferences and workshops to Zoom and MS Teams, or switched to a hybrid or webinar-based format. Although this adaptation process was very time-intensive, it has had the upside of improving the digital skills of IFF staff. While we are very much looking forward to holding in-person events again, we intend to explore the possibility of permanently adding digital components or formats to some of our services and training courses.

The launch of the vaccination roll-out saw the majority of IFF staff return to the office; the Institute was (finally) bustling with activity again. While the internet has many great virtues, it is much less conducive to cooperation and fostering a team spirit than face-to-face contact. The Institute was also finally able to host several visiting researchers, some of whom repeatedly had to postpone their stay in Fribourg. Thanks to their presence, the Institute feels much more international again.

The pandemic also continued to be a focus of much of our research and services this year (see Section 3 for more details), but IFF staff also worked on other major projects not connected with the public health crisis. They included a book publication; the organisation of a colloquium to mark the 10th anniversary of the adoption of the freedom of information principle by the canton of Fribourg (see Section 3 for more details); the completion of the administrative investigation into the Graubünden construction cartel on behalf of the Graubünden cantonal government and participation in the subsequent June 2021 media conference in Chur; and the publication of the 'Equality in Diverse States'

volume. More information on these and many of our other research, consulting, service and further education activities can be found below.

The purpose of the annual report is to provide our funding and governing bodies as well as all interested members of the public with an overview of the Institute's work during the past 12 months. It is also an opportunity to share other developments and projects that have informed our activities over the last year.

1.1 Re-structuring and reinforcement of the National and International Centres

In our annual report last year, we proudly announced that the Swiss Parliament had approved a motion calling for federal participation in the core funding of the cantons' centre of federalism expertise; the figure of CHF 1 million had been proposed during the parliamentary negotiations. We saw this decision as a major win for Swiss federalism and a recognition of the Institute's work. We are now delighted to report that an agreement has been reached with the SDC on the provision of interim funding until the motion is implemented, which hopefully will happen sooner rather than later. This funding will allow us to continue our most pressing and important international activities and liaise on a regular basis with FDFA representatives.

We have restructured the International Centre so that its staff can continue delivering targeted services and forging lasting partnerships. In summer 2021, Dr Sören Keil took up the newly created post of academic director. In this role, Dr Keil will oversee the planning and coordination of the Institute's international activities. He will also carry out his own research, offer continuing education courses and provide services on behalf of the IFF. The Institute is delighted to welcome an academic of Dr Keil's calibre to the team. As well as being an experienced and respected federalism scholar and practitioner, Dr Keil has a solid background in political science, which will further bolster the interdisciplinary orientation of the IFF.

The reorganisation drive extends to the National Centre, too. One of the aims of this restructuring is to relieve the professors of operational duties so that they are able to step up their involvement in other projects. We are delighted to announce the appointment

of Dr Claudia Sohi-Höchner as academic director. In this role, she will oversee the delivery of core services to the cantons, an area in which she already has extensive professional experience. The National Centre also plans to appoint an academic director with responsibility for external mandates in 2022.

1.2 A year of farewells... and an eye on the future

While we were thrilled to welcome several new colleagues, we were sad to say goodbye to three long-serving members of IFF staff. Of course, we do not begrudge them their well-deserved retirement, but we can barely imagine the Institute without them. They will be sorely missed.

Dr Nicolas Schmitt joined the Institute as a young researcher back in February 1985. Even when he was awarded his doctorate, he chose to remain with the Institute. Over the years he has acquired a well-earned reputation as a federalism expert and is a highly respected scholar nationally and internationally. In the early years of his career, Dr Schmitt was primarily responsible for the systematic registration of all official documents, such as procedural requests, draft proposals and reports, issued by Switzerland's (French-speaking) cantons in an in-house database. His longstanding and rigorous work has made the database an invaluable resource for IFF staff when carrying out background research for their comparative legal clarifications and studies on behalf of the cantons and the federal government. Dr Schmitt also set up the Institute's own classified compilation of legislation. The system forms the basis of the IFF Legislation Bulletin and serves as a reference work for a number of cantons. Later, Dr Schmitt created and launched a newsletter on cantonal referenda; it is still going strong today. He has also made a substantial contribution to the activities of the International Centre. He was a much sought-after speaker among visiting delegations to the Institute, and at international conferences and workshops. He has also written many academic papers, which have been read by scholars around the globe. We would like to thank Dr Schmitt for his tireless commitment, great sense of humour and generous spirit which have enhanced the working lives of generations of IFF staff, students, delegations and visiting scholars. We wish him a happy, healthy and fulfilling retirement.

At the end of the year, we also said goodbye to Ms Christine Verdon, who had been with the Institute since 1986. Initially, she was employed as a graduate assistant with responsibility for the documentation centre and the Institute's publications. Later, she took over the running of the in-house library and oversaw its integration in the main Law Faculty library in 2010. Under her long-standing and skilful leadership, the IFF library has acquired a unique profile that has delighted Institute staff and enriched their work, and has left visiting researchers from Switzerland and abroad impressed and amazed. Directors of other federalism institutes also consider our library a peerless and cherished resource. We would like to thank Ms Verdon for her commitment, dedication and unwavering loyalty to the Institute and wish her all the best in this new chapter of her life.

Finally, we said farewell to Professor Peter Hänni, the former director of the IFF, who had worked as a senior advisor since his official retirement in 2017 (cf. the 2017 IFF annual report). In this role, Professor Hänni received visiting delegations, handled specific queries and prepared legal opinions. We would like to thank him for his indefatigable support and wise counsel, and hope that he now has the time and opportunity to pursue the projects he has had on hold.

1.3 Outlook and thanks

In 2021, the Institute succeeded in adapting its services (especially its continuing education courses) to the restrictions imposed by the pandemic. With more digital offerings, the launch of new research and service projects and a new organisational structure, the Institute begins 2022 on a firm and confident footing. In January, it will finally hold the inaugural Federalism Seminar, which had to be postponed for a year due to the ongoing public health crisis. The second half of the year will see the return (at last) of the Summer University, which attracts attendees from around the globe. Last but not least, we are very hopeful that we will once again have the pleasure of hosting more guests, delegations and interested parties from the worlds of academia and politics.

We would like to take this opportunity to thank the Chairman of the Institute Council, State Councillor Pascal Broulis, the Deputy Chairman, State Councillor Jean-Pierre Siggen, and all other

members of the Institute Council for their commitment to the Institute. We are also indebted to our teaching, consulting and research, as well as the federal government and the cantons. Without their support, the Institute would not be able to deliver knowledge-based services in so many specialised fields.

Last but not least, we would like to thank our staff, whose dedication, sense of initiative, enthusiasm and competent work make the Institute a very special place for learning, educating, and addressing federalism-related issues. Federalism, whether in Switzerland or elsewhere, requires a constant re-examination, informed by new insights, if it is to strike the right balance between unity and diversity. It is a pleasure watching new project ideas take shape and come to fruition in the national and international spheres, but also to observe that there is still a place for the tried and tested. Equally, it is good to see a continued commitment to Institute's tried and tested activities. The three directors of the IFF consider it a privilege and a pleasure to lead the Institute, all the more so when they take stock of the prolific and wide-ranging work carried out by IFF staff.

Eva Maria Belser
Bernhard Waldmann
Andreas Stöckli

2. LOOKING BACK ON 2021

National Centre

The Covid-19 pandemic was a theme that ran through a sizeable portion of the National Centre's work in 2021. The Institute received a number of legal queries regarding measures which were introduced to respond to the pandemic. In particular, Professor Bernhard Waldmann was asked to contribute his expertise to an evaluation of the cantons' management of the Covid-19 crisis. Members of staff also produced a number of publications and presented papers at seminars and webinars on the subject.

As part of its participation in the ch Foundation's monitoring of federalism, the Institute analysed federalism-related developments in the case law and literature for the 2017–2020 period, and summarised its findings in two reports. These reports will be included in the ch Foundation's multi-year/monitoring report on the evolution of Swiss federalism. In the past year, the Institute monitored and evaluated federalism-related developments in legislation, case law and the literature. This required the examination of large volumes of academic publications, in particular those published in specialist journals, collected works and monographs. The National Centre also reviewed the federalism-related rulings of the cantonal courts, the Federal Administrative Court and the Federal Supreme Court. Some of these rulings, such as the federal government's proposed regulations on mobility pricing pilot schemes and the division of powers and responsibilities for regulating child care services. Analyses of these cases, as well as articles on the latest federalism-related developments, were published in the three IFF newsletters issued in 2021. They were also posted on the IFF website. The Institute published a total of eight newsletters on cantonal referenda. The National Centre was heavily involved in events and activities surrounding the 10th anniversary of the introduction of the Freedom of Information Act (InfoG) in the canton of Fribourg. The cantonal government commissioned the Institute to assess the current situation, probe the legal and practical problems that arise in practice, and identify any gaps or inconsistencies in the existing legal framework. The findings were presented at a special conference and published in an anthology (cf. Section 3 for more details).

