

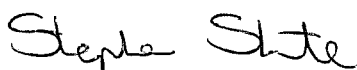
Evaluation of Research at the Faculty of Law University Nord

Institutes Evaluated

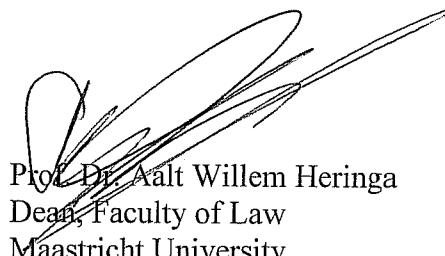
- Institute of Public Law and Legal Theory
- Institute of Private- and Business Law
- Institute of International Law and Politics

Evaluation dates
May 6-7, 2008

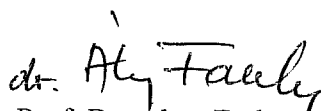
Expert Team



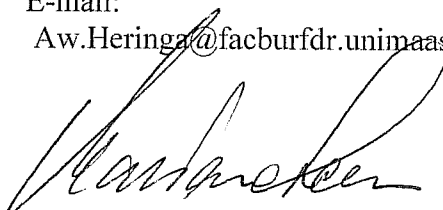
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1. APPROACH TO THE EVALUATION

The Evaluation Team was asked to:

1. Judge the activities of research and development in the units evaluated and the research topics implemented by them to ensure the governmental funding for internationally recognised research and development. The Team was asked to concentrate on research units (university departments, laboratories) with specific comments on the sub-units, groups if necessary.
2. Identify deficiencies in the activities of research and development units.
3. Give recommendations on the development concerning research and development and research areas to the state of Estonia.

The Team received the following materials: A working schedule, principles and criteria for evaluation of the research units, evaluation guidelines for the ranking of research units, and a self-evaluation report created by the research units themselves.

On a first evaluation point, the *quality of the research activities* was considered. This assessment is largely based on the records of scientific publications.

<i>Excellent</i>	<i>The majority of the submitted works are at a high international level and virtually all others at a good international level.</i>
<i>Excellent to good</i>	<i>At least one third of the submitted works are at a high international level and many others at a good international level, these together comprise a clear majority.</i>
<i>Good</i>	<i>The majority of the submitted works are at least at a good international level and virtually all others at a fair international level</i>
<i>Good to satisfactory</i>	<i>At least one third of the submitted works are at a good international level and many others at a fair international level, these together comprise a clear majority</i>
<i>Satisfactory</i>	<i>The majority of the submitted works are at least at a fair international level</i>
<i>Satisfactory to unsatisfactory</i>	<i>A minority of the submitted works are at a fair international level</i>
<i>Unsatisfactory</i>	<i>None, or virtually none, of the submitted works are at a fair international level</i>

Regarding the grading of the research activities, the Evaluation Team was instructed by the EHEAC to reserve the term **excellent** for groups, which were found to be among the best 10% of the European groups in the corresponding field. Similarly, the term **excellent to good** should be used if the evaluated group was found to be among the best 25 % of corresponding European groups. The full scale comprised 7 levels, in addition to the highest ones the grades are **good**, **good to satisfactory**, **satisfactory**, **satisfactory to unsatisfactory**, and **unsatisfactory**.

Secondly, the *over-all capability* of a research unit was evaluated based on the combined assessment of the following criteria (each graded in three levels):

	Grade 0	Grade 1	Grade 2
Originality/novelty of past and ongoing research activity	descriptive, no novelty	some novelty/originality	original/novel
The strategy and perspective of research	no or bad strategy, no or unclear perspective for further research	fair strategy and perspective for further research	clear strategy and very perspective for further research
Multidisciplinarity and relevance for other research areas	no multidisciplinarity, no relevant for other research areas	some multidisciplinarity, some relevance	good multidisciplinarity, good relevance for other research areas
The competence of research groups and their capability for development	low competence	there is competence, but no young postgraduate and postdoctoral students	there is competence and postgraduate and postdoctoral students
National and international co-operation	no particular national and international co-operation	some national/international co-operation	good or tight national/international co-operation
Success in applying for funds and grants	no particular success	fair success	applying successfully for grants and funds

Excellent - 12-10 (total grade), **Good** - 9-7 (total grade), **Satisfactory** - 6-4 (total grade) and **Unsatisfactory** - 3-0 (total grade). As the result of this assessment one of the four grades **excellent**, **good**, **satisfactory** or **unsatisfactory** was given for the group.

Thirdly, the *implementation opportunities* for the research results and their importance for the Estonian society were commented upon.

Finally, on a fourth evaluation point, the Team was asked to offer *critical comments and recommendations*.

2. EVALUATION OF LEGAL RESEARCH AT UNIVERSITY NORD

The Evaluation Team arrived in Tallinn on Sunday, 4 May 2008. A two-day site inspection at University Nord occurred on May 6-7.

