

Publications of the Academy of Finland 11/09

ENVIRONMENT AND LAW
RESEARCH PROGRAMME
2005–2008



Evaluation Report



ACADEMY OF FINLAND
RESEARCH FUNDING AND EXPERTISE

ENVIRONMENT AND
LAW RESEARCH
PROGRAMME
2005–2008

Evaluation Report

ACADEMY OF FINLAND IN BRIEF

The Academy's mission is to finance high-quality scientific research, act as a science and science policy expert and strengthen the position of science and research. The Academy's operations cover all scientific disciplines.

The main focus of the Academy's development activities is on improving opportunities for professional careers in research, providing resources and facilities for high-profile research environments and making the best possible use of international opportunities in all fields of research, research funding, and science policy.

The Academy has a number of funding instruments for various purposes. In its research funding, the Academy of Finland promotes gender equality and encourages in particular women researchers to apply for research posts and research grants from the Academy.

The Academy's annual research funding amounts to more than 287 million euros, which represents some 15 per cent of the government's total R&D spending.

Each year Academy-funded projects account for some 3,000 researcher-years at universities and research institutes.

The wide range of high-level basic research funded by the Academy generates new knowledge and new experts. The Academy of Finland operates within the administrative sector of the Ministry of Education and receives its funding through the state budget.

For more information on the Academy of Finland, go to www.aka.fi/eng.

CONTENTS

Preface	9
1 The Environment and Law Research Programme	11
1.1 Background	11
1.2 Objectives	12
1.3 Organisation and contents of the programme.....	13
2 Evaluation procedure	16
2.1 Objectives of the evaluation and evaluation criteria	16
2.2 Evaluation process	17
3 Overall evaluation of Environment and Law Research Programme	18
3.1 Strategic planning and preparation of the programme	18
3.2 Creating the necessary preconditions for the programme.....	19
3.3 Scientific quality and innovativeness of the research and its results	20
3.4 Success of the implementation of the programme goals and objectives.....	22
3.4.1 Inter- and transdisciplinarity.....	22
3.4.2 Collaboration and networking.....	23
3.4.3 International cooperation	24
3.4.4 Contribution to researcher training and mobility	24
3.4.5 Communication	25
3.4.6 Socio-economic impacts	25
3.5 Added value of the programme.....	26
3.6 Applicability of research and importance to end-users.....	26
3.7 Programme Coordination and Steering Group	27
4 Conclusions and recommendations for the future	29
4.1 Introductory remarks.....	29
4.2 Sustainable development.....	29
4.3 Planning of the programme	32
4.4 Selection of projects.....	33
4.5 Overall programme evaluation.....	33
4.6 Concluding recommendations	35
Annexes	
1 Assignment for the Evaluation Panel	36
2 Material for the evaluation.....	38
3 Projects and their funding	39
4 Environment and Law Research Programme evaluation form	41
5 Agenda of the Evaluation Panel meeting	49

Description

Publisher	Academy of Finland	Date	15 September 2009
Author(s)	Evaluation panel		
Title	Research Programme on Environment and Law 2005-2008, Evaluation Report.		
Abstract	<p>The Academy of Finland Board decided in November 2003, on proposal by the Research Council for Culture and Society, to launch the Research Programme on Environment and Law. The main objectives of the programme were three-fold: to strengthen research on the legal and social systems and practices concerning the environment and natural resources; to promote and deepen multidisciplinary research approaches in studies of environmental law; and to support and generate national and international networks of cooperation between universities, research institutes and different disciplines. A particular focus in the research programme was considered to be the new and changing legal and social systems and institutions associated with the programme themes.</p> <p>Funding was granted to seven projects for 2005–2008 by the Academy of Finland. The funding of the programme came to 2.5 million euros.</p> <p>After the completion of the Environment and Law Research Programme, an Evaluation Panel of one Finnish and two international experts assessed its success in attaining the objectives defined in the programme memorandum. The task of the Panel was to evaluate the programme as a whole and reflect particularly on the following issues: planning and scientific quality of the research programme, success of the implementation of the programme, contribution to researcher and expert training, collaboration and networking, applicability of research and importance to the users, and recommendations to the Academy for future programmes. This report includes the results of the Panel's evaluation.</p> <p>The Panel found that the Law and Environment Research Programme largely functioned as intended. The research area was very challenging and of high relevance. The most visible weakness of the programme was a rather poor integration of the concept of sustainable development into the programme. It could also be criticised that more traditional legal research could have been more seriously present within and across the research themes. The absolute strength of the programme was its true interdisciplinarity in the implementation. The important goal of interdisciplinarity was approached in an innovative and exemplary way. Furthermore, the organisation and execution of the programme were very good. The overall quality of the results was very high within the relatively modest framework of resources provided. The Evaluation Panel considered that the programme had been particularly successful in establishing a highly visible and interactive 'programme community' of researchers, such that the potential for a more integrated conceptual 'school' is clearly present. The major recommendation of the Panel to the Academy is that it considers taking measures to improve the conceptual and thematic integrity of 'law and environment' research in Finland, so that the existing 'programmatic community' may develop a stronger common identity for the purpose of working together to establish a more robust and long-term approach to a subfield for 'Law and Sustainable Development'.</p>		
Key words	Environment, Law, research programme, research funding, evaluation		
Name and number of series	Publication of the Academy of Finland 11/09		
ISSN	0358-9153		
ISBN	Print 978-951-715-769-8	Pdf 978-951-715-770-4	
Number of pages	50 p.		
Distributed by	Academy of Finland, POB 99, FI-00501 Helsinki, viestinta@aka.fi		
Published by	Academy of Finland		
Place and date of printing	Vammalan Kirjapaino Oy, 2009		
Other information	www.aka.fi/publications		

Kuvailulehti

Julkaisija	Suomen Akatemia		Päivämäärä	15.9.2009
Tekijä(t)	Arviointipaneeli			
Julkaisun nimi	Research Programme on Environment and Law 2005-2008, Evaluation Report.			
Tiivistelmä	<p>Suomen Akatemian hallitus päätti, kulttuurin ja yhteiskunnan tutkimuksen toimikunnan ehdotuksen pohjalta, perustaa Ympäristö ja oikeus -tutkimusohjelman marraskuussa 2003. Ohjelmalle määriteltiin kolme pääasiallista tavoitetta: vahvistaa ympäristöä ja luonnonvaroja koskevien oikeudellisten ja sosiaalisten käytäntöjen tutkimusta, edistää ja syventää monitieteellisiä lähestymistapoja ympäristöoikeuden tutkimuksessa sekä tukea ja luoda kansallisia ja kansainvälisiä yhteistyöverkostoja yliopistojen, tutkimuslaitosten ja eri tutkimusalojen välille. Ohjelman erityiseksi painopisteeksi valittiin tutkimusteemoihin liittyvät uudet ja haasteelliset oikeudelliset ja sosiaaliset järjestelmät ja instituutiot.</p> <p>Akatemia rahoitti tutkimusohjelman puitteissa yhteensä seitsemää projektia vuosina 2005–2008. Ohjelman kokonaisrahoitus oli 2,5 miljoonaa euroa.</p> <p>Ympäristö ja oikeus -tutkimusohjelman päätyttyä asetettiin kahdesta ulkomaalaisesta ja yhdestä suomalaisesta asiantuntijasta koostuva arviointipaneeli, jonka tehtävänä oli arvioida ohjelmamuistiossa asetettujen tavoitteiden täyttymistä. Paneelin oli määrä arvioida tutkimusohjelmaa kokonaisuutena sekä keskittyä erityisesti seuraaviin kysymyksiin: ohjelman valmistelu ja tieteellinen laatu, ohjelman toteutuksen onnistuminen, vaikutukset tutkijoiden ja asiantuntijoiden koulutukseen, yhteistyö ja verkottuminen, tutkimuksen sovellettavuus ja merkitys tuotetun tiedon loppukäyttäjille ja sidosryhmille ja annettavat suositukset Akatemialle tulevia tutkimusohjelmia silmällä pitäen. Käsillä oleva raportti sisältää arviointipaneelin työn tulokset.</p> <p>Arviointipaneeli havaitsi, että tutkimusohjelma toimi pitkälti kuten oli tarkoitettu. Tutkimusalue oli erittäin haastava ja ajankohtainen. Ohjelman näkyvin heikkous oli sen vajavainen tapa sisällyttää kestävä kehityksen käsite tehtyyn tutkimukseen. Ohjelmaa voisi myös kritisoida siitä, että perinteisemmällä oikeustieteellisellä tutkimuksella olisi voinut olla painavampi rooli tutkimusaiheissa ja niiden välillä. Aito monitieteisyys oli taas ohjelman ehdottomasti suurin vahvuus. Monitieteisyyden tärkeää tavoitetta lähestyttiin innovatiivisella ja esimerkillisellä tavalla. Lisäksi ohjelma oli organisoitu ja toteutettu erittäin hyvin. Ohjelman tutkimustulokset olivat yleisesti korkeatasoisia ottaen huomioon käytettävissä olleet resurssit. Arviointipaneelin mielestä tutkimusohjelma onnistui erityisesti hyvin näkyvän ja interaktiivisen ”ohjelmayhteisön” luomisessa tutkijoiden keskuuteen. Tällä on selvästi potentiaalia kehittyä tiukemmin yhteen liittyväksi käsitteelliseksi koulukunnaksi alallaan. Arviointipaneelin merkittävin suositus Akatemialle on harkita ryhtymistä toimiin ”ympäristö ja oikeus” -tutkimusalan käsitteellisen ja temaattisen yhtenäisyyden parantamiseksi. Tämä edesauttaisi syntyneitä ohjelmayhteisöä kehittämään lujemman identiteetin yhdessä työskentelyyn vahvemman ja pitempiaikaisen lähestymistavan luomiseksi tutkimukselliseen alateemaan ”ympäristö ja kestävä kehitys”.</p>			
Asiasanat	Ympäristö, oikeus, tutkimusohjelma, tutkimusrahoitus, arviointi			
Julkaisusarjan nimi ja numero	Suomen Akatemian julkaisuja 11/09			
ISSN	0358-9153			
ISBN	Painetulle kirjalle annettu tunnus 978-951-715-769-8	Pdf-versiolle annettu tunnus 978-951-715-770-4		
Sivumäärä	50 s.			
Julkaisun jakaja	Suomen Akatemia, PL 99, 00501 Helsinki, viestinta@aka.fi			
Julkaisun kustantaja	Suomen Akatemia			
Painopaikka ja -aika	Vammalan Kirjapaino Oy, 2009			
Muut tiedot	www.aka.fi/julkaisut			

PREFACE

It was recognised at the very start of the preparation of the research programme that research on the environment and law needs to take a broad perspective.

Environmental law is not only a matter of formal norms applied by the authorities and courts of law but those norms must also be examined in their social context.

There are many and varied issues that require further research. The use of natural resources (both renewable and non-renewable) has numerous societal connections. Research knowledge on natural resources and biodiversity has so far failed to integrate natural scientific and social scientific knowledge in general and empirical and law research in particular.