The National Centre also accepted other mandates which brought in third-party funds that could be used to help cover IFF costs. Particularly worth mentioning are the participation in an ASTRA expert group on the introduction of a regulation on automated driving, Prof. Andreas Stöckli's seat in the Federal Electricity Commission

(ElCom), the participation in the expert group appointed by SBFI on the "Positioning of Colleges of Higher Education", the conclusion of the administrative investigation into the Bündner construction cartel (cf. in detail Section 3.3) and a comprehensive legal opinion on the duty to cooperate with the financial control in the Canton of Bern for the State Chancellery of the Canton of Bern.

Finally, the National Centre was able to hold its Murtner Gesetzgebungsseminare after an enforced year-long hiatus. The seminar on the drafting of legislation was held virtually in February/March, with the presentations being made available as podcasts and group work carried out in the form of a webinar. The seminar on the drafting of legislation was held in its usual format from 16 to 18 November 2021. The Institute also oversaw the planning of a new federalism seminar. Under the aegis of the Conference of Cantonal Governments (KDK), courses for newly elected cantonal councilors will also be offered from 2022. With regard to its knowledge transfer and continuing education activities, professors and members of staff presented their work at multiple symposia and conferences (cf. Section 5.4 for a detailed list).

International area

Two events, in particular, dominated the work of the International Centre in 2021.

The first was the agreement reached with the SDC in March on longer-term cooperation. This will allow the International Centre to create stronger and permanent structures to coordinate our work. One of the first steps we took was to hire two researchers, Thea Bächler and Bernhard Altermatt; in July, we appointed Sören Keil to the newly created post of Academic Director. The restructuring of the centre means that we are now well-placed to expand our services, relaunch mothballed projects and develop new project ideas. Staff changes, including the departure of Flavien Felder at the end of June, also led to a shift of focus. In future, the International Centre will concentrate its efforts on the following four fields: (1) training and capacity building; (2) research and publications; (3) services and consultancy; and (4) outreach and communication.

The second event was the continuing Covid-19 pandemic, which forced us to adapt our services. International Centre staff delivered a large share of their advisory assignments and other commissioned services online. Nevertheless, we were able to slowly return to our normal routine. We hosted several visiting researchers, par-

ticularly from Europe, as well as two delegations from Somalia and Ukraine. Regrettably, the pandemic forced us to postpone some events, including our planned visit to the Council of Europe.

We would like to draw attention specifically to two areas of our work. The first concerns our involvement in Myanmar. We continued to carry out our consultancy assignments and provide other services in 2021. We also further expanded our engagement in the country during the latter half of the year. We also pursued our cooperation with the Hanns Seidel Foundation in Germany. Together, we organised ‘Turn on Federalism’, an online lecture series that launched in September 2021. In spring, we decided to play a proactive role in the Horizon Europe consortium on the subject ‘The impact of Covid-19 measures on democracy, the rule of law and fundamental rights’. We would have liked to act as coordinator but were denied the opportunity because of Switzerland’s non-association in the EU’s Horizon Europe projects. Nevertheless, we were heavily involved in the drafting of the research proposal and successfully coordinated the proposal submission with our colleagues from EURAC in Bolzano.

The International Centre also took part in many events, both virtual and in-person during 2021. They included our continued efforts to assist the Syrian peace and constitutional process; in December we hosted a group of Syrian think tanks and civil society representatives. During their visit to the Institute, we discussed how the International Centre could improve the assistance it gives to the constitutional process and how the stakeholders themselves could better coordinate their work. In terms of our academic output, we contributed articles to the ‘Federalism as a Tool of Conflict Resolution’ anthology, and presented papers at a number of international conferences, including the International Political Science Association (IPSA) World Congress in July (online) and the IACFS Annual Conference, which was held in Innsbruck in October.

SCHR

After 11 years, the Swiss Centre of Expertise in Human Rights will be wound down at the end of 2022. It will be replaced by a permanent National Human Rights Institution. The last 12 months were taken up mostly with finishing the last remaining projects. The SCHR plans to publish a final work before it closes. Entitled ‘Strengthening Human Rights in Switzerland: New Ideas for Policy and Practice’, the book will feature 14 articles on the central

themes of Swiss human rights policy. The thematic cluster ‘Institutional Issues’, which is based at the Institute of Federalism, will take stock of its work in the fields of democracy and human rights, federalism and human rights, and vulnerable groups. It will focus on practical examples that could reinvigorate the often sluggish discussions in Switzerland. Another article will outline how the thematic cluster views the cornerstones of a human rights-based pandemic response. In addition to the work for the final publication, the Institutional Issues cluster continued its work on the UN Convention on the Rights of Persons with Disabilities and the fundamental rights of older people. The focus here was on the transfer of knowledge to practice, through further training, lectures and factsheets for members of cantonal authorities or employees of retirement and nursing homes. Finally, the cluster dealt with a new topic as part of the report ‘Right to the environment – An examination of the planned recognition of a right to the environment by the UN and its consequences for Switzerland’, which raises interesting legal questions with regard to the separation of powers. Last but not least, the Institutional Issues cluster has embarked on a study which explores the potential future role that Institute of Federalism could play in relation to the protection and strengthening of human rights.

3. IN FOCUS

3.1. 10 years of Fribourg’s Freedom of Information Act (InfoG)

In the canton of Fribourg, administrative processes and procedures were traditionally treated as confidential and secret. The new cantonal constitution of 16 May 2004, however, led to a paradigm shift towards the freedom of information principle: it makes public access to information a basic right and includes a general right to inspect official documents. To implement these provisions, the cantonal parliament enacted the Freedom of Information Act (InfoG); it has been in force since 1 January 2011.

To mark the 10th anniversary of the InfoG, the Institute was commissioned to carry out an extensive review of issues surrounding the freedom of information principle. At the behest of the cantonal authority which is responsible for freedom of information issues and data production (ÖDSB), the Institute oversaw the publication

of an anthology, featuring articles by Institute staff and external experts. The book will be published in October 2021 as part of the Institute of Federalism publication series (PIFF). The texts appear in both French and German; a complete translation of the entire anthology was the subject of an additional ÖDSB mandate; it was completed at the end of the year.

On the basis of selected aspects, the application of the freedom of information principle in the canton of Fribourg was examined primarily from a legal perspective; in certain instances, an empirical approach was also adopted. The anthology is divided into three parts. The first includes a review of the origins of the InfoG, the practical application of the freedom of information principle, and case law to date. The second addresses specific aspects in more detail, including the basic rights dimension of the InfoG, the set-up of the public authority itself, the relationship between transparency and data protection, and procedural issues. The final part of the anthology features 11 subject-specific articles written by federal representatives and authors from another Swiss canton.

In early December, the Institute organised an academic conference in connection with the publication. The event was held under the patronage of the ÖDSB and was aimed at a broad audience. Representatives of the central and decentralised administrative authorities, the public (specifically the media) as well as the conciliation authority and the cantonal court took part. The event therefore was able to explore the experiences of both those who apply the law and those who submit freedom of information requests.

The one-day programme was divided into two parts. The first focused on the application and effectiveness of the InfoG; the second part comprised a series of presentations by experts on specific questions and subjects. The aim was to enable a comprehensive and detailed assessment of the current state of affairs with regard to the legislation. The conference therefore looked at whether and to what extent the freedom of information principle is respected and applied, and examined the legal framework with reference to the real-life legal and practical challenges of applying it.

Finally, the anthology and the findings from the conference form the basis of a global evaluation of the freedom of information principle in Fribourg generally and the InfoG in particular. At the end of 2021, the National Centre received the mandate to write and submit a report on the evaluation findings. This work is still ongoing.

3.2. Covid crisis and federalism

The Covid-19 pandemic continued to have a significant impact not only on how the Institute organised its activities but also on its research and publication work in 2021. The federal government, which had taken over control of the pandemic response in winter 2020/2021, returned the powers to the cantons in spring 2021. The situation created a labyrinth of federal and cantonal regulations and measures that could be implemented in the event of subsequent waves of the pandemic. Another challenge faced by the cantons was the short lead time they had to put the necessary infrastructure in place for the vaccine roll-out. The Institute followed these developments with great interest. The IFF newsletter (published on 18 March, 8 July and 11 November; available at <<https://www.unifr.ch/federalism/de/dienstleistungen/newsletter/>>) reported on the latest events, decisions and legal measures. These constitute an impressive documentary record of federalism in action during the Covid crisis. As such, they will be a valuable resource for future research.

Various members of the Institute staff assessed the resilience of federalism in times of crisis and detailed their findings in a series of articles and academic papers. In 2020, the annual conference of the International Association of Centers for Federal Studies (IACFS) produced its conference papers which, to the best of the IFF's knowledge, is the first work to address the pandemic from a comparative federalism perspective (Comparative Federalism and Covid-19, Combating the Pandemic, London/New York, 2022). Professor Eva Maria Belser, who provided the country report for Switzerland ('Managing the Coronavirus Pandemic in Switzerland: How federalism went into emergency mode and struggled to get out of it'), was also significantly involved in this work. Another article, written by Professor Bernhard Waldmann and published in spring 2021 in a volume by the Centre for Legal Studies at the University of Zurich, takes a comprehensive look at the constitutional challenges of the Covid-19 crisis. His article not only addresses the emergency and special legislative powers of the federal government but also analyses the impact that the crisis has had on federalism and the horizontal separation of powers. Further articles by Institute members appeared in multiple publications: the 2021 Yearbook of Federalism of the European Centre for Research on Federalism in Tübingen (EZFF); the Weissbuch Corona edited by Frank Rühli and Andreas Their; and a special issue of Jusletter (15 February 2021) on governmental powers in the Covid crisis. An article by Claudia Sohi-Höchner, Florian

Bergamin and Franziska Raaflaub examined the already extensive coronavirus-related Swiss case law; it appeared in the IFF Newsletter of 11 November 2021.