The Team was asked to assess the research conducted at the Faculty of Law at University Nord during the period 2002-2007. *Inter alia*, it was asked to comment on:

- the quality of published research at the Faculty of Law and its international impact;
- the overall research capability of the Faculty of Law and its subunits; and
- the implementation opportunities for the results of the research and its importance for Estonian society.

The Team was also asked to identify any deficiencies in research at the Faculty of Law and, where appropriate, to make recommendations for improvement and development.

The Faculty of Law of the University Nord is subdivided into three “Institutes”: the Institute of Public Law and Legal Theory; the Institute of Private and Business Law; and the Institute of International Law and Politics. The Team decided to exclude from the evaluation those members of the teaching staff who were not permanent members of the Faculty, but included all Departmental Heads, whether on permanent contracts or not.

Institute of Public Law and Legal Theory

Heads: since 2007 Head, Professor I. Selge; 2001-2004 Head, Professor A. Kiris; 2004-2006 Head, Professor P. Järvelaid; 2006-2007 Head, Professor A. Kiris.

Assistant to the Head of the Institute: A. Rebane.

Staff: Professor A. Kiris, Professor P. Järvelaid, Visiting Professor H. T. Pihlajamäki, Visiting Professor V. Justickis, Visiting Professor C. Peetz, Visiting Professor W. Mutsaers, Lecturer K. Liiv, Lecturer M. Merimaa, Lecturer M. Eerik, Lecturer L. Carr, Lecturer P. Heinsoo, assistant T. Elling.

PhD candidates: U. Alev, R. Viik, M. Kadak.

Institute of Private and Business Law

Heads: Professor I. Gräzin (2001–2008).

Assistant to the Head: T.-E. Tammeleht

Staff: Professor I. Raig, Visiting Professor E. Kuisma, Associated Professor E. Oidermaa, Lecturer U. Feldschmidt, Lecturer U. Luur, Lecturer A. Kruuser, Lecturer I. Siimann, Lecturer A. Urge.

PhD candidates: T.-E. Tammeleht, K. Vask, A. Kruuser.

Defended postgraduate dissertations: E. Oidermaa (extern). Liability for Building: Legal Regulation and Practice (2006); M. Merimaa (extern). Verfahrensgrundsätze und Nachweis im Zivilgerichtsverfahren (2008).

Institute of International Law and Politics

Founded on the bases of the Chair of the International Law of the Institute of Public and Theory of Law (Head of the Institute, Professor R. Müllerson).

Assistant to the Head: S. Malmberg.

Staff: Visiting Professor J. T. Knoph, Associate Professor E. Rahumaa, Associate Professor I. Grauberg, Associate Professor T. Kalmet, Lecturer K.-J. Roosaare, Lecturer M. Repts, Lecturer K. Ots, Lecturer A.Õige. Visiting Lecturer M. Pennanen
PhD candidates: A. Õige, T. Hilep, A. Rebane, S. Malmberg.

Defended postgraduate dissertations: I. Grauberg. State in Changing World: From Modern into Postmodern (2006); T. Kalmet. Universal Rights in the Multireligious World: Conflict between the International (2006); M. Eerik The Possibility of Harmonizing Estonian Judicial Procedures (2008).

2.1. Main Research Fields

The main research areas have been described in the Self-evaluation Report (pp. 44-46):

1. General topic of theoretical underlying research: Globalizing world, new world order, democracy and law: Estonia's new challenges and problems.

1.

This topic has been subdivided in five sub categories:

1.1. Globalizing law and politics and the future of nation states: Estonia's new challenges and problems.

1.2 European Union: political legal models, identities and values of modern society. Postmodern perspective.

1.3 Changes in Estonian society and law paradigms: Modern society and procedural law: is the paradigm changing?

1.4 Globalizing society, business and law.

1.5 Legal problems of decentralisation of public administration.

2. Topics of Empirical research: development tendencies of procedural law in European union and their influence on parties to a proceeding.

3. Research projects.

This topic has been divided in two sub categories:

3.1. General law of public order as an independent area of law

3.2. Several inter- and trans-disciplinary development projects.

2.2. General Comments

1. The Self-evaluation Report (appendix 21) contained a long list of academic work. Upon inspection a lot of the academic output mentioned was outside the evaluation period, which was 2001-2007. It was also noted that the list contained publications from people other than those mentioned as working for the three Institutes. We therefore excluded the pre-2001 publications from the list, as well as the publications of authors other than those working for the Institutes. Finally we took out the PhD's because they form part of our evaluation of the PhD programme, as well as master theses and PhD summaries. The list thus composed is attached to this report. It contains 24 books (and two conference proceedings) and 104 articles.
2. We also decided not to consider the publications by Professor Rein Müllerson: the academic work that was submitted to us relating to him had been written in his capacity of Professor at King's College in London. It was therefore only fair to leave his work outside the scope of the evaluation of research activities and output of the three University Nord institutes.
3. We received from the Law Faculty (again: excluding Müllerson's academic work) seven articles that had been written in English.
4. The Team's evaluation is based upon the list as composed by ourselves of 24 books and 104 articles (including the seven articles that we were able to study carefully) and the conversations we had with the members of staff and the researchers.
5. Out of the 104 articles, 32 were written in German or English and therefore aimed at an international audience. That in itself is a good score of 30%. None of the books was written in another language than Estonian.
6. One of the books was written by the International Law and Politics Institute. The rest were more or less evenly divided between the other two Institutes. The distribution of the articles over the three Institutes was almost even, each accounting for approximately one third of the articles.
7. We recommend that next time the University should its list of publications in a more appropriate format which accords with European standards for assessing and reporting on academic work. That is: i. Scholarly academic books; ii. Scholarly articles in peer reviewed journals or books; iii. Scholarly articles published elsewhere; iv. Other books (e.g. text books, or books for professional purposes); v. Invited papers and keynote addresses in international conferences; vi. Other academic activities.

Such a format will help foreign experts to judge the quality of the University's academic work and activities. We therefore recommend that the University of Nord updates its reporting procedures for the research outputs of its members of staff.

We noted that at least 12 of the books in our list were not scholarly books, since they were textbooks or manuals for professionals.

8. The seven articles submitted to us in the English language were, with the exception of one (*Law is Myth*), not academic/scholarly but mere of a more descriptive nature. They lack footnotes, a bibliography, an innovative original aspect or idea or proposal and for the most part seemed only to relate the law as it stands without comment or in-depth analysis. The Team's conclusion was that they could not be classified not as scholarly or scientific.

9. Overall, this led the Team to conclude that the research outputs that it evaluated needed substantial improvement in order to be competitive on the international market, although the Team recognised that publications in the Estonian language and on Estonian law are important for legal practice and law making in Estonia. The Team was informed that many Estonian professors, lecturers and graduates had made contributions that were greatly appreciate by those working in the legal system in Estonia.

10. The Team assessed the research programmes of the three Institutes as described in the Self-evaluation Report (and summarised by us above). Taking into account the small number of legal academics working full time as Nord staff members, the Team regarded the programmes areas as very broad indeed. This led the Team to conclude that they deserved rethinking as to their scope and contents. The Team also found the programmes to be more of a summary of the kind of research that is in fact taking place by the individual researchers and professors in the Institution rather than a mechanism for systematising and steering legal research there. In order, with a small number of resources and staff, to be successful on the research market the Institution should expect a clear focus and perspective for its research activities, including clear plans for activities, conferences, subjects, books etc. Only in that way it is possible to train staff, compete at a national and international level, and win research grants, prestige and esteem. The Team noted with disappointment that researchers in the three Institutes had not been able to attract scientific research grants in the area of law (although there was some research funding in other areas).

11. Finally, the Tram reviewed the five PhDs that were submitted to it. This review confirmed our previous comments: the theses seemed to be primarily focused on the professional market and less scholarly in nature that we would have wished. Also the length of these works confirmed the Team's conclusion that the theses were not comparable with European law PhDs.

2.3. Evaluation of Research Activities

The Team judged the *overall quality* of the research to be Satisfactory to Unsatisfactory.

2.4. Evaluation of Overall Capability

The Team judged the *overall capability* to be Unsatisfactory.

	Grade
Originality/novelty of past and ongoing research activity	0.5
The strategy and perspective of research	0.5
Multidisciplinarity and relevance for other research areas	1
The competence of research groups and their capability for development	0
National and international co-operation	0.5
Success in applying for funds and grants	0

2.5. Implementation opportunities for the Research Results and their Importance for the Estonian Society

This item is difficult to assess for the Team of International Experts for the reasons explained above.

3. RECOMMENDATIONS

- 1. The Team advises the University to report on academic publications by its staff according to the format described above.**
- 2. The Team recommends that the University Nord restructures its research focus and targets its resources on specific issues. These should determine its future research direction and accompanying hiring policies.**
- 3. The Team considers it essential that the University develop a clear research-led hiring policy, supported by an unambiguous definition of what the University regards as academic research, and a statement about the qualities needed in that respect and the training that will be offered to academic staff.**
- 4. In order to link to European and international research networks, the Team advises the University to establish a coherent policy to stimulate its staff to become part of these research networks and to participate in research debates and legal research methodology. This can also be strengthened with a structural visiting professors scheme (as we also recommended with respect to the PhD programme).**
- 5. In order to strengthen the quality of PhDs, the Team recommends that experienced foreign professors are involved in PhD supervision.**
- 6. Finally, the Team recommends that the University drafts a more precise set of guidelines and criteria about what is expected in a thesis concerning the scholarly aspect.**

Tallinn May 10, 2008

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