Furthermore, in recent years, a wider range of environmental policy instruments has become available, and their mechanisms are also very varied. In spite of the intensified governance associated with these changes in the type of governance and regulation, their impacts have not been sufficiently studied until this programme. In addition to traditional mechanisms of governance, environmental law has been working to develop product and consumption-based environmental protection. This kind of regulation which is relatively new warrants closer research into its functions and potential impacts.

Finally, there is recognisably an ever greater need for multidisciplinary collaboration in legal research on the environment. Hence, the aims of the Environment and Law Research Programme were set to

1. strengthen research on the legal and social systems and practices concerning the environment and natural resources;
2. promote and deepen multidisciplinary research approaches in studies of environmental law; and to
3. support and generate national and international networks of cooperation between universities, research institutes and different disciplines.

In September 2002, the Research Council for Culture and Society of the Academy of Finland appointed a working group charged with drafting a proposal for a targeted programme on environmental law. The Academy organised an exploratory workshop on the theme in March 2003.

Based on the results of the workshop and a formal submission by the Research Council, the Academy decided to launch a research programme entitled “Environment and Law” in 2004. A total of 2.5 million euros was earmarked for funding the programme for a four-year period in 2005–2008.

The funded research was organised around seven projects which involved a total of 45 researchers. As an overarching theme, the projects examined the effects of legislation on the environment and society. The research questions reflected the tight interplay of the development of environmental law and social changes. The funded research projects shared common themes that were identified by the coordination and projects as: effectiveness of environmental instruments; public participation in environmental decision-making; management of environmental conflicts; and

changing instruments of environmental governance. The aim of the multidisciplinary research programme was to boost interaction among environmental researchers and actors and to find new aspects through cooperation. It was also specifically stated in the programme memorandum that the research funded should be directed toward applying and promoting the concept of sustainable development.

After the completion of the Environment and Law Research Programme, an Evaluation Panel of one Finnish expert and two international experts assessed its success in attaining the objectives defined in the programme memorandum. The chair of the Evaluation Panel was Professor Emeritus Staffan Westerlund (University of Uppsala, Sweden) and other members Justice Kari Kuusiniemi (Supreme Administrative Court, Finland) and Professor William M. Lafferty (University of Oslo, Norway). The task of the Panel was to evaluate the programme as a whole and reflect particularly on the following issues: planning and scientific quality of the research programme, success of the implementation of the programme, contribution to researcher and expert training, collaboration and networking, applicability of research and importance to end-users, and recommendations to the Academy for future programmes. This report is the result of the Panel's evaluation.

September 2009

Tuula Honkonen

Secretary of the Evaluation Panel

I THE ENVIRONMENT AND LAW RESEARCH PROGRAMME

1.1 Background

In the programme memorandum, the rationale for the Environment and Law Research Programme was presented through three issues: requirements of sustainable development; global challenges; and the challenge of multidisciplinary. The element of sustainable development was considered important especially from a citizen-oriented perspective in realising environmental governance. The attainment of ecological, economic, social and cultural sustainability requires an in-depth understanding of and proper control over long-term changes and processes. The aim should be to attach legal order and its application into sustainable development. Sustainable development is definable irrespective of the actual law. Thus, the law must be made compatible with sustainable development. Within this context, the focus should not be exclusively on traditional environmental legislation.

The main background factors in research of environmental law were identified as being related to climate change, biodiversity and the use of natural resources. Global economic, technological and social development is crucially important to the future control and governance of environment use. Global challenges also include environmentally integrated consumption and production, and political goals such as state sovereignty and human rights. It was concluded that identification and analysis of external changes is a key precondition for successful research in environmental law and for the provision of relevant information that can contribute to developing and supporting appropriate solutions in environmental policy and environmental law.

The multidisciplinary of the research programme was expected to expose the limits imposed by traditional legal doctrine (of environmental law) which were seen as holding back the implementation of a constitutional state of sustainable development. Natural sciences and technological knowledge were named as having particularly close ties with research in environmental law. In addition, the societal nature of the processes in which environmental problems are defined and in which their meanings evolve and take shape is evident. The increasing diversity of the means and mechanisms of environmental policy control requires increasingly broad-based multidisciplinary research. This is fully compatible with modern environmental law methodology research based on environmental control systems where law has a fundamental function due to the idea of the Rule of Law.

The foreseen challenge of multidisciplinary in the Environment and Law Research Programme was two-fold. On the one hand, legal scholars need to work more closely with other environmental researchers to strengthen their knowledge and expertise; this challenge concerns both methodology and practical research work. On the other hand, the legal approach has been much neglected in other environmental research which would benefit from in-depth analysis of environmental legislation and the governance of environment use. Thus, genuine cooperation aimed at

strengthening the themes of law and environment was considered a major precondition for research funding under the programme. The Evaluation Panel concurs fully with this approach and considers it very important for the evaluation of the outcome of the programme.

In September 2002, the Research Council for Culture and Society of the Academy of Finland appointed a working group charged with drafting a proposal for a targeted programme on environmental law. The Academy organised an exploratory workshop on the theme in March 2003. Participation was broad with more than 80 researchers, civil servants from various government departments and representatives of interest groups attending. The workshop proved fruitful for both the further development of the intended research programme and for promoting brainstorming and networking among researchers from different fields. It was concluded, *inter alia*, that the relevant research of a programme on environmental law requires broad interdisciplinary cooperation at a national and international level, which is in line with the goals set for Academy research programmes. In addition, the promotion of sustainable development research and studies on changing legal and social practices were identified as the main objectives of the programme. These points of emphasis led the Research Council to name the planned research programme as “Environment and Law – A Society of Sustainable Development”

Based on the results of the workshop and a formal submission by the Research Council for Culture and Society, the Academy decided to launch a research programme entitled ‘Environment and Law’ in 2004. A total of 2.5 million euros was earmarked for funding the programme for a four-year period in 2005–2008. For guiding and administrative purposes, the Academy appointed a Programme Steering Group that was chaired by Professor Kyösti Pekonen (Research Council for Culture and Society).

The call of applications was organised by the Academy and launched in the autumn of 2004. In contrast to the usual practice of the Academy, the application procedure of the Environment and Law Research Programme took place at a single stage. The deadline for the applications was 30 September 2004. A total of 32 applications were submitted by the due date. An international panel of experts examined the applications and evaluated their scientific quality. Based on the external evaluations, the Steering Group made recommendations as to the projects that would be most suitable to be included in the new research programme. Decisions on the projects to be funded were made in December 2004. Funding was finally granted to seven projects for 2005–2008.

1.2 Objectives

As stated in the programme memorandum, the overall framework for the research is to improve the knowledge base on ‘environment and law’ within the general context of promoting ‘sustainable development’. The Evaluation Panel thus views the general aim of the programme to foster the enhancement of interdisciplinary research on sustainability issues and the teaching and dissemination of these.

More specifically, the stated objectives of the Environment and Law Research Programme were to

1. strengthen research on the legal and social systems and practices concerning the environment and natural resources;

2. promote and deepen multidisciplinary research approaches in studies of environmental law; and to
3. support and generate national and international networks of cooperation between universities, research institutes and different disciplines.

A particular focus in the research programme was considered to be the new and changing legal and social systems and institutions associated with the programme's themes. Issues related to transparency and lobbying and influence were expected to cut across the whole programme. One important legal aspect in decision-making around environmental matters concerned individual judicial relief.

When reading the stated objectives, one can choose between either reading them in isolation, or reading them in the context of the Academy's general aim with respect to national and international commitments to sustainable development. The Evaluation Panel has in general followed the second alternative.

The programme memorandum identified the following research themes for the programme:

1. man, environment and law;
2. means of environmental policy control;
3. sustainable use of natural resources and biodiversity;
4. product and consumption-based environmental protection and environmental responsibility;
5. the use of land and water areas and building; and
6. international questions.

These six 'themes' are, when regarded together, somewhat problematic since they, at least at first, seem to lie on different problem levels. It is also clear that the programme memorandum does not relate these themes directly to the framework concept of sustainable development. This situation has created difficulties for the Evaluation Panel in trying to determine how much weight should be placed on the overall goal of promoting and enlightening sustainable development; and how much should be focused on the six themes separately. The Panel has chosen to comment on both – and to try to highlight the strengths and weaknesses of the programme along both dimensions. To indicate just one example, the Panel assumes that concepts like 'end-user' and 'stakeholder' normally relate to actors in the current generation – including the legislators – while a crucial aspect of sustainable development is directed to the basic survival needs (and indeed *rights*) of future generations. These problems are further elaborated in Section 4 of this report.

1.3 Organisation and contents of the programme

The Academy of Finland funded the Research Programme on Environment and Law by 2.5 million euros. The funded research was organised around seven projects which involved a total of 53 researchers, of which 38 received funding from the programme. The researchers represented a variety of disciplines: environmental law, private law, environmental economics, environmental policy, environmental sociology, environmental philosophy and forestry. For the list of funded projects and funding, see Annex 3.

Research covered by the programme was divided into seven projects:

- **Eco-Efficient Public Purchasing? Economic Advantageousness and Legal Possibilities (Eco-PP Law)**, Helsinki University of Technology, project leader Professor Ari Ekroos
- **Law, Forests and Biodiversity (FORBID)**, Finnish Environment Institute, project leader Professor Mikael Hildén
- **Effectiveness of the Environmental Impact Assessment (EFEIA)**, University of Jyväskylä, project leader Professor Markku Kuitunen
- **Redefining the Concepts and the Practices of Environmental Law and Decision-Making (YLKÄ)**, University of Helsinki, project leader Professor Olli Loukola
- **Legitimacy of Environmental Governance (LEG)**, University of Joensuu and University of Lapland, project leader Professor Pertti Rannikko and Professor Juha Karhu
- **Procedural Environmental Rights in Land Use Conflicts (PERILUC)**, Helsinki University of Technology, project leader Research Director Rauno Sairinen
- **Effective Environmental Management (EMLE)**, Finnish Environment Institute, project leader Research Director Jonathan Tritter

As an overarching theme, the projects examine the effects of legislation on the environment and society. The research questions reflected the tight interplay of the development of environmental law and social changes. The funded research projects shared common themes that were identified by the coordination and projects as:

- effectiveness of environmental instruments;
- public participation in environmental decision-making;
- management of environmental conflicts; and
- changing instruments of environmental governance.

Read as this stands, the interrelationship with sustainable development does not really come forth. First of all, the holistic nature of sustainable development – which calls for a common scientific understanding of the concept – is not clearly reflected. One must therefore go to the different results of individual projects to see whether sustainability did, or did not, rule the themes and the theory framework. Here the Evaluation Panel has come to the conclusion that the designated themes have in general been covered by projects that provide new and important research results on key aspects of sustainable development – even though the specific connections to the concept are not directly spelled out.

The Environment and Law programme was steered and formally directed by the Programme Steering Group with the assistance of the Programme Coordination. The Steering Group consisted of representatives of the Academy of Finland, the Ministry of the Environment, the Supreme Administrative Court and of an external expert member. The Group was initially chaired by Professor Kyösti Pekonen (Research Council for Culture and Society of the Academy). The membership of the Steering Group changed during the programme, reappointments taking place in 2005 (the expert member stepped down) and in 2007 (Research Director Juha Kämäri from

the Research Council for Biosciences and Environment took over the chairmanship). The Steering Group was responsible for the strategic planning of the programme. The other tasks of the Steering Group included, inter alia, leading the research programme, preparation of the follow-up and evaluation, and supporting and steering the coordination of the programme.