The expertise of Institute staff was also in high demand. Professor Eva Maria Belser is one of the original members of the Swiss National Covid-19 Science Task Force; in this role, one of her responsibilities is handling matters pertaining to federal constitutional and administrative law. At the request of the Conference of Cantonal Governments (KdK), Professor Waldmann was one of the experts who contributed to an evaluation of the cantons' management of the Covid-19 crisis. As well as providing input on position papers, which served as the basis for four expert workshops, Professor Waldmann was also asked to comment on the draft as well as the definitive version of the final political report; the KdK adopted it in December 2021. Members of the Institute also took part in parliamentary hearings. In February 2021, for example, the Political Institutions Committee of the Council of States held a hearing on the hotly debated issue of the easing of restrictions for vaccinated members of the population. Professors Eva Maria Belser and Andreas Stöckli were invited to share their expert opinions with the committee. Cantonal parliaments are also seeking to learn lessons from the Covid pandemic, particularly with regard to the relationship between government and parliament in crisis situations. In May 2021, for example, a committee of the Bernese cantonal government held an expert hearing on the role of the cantonal government in extraordinary situations. Professor Stöckli was one of the experts who was invited to speak at the hearing.

In addition to numerous presentations (see Section 5.5 for a detailed list), the IFF saw the Covid crisis as an opportunity to forge ahead with plans for upcoming events. A Swiss Association for Administrative Organisation Law (SVVOR) webinar took place in spring 2021. It addressed a range of issues, including crisis management, cybersecurity, state liability and civil service law during the coronavirus pandemic. This was followed in October by a joint webinar with the Adam Mickiewicz University in Poznań (Poland), in which presentations and discussions looked at the reaction of the rule of law in Switzerland and Poland to the Covid crisis.

The pandemic is likely to keep the Institute busy in the near future, too. Together with foreign partner institutions, it is currently involved in a call for proposals from the European Union within the framework of the Horizon research programme. The purpose of the

transnational and comparative project is to examine the effects of the Covid pandemic on state structures and governance (project title: 'Politics and governance in a post-pandemic world – Multi-level governance under stress').

3.3. Administrative investigation into the Graubünden road construction cartel

In 2012, a whistleblower notified the Competition Commission (COMCO) that construction companies in the canton of Graubünden had been breaking competition law. COMCO launched a formal enquiry, which ran for several years. It led to 10 court cases, the most recent of which was in August 2019, and multi-million (Swiss francs) fines.

Every year, the canton of Graubünden procures road construction services worth hundreds of millions of Swiss francs. The cartel problem was particularly pronounced in the canton because it is the largest contracting authority in Switzerland for such services. In spring 2018, there was intensive media coverage of the findings of the COMCO enquiry, which also looked into the conduct of the cantonal authorities. One of the reports carried by the media was that the cantonal authorities had failed to act on information on price-fixing practices provided by a whistleblower to the Graubünden Civil Engineering Office (TBA) back in 2009. A further accusation claimed that the authorities' internal documents had been leaked, making it easier for construction companies to rig bids. The media reports generally gave the impression that the cantonal personnel in charge of the procurement process had, at the very least, turned a blind eye to these activities and may have even played an active role in them.

Given the extent of the bid rigging found by COMCO and the accusations levelled against the authorities, the cantonal government decided to commission independent experts from outside Graubünden to investigate whether or not the authorities or their employees had acted unlawfully with regard to these practices. Around the same time, the cantonal parliament set up a parliamentary investigation commission (PUK), the first in Graubünden's long history. The administrative investigation on behalf of the government and the parliamentary probe were conducted independently. However, both parties did share information.

4. ORGANISATION

4.1 Internal developments

The administrative investigation commissioned by the cantonal government had two separate assignments. The first was a review of the legal conformity of the legislative bases, processes and practices of the Cantonal Department of Planning and the TBA in relation to the award of tenders. The second was an investigation into specific TBA procedures which had been the subject of media reports. Professor Martin Beyeler (member of the Institute Council) and Professor Andreas Stöckli (member of the Directorate) carried out the first assignment and submitted a report. Professor Stöckli and Elisabeth Joller, a lawyer and member of the IFF staff, undertook the second assignment. Both were completed in May 2021, and Professors Beyeler and Stöckli presented the findings to the public in June 2021 during a press conference in Chur. Dr Mario Cavigelli, the head of the Cantonal Department of Planning was also in attendance. The previous day, the parliamentary investigation commission (PUK) had released the findings of its enquiry. Both reports were published on the official website of the canton of Graubünden, and were covered by the national and regional media.

The report on the second part of the administrative investigation ran to more than 300 pages. It drew on extensive documentation obtained from the authorities and private individuals, as well as information gathered during interviews with cantonal staff, construction company employees and cantonal government officials who were serving at the time of the alleged bid rigging. The investigation did not find any evidence that cantonal staff were directly involved or that members of the authorities had any knowledge of or lent their support to the allocation of certain contracts or price-fixing activities. However, the report did find that the authorities were vaguely aware of stories circulating about bid rigging in the canton. The investigation also concluded that the authorities were wrong not to act on the whistleblower's report in 2009. In addition, the authorities' communication in relation to planned construction projects was sometimes found to be problematic as it had potentially facilitated the bid rigging. Finally, the investigation also looked at the measures that the canton had taken since COMCO opened its investigation in 2012 in order to address the issues that had led to price-fixing practices and to prevent such behaviour in the future. The report concluded that the authorities had been diligent and thorough in this respect.

The public health situation meant that remote working continued to be the norm in 2021.

The Institute Council therefore did not hold their spring meeting. Instead, the statutory decision-making process took place by correspondence. An in-person meeting was convened in late November.

Two members were re-elected and the Council approved a request for the appointment of a new auditor as of 2021. A local accountancy firm, ANAGEST Révision SA (Villars-sur-Glâne) was awarded the contract.

The creation of two new academic director posts – one in the National Centre and the second in the International Centre – required some restructuring of the Institute's management set-up. While many changes have already been made, the process will continue in 2022.

In view of the increase in funding which the Institute has already received and is set to receive in the medium term, it seemed like a good opportunity to review our financial management. As a result of the University of Fribourg plans to switch to another version of the SAP system as of 1 January 2022, the Institute will take steps towards closer technical integration with the University's Financial Services Department, and will expand its cost accounting.

Two young men served their civilian service at the Institute; together, they spent a total of four months with us. One was assigned to the Documentation Centre, where he helped to update the archives. The other supported the team with their work on international cooperation projects.

Our third-year commercial trainee completed her apprenticeship with the Institute and graduated with a Federal Diploma of Vocational Education and Training. She was replaced by a new trainee who, like her predecessor, is in the third year of her apprenticeship.

Following the retirement of the head of the in-house library at the end of the year, the Institute conducted a thorough review of the future organisation of this service. In agreement with the Rectorate, the Law Faculty and its Law Library (BFD), the merger of the two facilities will begin in 2022. At the end of 2021, a transitional arrangement was put in place thanks to the effective and valuable support of the BFD.

The Head of the Institute's Central Services will be taking partial retirement as of 1 January 2022. To offset his reduced working hours, the IFF has appointed a new part-time employee (0.4 FTE) to the Central Services team.

4.2 Institute Council

At the end of 2021, the members of the Institute Council were as follows:

Chair

Pascal BROULIS, Cantonal Minister for Finances and Foreign Affairs (Vaud) and Representative of the ch Foundation (member since 2017))

Vice-chair

Jean-Pierre SIGGEN, Cantonal Minister for Education, Culture and Sport (Fribourg) (member since 2014)

Representative of the ch Foundation for Federal Cooperation

Roland MAYER, Secretary-General of the Conference of Cantonal Governments (member since 2019)

Christian RATHGEB, Cantonal Executive Councillor of the Canton of Graubünden and Head of the Department of Finance and Municipalities, President of the Conference of Cantonal Governments CdC (member since 2021)

Representative of the of the University of Fribourg

Martin BEYELER, Professor of Infrastructure Law and New Technologies (member since 2020)

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

Raphaël DUMMERMUTH, Graduate Assistant, Representative of the academic mid-level faculty (member since 2020)

Clémence GRISEL RAPIN, Professor of Administrative Law (member since 2020)

Anna SOLARI, Student Representative (member since 2021)

Other members

Christoph AUER, Secretary of the Canton of Bern (member since 2017)

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

Peter MISCHLER, General Secretary, Swiss conference of the cantonal financial directors (member since 2015)

