MEMORANDUM

Re: Annual report 2011 for CORA – Centre for Public Regulation and Administration

20. FEBRUAR 2012

In accordance with the guidelines established for the research centers of the faculty, the 2011 Annual Report on the activities of the centre is hereby submitted.

CORA focuses on the development of the fundamental values and principles of law, which takes place under the influence of societal europeanization and globalisation and manifests itself in the ongoing public regulation of specific areas of life and in the administration of the same.

The centre was established 1 September 2010, continuing the former research group on Administrative Law. Accordingly, the centre has been active for one and a half years. In accordance with the said guidelines, the centre has been approved for a period of five years after which a possible extension of the centre activities will be considered.

Staff

At the beginning of 2011 the total staff included 20 members, including seven PhD fellows and two research assistants. Four PhD fellows have resigned by the end of 2011, namely Dimitri Weil, Henrik Klitz, Jannie Dyring and Annalisa Savaresi. One member of the academic staff (Henrik Stevnsborg) and two PhD fellows (Lumumba Nyaberi and Trine Vendius) have joined the centre, and one PhD fellow has been appointed as a research
assistant (Lin Adrian). Furthermore, associate professor Michael Gøtze has been appointed professor in Administrative Law, and assistant professor Trine Baumbach has been appointed associate professor in Criminal Law.

By changing the guidelines for the research centres of the faculty as announced in November 2011, the number of the centres that a person can be a full member of has been limited from three. The guidelines still allow that staff may be more loosely connected to one additional centre. As mentioned below, the funding of the centre should therefore be calculated in accordance with the number of actual members with fellowships counting as half weight. Research assistants are not included.

By 31 December 2011, the members of the centre are as follows (15 persons): Lin Adrian, Trine Baumbach, Peter Blume, Niels Fenger, Carsten Henrichsen, Beatriz Martinez, Lumumba Nyabery, Anita Rønne, Steen Ronsholdt, Danielle Spiegel, Henrik Stevnsborg, Sophia Tarrow, Eirini Tsi-tifopoulou, Trine Vendius and Vibeke Vindeløv. Moreover, the following persons are connected to the centre: Michael Gøtze, Morten Heiberg and Steen Treumer. Kasper Bach has resigned from the centre.

Furthermore, two project assistants have been related to the centre (Astrid Kløve Pedersen and Jana Kirijenko). The former has resigned in December 2011; the latter will resign by the end of January 2012. Finally, an administrative officer (Melanie Andersen) was assigned to the centre with effect from May 2011. In autumn 2011 the administrative officer had additional tasks for other centres and is also a part of the faculty’s event team.

As has been the case since the establishment of the centre, its management consists of Carsten Henrichsen (head of centre), Peter Blume (responsible for external representation of the centre), Niels Fenger (responsible for international relations of the centre) and Trine Baumbach (responsible for meeting activities of the centre as well as partner contact).

**Advisory board**

One member of the centre’s advisory board, Professor, LL.D. Karsten Revsbech, has resigned at his discretion. Revsbech announced that his attachment to the centre was incompatible with his designation to a special inquiry established by the government. There has not been taken any decision as to the possible appointment of a new member of the board. After this the advisory board includes twelve members.
Funding and financial statement

In 2011 the centre received funding of approx. DKK 400,000, 50,000 of which consisted of a basic grant. The rest of the funding was obtained on the basis of activities from the centre’s external research funds, income from educational activities, publication activities and PhD completion.

By 1 December 2012 the centre will have spent all of its funding, including the financing of two research assistant positions at a total of DKK 250,000 (Jannie Dyring and Lin Adrian) and the two project assistant positions at a total of DKK 110,000. The remaining amount of approx. DKK 40,000, has been spent on operational activities. A deficit of DKK 5,000 is expected in the financial statement.

A number of the fellowships of the centre are either fully or partially financed by external funds. This applies to Annalisa Savaresi, Danielle Spiegel, Beatriz Martinez and Eirini Tsifopoulou, who are all employed on the basis of a special fund from the Danish Agency for Science, Technology and Innovation. This fund covers 1/3 of the salary and is given to promote the research of environmental matters. Moreover, the National Police has co-financed the fellowship of Trine Vendius (with DKK 468,000), whereas Sophia Tarrow is co-financed with The Police History Society with a sum that amounts to about half of a PhD fellowship. Lumumba Nyabery is enrolled as a PhD fellow on the basis of self-funding.

Some of the members of the centre have been involved in applications for external funding. This is inter alia the case for Vibeke Vindeløv who has been the main applicant for the funding from DANIDA in cooperation with the colleagues at LIFE. The application resulted in a three-year project funding of the total amount of DKK 8.5 million, which has to be shared between the Faculty of Law, LIFE and the external partners (Nairobi University, Kenya Forest Service and Green Belt Movement).