The coordination of the research programme was outsourced to the Department of Law of the University of Joensuu. Professor Tapio Määttä acted as a part-time coordinator in 2005–2008, assisted by coordination secretary Leila Suvantola. The Programme Coordination was responsible for the attainment of the programme's objectives. The other tasks of the Coordination were, inter alia, to promote communication and cooperation between the participating research projects; to organise research meetings and seminars; and to monitor the programme and provide direction for reporting on the projects' research results.

The Programme Coordination was also, of course, responsible for the attainment of the programme's objectives. With the exception of devoting more time and effort to an integration of the separate projects into the sustainability framework, the Panel views the overall coordination of the project as generally efficient and specifically effective in promoting multidisciplinary contacts and overall integration.

2 EVALUATION PROCEDURE

2.1 Objectives of the evaluation and evaluation criteria

The Academy of Finland appointed the Evaluation Panel in December 2008. The Programme Coordination had prepared a list of potential panel members to which the Steering Group gave its approval. The Evaluation Panel consisted of a Finnish and two international invited experts. A Finnish expert was considered necessary to meet the strong national emphasis of the research programme and the corresponding majority of publications in Finnish. The chair of the Evaluation Panel was Professor Emeritus Staffan Westerlund (University of Uppsala, Sweden) and other members Justice Kari Kuusiniemi (Supreme Administrative Court, Finland) and Professor William M. Lafferty (University of Oslo, Norway). Doctor Tuula Honkonen served as the scientific secretary of the Panel.

The aim of the evaluation was to estimate the extent to which the Environment and Law Research Programme had succeeded in fulfilling its original objectives set for it in the programme memorandum. In other words, the implementation and utility of the programme was under assessment. In addition, the Evaluation Panel was to provide recommendations for the future, including the justification for the recommendations to the Academy regarding its activities in organising and funding research programmes.

Of specific interest for the evaluation exercise were the following aspects of the programme:

- the general programmatic approach,
- added value and programme impacts,
- interdisciplinarity and multidisciplinary,
- applicability of research, networking, and
- dissemination of results.

The Evaluation Panel was expected to assess the programme as a whole and reflect especially the following issues:

1. Planning of the research programme
 - Preparation of the programme and planning of the contents of the programme
 - Research projects funded and funding decisions in creating the necessary preconditions for the programme
2. Scientific quality of the programme
 - Scientific quality and innovativeness of the research
 - Integration of the results and preparation of synthesis at programme level
3. Success of the implementation of the programme
 - Concordance with the objectives of the research programme
 - Functioning of the programme
 - Added value of the programme
 - Evidence of scientific, societal or economic impacts pursued by the programme
 - Contribution to enhancing inter- and multidisciplinary in research
 - Scientific and administrative coordination
4. Contribution to researcher and expert training

5. Collaboration and networking
 - Collaboration within the programme, especially interdisciplinary collaboration
 - Collaboration with other Finnish groups
 - International cooperation
 - Collaboration with end-users
6. Applicability of research and importance to end-users
 - Contribution to promoting the applicability of research results
 - Relevance and importance to end-users
 - National and international impact of the programme
7. Recommendations for the future (including justification for the recommendations)

The criteria for the evaluation could be summarised as:

- The results and impacts of the research programme
- Ability of the coordination to provide the prerequisites of the research programme
- Funding of the projects and their activities in the research programme
- The societal impact of the research programme
- The preparation and substantive preparation of the research programme at the Academy of Finland

The evaluation shall provide feedback to the researchers and project leaders. In addition, the Academy of Finland will be provided with information on the coordination and steering of the programme that can be used for the purposes of science policy planning and decision-making.

The evaluation, mainly applying what was stated above, is to be found in Section 3 and the conclusions are found in Section 4 of the present report.

2.2 Evaluation process

The Evaluation Panel was provided with a thick package of material. The key documents included reports, self-evaluation assessments, communication material and other products of the Environment and Law Research Programme. Furthermore, the Panel had access to the key publications and doctorate theses produced by the researchers within the programme. The syntheses of the programme and its projects were provided to Panel members as well. Furthermore, the Panel found the annual reports of the programme and the evaluation forms of the individual researchers and project leaders particularly useful for its work.

The material was sent to the Evaluation Panel in April 2009 and the Panel met at the Academy of Finland in May 2009. The evaluation meeting was conducted in connection with the closing seminar of the Environment and Law Research Programme. The seminar presented the objectives and results of the research programme and its individual projects to the Evaluation Panel. Afterwards, the Panel had an evaluation meeting which consisted of meetings and interviews with selected end-users, project leaders and researchers as well as with the coordination unit and a member of the Steering Group. During these sessions, the Panel had a chance to hear the views of the relevant parties and ask questions that were not directly answered in the plentiful evaluation material. For the programme of the Evaluation Panel meeting, see Annex 5.

3 OVERALL EVALUATION OF ENVIRONMENT AND LAW RESEARCH PROGRAMME

3.1 Strategic planning and preparation of the programme

A research programme could be defined as a coordinated research effort that focuses on a defined thematic area or problem. The Research Programme on Environment and Law had to be evaluated on two levels, namely a holistic level primarily related to law and sustainable development and theory, and a detailed level issue by issue and project by project. The holistic evaluation as such is found in Section 4. Section 3 prepares for that and puts forward the issue by issue evaluation.

The preparatory documents and call for proposals of the research programme contain a number of general objectives for the programme. The primary ones, specifically mentioned, are sustainable development, global challenges and the challenge of multidisciplinary. The Evaluation Panel considers this to be the real idea behind the programme and also what raises the most difficult research problems including paradigm problems. The concept of sustainable development is picked from the 1987 Brundtland Report and the 1992 Rio Declaration and includes intergenerational equity based on the understanding of the necessity of nature for mankind.

The strategic idea of the programme was sufficiently extensive and relevant. It stands out as clearly calling for coordinated research on environment and law. By that time (2004), like today (2009), no country had adapted its legal order to full sustainability. Furthermore, most research allegedly dealing with sustainable development around the world was in practice either intradisciplinary research issue-wise, or based on vague, not to say denying, thinking about what sustainable development actually meant, or carried out from paradigms which were not adapted for sustainability – or all of this. As regards law, legal science mostly dealt with positive law, and other disciplines mostly reduced ‘law’ to ‘command and control’. A great deal of research in, inter alia, political science and economics was (and still is) carried out as if law is not very relevant, although such an attitude means that the idea of Rule of Law is thrown over board.

The initial exploratory workshop of the preparatory stage of the programme formed a necessary component for a research programme of this type, but it stands out very clear that more should have been done on this early stage in order to avoid the more or less total evaporation of the sustainability aspect which actually occurred. This is to some extent elaborated further in Section 4 of the report.

External evaluations of project proposals by international experts are, of course, a necessity for a small country like Finland. The Panel makes no attempt to ‘second guess’ the choice by the experts in this case, but feels that the lack of a better integration between the six themes and the sustainability theme could possibly have been avoided by more specific instructions to the project evaluators at the outset.

3.2 Creating the necessary preconditions for the programme

The call for applications produced a positive response, resulting in 32 proposals. The applications represented a wide range of disciplines and research topics. Their relation to the overall framework seems to have varied and, as indicated, the seven projects that were chosen have not, taken together, specifically addressed the issue of sustainable development.

This might imply, *inter alia*, that efforts to ensure the integration of the declared goals of the programme had not been adequate. There does exist considerable research within environmental law methodology which elaborates in depth on the relationship between sustainable development, legal research and environmental policy. One can also say that the introduction of sustainable development, including its intergenerational equity as a basis for law and society, has all the characteristics of a ‘paradigm shift’. When combined with the Rule of Law and mankind’s dependence on nature, the general signals to science underline this paradigmatic issue, and more specific attention could have been given to outlining the relevance of this issue for the programme at the outset.

According to the project leaders and researchers themselves, the funding provided by the Academy under the programme could have been more substantive. For instance, it was identified in the researcher feedback as a shortcoming that a researcher had to look for funding for travel costs from other sources. It is also notable that a few projects partly functioned with external funding.

The Evaluation Panel will not take a standpoint on this issue except to mention that many research projects, maybe most of them, are carried out under limited funding. The implications of this (if this is true) are general and not limited to this very programme. At the same time, it is necessary for funding bodies to consider this and to make the researchers, the project proponents, take the final responsibilities for the possibilities to implement the proposed projects. This will in turn make the different institutions (universities etc.) responsible for good research.

The Environment and Law Research Programme covered a wide array of research issues. The multidisciplinary nature of the programme was clearly visible in the themes, while sustainable development as a framework was mostly kept in the background. It could be argued that if the programme had started with a high-level common learning project aiming at sustainability, the entire result would have been far better.

Generally, it is difficult to assess how the research issues fit together. Some had very clear links whereas others were more distant. Of the seven projects, the EcoPPLaw differed most from others, which was shown throughout the programme. EcoPPLaw was a clear legal project with a somewhat different logic, and it focused on a very specific topic. Its researchers found it rather difficult to relate to the other projects and their themes, and therefore they did not participate so actively in the joint events of the programme. This was considered as a problem by a number of parties including the Programme Coordination. The Evaluation Panel considers this semi-separation as not only problematic but also as a clear indication of what the lack of holistic control related to sustainability can cause. At the same time it is, however, important to point out that the EcoPPLaw project was the most specifically ‘law-oriented’ project in the programme.

The seven projects together indicate a broad and relatively diverse approach. The programme could have been more focused as to its research themes and methods (especially with respect to sustainability), but the Panel recognises that such integration is often easier to achieve in theory than in practice. The actual research questions addressed and methods employed were highly interesting and well carried out. They included new ways of doing research on environmental law issues, but individually cast new light on the important issues addressed.

The original programme memorandum indicated the Academy's readiness to organise funding and other types of cooperation with other partners: the Ministry of the Environment, the Supreme Administrative Court, the Finnish Funding Agency for Technology and Innovation Tekes and the Ministry of Trade and Industry.

The projects under the research programme had significant funding from other sources besides the Academy of Finland. Approximately 2 million euros came from other sources compared to 2.5 million provided by the Academy. For instance, half of the funding of the PERILUC project came from outside the Academy (from the Ministry of Environment).

In general, it is the understanding of the Evaluation Panel that diverse funding is no problem provided full scientific integrity in the research and its presentations. It can be said that the external funding played a remarkable part in the research programme and enabled its realisation in the planned extent.

3.3 Scientific quality and innovativeness of the research and its results

With respect to scientific quality and innovativeness, the Panel would summarise its main findings as follows:

1. The aspect of multidisciplinary research was strongly represented in the programme. This has provided new perspectives and innovations in several areas, and is a key aspect of research for sustainable development. The Panel views the programme as exceptionally well conducted in this respect.
2. Research on the decision-making practices of officials and courts, with a systematic and empirical approach: In this area, the end-users in particular have shown much interest in and a positive response to the results of the projects. Research here generally holds a high quality, with, in particular, several excellent doctoral theses. The interactive assessment with the end-users indicated that several of the results of the project can have a direct influence on the overall formulation of legal thinking in the areas indicated.
3. The interaction between global, European, national and local environmental regulation: This is a crucial area for improving the integration of legal norms and multi-level governance. Unfortunately, this aspect of the programme was only marginally addressed.
4. The nature and change of environmental conflicts; different levels of environmental governance as a source of conflicts; instruments and means of control of environmental conflicts or disputes; theoretical and practical tools to manage these conflicts: All of these are interesting and important issues related to sustainability. Some projects were clearly orientated to conflict management and have produced valuable results related e.g. to the use of state forests and land use

planning. These are substantive areas of great importance for the relationship between law and the environment, and the relevant projects contribute new insights on these problem areas.