4.3 Staff

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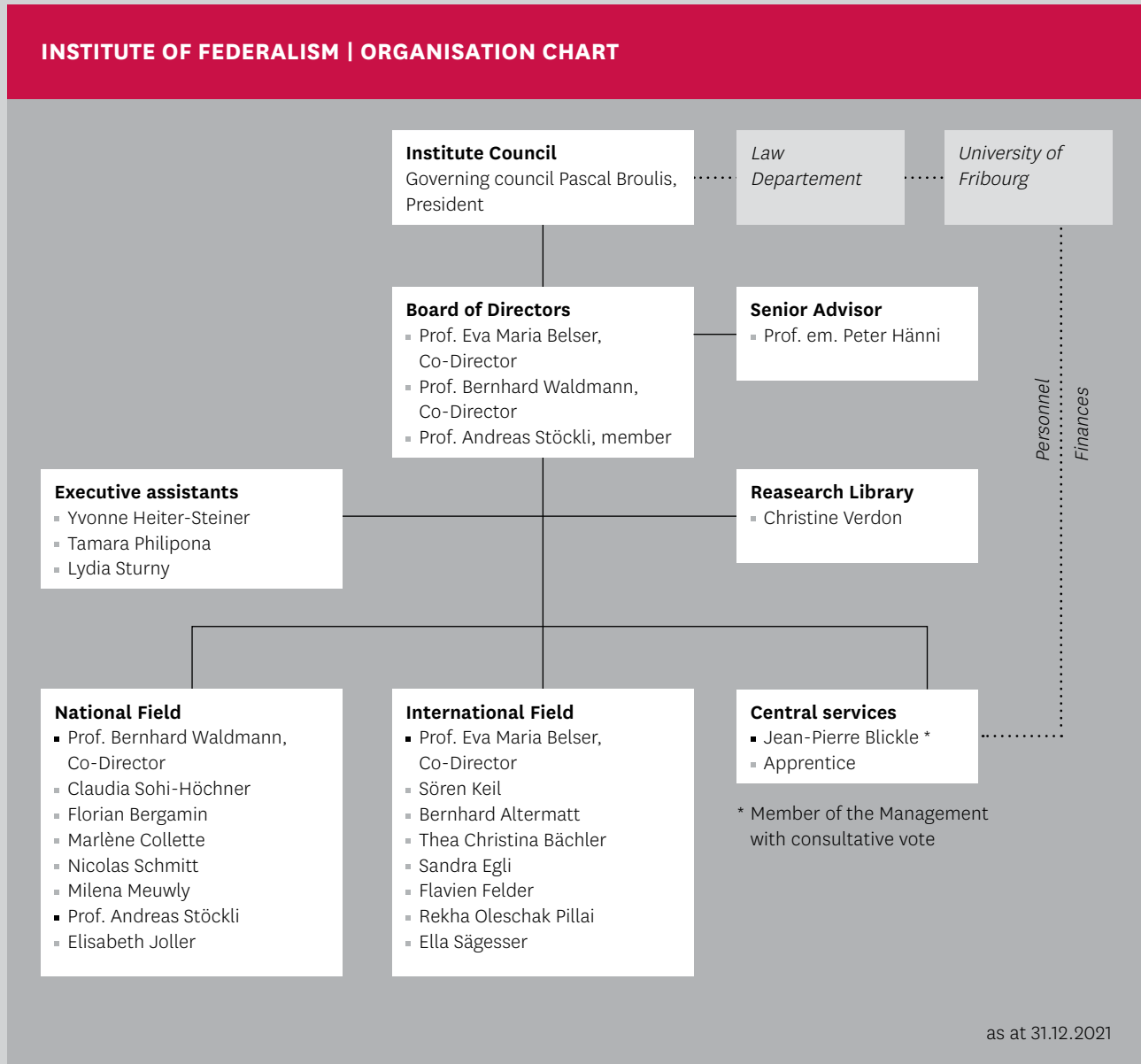
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4.4 Organisation Chart



5. OVERVIEW OF IFF ACTIVITIES IN 2021

5.1 Research and publications

THEA BÄCHLER

- Recht auf Umwelt. Eine Untersuchung der geplanten Anerkennung eines Rechts auf Umwelt durch die UN und ihrer Folgen für die Schweiz, Schweizerisches Kompetenzzentrum für Menschenrechte, Berne 2021 (co-authors: Eva Maria Belser and Sandra Egli).
- The Principle of Equality in Diverse States – Reconciling Autonomy with Equal Rights and Opportunities, Leiden and Boston 2021 (Ed., co-authors Eva Maria Belser, Sandra Egli and Lawrence Zünd).
- Programmatische Verpflichtungen der Menschenrechtsverträge am Beispiel der UNO-Behindertenrechtskonvention, Synthesebericht, Schweizerisches Kompetenzzentrum für Menschenrechte, in publication (co-author: Liliane Denise Minder).

EVA MARIA BELSER

- Der Schweizer Föderalismus in Zeiten der Pandemie: Wie krisenfest ist die vertikale Gewaltenteilung? (co-author: Simon Mazidi), in: Europäisches Zentrum für Föderalismus-Forschung Tübingen (EZFF) (Ed.), Jahrbuch des Föderalismus 2021, Föderalismus, Subsidiarität und Regionen in Europa, Baden-Baden 2021, pp. 67–84.
- Direkte und deliberative Demokratien der Schweiz, Vom Volk, das nicht nur mitredet, sondern entscheidet und dennoch nicht immer das letzte Wort haben sollte, in: Elisabeth Alber/Carolin Zwilling (Ed.), Von Government zu Governance, Direkte und deliberative Demokratie in europäischen Mehrebenensystemen, Bozen 2021, pp.127–164.
- Existierte die Schweiz während der Pandemie? Die Eigenheiten der Schweiz und ihre Eignung für den Krisenfall, in: Frank Rühli/Andreas Thier (Ed.), Weissbuch Corona, Die Schweiz nach der Pandemie, Befunde – Erkenntnisse – Perspektiven, Basel 2021, pp. 95–102.
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- Vom Umgang mit Gleichheit und Vielfalt im Föderalismus, im Rechtsstaat und in der Demokratie, Schweizerischer Juristentag 2021 «Gleichstellung neu interpretiert», ZSR 140 (2021) II, pp. 5–117.
- Grundrechte II: Die einzelnen Grundrechte, Zurich/Basel/Geneva 2021 (co-author: Bernhard Waldmann).
- Grundrechte I: Die allgemeinen Grundrechtslehren, Zurich/Basel/Geneva 2021, (co-author: Bernhard Waldmann).
- Introduction in: Eva Maria Belser/Thea Bächler/Sandra Egli/Lawrence Zünd (eds.), The Principle of Equality, Reconciling Autonomy with Equal Rights and Opportunities, Leiden and Boston 2021, pp. 1–9, (co-author: Lawrence Zünd).
- Why the Affection of Federalism for Human Rights Is Unrequited and How the Relationship could be improved, in: Eva Maria Belser/Thea Bächler/Sandra Egli/Lawrence Zünd (eds.), The Principle of Equality, Reconciling Autonomy with Equal Rights and Opportunities, Leiden and Boston 2021, Chapter 3, pp. 62–98.
- Concluding Remarks, in: Eva Maria Belser/Thea Bächler/Sandra Egli/Lawrence Zünd (eds.), The Principle of Equality, Reconciling Autonomy with Equal Rights and Opportunities, Leiden and Boston 2021, pp. 415–428.
- Regionalism – Italian Lessons Offered to Complex States Seeking Legitimate and Effective Governance while Being Reluctant to Federalism, Concluding Remarks, in: Erika Arban/Guiseppa Martinico/Francesco Palermo (eds.), Federalism and Constitutional Law: The Italian Contribution to Comparative Regionalism, New York 2021, pp. 206–218.
- Den Schutz der Arbeitnehmer gewährleisten/What can the employee do if the employer does not comply with the protective measures (or plans)? Policy brief of the National Covid-19 Science Task Force (NCS-TF), March 2021, available at <https://ncs-tf.ch/de/policy-briefs>.
- Festlegen der Priorisierung des Zugangs zu Impfstoffen/Covid-19 Vaccines: Process to determine priority and allocation & National and International Responsibilities for Access, Policy brief of the National Covid-19 Science Task Force (NCS-TF), March 2021, available at <https://ncs-tf.ch/de/policy-briefs>.
- When direct democracy trumps human rights: Unveiling the Swiss “Burqa Ban” (co-author: Simon Mazidi), Voices from the Field, International IDEA, Constitutionnet 2021, <https://constitutionnet.org/news/when-direct-democracy-trumps-human-rights-unveiling-swiss-burqa-ban>.
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- Einheit und Vielfalt in Zeiten der Pandemie – ein föderalistischer Rückblick auf ein besonderes Jahr, Newsletter IFF 1/2021, verfügbar auf https://www.unifr.ch/federalism/de/assets/public/files/Newsletter/IFF/3_Einheit%20und%20Vielfalt%20in%20Zeiten%20der%20Pandemie.pdf.
- Umgang mit Corona-Leugnung/Responses to Corona denial, Policy brief of the National Covid-19 Science Task Force (NCS-TF), February 2021, available at <https://ncs-tf.ch/de/policy-briefs>.
- Masken sind ein essentielles Gut/Masks as an essential good?, Policy brief of the National Covid-19 Science Task Force (NCS-TF), January 2021, available at <https://ncs-tf.ch/de/policy-briefs>.
- Fehltritte 2020: «Ein politischer Entscheid?», plädoyer 1/2021, pp. 73–74 (co-authors: Christopher Gert and Kurt Pärli).