Other members of the centre have also been involved in application processes for the external funding. Indeed, this is so for, among others, Anita Ronne (application to The Danish Council for Strategic Research for DKK 15,3 million for a project on the future energy systems), Jannie Dyring (application to The Danish Council for Independent Research/Social Sciences for a three-year post-doc scholarship for a project on the legal standards of the liability of public authorities) and Lin Adrian (application to The Danish Ministry of Justice Research Reserve for the funding of a four month pilot project on the experiences of parties’ participation in civil proceedings).
At the annual workshop of the centre the possibility of submitting a joint project application to the research councils or for funding via the EU Framework Programs was discussed. The preliminary intention is that the work on such an application in autumn 2012 or spring 2013 should take place at the centre’s next workshop in 2012. It is also the idea that all the members, who are not already involved in the external application process, shall contribute. With such an approach, one of the goals in the next strategy plan of the faculty will be met by letting all the members of the centre contribute to an application for externally funded research projects.

Events

During the past period the centre has arranged a number of events in the form of seminars and open meetings. These events are listed below. Furthermore, there have been internal meetings on a regular basis, including lunch meetings for the members of the centre as well as meetings for the management of the centre.

1) Seminar – Receiving of gifts as a public employee
_The Faculty of Law, 15 April, 1 pm – 4 pm_

Program: 1) Opening of the seminar by Professor, LL.D. Niels Fenger. 2) Administrative rules and principles on the public employees’ access to receive gifts by lawyer Anders Valentiner-Branth and Niels Fenger. 3) The rules on criminal law concerning the gifts to public employees by Assistant Professor PhD Trine Baumbach. 4) The perspective of employment law on public employees’ receiving of gifts by Professor LL.D. Jens Kristiansen. 5) Consequences of public employees’ receiving of gifts from the perspectives of procurement and contract law by Professor PhD Steen Treumer. 6) Discussion. The number of participants was app. 70. (Organiser: Niels Fenger).

2) CORA Workshop
_Danish Architecture Centre, Gl. Dok., 21 June, 1 pm – 5 pm._

Program: 1) Status on CORA 2011- orientation about the ongoing research activities by Carsten Henrichsen. 2) Preparation of the meeting with the advisory board 25 August 2011 – generating ideas, by Trine Baumbach. 3) Preparation of the autumn events - suggestions for meetings and seminars etc., by Peter Blume. 4) External funding - an exchange of experiences with and discussion of funding possibilities, by Steen Treumer. 5) External presentation by Steen Bønsing (Aalborg University) on the topic “The local gov-
ernment mandate and the mandate of the authorities - What is the legal ba-
sis?” (Organiser: The head of the centre. Number of participants was 14).

3) Meeting with CORA’s advisory board
*The Faculty of Law, 28 August, 4:30 pm - 7 pm.*

The main issues at the meeting were suggestions for future research themes, cooperation partners, and external funding possibilities. The head of the centre opened the meeting with an orientation about the activities of the centre. Furthermore, the meeting included group discussions followed by a follow up in plenum. Seven members of the advisory panel and fifteen members of the centre participated in the meeting. Subsequently, the management of the centre has made a priority list concerning suggested research themes, mainly with regard to possible PhD-projects. (Organiser: The head of centre).

4) Lunch seminar on Regulation of Danish Security and Intelligence Service activities
*The Faculty of Law, 27 May, 12:30 pm – 2 pm.*

Presentation with article draft by Assistant Professor Morten Heiberg, CORA – CRS. Open meeting.

5) Lunch seminar on the Concept of a decision within administrative law
*The Faculty of Law, 2 September, 12:30 pm - 2 pm.*

Presentation with article draft by Professor, LL.D. Carsten Henrichsen, CORA. Open meeting.

6) Seminar on the liability of the public authorities
*The Faculty of Law, 28 October, 2 pm - 5 pm.*

Program: 1) Welcome and introduction of the seminar by Professor, LL.D. Niels Fenger. 2) Liability of public authorities by lawyer Sune Fugleholm from Kammeradvokaten (the Legal Advisor to the Danish Government). 3) Legitimate expectations to and the liability of the public authorities by Professor, LL.D. Søren H. Mørup. 4) Liability of public authorities under EU law and Human Rights by Professor, LL.D. Niels Fenger. 6) EU law and illegally levied taxes by lawyer (SC) Henrik Peytz. 7) Discussion. The number of participants was app. 130. (Organisers: Niels Fenger and Peter Pagh).
Program: 1) Welcome and introduction of the seminar by head of centre, Professor, LL.D. Carsten Henrichsen. 2) The approach of the criminal law: The criminal liability of the public employees by Associate Professor, PhD Trine Baumbach, University of Copenhagen. 3.) The approach of the employment law: the disciplinary liability for the employees by Professor, LL.D. Karsten Revsbech, University of Aarhus. 4) The approach of the tort law: the professional responsibility of the employees, by director Jens Møller, The Danish Parliamentary Ombudsman. 5) The approach of the administrative law: Responsibility of the authorities, by head of office Peder Juhl Madsen, Rigsrevisionen (National Audit Office). 6) The approach of the municipal law: The responsibility of the municipalities, by head of unit Jan Henriksen, National Social Appeals Board. 7) Discussion. The amount of participants was app. 80. (Organisers: Carsten Henrichsen and Trine Baumbach).