5. Integration of environmental perspectives in society and decision-making, with a particular emphasis on mainstreaming environmental factors into all decision-making areas. The programme has contributed valuable insights into this crucial issue, but the programme could have benefitted from a more specific treatment of the necessary trade-offs among the economic, social and environmental concerns. A great deal of European research has recently been conducted in the area of 'Environmental Policy Integration' (EPI), and the programme would have gained broader relevance in Europe if this research dialogue had been more specifically addressed in the relevant projects.
6. Emphasis on natural resources themes in public environmental discourse and policy: This is an extremely important issue for the overall programme aims, and several of the projects have here provided cutting-edge insights into these issues in Finland.
7. Regulatory instruments must be looked at as a whole, the focus should be on both the mix of policy instruments, and the application of alternative policy instruments. This can also be viewed in the context of environmental management and systems theory. While the programme's projects have produced individual results of high relevance here, also this theme would have benefitted from more comprehensive systematic treatment. The Panel accepts the need for focussed applied research in this area within Finland, but feels that more could have been done to relate the results to a broader scientific community.
8. The significance of law as a regulatory instrument has remained strong. This may be true, but it depends on what the researchers – and the Evaluation Panel – mean with a 'regulatory' instrument. A good deal has been published on such issues within environmental law methodology in recent years, but that was not well reflected in the projects of the programme. The YLKÄ project, for example, represents one of the few areas where concepts of environmental law were re-defined so as to operationalise the umbrella concept of sustainable development.

The Evaluation Panel has emphasised a general lack of focus on sustainable development in the crucial funding stage of the programme, and as a possible 'binding framework' for the sub-projects. On the other hand, we are also of the opinion that several of the sub-projects have produced new knowledge of a high quality and strong significance for the relationship between law and the environment in Finland; and that the aspect of multidisciplinary research (within the social sciences and humanities specifically) has been exemplary. The Panel accepts the fact that the major thrust of the programme has been directed towards Finnish problems and Finnish applications. While this has (perhaps) been a very conscious goal of the programme, the Panel feels nonetheless that the overall quality and applicability of the results would have benefitted from a broader orientation to (at least) the relevant European research discourses.

With regard to balance between projects, it can be stated that the projects had many different methodological and topical orientations. It is not possible to compare

the scientific quality of a legal dogmatic study with a theoretically orientated research in social sciences. However, all the projects have met a sound scientific standard, given the comments the Evaluation Panel has expressed *supra*.

The Environment and Law Research Programme produced six doctoral dissertations by the end of the funding period. Half of these were in environmental law. Three more dissertations are expected to be completed by the end of 2009, and ten in 2010. In total, 19 doctoral dissertations, of which eight in environmental law, will be prepared under the programme.

The quantity and quality of the dissertations is in general very good, and in certain cases excellent. Several doctorates are yet to be completed, however, and it is hoped that these candidates are given the necessary support for completing their degrees.

A total of 70 refereed articles were published under the programme, and the total number of publications was 140. Each project will publish a synthesis article in English, some of these are likely to be published in international journals. The Evaluation Panel will not go into how a 'refereed article' is to be understood in this context.

One of the research projects (YLKÄ) resulted in the creation of teaching material and a course on the issues studied.

The majority of the articles and other publications have been published in Finnish, which naturally lowers the international significance of the programme. The choice of language for articles and other publications is, and will remain, a severe academic problem. On one hand, the research is best published in the mother tongue of the researcher(s). Some topics related to legal dogmatics (i.e. interpretation and systematisation of legal norms) are, by nature, national, but still very relevant to national end-users. Profound legal dogmatic research addressed to national legal problems should, *per se*, not be excluded from research programmes funded by the Academy of Finland. Of course, the relevance of EU Law and comparative law should always be recognised.

On the other hand, as for Finland, the number of readers is thereby severely restricted. Therefore, publications in English are also very important. The solution, if economically feasible, is of course to publish the research results in the mother tongue and then either have everything translated into English (expensive) or writing very good articles in English which provides information about the research, theory framework, methods and results, with good information about the source material etc..

A synthesis of the programme, collecting together many of the researched issues, will be published in Finnish as a book in autumn 2009. The book will serve as a research teaching book and will collate key ideas of social environmental research. The Evaluation Panel has not had access to this publication.

3.4 Success of the implementation of the programme goals and objectives

3.4.1 Inter- and transdisciplinarity

With regard to inter- and transdisciplinarity, the Environment and Law Research Programme is perhaps best understood as taking an important step beyond traditional legalistic orientation.

Interdisciplinarity was a key element for the research programme and was identified as a very important aspect from the beginning. The selected research projects were in line with this stated objective, since both their themes and participating researchers represented a number of different disciplines or had adopted a multidisciplinary approach to their work.

The Programme Coordination paid attention to the need to keep interdisciplinarity on top of the research agenda of the programme as a whole. The task also presented challenges as it was not always easy to get people from different disciplines to ‘speak the same language’ or become interested in the concepts and way of thinking and conducting research of those representing different research fields and disciplines. This must have been a key problem during the implementation of the programme. Despite these difficulties, the programme achieved real interdisciplinary collaboration which resulted, e.g., in numerous joint articles by researchers from different disciplines (which is not very common in Finland). However, not all research projects participated equally in the efforts to promote interdisciplinarity, a situation that is far from uncommon in programmatic research.

Multidisciplinarity was not given equal weight in all research projects. Some were directly related to legal issues, while others paid very little attention to the relevant legal framework of their research issue. The latter point represents a major deficiency in a programme on ‘Law and Environment’, and must be viewed as perhaps the most central failing of the original allocation of projects and funds. Why and how more mainstream legal research vanished from the programme – to be replaced by a programme dominated by the approaches of the social sciences, humanities and environmental studies – is a question that the Academy will have to consider. While all of the sub-projects *can be* related to legal perspectives, there is in the Panel’s view very little specific treatment of crucial issues of jurisprudence in the area of ‘environment and law’.

It must be acknowledged that the Programme Coordination tried to present an understandable legal framework to the participating researchers who had no legal background, but the attempt was not successful in all respects. Once again, several of the leading international research initiatives on ‘law and sustainable development’ *could have been* employed as a common framework – but were not.

3.4.2 Collaboration and networking

In general, there was quite good interaction between researchers of the individual projects. The Programme Coordination and projects themselves arranged regular meetings, workshops etc. on where researchers could meet and discuss and share ideas and research results with each other. There were also several seminars during the programme that were organised jointly by projects, which shows good collaboration among different research units.

It is difficult for the Evaluation Panel to decide whether full potential was realised under the programme in this respect. However, the impression of reported collaboration and networking is clearly positive.

A few research projects had direct interaction with end-users. For instance, the FORBID collaborated closely with METSO (Forest Biodiversity Programme for Southern Finland), which resulted in influence on the actions that were taken on the practical level of Finnish environmental regulation and decision-making.

Representatives of end-users such as courts, administration and business representatives were welcome to the national closing seminar of the research programme. Moreover, end-user commentators were used to activate discussion in the seminar. Potential end-users may be located on different levels. If sustainability is included in the research objectives (as was the meaning with the programme), legislators and other constructors of environmental control systems would be very important end-users. The same goes for policy-makers. The impacts of the research programme on the level of national law-making were, however, scarce or difficult to assess.

In general, and observing this, collaboration with end-users was relatively well taken care of within the programme and most individual projects.

3.4.3 International cooperation

In general, international networking at both project and programme level is very important as it enhances the quality and competitiveness of Finnish research and the research system as a whole.

With regard to the Environment and Law Research Programme, some of its projects were active internationally with researchers participating in conferences, writing to international journals, inviting foreign experts to seminars in Finland etc. However, other projects remained rather isolated in this respect. This is of course partly a question of the nature of the research topic; in some cases the focus simply was very national.

The funding did not directly support mobility and international cooperation of the researchers. As the Evaluation Panel has mentioned *supra* about funding, such problems should be referred to a funding discussion in general.

There is also another general question about mobility and other international issues. For doctoral students, going to other universities is good. For post-doc researchers, on the other hand, such mobility is more strictly related to what one can get out of foreign visits. However, participation in conferences and similar activities are generally positive, not to say necessary, for good research, not only for one's own reporting to the scientific community but also for quick scientific up-dating.

3.4.4 Contribution to researcher training and mobility

The researchers of the programme made over 300 presentations in scientific events. There were 26 events organised by the programme with 1,100 participants in total. These are very impressive figures for such a small and relatively brief research programme. This also highlights the strong domestic orientation of the programme – with a clear goal of communicating to a broad range of relative Finnish actors. Several researchers also made research visits to universities and research institutions abroad, however, and several of the projects invited foreign colleagues and experts for a research or seminar visit to Finland.

The level of mobility of the researchers, however, varied greatly as commented on *supra*. In general, the researcher networking was active, especially at the national level.

It can also be said that the programme was very active – and successful – in promoting postgraduate training. The projects of the programme hired in all some 38 researchers, most of whom were postgraduate researchers. Hence, the mere existence of the programme was a crucial stimulus to researcher training in the field of

environmentally oriented fields of research. It can be clearly stated that the programme created a new community of researchers which provided opportunities for postgraduate studies and research. It is notable, for instance, that many PhD students who were not officially part of the research programme participated in the seminars arranged by the programme and its projects.

3.4.5 Communication

There were 26 events organised by the programme with 1,100 participants in total. The events ranged from special method seminars for project researchers to issue-specific or broader seminars that were open and of interest also to other researchers, end-users and so on.

The events calendar drafted in the beginning of the programme was implemented according to the plans with some additions. Also this is an admirable achievement.

The Coordination published five electronic newsletters (mainly in Finnish) in the course of the research programme, the last letter containing summaries of the results of the programme. The newsletters were widely circulated. The website of the programme contained a lot of information about the projects, arranged events etc.

Almost all the events arranged within the programme were open to the general public and end-users, and there was relatively active participation. In total, over 700 persons outside the research programme participated in the organised events. The programme also organised specific end-user events. Worth mentioning is, in particular, a seminar arranged in 2007 which discussed the current status and future of the environmental law research and other environmental research. It also appears (on the basis of the interviews with end-users and other interested stakeholders) that the dissemination of information to specific user groups during the course of the programme was apparently quite good.

To sum up, communication of the results of the programme have thus far been relatively successful. Results have been disseminated both to the academic world and end-users, and some results have given rise to broader policy discussions (e.g. the studies concerning conflict management practices in state forests made under the LEG project).