FLORIAN BERGAMIN

- Herausgabe der Publikation «10 Jahre InfoG Freiburg», Berne 2021 (co-author: Bernhard Waldmann).
- Rechtsprechung zum InfoG, in: Bernhard Waldmann/Florian Bergamin (Ed.), 10 Jahre InfoG Freiburg, Berne 2021.
- Regelungsgegenstand und Geltungsbereich des InfoG, in: Bernhard Waldmann/Florian Bergamin (Ed.), 10 Jahre InfoG Freiburg, (co-author: Claudia Sohi-Höchner), Berne 2021.
- Rechtsprechung zu Covid-19, in: Newsletter IFF 3/2021 (co-authors: Claudia Sohi-Höchner and Franziska Raaflaub).
- City Report: Geneva, The ILA study group on the Role of Cities in International Law, Asser Institute/Freie University Berlin (co-author: Milène Hauri).

MARLÈNE COLLETTE

- La gratuité des transports publics: entre obstacles juridiques et enjeux de mobilité urbaine, Newsletter IFF 3/2021.

PETER HÄNNI

- The Swiss Tax System – Between Equality and Diversity, in: Eva Maria Belser/Thea Bächler/Sandra Egli/Lawrence Zünd (Ed.), The Principle of Equality in Diverse States, pp. 253–289, Leiden/Boston 2021.

HÖCHNER CLAUDIA

- Regelungsgegenstand und Geltungsbereich des InfoG, in: Bernhard Waldmann/Bergamin Florian, 10 Jahre InfoG Freiburg: Die Implementierung des Öffentlichkeitsprinzips im Kanton Freiburg – ausgewählte Aspekte, Berne 2021, pp. 93–119.
- Literatur zum Schweizerischen Föderalismus im Jahr 2020: Ein Rückblick, in: Newsletter IFF 1/2021.
- Föderalismusrelevante Urteile aus dem Jahr 2020, in: Newsletter IFF 1/2021.
- Grundrechtsschutz und Pandemiebekämpfung am Beispiel der Maskenpflicht, in: *ius.ful* 2/21, pp. 50–57.

ELISABETH JOLLER

- Die Organisation der Kantonalen Behörde für Öffentlichkeit und Datenschutz (ÖDSB), in: Institut für Föderalismus (Ed.), 10 Jahre InfoG, 2021, pp. 121–157 (co-author: Andreas Stöckli).
- Mitwirkungspflichten gegenüber der Finanzkontrolle im Kanton Bern, in: Schweizerische Vereinigung für Verwaltungsorganisationsrecht (Ed.), Jahrbuch 2020/2021, Verwaltungsorganisationsrecht – Staatshaftungsrecht – öffentliches Dienstrecht, Berne 2021, S. 137– ? (co-author: Andreas Stöckli).

SÖREN KEIL

- Post-partition citizenship policies: Lessons from Post-Yugoslav federal states. in: *Publius – The Journal of Federalism*. 2021, 51(2), pp. 307–326 (co-author: Jelena Dzankic).
- Equality and Inequality in Bosnia and Herzegovina. in: Eva Maria Belser/Thea Bächler/Sandra Egli/Lawrence Zünd (Hrsg.), The Principle of Equality in Diverse States – Reconciling Autonomy with Equal Rights and Opportunities, Leiden and Boston 2021, pp. 338–361.
- Bosnia and Herzegovina: Constitutional Politics in a “State of Minorities”, in: Andre Lecours/Nikola Brassard-Dion/Guy Laforest (Ed.), Constitutional Politics in Multinational Democracies, Montreal and Kingston 2021, pp. 162–188 (co-author: Paul Anderson).
- A New Eastern Question? The Great Powers and the Post-Yugoslav States, Stuttgart 2021 (co-ed.: Bernhard Stahl).
- A New Eastern Question? – The Great Powers and the Post-Yugoslav States: Introduction, in: Sören Keil/Bernhard Stahl (Ed.), A New Eastern Question? The Great Powers and the Post-Yugoslav States, Stuttgart 2021 (co-author: Bernhard Stahl).

- The European Union and the Post-Yugoslav States -From Negligence to Dominance and Back?, in: Sören Keil/Bernhard Stahl (Ed.), A New Eastern Question? The Great Powers and the Post-Yugoslav States, Stuttgart 2021 (co-author: Bernhard Stahl).
- Concluding Remarks – The Potential and Pitfalls of a New Eastern Question, in: Sören Keil/Bernhard Stahl (Ed.), A New Eastern Question? The Great Powers and the Post-Yugoslav States, Stuttgart 2021 (co-author: Bernhard Stahl).
- Bosnia and Herzegovina – From Permanent Crisis to Permanent Solution? in: Oslobodjenje, Supplement Ja bih BiH, 22 November 2021, https://www.oslobodjenje.ba/dosjei/teme/ja-bih-bih-708969?fbclid=IwAR1sLe_KNi6gcw8nguIFolJoOjpy-lx-fCK19py-6LOcO-89F_yibdBOgWXw.
- Territorial Autonomy, Ethnic Conflict, and Secession: Between a Rock and a Hard Place? in: Ignacio Lago (Ed.), Handbook on Decentralization, Devolution and the State, Cheltenham 2021, pp. 236–254 (co-author: Paul Anderson).
- Michael Burgess, in: Online Encyclopedia on American Federalism, 2021, http://encyclopedia.federalism.org/index.php?title=Federalism_in_America:_An_Encyclopedia
- Glossary for the Federal Debate in Myanmar, Hanns Seidel Foundation, Yangon 2021 (co-author: Paul Anderson).
- Buchbesprechung – Benz Arthur. 2020. Föderale Demokratie, in: Zeitschrift für Vergleichende Politikwissenschaft 21(2), 2021, pp. 291–293.

NICOLAS SCHMITT

- Post- Páanta rheñ, ou la LInf dans son contexte historique, in Waldmann/Bergamin (Ed.), 10 ans LInf Fribourg, Stämpfli Editions, Berne 2021, pp. 3–14.
- Candide au Pays de la transparence – La LInf dans la pratique, in Waldmann/Bergamin (éds.), 10 ans LInf Fribourg, Stämpfli Editions, Berne 2021, pp. 15–42.

SOHI-HÖCHNER CLAUDIA

- Rechtsprechung zu Covid-19: Eine Analyse ausgewählter Aspekte, in: IFF Newsletter 3/2021.
- Literatur zum Schweizerischen Föderalismus (2017–2020), analysis commissioned by ch Stiftung für eidgenössische Zusammenarbeit, September 2021.
- Rechtsprechung zum Schweizerischen Föderalismus (2017–2020), analysis commissioned by ch Stiftung für eidgenössische Zusammenarbeit, September 2021.

ANDREAS STÖCKLI

- Schweizerische Vereinigung für Verwaltungsorganisationsrecht (Ed.), Jahrbuch 2020/2021, Verwaltungsorganisationsrecht – Staatshaftungsrecht – öffentliches Dienstrecht, Berne 2021, 492 pages.
- Jusletter-Schwerpunktausgabe zum Thema «Gewaltenteilung in ausserordentlichen Lagen – mit einem Blick auf die Corona-Krise und in die Zukunft», 15th February 2021.
- Mitwirkungspflicht gegenüber der Finanzkontrolle im Kanton Bern, in: Jahrbuch 2020/2021 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Berne 2021, pp. 137–291 (co-author: Elisabeth Joller).
- Die Organisation der Kantonalen Behörde für Öffentlichkeit und Datenschutz (ÖDSB), in: Bernhard Waldmann/Florian Bergamin (Hrsg.), 10 Jahre InfoG Freiburg, Die Implementierung des Öffentlichkeitsprinzips im Kanton Freiburg ausgewählte Aspekte, Berne 2021, pp.121–157 (co-author: Elisabeth Lisa Joller).
- Das Bundesgericht macht den Weg frei für das Windparkprojekt Sainte-Croix, BR/DC 5/2021, pp. 261–263.
- Strompreisregulierung: Wie ist mit Unterdeckungen umzugehen?, in: Jusletter 22th March 2021, 14 pages (co-authors: Katia Delbiaggio and Barbara Wyss).
- Gewaltenteilung in ausserordentlichen Lagen – quo vadis?, Lehren aus der Corona-Krise, in: Jusletter, 15th February 2021, 24 pages.
- Rechtsprechung des Bundesgerichts, des Bundesverwaltungsgerichts und der kantonalen Gerichte zum Verwaltungsorganisationsrecht, zum Staatshaftungsrecht und zum öffentlichen Dienstrecht von Mitte 2020 bis Mitte 2021, in: Jahrbuch 2020/2021 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Berne 2021, pp. 313–419 (co-author: Stefanie Braun).
- Ausgewählte Entwicklungen im Regierungs- und Verwaltungsorganisationsrecht der Kantone von Mitte 2020 bis Mitte 2021, in: Jahrbuch 2020/2021 der Schweizerischen Vereinigung für Verwaltungsorganisationsrecht, Berne 2021, pp. 455–492 (co-authors: Stefanie Braun and Festina Januzi).
- Rechtsprechung zur Baubewilligung, in: Baurecht 5/2021, pp. 271–277.
- Rechtsprechung zur Baubewilligung, in: Baurecht 2/2021.
- Von einer Zweiklassengesellschaft kann nicht die Rede sein, in: Schweizer Monat 6/2021, pp. 71 f.
- Corona – mögliche Privilegien für Geimpfte, in: NZZ 20th January 2021, pp. 19.