As regards 2012, sixteen events are temporarily planned, six of which are lunch seminars, two guest presentations and eight seminars / mini conferences. For more information please see the activity plan of the centre of 20 December 2011 (see www.jura.ku.dk/cora/aktivitetsplan2012).

Research activities

In the accreditation request of CORA four center projects were specifically mentioned and highlighted as areas of focus for the coming years. Furthermore, a number of the individual projects, which were already launched or under way on the initiative of the individual persons or minor groups of the centre, were listed.

In the annual report for 2010 it was described that the centre has focused on the individual and more narrowly circumscribed themes in the previous period with regard to facilitating research and communication activities in relation to current issues (a new freedom of information act, the rules pertaining to public employees’ receiving of gifts and the liability of the public authorities).

At the workshop of the centre in June 2011 it was decided to launch a joint book project in the form of a research centre anthology to promote one of the mentioned centre projects concerning Internationalization of the Administrative Law. This decision has since been implemented by laying down the
purpose of the project, calling for contributions, including from the members of the advisory panel of the centre, an agreement with a publisher and obtaining of external funding in support of publishing, which is planned for August 2012.

The above-mentioned funding from DANIDA was given to a project called Stabilizing Kenya by Solving Forest Related Conflicts. The project covers another of the focus areas of the centre, namely Good Governance as an instrument for regulation. Typically, included in a use of the conflict resolution techniques based on the mediation, whereby the parties are involved in a dialogue with the regulating authorities, are the thoughts about governance, as a counterpart to the traditional governmental regulation of society.

So far the remaining projects of the centre concerning the conditions and future possibilities of the municipal self-government and the interaction between the democracy, power and media respectively are based on the individual members’ commitment to the research. In this respect, the last mentioned project involves research cooperation with the employees at CECS (Centre for European Constitutionalisation and Security).

By mapping the present and intended future research projects of the various members of the centre, one may, as also noted in the centre’s 2010 annual report, register a significant number of themes, which can be divided into three groups; general themes (11 projects), special themes (6 projects) and cross-cutting themes (6 projects). In 2011 the centre members have published about 50 articles and books, as well as held an equivalent amount of conference presentations within these research fields. For an overall list of the research of the members of the centre please see the website of the centre www.jur.ku.dk/cora/forskningspublikationer.

Research groups

The activities of the centre are partly organised in groups. By the end of 2011 the following two groups existed; one group concerning environmental law (under the management of Professor Peter Pagh) and another – as a new group – on police law (under the management of Professor Henrik Stevnsborg).

The latter group is responsible for an interdisciplinary network called Police Researcher get-together - a forum for interdisciplinary police research. This forum meets five to six times a year as a collegial framework around the police research in Denmark. The participants are researchers at the Faculty of
Law, The Danish State Archives, Copenhagen Business School, The Research Institute of the Border Region in Southern Denmark, Danish School of Education, The Danish Police Museum and The Knowledge Centre of the National Police.

Furthermore, a decision has been made on the establishment of a special group about Governance and Mediation (under the management of Professor Vibeke Vindeløv). This group includes e.g. the above mentioned centre project on Good Governance and the project on “Stabilizing Kenya by Solving Forest Related Conflicts”. Finally, a couple of the centre members are involved in the new master education in conflict resolution, which begins in 2012.

**Other activities**

CORA has submitted a list of possible topics for a PhD as part of the Danish/English advertisement for vacancies for PhD fellowships in the spring of 2012. The proposals supplement earlier notices for 2011.

It has also been considered to contribute with a proposal for the establishment of one or more new PhD courses in administration law or public law; however, the follow-up initiatives have been postponed due to capacity.

**The website of the centre**

During 2011 the website has been developed in Danish as well as in a shorter English version (see: [http://jura.ku.dk/cora/english/](http://jura.ku.dk/cora/english/)). Apart from staff information the Danish version includes an account of the centre and its management, a list of its research projects and a list of publications relevant to the centre as mentioned above.

The centre publishes the newsletter ‘Nyt fra CORA’ (News from CORA) about three to four times a year. All interested parties can subscribe to the newsletter through the email service of the centre. In 2011 the newsletter was published four times (March, June, August, and October). By the end of 2011 about 85 persons were subscribed to the newsletter.

**New centre guidelines**

As already mentioned, the new centre guidelines concerning memberships have been announced. The new guidelines allow for a delegation of staff re-
responsibility to the head of centre. In this context the management of the faculty has announced an experiment, which includes a list of initiatives important to the management of the centres. The list includes the delegation of management responsibility, including budget, personnel, and project responsibility, concluding of 5-year performance contracts with annual reporting, performance based salary of the head of centre, and the right to recommend in connection with employment of academic staff.

During the above-mentioned workshop of the centre it was discussed whether the centre should opt for this new system. However, the recommendation was unanimously to reject such changes. The main reasons for this position were a reference to the freedom of research and a wish to retain the centre as a frame around a “voluntary” association of the members with common intellectual interests. This position was announced on the annual meeting of the heads of the centres with the dean in August 2011.

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