3.4.6 Socio-economic impacts

Assessment of the socio-economic impacts of a research programme is always a difficult task for an evaluation panel. First, it would have to be defined how the concept is to be understood. General wisdom would suggest that socio-economic impacts cover the effect of the research on decision-making, or its impacts on different actors and institutions of society. Both ideas emphasise practical impacts, for instance, that the end-users are informed of the research results. Socio-economic impacts also refer to the possible direct applicability of the research results in relevant (social/legal) decision-making.

The Panel has tried to evaluate the effects on decision-making of the research performed within the Environment and Law Research Programme. As indicated, several of the projects have had close and successful contacts with end-users of the research results, and some have had direct impact on societal practices and law-drafting: for example, links of the FORBID project to the METSO programme,

where new instruments to preserve forest biodiversity have been developed; the results of the EFEIA project which have had a direct effect on developing and implementing EIA legislation in administrative authorities and Administrative Courts; and the results of the EcoPP Law project, which have had impact on instructions concerning green public procurement at a municipal level. Interestingly, a representative of an end-user said in the closing seminar of the research programme that interdisciplinarity has in some respects made the practice of environmental policy and decision-making better understandable. This could be seen as an example of the social impacts of the research programme.

Otherwise, given the fact that nearly all of the projects involve perspectives which heighten the importance of environmental concerns – and, either directly or indirectly related these concerns to existing economic and social interests – can clearly be expected to affect the overall interaction and balance among these three ‘pillars of sustainable development’. In this sense, the programme will surely have objective impacts on the state of sustainable development in Finland – even though this has not been a profiled goal of the projects themselves. On a less positive note, however, the programme will hardly have impacts on the ongoing debate over sustainable development in Europe – since the European dimension is almost totally lacking from the programme.

International impacts of the research performed are not easy to track. Some doctoral theses and several articles have been published in English, even if the main results related to environmental law in a narrow sense have been reported in Finnish. However, some key findings may raise interest also internationally (e.g., the research on conflict solving in state forests).

3.5 Added value of the programme

The additionality of the programme is to be understood as its more substantial contribution to the research field than separate funding for the projects would have done. This is a tricky issue for the Evaluation Panel. If the seven projects had had a good common scientific umbrella, a significant additionality should occur. Without that, however, it is difficult to see added value except for the very important element of multidisciplinary. Comparisons of different potential scenarios are difficult to make.

With regard to the capacity of the programme to create and promote new networking collaboration and bring forward new viewpoints on the research themes, accomplishments could be highlighted in the respect of multidisciplinary, which is very important for the improvement of science in general. It could be said that the knowledge produced has been of value outside the immediate scope of the programme.

3.6 Applicability of research and importance to end-users

The programme has produced results which are very useful to Finnish end-users. End-users, such as administrative courts and authorities, need, besides pieces of profound methodological research, well analysed interpretations and systematisations of valid law applicable in Finland. Within the frame of the programme, several

projects have been able to create doctoral theses and reviewed articles, the results of which are directly applicable in interpreting the current national law as it stands. Just to mention two examples (LEG and EFEIA projects), Leila Suvantola's thesis (2006) dealing especially with issues of nature protection and land use and Ismo Pölönen's thesis (2007) on environmental impact assessment have been recognised as being of a high scientific standard and, at the same time, most significant and helpful guides for anyone applying environmental law.

Both practical and theoretical legal dogmatics is needed in the environmental field in general. In this regard, the Environment and Law Research Programme is successful. When it comes to sustainable development, however, much more is needed. Here the programme lost its opportunity, as will be elaborated in Section 4 of the report.

Some projects had very limited impacts on present-day users, others were quite relevant for policy-makers and also communicated the acquired results to them. In this regard, there was also variation within projects. It is notable that only one project addressed the role and participation of non-governmental organisations in environmental law and policy.

The impacts of the projects and the programme as a whole were mostly national; international impacts were usually of minor importance.

3.7 Programme Coordination and Steering Group

The common task for the Coordination and Steering Group of the programme was to foster and facilitate the research. The Programme Coordination was outsourced to the Law Department of the University of Joensuu, which was also an active participant in the programme. Usually programme coordination stays within the Academy, and that will be the policy in the future. It is important to note that the Academy coordination is taken care of by a full-time programme manager, whereas within a university or other research institution it is handled as a part-time job.

It is probable that a full-time coordinator would be beneficial for a research programme. However, that also calls for theoretical openness among all the participants. If this is not present, different participants are likely to do what they normally do within their own discipline, with only a secondary thought to interdisciplinarity and the holistic focus of the entire programme.

The Coordination of the Environment and Law programme itself considered it beneficial that the programme had a coordination group that was an active part of the relevant scientific community. Consequently, the group had well-functioning contacts with participating researchers and it could connect other environmental researchers to the programme as well as to link the programme to the national activities of the sector. The Coordination actually recommended for the Academy to consider the need to contract a coordinator within the relevant scientific community instead of placing the task within the Academy. An outsourced scientific coordination would ensure a tight connection and cooperation within the scientific community.

The Coordination kept the projects together, under the umbrella of the programme, through seminars, workshops, other events and communication and publications. It also promoted communication and cooperation between the participating research teams, and to some extent fostered contacts with potential

end-users of the produced knowledge. In short, the Coordination (together with the Academy's Communication Unit) fulfilled its responsibility for internal and external programme communications relatively well.

The Steering Group had a specific role in leading the research programme. The Steering Group was responsible for the strategic planning of the programme. 'Strategic planning' could be understood to mean planning the implementation of the entire programme through the seven projects. If so, the Steering Group had a very important function with respect to linking the overall objectives of the programme to the seven different projects – and their interrelationships. After the stage of planning the programme and selecting the participating projects, the role of the Steering Group appears to have been less significant. It had the task of steering and supporting the Coordination. However, the Coordination reported that the participation of some of the members of the Steering Group in the meetings was poor.

In the Panel's view it was most probably the responsibility of the Steering Group to provide ongoing monitoring and guidance as to how the thematic projects could be related to the overall theme of sustainable development. As indicated above, however, this task was apparently not given priority by the Steering Group.

In the case of the Environment and Law Research Programme, the Coordination appears to have functioned very well, given the limited resources available. The level of funding for the task, with financial support for only a part-time coordinator, is open to question. The major representative for the Coordination commented, however, that the funding for the task was sufficient except for the reporting and evaluation phase for which additional external funding had to be sought.

As for the project syntheses, these were made available to the Panel immediately prior to the evaluation process itself. They are in general very well-written and comprehensive documents. They provide a very good insight into the research problems and methods of the projects, as well as their major findings. All in all, these reports should provide a very solid foundation for the concluding programme report and synthesis of findings.

The role of the Coordination seems to have been active, both regarding internal and external contacts. Internally, the Coordination has rather successfully created a common methodological basis to different projects and, hence, had a decisive role in achieving multidisciplinary. The Coordination has not restricted itself to arranging seminars and formal contacts, but also encouraged true scientific collaboration with different projects.

As a general conclusion, it can be said that the functioning of the Coordination appears to have been well-conducted and effective. This was also the general view of the project leaders and researchers as expressed in their own evaluations of the programme. The Panel feels that the Coordination cannot be directly faulted for the lack of overall thematic integration, as this was more an issue of ongoing internal assessment, not organisational coordination. This task was, therefore, primarily the responsibility of the Steering Group. One must also mention, however, that the administration of the programme was placed with an 'external unit' (at the University of Joensuu). This is apparently not the normal procedure for administering Academy programmes, and it seems quite probable that this organisational arrangement accounts for the lack of consistency between the programme memorandum and the actual funding, organisation and implementation of the research projects.

4 CONCLUSIONS AND RECOMMENDATIONS FOR THE FUTURE

4.1 Introductory remarks

The Evaluation Panel has earlier in this report made some comments on how the Environment and Law Research Programme has been implemented with respect to sustainable development. The reason for making such comments is obvious, since sustainable development was meant to be the overall framework for the programme. We begin our conclusion by returning to this issue (see below).

4.2 Sustainable development

It comes out very clear from the different projects when studied together, and considering the oral reports given in the Evaluation Panel meeting in Helsinki in May 2009, that the overall aim related to sustainable development has more or less ‘evaporated’ during the research programme. The Evaluation Panel has had to take this into consideration.

The Evaluation Panel has been in general agreement as to the treatment of the concept and goal of sustainable development in the programme. The programme memorandum clearly states that: “The main objective of the research programme is to promote research on sustainable development, and particularly research on changing legal and social practices”. The Panel is agreed that this ‘main objective’ has not been adequately addressed in the implementation of the programme: neither in the stipulation of the specific themes; in the selection of projects for funding; or in the work of the Steering Group. Despite this clear weakness, two members of the Panel (Lafferty and Kuusiniemi) feel the actual results of the programme are nonetheless directly relevant for major sub-themes of the sustainable development research discourse; and that the projects clearly reflect the goals of the stipulated ‘themes’. The third member of the Panel (Westerlund) feels that the lack of clarification on the sustainable development issue is in fact critical for assessing the overall research quality of the projects and results. He emphasizes that given mankind’s dependence on nature and the idea of intergenerational equity, a sustainable theory of law must be based on the requirement of ecological sustainability. This implies that any legal research disregarding this starting point is not based on a scientifically valid ground because of a theoretical lack of a natural scientific basis about humankind’s dependence on nature. Hence, certain aspects of the results are, in fact, inconsistent with established research norms for the study of law and sustainable development (particularly carried out in Sweden).

In the view of the Panel, these two alternative interpretations of the relevance of sustainable development theory for the overall evaluation should be taken into consideration by the Academy in its further deliberations as to how the results of the programme should be carried forward.

Sustainable development is often supposed, or claimed, to be unclear as a concept. This lack of clarity is, however, commonly due to a general lack of knowledge of the concept as related to international law (the 1992 Rio Conference on Environment and Development) or – much more often – due to mixing the concept as such with *how to implement it*.

The concept of sustainable development goes back to the report issued by the World Commission on Environment and Development (WCED) in 1987, the so-called Brundtland Report entitled *Our Common Future*. The report laid the foundation for the Rio Declaration and Agenda 21 of 1992, and is now included, inter alia, in EC law. When reading the Brundtland Report with care, it is easy to see that it is based on a general understanding of nature ('the environment'), the laws of which cannot be changed by humans. It is also based on an understanding that nature is a necessary precondition for mankind. This reflects a fundamental understanding of natural science, which clearly implies that humans cannot be disjointed from a dependence on nature; in fact they can only use nature more or less efficiently by means of technology and good social systems. Consequently, humankind's inevitable dependence on nature is scientifically impossible to deny; that is a basic premise that also implies a normative demand for both intergenerational and global equity with respect to an entitlement for natural life-support systems. The latter is also a basic premise of the Brundtland Report and the Rio Accords.

In the view of the Evaluation Panel, an evaluation of the sustainability aim of the Environment and Law Research Programme must correspond with this basic understanding of the concept.

Furthermore, it has become common practice within the scope of the UN Commission on Sustainable Development (UN-CSD), the European Union, and nearly all national strategies for sustainable development to approach the assessment of implementation in terms of three key dimensions of sustainability: the so-called three pillars of *ecological, economic and social* development.