BERNHARD WALDMANN

- Grundrechte I, Allgemeine Grundrechtslehren, 2nd edition (co-author: Eva Maria Belser), Zurich/Basel/Geneva 2021.
- Grundrechte II, Die einzelnen Grundrechte, 2nd edition (co-author: Eva Maria Belser), Zurich/Basel/Geneva 2021.
- Staatsrechtliche Herausforderungen, in: Felix Uhlmann/Stefan Höfler (Ed.), Notrecht in der Corona-Krise, 19. Jahrestagung des Zentrums für Rechtsetzungslehre, Zurich/St. Gall 2021, pp. 3–48.
- 10 ans LInf Fribourg – La mise en œuvre du principe de transparence dans le canton de Fribourg – quelques aspects choisis / 10 Jahre InfoG Freiburg – Die Implementierung des Öffentlichkeitsprinzips im Kanton Freiburg – ausgewählte Aspekte, Berne 2021 (Edited together with Florian Bergamin).
- Procédure d'accès aux documents officiels, in: Bernhard Waldmann/Florian Bergamin, 10 ans LInf Fribourg, La mise en œuvre du principe de transparence dans le canton de Fribourg – quelques aspects choisis / 10 Jahre InfoG Freiburg, Die Implementierung des Öffentlichkeitsprinzips im Kanton Freiburg – ausgewählte Aspekte, Berne 2021, pp. 177–221.
- Die Verfassung zwischen Stabilität und ständiger Fortentwicklung, Ein Gastbeitrag aus schweizerischer Perspektive, in: Zeitschrift für öffentliches Recht (ZöR) 76 (2021), pp. 1213–1236.
- Föderalismus und Corona – Unübersichtlicher Flickenteppich oder geordnetes Mosaik?, in: Schweizerisches Zentralblatt für Staats- und Verwaltungsrecht (ZBl) 122 (2021), pp. 533–534.
- Die Pflicht zur Abgeltung von Planungsmehrwerten – Ein neues Bundesgerichtsurteil präzisiert die bundesrechtlichen Vorgaben, in: Zeitschrift für Baurecht und Vergabewesen BR/DC 2/2021, pp. 69–74.
- Pilotprojekte zu Mobility-Pricing – Einführung ohne Verfassungsänderung, in: Newsletter des Instituts für Föderalismus 2/2021, 8th July 2021 (online: http://www.unifr.ch/ius/federalism_de/dienstleistungen/newsletter/newsletter_iff).
- Regelungsmöglichkeiten und Bundeskompetenzen bei der familienergänzenden Kinderbetreuung (co-author: Claudia Höchner), in: Newsletter des Instituts für Föderalismus 2/2021, 8th July 2021 (online: http://www.unifr.ch/ius/federalism_de/dienstleistungen/newsletter/newsletter_iff).
- Soft Law bedrängt den Föderalismus, Gastkommentar (co-author: Benjamin F. Brägger), NZZ, 1st September 2021.
- Rechtsprechung zum öffentlichen Recht, Bereich «Raumplanung», in: Zeitschrift für Baurecht und Vergabewesen BR/DC 2021, pp. 83–90, pp. 264–271.

5.2 Expert reports

Member of the expert group «Positionierung der Höheren Fachschulen» set up by SERI (ongoing) (**Andreas Stöckli**)

Member of the Federal Electricity Commission (ElCom) and Chairman of the Commission's Legal Affairs Committee; re-elected by the Federal Council for the 2020–2023 term of office (**Andreas Stöckli**)

Participation as an expert in the evaluation of the Covid 19 crisis management of the cantons (Konferenz der Kantonsregierungen) (**Bernhard Waldmann**)

Contribution to the federalism monitoring of the chStiftung, literature and case law relevant to federalism, 2017–2020 (**Bernhard Waldmann**)

Accompaniment of the project «Federalism and Political Parties in Myanmar» of the Hanns Seidel Foundation Myanmar, January – December (**Thea Bächler**)

Clarification of an amendment to the signposting ordinance for the attention of the Federal Roads Office (FEDRO) as part of the framework agreement with FEDRO, January (**Florian Bergamin**)

Legal opinion concerning «Totalrevision des Kantonalen Finanzkontrollgesetzes: Mitwirkungspflichten gegenüber der Finanzkontrolle im Kanton Bern» for the attention of the State Chancellery of the Canton of Berne, February 2021, 131 pages (**Andreas Stöckli** and **Elisabeth Joller**)

Recht auf Umwelt – Eine Untersuchung der geplanten Anerkennung eines Rechts auf Umwelt durch die UN und ihrer Folgen für die Schweiz, expert opinion commissioned by the Peace and Human Rights Division of the Federal Department of Foreign Affairs (FDFA), Berne, 14th February 2021, Recht auf Umwelt. Eine Untersuchung der geplanten Anerkennung eines Rechts auf Umwelt durch die UN und ihrer Folgen für die Schweiz (skmr.ch) (**Eva Maria Belser**, **Thea Bächler** and **Sandra Egli**)

Monitoring of the project «Von Tunesien lernen – Einige Erkenntnisse für den syrischen Verfassungsprozess», Berlin 2021, Datum (**Eva Maria Belser**)

Zulässigkeit der Volksinitiative zur Einführung der Unentgeltlichkeit des öffentlichen Verkehrs für seine Nutzerinnen und Nutzer, expert opinion for the Raumplanungs-, Umwelt- und Baudirektion (RUBD) des Kantons Freiburg, March 2021 (**Peter Hänni**)

Totalrevision des Kantonalen Finanzkontrollgesetzes: Mitwirkungspflichten gegenüber der Finanzkontrolle im Kanton Bern, expert opinion for the attention of the State Chancellery of the Canton of Berne, 15th Marcg 2021 (**Andreas Stöckli** und **Elisabeth Joller**)

Personalrechtliche Fragen im Zusammenhang mit der Neuregelung der Anstellung von Professorinnen und Professoren an der Universität Bern bzw. bei der Inselgruppe AG Bern, expert opinion provided to Insel Gruppe AG and the University of Berne, May 2021 (**Peter Hänni**)

Final report of 22th May 2021 regarding Administrativuntersuchung zu einzelnen Vorgängen im Bau-, Verkehrs- und Forstdepartement sowie im Tiefbauamt (TBA) des Kantons Graubünden, die bei Arbeitsvergaben im Tiefbaubereich im Zusammenhang mit Preisabsprachen stehen könnten, Untersuchungsauftrag 2 gemäss Regierungsbeschluss vom 11. Juni 2018, Prot. Nr. 458, im Auftrag der Regierung des Kantons Graubünden, 248 pages + 95 pages, statements within the framework of the right to be heard (**Andreas Stöckli** und **Elisabeth Joller**)

Participation in workshop on SVG revision on automated driving as part of framework agreement with FEDRO, July (**Florian Bergamin** and **Bernhard Waldmann**)

Monitoring of the project «Turn on Federalism» der Hanns Seidel Foundation Munich as scientific expert, July-December (**Sören Keil**)

Monitoring of the project «Local Government and Civil Service in Shan State» mit der Hanns Seidel Foundation Myanmar and the Shan National League for Democracy (SNLD), September – December (**Sören Keil**)

Monitoring of the project «Power-Sharing for Syria» in cooperation with the European Centre for Kurdish Studies September – December (**Sören Keil**)

Monitoring of the project «Input Papers for Vietnam National Assembly» in cooperation with the Hanns Seidel Foundation Vietnam, Datum (**Sören Keil**)

Monitoring of the project «Local Government and Civil Service in Shan State» in cooperation with the Hanns Seidel Foundation Myanmar and the Shan National League for Democracy (SNLD), September-December (**Sören Keil** and **Thea Bächler**)

5.3 Study Tours

01.02.–02.02., Online Event	CIFE European Institute, Master in advanced European and International Studies, Federalism and Multi-level system: From Merkel to Trump: Federalism in the German-speaking world, with an unavoidable glimpse at the USA (Nicolas Schmitt)
14.02., Online Event	Online Winter School, a little Journey through Switzerland and its specificities (Nicolas Schmitt)
16.09., Fribourg	Visit to Switzerland Members of Parliament - Verkhovna Rada of Ukraine, Discussion about specificities of Decentralisation, among others in Switzerland (Nicolas Schmitt)
12.11., Kiev (UKR)	At the Swiss Embassy in Kiev (Ukraine), Fiscal Federalism: The Swiss Tax system between Equality and Autonomy (Nicolas Schmitt)
23.11., Fribourg	Presentation of the Institute of Federalism and the general principles of federalism for members of the Lion's Club of Fribourg (Nicolas Schmitt)
02.12., Fribourg	Networking Visit of a delegation from Puntland (Somalia), consisting of about 10 members of the local electoral commission, for the purpose of networking and getting to know the Institute of Federalism (Sören Keil and Nicolas Schmitt)
10.12., Fribourg	Delegation of the Congress of Local and Regional Authorities of the Council of Europe, including President Leendert, for the purpose of discussing cooperation and the topic of mergers of municipalities (Eva Maria Belser , Sören Keil and Flavien Felder)
10.12., Fribourg	Delegation of the Congress of Local and Regional Authorities of the Council of Europe, including President Leendert, for the purpose of discussing cooperation and the topic of mergers of municipalities (Eva Maria Belser , Sören Keil and Flavien Felder)

5.4 Continuing education courses

Murtner Gesetzgebungsseminar, Grundlagenseminar II, Handwerk der Gesetzesredaktion, in cooperation with the Federal Chancellery, presentation: «Aufbau und Systematik von Erlassen» (Video conference recording), January (**Peter Hänni**)

Murtner Gesetzgebungsseminar, Grundlagenseminar II: Erlassredaktion, in cooperation with the Centre for Legislation Studies at the University of Zurich, February/March, online and presence 16th–18th November, Murten (**Bernhard Waldmann**)

Grundlagenseminar: Welche Rechte haben die Bewohnenden? Auseinandersetzung mit den Grund- und Menschenrechten älterer Menschen, on behalf of Prosenio Rosenau Bethesda Alterszentren AG, 1st, 24th and 29th June, Würenlos (**Sandra Egli**)

Practitioner Roundtable: Federalism as a Tool of Conflict Resolution, Alumni Event of the International Research and Consulting Center from the Institute of Federalism, 13th August, Online via Zoom (organised by **Sören Keil**)

«Dezentralisierung gestalten», Workshop organised with the European Centre for Kurdish Studies, Berlin, 6th–10th September (**Eva Maria Belser**)

Strategic Planning: Wie weiter im Syrischen Friedensprozess? Expert contribution to the workshop of the European Centre for Kurdish Studies, 13th–16th September, Loccum (Germany) (**Sören Keil**)

8. Forum für Verwaltungsrecht, Brennpunkt «Verfügung», 23th September, Berne (**Bernhard Waldmann**)

«Verfassungstransition – von Tunesien lernen», Workshop organised with the European Centre for Kurdish Studies, Caux, 27th September – 1st October (**Eva Maria Belser**)

Further training event: Grund- und Menschenrechte im Alter, on behalf of Gesundheitsförderung Uri, 12th October, Göschenen (**Sandra Egli**)

CIFE European Institute – Master programme to Federalism and Governance, Berlin und Nice, November (**Sören Keil**)

Murtner Gesetzgebungsseminar, Grundlagenseminar II, Handwerk der Gesetzesredaktion, in cooperation with the Federal Chancellery, presentation: «Aufbau und Systematik von Erlassen», 17th November, Murten (**Peter Hänni**)

NGO Capacity Building Workshop in support of the Syrian Peace Project, organised with the European Centre for Kurdish Studies, Fribourg, 13th – 15th December (**Eva Maria Belser** and **Sören Keil**)

5.5 Presentations and conferences

02.02., Online Event	«Third Partner Federalism – The Status of Local Government in Federal Relations», lecture at the Winter School on Federalism and Governance 2021, Federalism and Local Self-Government, organised by Eurac Research and the University of Innsbruck (Eva Maria Belser)
12.02., Online Event	Organisation and chairing of the second webinar of the Schweizerischen Vereinigung für Verwaltungsorganisationsrecht (SVVOR) on the Corona crisis on the topics of crisis management, cybersecurity, personnel law and state liability (Andreas Stöckli)
23.02., Berne	«Covid-19: Erleichterungen für geimpfte Personen», Hearing in the political institutions committees (Andreas Stöckli)
15.03., Online Event	«Auswirkungen der Grundrechte auf private Anbieter», Participation in the round table of the Eidgenössischen Kommission für Konsumentenfragen (EKK), «Konsumentenrechte: Zugang zu Gütern und Dienstleistungen in Coronazeiten» (Eva Maria Belser)
16.03., Online Event	«Raumplanungsrecht im Wandel», Lecture at the continuing education event for grammar school teachers (Andreas Stöckli)
18.03., Online Event	«Federalism as a Means of Building a Multinational Democratic Society: The Case of Switzerland», lecture in the framework of the conference «Transformative potential of the Euro-Atlantic processes in Bosnia and Herzegovina», organised by Croatian Academy of Sciences and Arts in BiH, University of Mostar, Rector's Assembly of the Republic of Croatia (Eva Maria Belser)
25.03., Online Event	«The Failed Attempt to Impose Federalism on Iraq – and its Shadow on Syria», lecture in the context of a colloquium, organised by the Center for Transnational Legals Studies London (Eva Maria Belser)
30.03., Fribourg	«Verbot religiöser Symbole für Gerichtspersonen – Erfordernis einer unabhängigen Gerichtsbarkeit oder diskriminierende Regelung?», lecture in the context of the Master's lecture «Grund- und Menschenrechtsschutz» by Prof. Eva Maria Belser at the Faculty of Law of the University of Fribourg (Elisabeth Joller)
06.04., Addis Ababa	«Federal Experiences from Europe», lecture within the framework of the continuing education cycle «Tackling Crisis of Governance through Multi-level Governance in the Horn», organised by the Centre for Federalism and Governance Studies, Addis Ababa University (Eva Maria Belser)
11.05., Fribourg	«Recht auf Umwelt: Brauchen wir ein neues Grundrecht?», lecture in the context of the Master's lecture «Grund- und Menschenrechtsschutz» by Prof. Eva Maria Belser at the Faculty of Law of the University of Fribourg (Sandra Egli)
08.04., Online Event	«Die Staatsgewalten in Pandemiezeiten», presentation at an event of the KIWANIS Club Köniz (Andreas Stöckli)
04.05., Fribourg	«Das Recht auf Existenzsicherung: Gibt es ein ungeschriebenes Grundrecht auf Sozialhilfe?», lecture in the context of the Master's lecture «Grund- und Menschenrechtsschutz» by Prof. Eva Maria Belser at the Faculty of Law of the University of Fribourg (Thea Bächler)
12.05., Berne	«Grosser Rat in ausserordentlichen Lagen – Begleitung, Aufsicht, Kontrolle», hearings of the Grossen Rat des Kantons Bern on the subject of the Grand Council in extraordinary situations (Andreas Stöckli)

25.05., Berlin	Participation in the webinar «Dezentralisierungsdebatten in Syrien», organised by the European Centre of Kurdish Studies (Eva Maria Belser und Zedoun al-Zoubi)
10.06., Online Event	«Föderalismus und Schweizer Europapolitik», presentation in the framework of the Europe Seminars 2021 (Eva Maria Belser)
10.06., Chur	Presentation of the results of the administrative investigation into the Graubünden road construction cartel at the press conference by Government Councillor Dr. Mario Cavigelli (Andreas Stöckli)
18.06., Vaduz (FL)	«Verfassung zwischen Stabilität und ständiger Fortentwicklung», presentation as part of the colloquium on the centenary of the Liechtenstein Constitution (Bernhard Waldmann)
21.06., Online Event	«Strassenverkehrsrecht – Wichtige Urteile aus dem Verwaltungsrecht», presentation on the Strassenverkehrsrechtstagung 2021 (Andreas Stöckli)
10.-15.07., Online Event	International Political Science Association World Congress, presentation: Inter-governmental Relations in Emerging Federations, Discussant: Panel: The Future of the Western Balkans, Discussant: Panel: Federalism and Conflict Resolution (Sören Keil)
14.07., Online Event	Roundtable participation «The Trend do Federalism and Decentralisation in the Arab World», IPSA World Congress (Eva Maria Belser)
11.08., Berne	«Federalism and Crisis Management – A Constitutional Perspective», Lessons from Covid-19 – Public acceptance of measures to prevent and mitigate crises – A discussion about science, politics and science politics, Swiss Science Council SSC (Eva Maria Belser)
12.08., Online Event	«Decentralisation in all its Forms and Dimensions», lecture in the framework of a webinar organised by the European Centre for Kurdish Studies (Eva Maria Belser)
18.08., Online Event	Participation in the Panel Discussion «Developmental local government: What is its nature and are there pre-conditions for local authorities to deliver on that mandate», organised from Solomon Nigussie, Inaugural African School on Decentralisation (Eva Maria Belser)
18.08., Online Event	«Decentralisation and Development», lecture in the framework of Inaugural African School on Decentralisation (Eva Maria Belser)
26.08., Online Event	Participation in the Book Launch «Fundamental Rights in Sri Lanka» with the author Jayampathy Wickramratne (Eva Maria Belser)
30.08., Berne	«Definition andere Träger öffentlicher Aufgaben nach Art. 95 KV/BE», presentation at a dialogue between the Regierungsrat des Kantons Bern and the Geschäftsprüfungskommission des Grossen Rats des Kantons Bern (Andreas Stöckli)
03.09., Online Event	«Vom Umgang mit Vielfalt: Föderalismus, Rechtsgleichheit und andere Mechanismen zum Schutz von Mehrheiten, Minderheiten und Einzelnen», presentation in the context Schweizerischen Juristentages «L'égalité revisitée / Gleichstellung neu interpretiert» (Eva Maria Belser)