It follows from this that an assessment of a research programme which specifically identifies sustainable development as a major aim and framework must address the way in which the programme has understood, presented and analysed these critical issues. In our view – while all of the themes researched under the programme clearly *could* be related to the concept of sustainable development – there is *very* little evidence that they in fact have. It comes out very clearly that no real standpoints regarding sustainabilities within the framework of sustainable development have been established and *implemented* in the research programme. This should, in the first place, have been done by those who initially outlined the programme; and then in the second place should have been more specifically developed during the implementation of the research itself. The issue should also have been reflected in the original assessment of the funding applications, as well as in the research documentation and dissemination by each of the sub-projects.

In the view of the Evaluation Panel, it is apparent that if this kind of establishment of basic standpoints is not clearly taken care of early in a programme by those who initiate and have steering responsibility for the programme, then the risk is obvious that it will not be taken care of later either. There are several reasons for this, one being that a full understanding of ecological sustainability when

integrated into different research projects normally challenges the different disciplines' theory framework(s) and perhaps also their paradigms.

One sub-branch within environmental law is environmental law methodology. Considerable Swedish research has been conducted and published in this area.¹ The programme has, in general, showed very little interest in these approaches, to a large extent probably due to different disciplines' earlier and internal theories. The fact, however, that an interdisciplinary research programme based on sustainable development fails to adequately present current basic research results in the designated area, or in fact to deal with the concept seriously at all, raises major questions as to the basic intent and congruence of the programme. This may be because those who applied for funding were not sufficiently clear about the importance of the sustainability framework, or that they presumed that such issues would be taken care of in the course of the coordination of the ongoing programme. It also appears as though the external experts who evaluated the applications were not instructed to consider criteria for sustainable development directly when giving their recommendations.

1 See, in particular, the following:

- Carlman, I: Control System for Sustainable Development, in Dubois, D.M (ed.): Computing Anticipatory Systems. Casys'07 – Eighth International Conference Liège, Belgium 6–11 August 2007. American Institute of Physics 2008.
- Christensen, J: Rätt och kretslopp. Studier om förutsättningar för rättslig kontroll av naturresursflöden, tillämpade på fosfor. Iustus Förlag 2000.
- Decleris, M: The Law of Sustainable Development. General Principles. <http://europa.eu.int/comm/environment/law/pdf/sustlaw.pdf> (2000).
- Gipperth, L: Miljö kvalitetsnormer. En rättsvetenskaplig studie i regelteknik för operationalisering av miljömål. Uppsala universitet 1999.
- Högberg Björck, G: Rätten som nödvändig faktor i genomförandet av miljöpolitik. MRT 1993:2 201.
- Westerlund, S: En hållbar rättsordning. Iustus Förlag 1997.
- Westerlund, S: Law and Mankind's Ecological Dilemma. In Führ, Wahl, Wilmowsky (Hearausgeber): Umweltrecht und Umweltwissenschaft. Festschrift für Eckart Rehbinder. Erich Schmidt Verlag 2007.
- Westerlund, S: Legal Scholarship under Biospherical Challenge. Europarättslig tidskrift 2008:2.
- Westerlund, S: MBDK 3: Denna hållbara utveckling. Miljörättslig tidskrift 1999:2–3 Delkommentarer till miljöbalken 273 ff.
- Westerlund, S: Miljörättsliga grundfrågor 2.0. Åmyra förlag 2003.
- Westerlund, S: The Swedish Environmental Law Codification. Zeitschrift für Europäisches Umwelt- und Planungsrecht, EurUp 06/2006.
- Westerlund, S: Theory for Sustainable Development – Towards or Against? in H-C. Bugge and C. Voigt, Sustainable Development in International and National Law (the Avosetta Series 8), Groningen 2008.
- Westerlund, S: Världsbilder, rättsvetenskap, juridik och hållbar utveckling. Svensk Juristtidning 2006 309–344.
- Winter, G: A Fundamental and Two Pillars; The Concept of Sustainable Development 20 Years after the Brundtland Report, in H-C. Bugge and C. Voigt, Sustainable Development in International and National Law (the Avosetta Series 8), Groningen 2008.
- See also e.g. Klaus Bosselman's research on the theme.

It can be said as a conclusion that the role of sustainability in the research projects was rather modest, even if it was the crucial concern behind the whole programme. The ultimate goal of ecologically sustainable development was not shown in an adequate manner in the projects. The Panel would have expected more innovative approaches to ecological sustainability, including new methodological and paradigmatic views by the researchers. Here the role of the Steering Group could have been stronger to ensure that this focus of utmost importance would have been reflected to all of the projects.

4.3 Planning of the programme

The original programme memorandum outlines a very challenging programme area of high relevance, and the section on 'Aims and themes' is both varied enough and specific enough to focus numerous possible approaches and research problematic. In retrospect, it clearly would have helped if this section was concluded with a 'reminder' of the relevance of the sustainable development goal – but, as indicated, this was not provided.

Since the understanding of sustainable development – with its three components, and where ecological sustainability is viewed as a necessary foundation for the economic and social dimensions – is so diffuse in virtually all major disciplines, a programme like the one intended was, and still is, important for contributing knowledge on the changing relationship between environment and law.

In general, the issue of integrating sustainable development into the programme should have been anticipated as a major challenge to existing academic disciplines and approaches. Working with sustainable development as a unifying concept requires considerable advance communication, and a minimum of consensus as to what the concept implies – and how the specific research themes selected reflect this understanding. This was clearly not sufficiently addressed in the planning of the programme – and fell, therefore, outside of the ongoing implementation.

The Evaluation Panel would, in this regard, like to have seen more intervention by the Steering Group, especially at the start of the research programme, so as to ensure that the selected projects actually reflected the broader aims of the Programme Memorandum. Alternatively, the document could have been updated after the participating projects were chosen so as to emphasise the sustainable development orientation. Having stressed this point, however, it can also be added that the designation of the programme 'themes' was quite comprehensive and well outlined, and the selection of projects according to the themes was also consistent. The fact that more traditional legal research was also not more seriously presented within and across the themes is, however, also quite strange. It thus appears as though both the sustainable development framework and specific legal-research orientation were strongly over-shadowed by the particular interests of the social-science, humanist and environmental-studies disciplines.

4.4 Selection of projects

The criteria for assessing and ranking the projects could have been more openly expressed, particularly with respect to the priorities by which the experts selected the projects to be funded.

The Programme Memorandum mentions the following expectations or preconditions of the funded projects:

- compatibility with the subject area of the research programme;
- scientific quality and innovativeness of the research plan;
- viability of the research plan;
- competence and national and international contacts of the applicant/research team/consortium;
- researcher training and the development of research environments;
- evidence of relevant national and international research cooperation between the disciplines involved; and
- genuine multidisciplinary cooperation aimed at integrating the themes of law and environment.

The selection of projects within such a broad-based research programme is, of course, a challenging task. A line must be drawn as to whether to choose a project that would be located at the core of the theme of the programme, or a project with a more marginal topic, but which nevertheless is of excellent scientific quality. The criteria should be such that they do not eliminate good projects. On the other hand, however, the general idea of a research programme requires that the projects funded really are related and that they reflect a larger common theme, in this case sustainability and the integration of the themes law and environment. The selection of projects was most successful in providing a basis for multidisciplinary (which was also largely achieved) – but much less successful in finding and funding projects that address the challenge of achieving more consequent and sustainable environmental policies and results through legal critique and reform.

4.5 Overall programme evaluation

Not all areas listed in the Programme Memorandum and call for applications became represented in the selected projects. This was not seen as a problem by the Steering Group or the Academy. Partially to amend this situation, the Coordination later identified four ‘common themes’ for the programme (without, however, remedying the sustainability problem). Further, some of the thematic original objectives of the programme were not covered by the projects selected for funding. The Coordination recognised that international questions were such an area. From an environmental legal scientific point of view, the low level interest in international issues questions not only limited the programme as such, but can also be regarded as an indication of a relatively narrow perspective on the relationship between the environment, law and sustainable development. On the other hand, however, the programme was truly interdisciplinary in its implementation, and thus fulfilled this particular goal very well.

Though strongly neglected as an overriding theme, the concept of sustainable development did emerge in selected projects and studies. The study on the environmental impact assessment of the EFEIA, for example, examined the question of how to balance the elements of sustainable development within the regulatory instrument. Also the green public procurement research of EcoPPLaw examined the role of sustainable development in relation to the concept of eco-efficiency. The paradigm here, however, was primarily generated from a legal-economic approach and not from sustainability *per se*.

Further – and perhaps even more surprising than the neglect of the sustainability theme – is the fact that the Environment and Law Research Programme actually addressed very few issues of a strictly legal or judicial nature. The issues addressed in the projects would clearly have benefitted from more ‘traditional’ legal research – *also* within a multidisciplinary framework. Given the substantive theme of the programme, it must be assumed that the normative theory and actual practice of environmental law would be a central concern. The various legal disciplines were, however, clearly over-shadowed by the social-scientific and humanistic disciplines.

As a very general conclusion, therefore, it appears that the programme somehow got diverted from two of its most central aims: (1) to contribute to the understanding and promotion of sustainable development as a research-guiding concept; and (2) to support and promote quality research at the cutting edge of legal theory-practice in the area of environmental law. Having said this, however, it must also be clearly stated that: (1) the sub-projects of the programme were in general very well designed and executed; (2) the overall quality of the results was very high within the relatively modest framework of resources provided; (3) the sub-themes addressed by the projects were of clear *general relevance* for both sustainable development and environmental law – but that this relevance was not made as explicit as one would expect from the programme intent; (4) that the quality of publications is quite high on the whole, though the predominance of publications in Finnish limits the potential for international dissemination and impact; and (5) that the goal of interdisciplinarity was approached in an innovative and exemplary way.

While the major synthesis report of the programme was not available during the evaluation, the individual reports from the projects were circulated. These are in general very well written, and contain a great deal of new information and results of direct relevance for the project sub-themes. Hopefully, these reports will be made available in an English-language report that allows for a broad dissemination of the results of the individual studies. In addition, the synthesis in Finnish should provide a solid basis for the more practical discourse as to the way forward for a more sustainable legal practice in Finland.

As to the execution of research and general functioning of the programme, it can be concluded that the programme largely operated as intended. Not all researchers or projects managed, however, to complete their work within the relatively short timeframe allotted to the programme. Parental leaves in particular have also delayed work and the completion of sub-projects. This is, however, both a common characteristic and a necessary price for a more ‘gender-neutral’ research practice.

It is the intention of the programme that a number of the research themes continue their lives after the programme itself has ended. There are groups of researchers that would be interested to take their work further. This mainly stems from new research needs that have emerged during the research programme or from the conception that the funding period provided by the Academy was too short. However, securing funding for these new efforts will be a challenge. The Programme Coordination has planned to apply for additional resources from the Academy of Finland and from other potential sources. More support would be needed for follow-up of the research conducted under Academy's research programmes. Researchers deserve more time and resources to continue their activities and take advantage of the established cooperative relationships and shared knowledge.

Ideally, a programme of this kind would permanently strengthen the research field as regards multidisciplinary. As consistently pointed out in the present report, however, this can only be carried forward within a common and more integrated conceptual frame and problem understanding. On the one hand, a four-year programme, with relatively modest funding, is not enough to establish such a solid foundation. On the other, however, the present programme has been particularly successful in establishing a highly visible and interactive 'programme community' of researchers, such that the potential for a more integrated conceptual 'school' is clearly present.

4.6 Concluding recommendations

The Panel has considered a wide range of documents, conducted interviews and then followed the guides or instructions from the Academy when writing up this evaluation. We have tried to balance our critical comments and assessments with a more positive view of the real achievements and execution of the programme. The overall assessment reveals that the programme was: (1) well conceived at the start; (2) only moderately well initiated and funded; (3) poorly integrated conceptually, and diversely focused empirically; (4) well coordinated organisationally, and actively multidisciplinary; (5) with high-quality results and findings from the individual projects; and (6) with a strong profile for dissemination and outreach to end-users and other relevant actors.

The major recommendation of the Panel to the Academy is that it consider the merits of each of these points, and that measures be taken to improve the conceptual and thematic integrity of 'law and environment' research in Finland, so that the existing 'programmatic community' may develop a stronger common identity for the purpose of working together to establish a more robust and long-term approach to a subfield for 'Law and Sustainable Development'. Such a subfield should be supported to provide new knowledge and insights for a better realisation of Finland's "National Strategy for Sustainable Development"; but should also raise its ambitions to engage more forcefully with similar applied-science initiatives within the European Research Area (ERA). In the Panel's view, the major task should thus be to realise and consolidate the *actual research practice* that has emerged from the Environment and Law Research Programme, by recapturing and strengthening the *unfulfilled research promise* of the original programme memorandum.

ANNEX I.

ASSIGNMENT FOR THE EVALUATION PANEL

Evaluation of the Environment and Law Research Programme (ENVLAW)

Dear Professor Staffan Westerlund, Justice Kari Kuusiniemi and Professor William M. Lafferty,

The Academy of Finland has launched the evaluation process of the Environment and Law Research Programme. The scientific evaluation of the programme will be carried out by an international evaluation panel. The members of the evaluation panel are

- Chair, Professor *Staffan Westerlund*, University of Uppsala, Sweden, and members
- Justice *Kari Kuusiniemi*, Supreme Administrative Court, Finland, and
- Professor *William M. Lafferty*, University of Oslo, Norway.
- Dr. Tuula Honkonen, will serve as a scientific secretary for the evaluation panel.

With this assignment we, on behalf of the Academy of Finland, confirm your membership in the evaluation panel of the Environment and Law Research Programme.

The objective of the evaluation is to estimate to which degree the Environment and Law Research Programme has succeeded in fulfilling the objectives originally set for it in the Programme Memorandum. Of specific interest are the programmatic approach, added value and programme impacts, interdisciplinarity, multidisciplinary, applicability of research, networking, and dissemination of results.

In the Evaluation Report, the panel is expected to assess **the programme as a whole** and reflect especially the following issues:

1. Planning of the research programme
 - Preparation of the programme and planning of the contents of the programme
 - Research projects funded and funding decisions in creating the necessary preconditions for the programme
2. Scientific quality of the programme
 - Scientific quality and innovativeness of the research
 - Integration of the results and preparation of synthesis at programme level
3. Success of the implementation of the programme
 - Concordance with the objectives of the research programme
 - Functioning of the programme
 - Added value of the programme
 - Evidence of scientific, societal or economic impacts pursued by the programme
 - Contribution to enhancing inter- and multidisciplinary in research
 - Scientific and administrative coordination
4. Contribution to researcher and expert training

5. Collaboration and networking
 - Collaboration within the programme, especially interdisciplinary collaboration
 - Collaboration with other Finnish groups
 - International cooperation
 - Collaboration with end-users
6. Applicability of research and importance to end-users
 - Contribution to promoting the applicability of research results
 - Relevance and importance to end-users
 - National and international impact of the programme
7. Recommendations for the future (including the justification for the recommendations)

The panel will have its meeting during 26th and 27th May 2009 in Helsinki at the Academy of Finland, Vilhonvuorenkatu 6. The preliminary schedule for the panel meeting is as follows:

- Monday, May 25th 2009 (day 1)
Arrival in Helsinki, get-together dinner in the evening
- Tuesday, May 26th 2009 (day 2)
Closing seminar of the research programme,
Panel meeting and first interviews at the Academy of Finland
- Wednesday, May 27th 2009 (day 3)
Panel meeting and interviews continue; Panel work and writing of the report;
Departure from Helsinki – late flights/ferry

The work before the Panel meeting will include examination of the reports, self-evaluation assessments, publications and other products of the programme. The Panel meeting will include participation in the closing seminar and discussions with project leaders and researchers, Programme Steering Group, key stakeholders, and Programme Coordination. There will also be periods reserved for intensive work of the Panel including the preparation and drafting of the Evaluation Report which is to be published in autumn 2009. Technical assistance will be provided during the meeting.

Further details of the meeting will be sent to you later.

If you have anything to ask please do not hesitate to contact us.

Thanking you in advance for your cooperation,

Yours sincerely,

Professor Tapio Määttä
Scientific Coordinator
University of Joensuu
tapio.maatta@joensuu.fi

Dr. Leila Suvantola
Coordination Secretary
University of Joensuu
leila.suvantola@joensuu.fi

ANNEX 2.

MATERIAL FOR THE EVALUATION

Material for the Final Evaluation of the Research Programme

The coordination unit of the research programme will collect the following material for the final evaluation of the research programme:

- Programme memorandum
- Assignment of the Programme Steering Group
- The composition of the Programme Steering Group and meetings memoranda
- List of applications for funding
- Experts used in the assessment of the applications
- Project proposals of the funded projects including the research plans, applied/granted funding
- Coordination agreement
- Annual reports of the coordination and other material
- Annual reports of the programme
- Brochures, media releases and newsletters
- Self-assessments of project leaders
- Summary drafted by the coordination listing on project or coordination basis
 - accomplished theses
 - publications
 - arranged events (programmes, participants, proceedings)
 - participations in other events
 - other venues of societal impact
- 1–3 of the most significant publications of each project
- The manuscripts of the final reports of the programme

ANNEX 3.

PROJECTS AND THEIR FUNDING

Eco-Efficient Public Purchasing – Economic Advantageousness and Legal Possibilities (EcoPP-Law). Led by Prof. Ari Ekroos.

Total funding from the programme €320.150.

1. Riikka Hietanen, Helsinki University of Technology Institute of Law, 24 months of funding.
2. Katriina Parikka-Alhola, Finnish Environment Institute, 36 months of funding.

Law, forests and biodiversity (FORBID). Led by Prof. Mikael Hildén.

Total funding from the programme €385.890.

1. Jenny Fredrikson, Finnish Environment Institute, 3 months of funding.
2. Louise Fromond, Helsinki University Institute of International Economic Law, 42 months of funding.
3. Kai Kokko, Helsinki University Institute of International Economic Law/ University of Lapland, 2 months of funding.
4. Terhi Koskela, Finnish Forest Research Institute, 23 months of funding.
5. Eeva Primmer, Finnish Environment Institute, 16 months of funding.
6. Jukka Similä, Finnish Environment Institute, 2 months of funding.

Effectiveness of Environmental Impact Assessment (EFEIA).

Led by Prof. Markku Kuitunen. Total funding from the programme €365.730.

1. Pekka Hokkanen, Central Finland Regional Environment Centre, 29 months of funding.
2. Kimmo Jalava, University of Jyväskylä Department of Biological and Environmental Sciences, 28 months of funding.
3. Ismo Pölönen, University of Joensuu Department of Law, 29 months of funding.
4. Rauno Sairinen, Helsinki University of Technology Centre for Urban and Regional Studies, 3 months of funding.

Redefining the Concepts and the Practices of Environmental Law and Decision-making (YLKÄ). Led by Prof. Olli Loukola.

Total funding from the programme €325.961.

1. Pasi Kallio, University of Turku Faculty of Law (Environmental Law), 18 months of funding.
2. Simo Kyllönen, University of Helsinki Department of Social and Moral Philosophy, 27 months of funding.
3. Marjukka Laakso, University of Helsinki Department of Social and Moral Philosophy, 25 months of funding.
4. Timo Peuhkuri, University of Turku Department of Sociology, 15 months of funding.

Legitimacy of Environmental Governance LEG/University of Joensuu.

Led by Prof. Pertti Rannikko. Total funding from the programme €316.940.

1. Jakob Donner-Amnell, University of Joensuu Faculty of Social Sciences, 19 months of funding.
2. Tuomas Kuokkanen, University of Joensuu Department of Law, 1 month of funding.
3. Tero Laakso, University of Joensuu Department of Law, 12 months of funding.
4. Kaisa Raitio, Faculty of Social Sciences University of Joensuu, 18 months of funding.
5. Leila Suvantola, University of Joensuu Department of Law, 25 months of funding.

LEG/ULap. Led by Juha Karhu. Total funding from the programme €79.530.

1. Mikko Marttila, University of Lapland, 11 months of funding.
2. Lasse Vuola, University of Lapland, 6 months of funding.
3. Janne Luomala, University of Lapland, 4 months of funding.
4. Matti Tjäder, University of Lapland, 4 months of funding.

Procedural Environmental Rights in Land Use Conflicts (PERILUC).

Led by Research Director Rauno Sairinen.

Total funding from the programme €144.590.

1. Hilikka Heinonen, University of Joensuu Department of Law, 8 months of funding.
2. Anna-Mari Pasanen, University of Joensuu Department of Law, 3 months of funding.
3. Lasse Peltonen, Helsinki University of Technology, 3 months of funding.
4. Sari Puustinen, Helsinki University of Technology, 3 months of funding.
5. Hanna Tolvanen, University of Joensuu Department of Law, 11 months of funding.
6. Susanna Wähä, University of Joensuu, 7 months of funding.

Effective Environmental Management: Law, Public Participation and Environmental Decision-making (EMLE). Led by Prof. Jonathan Tritter.

Total funding from the programme €428.410.

1. Steve Davies, Turku University Department of Law, 48 months of funding.
2. Sam Grönholm, Åbo Akademi University Department of Public Administration, 6 months of funding.
3. Aino Inkinen, Finnish Environment Institute, 48 months of funding.
4. Marko Joas, Åbo Akademi University Department of Public Administration, 6 months of funding.
5. Anne Kumpula, Turku University Department of Law, 6 months of funding.
6. Åsa Lindström, Åbo Akademi University Department of Public Administration, 12 months of funding.
7. Tea Nömmann, Åbo Akademi University Department of Public Administration, 9 months of funding.

ANNEX 4.

ENVIRONMENT AND LAW RESEARCH PROGRAMME EVALUATION FORM

Environment and Law Research Programme (2005–2008)

Confidential



EVALUATION FORM 1. Self-evaluation of the Project and the Programme

(To be filled by Environment and Law Project Leaders)

You are kindly asked to answer all the questions, even if negative, to make sure there are no omissions.

A summary technical report will be compiled based on the questionnaire.

NOTE that all forms will also be sent to the Evaluation Panel members.