06.–08.09., Online Event	UACES Annual Conference, Book Panel: Power-Sharing in Europe (Sören Keil and Allison McCulloch)
06.–08.09., Online Event	Discussant: Panel: EU Enlargement (Sören Keil)
08.09., Berlin	«Bicameralism – An Overview», presentation in the framework of the workshop for members of the Syrian Constitutional Committee «Dezentralisierung gestalten», organized by the European Center for Kurdish Studies (Eva Maria Belser)
08.09., Berlin	«Defining Internal Boundaries», presentation in the framework of the workshop for members of the Syrian Constitutional Committee «Dezentralisierung gestalten», organized by the European Center for Kurdish Studies (Eva Maria Belser)
23.09., Berne	«Anspruch auf den Erlass einer Verfügung», presentation at the 8. Forum für Verwaltungsrecht on the subject «Brennpunkt Verfügung» (Bernhard Waldmann)
27.09., Caux	«Tunesien – Ein Beispiel für Syrien?» workshop organized by the European Center for Kurdish Studies, presentation: Warum Tunesien? Gemeinsamkeiten und Unterschiede in der politischen Entwicklung Tunesiens und Syriens im Anschluss an den Arabischen Frühling (Sören Keil)
29.09., Online Event	Moderation of the online event «Turn on Federalism» with Roland Sturm on the topic «German Federalism and the Federal Elections of 2021», organized by the Hanns Seidel Foundation Myanmar and 50 Shades of Federalism (Thea Bächler)
29.09., Fribourg	Participation in the Café scientifique on the topic «Fédéralisme – Un pour tous ou tous pour un?», panel discussion (Bernhard Waldmann)
08.–09.10., Online Event	60 Years of International Relations in Slovenia, Book Panel: The Great Powers and the Post-Yugoslav States (Sören Keil and Bernhard Stahl)
14.10., Fribourg / Poznan (PL)	«Die Rechtslage während der Covid-19-Pandemie in der Schweiz», presentation on the webinar «Die Reaktion des Rechtsstaates auf die Corona-Krise in der Schweiz und Polen», organized by Adam Mieckiewicz University Poznan and the Institute of Federalism of the University of Fribourg (Bernhard Waldmann)
19.10., Online Event	Moderation of the online event «Turn on Federalism» with Rochel Canagasabay on the topic «Federalism in Sri Lanka: One Concept, Two Conceptions?», organized by the Hanns Seidel Foundation Myanmar and 50 Shades of Federalism (Thea Bächler)
21.10., Innsbruck	«Einflüsse auf die Verfassung Liechtensteins und Ausstrahlungswirkung der Verfassung», presentation in the framework of the conference «100 Jahre Verfassung des Fürstentums Liechtenstein. Konstitutionalismus im Kleinstaat», organized by the University of Innsbruck (Eva Maria Belser)
22.10., Fribourg	«Rechtsprechung zum Verwaltungsrecht», presentation at the ALUMNI IUS FRILEX Service Pack 2021 (Andreas Stöckli)

25.10., Berne	Leading a workshop at the conference on the topic «Alle Menschen sind vor dem Gesetz gleich. Und die anderen? Stärkung des Diskriminierungsschutzes in der Schweiz», Organized by the NGO Platform Human Rights Switzerland and the Swiss Centre of Expertise in Human Rights (SCHR) (Sandra Egli)
26.10., Online Event	Participation in the roundtable «Federalism: Cooperation and Competition, Past and Present» of the meeting «Föderalismus zwischen Konkurrenz und Kooperation: eine vergleichende Perspektive», organized by the University of Innsbruck (Eva Maria Belser)
28.10., Innsbruck	«The Making of World Federalism – Why the Committee to frame a World Constitution failed and what we can learn from its non–success», presentation at the IACFS conference «The Making and Ending of Federalism» (Eva Maria Belser)
05.11., Lucerne	Moderation of the roundtable «Versorgungssicherheit und erneuerbare Energien» at the ElCom Forum 2021 on the topic of «Versorgungssicherheit und erneuerbare Energien – ein Widerspruch?» (Andreas Stöckli)
16.11., Online Event	Moderation of the online event «Turn on Federalism» with Allison McCulloch on the topic «Federalism, Diversity and Inclusion: What about the Others», organized by the Hanns Seidel Foundation Myanmar and 50 Shades of Federalism (Thea Bächler)
17.11., Murten	«Normtypen», presented at the Murtner Gesetzgebungsseminar on drafting legislation, Institute of Federalism, University of Fribourg (Bernhard Waldmann)
19.11., Online Event	Participation in the congress «Regional Identities: Improving Dialogue to Reduce Regional Tensions», organized by the congress of Local and Regional Authorities (Eva Maria Belser)
19.11., Online Event	«Wie viel Identität und Homogenität erfordert demokratische Governance, wie viel Vielfalt lässt sie zu?» lecture in the context of the symposium Social Preconditions of Democratic Constitutions, organized by the FernUniversität in Hagen (Eva Maria Belser)
23.11., Fribourg	«Das Recht auf Existenzsicherung: Gibt es ein ungeschriebenes Grundrecht auf Sozialhilfe?», lecture in the context of the Master’s lecture «Grund- und Menschenrechtsschutz» by Prof. Eva Maria Belser at the Faculty of Law of the University of Fribourg (Thea Bächler)
25.11., Online Event	Presentation on the subject «Local Government and the Subsidiarity Principle – What do Local Governments usually do?» im Rahmen des Projekts «Local Government and Civil Service in Shan State» organized by the Hanns Seidel Foundation Myanmar for the Shan Nationalities League for Democracy (SNLD) (Sören Keil and Thea Bächler)
30.11., Online Event	Presentation on the subject «The organisation of local government – How, Why and When?» im Rahmen des Projekts «Local Government and Civil Service in Shan State» organized by the Hanns Seidel Foundation Myanmar for the Shan Nationalities League for Democracy (SNLD) (Sören Keil and Thea Bächler)
30.11., Fribourg	«Recht auf Umwelt: Brauchen wir ein neues Grundrecht» lecture in the context of the Master’s lecture «Grund- und Menschenrechtsschutz» by Prof. Eva Maria Belser at the Faculty of Law of the University of Fribourg (Sandra Egli)

04.12., Online Event	Podcast on the subject «Ein neues Menschenrecht auf saubere und nachhaltige Umwelt?» in the context of the FAU Human Rights Podcast, organized by Prof. Markus Krajewski, centre for Human Rights Erlangen-Nürnberg (Sandra Egli and Thea Bächler)
07.12., Online Event	Moderation of the online event «Turn on Federalism» with Tatyana Malyarenko and Stefan Wolff on the topic of «Territorial Self-Governance and Separatism: The Case of (Eastern) Ukraine», organized by the Hanns Seidel Foundation Myanmar and 50 Shades of Federalism (Thea Bächler)
09.12., Online Event	Lecture on the subject «Core Questions of Local Government Design – Finances and Relations with State and Federal Institutions» within the project «Local Government and Civil Service in Shan State» organized by the Hanns Seidel Foundation Myanmar for the Shan Nationalities League for Democracy (SNLD) (Sören Keil and Thea Bächler)
09.12., Fribourg	«Oeffentlichkeit und Datenschutz», lecture in the framework of the conference «Das Öffentlichkeitsprinzip im Kanton Freiburg. Eine Standortbestimmung zum 10-jährigen Jubiläum des InfoG / Le principe de transparence dans le canton de Fribourg, Un état des lieux à l'occasion du 10ème anniversaire de la LInf», organized by the Institute of Federalism in cooperation with the Kantonalen Behörde für Öffentlichkeit und Datenschutz (ÖDSB) (Eva Maria Belsler)
09.12., Fribourg	Co-organization and participation in the conference «Das Öffentlichkeitsprinzip im Kanton Freiburg. Eine Standortbestimmung zum 10-jährigen Jubiläum des InfoG / Le principe de transparence dans le canton de Fribourg, Un état des lieux à l'occasion du 10ème anniversaire de la LInf», organized by the Institute of Federalism in cooperation with the Kantonalen Behörde für Öffentlichkeit und Datenschutz (ÖDSB) (Florian Bergamin)
09.12., Fribourg	«Die Organisation der Kantonalen Behörde für Öffentlichkeit und Datenschutz – ausgewählte Aspekte», lecture in the framework of the conference, «Das Öffentlichkeitsprinzip im Kanton Freiburg. Eine Standortbestimmung zum 10-jährigen Jubiläum des InfoG / Le principe de transparence dans le canton de Fribourg, Un état des lieux à l'occasion du 10ème anniversaire de la LInf», organized by the Institute of Federalism in cooperation with the Kantonalen Behörde für Öffentlichkeit und Datenschutz (ÖDSB) (Andreas Stöckli)
09.12., Fribourg	«Procédure d'accès aux documents officiels», lecture in the framework of the conference «Das Öffentlichkeitsprinzip im Kanton Freiburg. Eine Standortbestimmung zum 10-jährigen Jubiläum des InfoG / Le principe de transparence dans le canton de Fribourg, Un état des lieux à l'occasion du 10ème anniversaire de la LInf», organized by the Institute of Federalism in cooperation with the Kantonalen Behörde für Öffentlichkeit und Datenschutz (ÖDSB) (Bernhard Waldmann)
14.12., Online Event	Lecture on the topic «Administration in Federal States – Centralised, Dual and Cooperative» within the project «Local Government and Civil Service in Shan State» organized by the Hanns Seidel Foundation Myanmar for the Shan Nationalities League for Democracy (SNLD) (Sören Keil and Thea Bächler)
14.12., Online Event	Myanmar Workshop, Swiss Federal Administrative Organization, Video conference (Peter Hänni)

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