A. Description of the project

1. The organisation and structure of the project

Project title (and home page in the Internet):

Consortium Yes No

Name

Person(s) in charge:

Name, position, organisation, gender, degree, year of birth

(COPY NEXT SECTION WHEN NEEDED)

Research personnel financed (fully/partly) by **Environment and Law** funding

Name, department and position, person-months, gender, degree, year of degree, year of birth

In the section 'Position' the following titles should be used: *professor, senior researcher, Post Doc, PhD student/MSc student, other (specify).*

(COPY NEXT SECTION WHEN NEEDED)

Research personnel closely related to the Environment and Law project

(but on other funding):

Name, position, organisation, gender, degree, year of degree, year of birth

2. The degrees completed in the project

Including all degrees

(COPY THIS SECTION WHEN NEEDED)

Name: _____

Basic degree: _____ Sex: Male Female

Year of earning the above degree: _____ Major subject: _____

University and department (of basic degree): _____

Degree completed within this project: _____

University: _____

Department: _____

Year: _____ Major subject: _____

Graduate school (if appropriate): _____

3. The funding

Total Environment and Law funding (euro) and who financed the project:

A) Funding from the Academy of Finland (by calendar year)

B) Other funding (and the name of the financier) (by calendar year)

Other funding for the project:

a) Funding of the home institution (an estimate, including in-kind contribution¹) (euro)

b) Other external funding (such as university, other national funding, international funding, other)

¹ 'In-kind contribution' means an estimate of the monetary value of resources given in other form than money, for example, working time of the personnel.

	year	2005	2006	2007	2008	Total
A) in Environment and Law						
B) other/specify	a)					
	b)					
Total						

4. The progress of the project and main results

Please describe the aims, the main scientific results and achievements, including the innovativeness (novelty) in comparison to other research in your field. (Max 3 pages)

5. Multi- and interdisciplinarity of the project

How did multi- and interdisciplinarity become concrete?

(Multidisciplinarity means that a given set of problems is analysed simultaneously from the vantage point of several different disciplines. Interdisciplinarity implies deeper integration: research will also borrow concepts, methods and perspectives from other disciplines.)

6. What, if any, changes were made to the original research plan?

How did the project follow the research plan and why the plan had to be changed?

7. Drawbacks

What factors, if any, hindered the planned progress of the project?

Were the risks identified at the beginning of the project?

8. The national and international collaboration and networking of the project

Free text describing your networking. Please specify the nature of collaboration and type of collaboration partners. Specify if the networking have resulted in co-publication or other documented output.

Did the **Environment and Law** programme bring about cooperation which you would not have had without this funding?

Do you have collaboration with other **Environment and Law** projects, and what is the level of collaboration? Is this collaboration old, or brought about by **Environment and Law**?

The following forms should be used in describing the activities that have been relevant in the networking of the researchers. 'Other activities' can include things such as a working group or an evaluation task, etc.

(COPY THIS SECTION WHEN NEEDED)

Seminar/congress ATTENDED

Title: _____

Organiser(s): _____

Time: _____

Participant(s) from the project: _____

Activity, authors and title (paper, poster, chairmanship, other): _____

Place: _____

(COPY THIS SECTION WHEN NEEDED)

Seminar/congress ORGANISED BY THE PROJECT

Title: _____

Organiser(s): _____

Time: _____

Participant(s) from the project: _____

Activity, authors and title (paper, poster, chairmanship, other): _____

Place: _____

(COPY THIS SECTION WHEN NEEDED)

National or international visits, duration of one week or longer

Type of visit (visiting researcher, teacher, etc): _____

Aim of the visit: _____

Host: _____

Time: _____

Participant(s) from the project: _____

(COPY THIS SECTION WHEN NEEDED)

National or international visits HOSTED BY THE PROJECT, duration of one week or longer

Type of visit (visiting researcher, teacher, etc): _____

Aim of the visit: _____

Visitor: _____

Time: _____

(COPY THIS SECTION WHEN NEEDED)

Other activity

Type of activity: _____

Aim of the activity: _____

Activity: _____

Place: _____

Participant(s) from the project: _____

9. The post graduate training of the personnel

How was the postgraduate training in the project organised in general?

What training did the researchers receive and who organised it?

Were the researchers enrolled in a graduate school? If yes, which?

Researcher, name of the graduate school, postal address of the school

10. How did the project promote equality?

B. Self-evaluation of the project

Objectives of Environment and Law Programme were to

1. *strengthen research on the legal and social systems and practices concerning the environment and natural resources;*
2. *promote and deepen multidisciplinary research approaches in studies of environmental law; and*
3. *support and generate national and international networks of cooperation between universities, research institutes and different disciplines.*

To what extent did you achieve your goals and objectives?

Excellent Well Satisfactorily Poorly

To what extent did your project/activities contribute to the objectives of the programme?

Added value of the consortium (when appropriate) – has working as a consortium advanced the research of your project? How?

How much of the research work has been carried out as team-work between the research groups (sub-projects)?

The applicability of the research results – contribution to practice and decision-making

How could your results be utilized and by whom? Identify possible end-users. Have your research results been used? When, by whom?

Communication of the results

How did/does the project communicate with end-users? Specify these end-users.

How does/did the project disseminate the results? Has your results of the project in the Environment and Law programme been presented or published in any media outside the scientific community? If yes, what media and when? Who initiated the publicity?

Can you provide indication of the societal effects of the project at this stage (describe max. 3 examples)?

How did the **Environment and Law** programme work as a whole compared to the objectives set for the programme?

Excellently *Well* *Satisfactorily* *Poorly*

Were the goals relevant and achievable? Other comments.

Coordination and programme management

How did the coordination manage its task in trying to achieve the objectives?

Excellently *Well* *Satisfactorily* *Poorly*

How did your project benefit from the Coordination?

Which of the events organised by the coordinator you found useful and why?

How has your project and its researchers participated in the joint programme actions?

How has the participation been reflected in the work of your research group?

What kind of support would your project have required more from the Coordination?
What did the coordination fail to achieve? Other comments.

Funding

How essential was the **Environment and Law** funding for your research?

Very essential *Essential* *Not very essential* *Not at all important*

Did the project receive the funding that was applied for?

Yes *No*

Was the funding sufficient compared to the research plan?

Other effects of funding (positive/negative)

Did the research field gain any added value for having a programme compared to normal research grants? What about your project?

How, if at all, did the programme enhance the development of the research area?

Which do you think were the most important gaps in the research area not covered by the **Environment and Law** programme?

How beneficial has participation in the **Environment and Law** programme been to your research if NOT considering the direct funding?

Very beneficial *Beneficial* *Not very beneficial*

What did you achieve that could not have been done without the **Environment and Law** funding?

Strengths and weaknesses

What are the inner strengths of the Environment and Law programme?

What were the weaknesses of the Environment and Law programme?

How could the Environment and Law programme have been improved?

Future

What are the future possibilities and plans of the research team after **Environment and Law**?

On terms of funding, completion of studies, employment of the personnel, etc.

In what form do you anticipate the present national/international collaboration of your project to continue?

What new important research topics, if any, came up?

Recommendations for the future

How would you raise the level of research in your field in Finland

How would you compare the level of research in your field in Finland to other countries?

What are the greatest shortcomings, problem areas, and needs in your field of research?

Suggestions for improving future research programmes

Other comments

Appendices

1. A full list of publications and other outcomes of the project (2005–) presented as shown below.

Underline publications and other outcomes arising from funding granted by the Environment and Law programme for this project.

Articles:

1. Scientific articles (reviewed)
2. Other scientific articles
3. Popular articles
4. Submitted manuscripts (indicate status: submitted/accepted).
(Abstracts and manuscripts in preparation are not reported)

Scientific reports

Books or book chapters

Academic theses

Television and radio programmes

Scientific awards

Other professional documented activities

2. An electronic version (preferably, if available) of key published scientific papers (max. 10 papers/project).
3. One copy of PhD theses, or supervisor's assessment and schedule of the completion of each of the **Environment and Law** funded PhD student

The form should be sent as an e-mail attachment by 31 January 2009 to
Leila.Suvantola@joensuu.fi

ANNEX 5.

AGENDA OF THE EVALUATION PANEL MEETING

Monday 25 May 2009

Arrival in Helsinki

19:00 Welcome dinner

Participants: Evaluation Panel, Coordination Unit, Director Laura Raaska, Biosciences and Environment Research Unit of the Academy of Finland, representatives of the Programme Steering Group

Tuesday 26 May 2009

8:10 Meeting at the Hotel Lobby, metro to the Academy of Finland

8:30 **Evaluation Panel Meeting**

Instructions to the Evaluation Panel, Director *Riiva Dammert*, Academy of Finland

Morning coffee at the lobby

9:00 **Closing seminar of the Environment and Law Research Programme**

Welcome by scientific coordinator, Professor *Tapio Määttä*

9:05 Introduction to the Environment and Law Research Programme:
What and why?

Chair of the Steering Group, Dr. *Juha Kämäri*

9:15 Introduction to the scientific results

Projects EFEIA, EMLE and PERILUC (each 25 min)

10:45 Introduction to the scientific results

Projects LEG and YLKÄ (each 25 min)

11:45 Lunch

12:30 Introduction to the scientific results

Projects FORBID and EcoPPLaw (each 25 min)

13:30 End discussion

14:00 Closing of the seminar

14:00 **Evaluation Panel Meeting Begins**

Meeting with selected end users (with coffee)

(45 min interview and 15 min Panel discussion)

15:00 Interview of the project leaders (45 min interview and 15 min Panel discussion)

16:00 Interview of the researchers

Group 1: EFEIA, EMLE and PERILUC (45 min interview)

Group 2: LEG, YLKÄ, FORBID and EcoPPLaw (45 min interview)

Panel discussion

- 17:45 Closing of the session and metro to the hotel
19:00 Dinner
Participants: Evaluation Panel, Coordination Unit, Director Pirjo Hiidenmaa,
Culture and Society Research Unit of the Academy of Finland.

Wednesday 27 May 2009

- 8:30 Meeting in the Hotel Lobby, metro to the Academy of Finland
8:50 **Evaluation Panel Meeting**
9:00 Interview of the Coordination Unit, Professor *Tapio Määttä* and
Coordination Secretary, Researcher *Leila Suvantola*
(45 min interview and 15 min panel discussion)
10:00 Meeting with the Steering Group members
(45 min interview and 15 min panel discussion)
11:00 Panel discussion and writing report
12:00 Lunch
13:00 Panel discussion and writing report (coffee break 14:30)
16:30 Closing of the session
16:45 Transportation to the ferry/airport

The Research Programme on Environment and Law was launched by the Academy of Finland in 2003 and ran for four years from 2005 to 2008. The main objectives of the programme were three-fold: to strengthen research on the legal and social systems and practices concerning the environment and natural resources; to promote and deepen multidisciplinary research approaches in studies of environmental law; and to support and generate national and international networks of cooperation between universities, research institutes and different disciplines. The programme comprised seven research projects.

In 2008, an international evaluation panel was set up to assess the research programme as a whole and to reflect particularly on the planning of the programme, the scientific quality of the programme and the success of the implementation of the programme goals and objectives. This report includes the results of the evaluation and the recommendations of the panel.



ACADEMY OF FINLAND

Vilhonvuorenkatu 6 • PO Box 99, 00501 Helsinki

Tel. +358 9 774 881 • Fax +358 9 7748 8299

www.aka.fi/eng • viestinta@aka.fi

