



Department of Justice  
Canada

Ministère de la Justice  
Canada

# **EVALUATION OF THE INTERNATIONAL LEGAL PROGRAMS SECTION**

**Evaluation Division  
Corporate Services Branch  
Department of Justice Canada**

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## ACRONYMS

ADM	Assistant Deputy Minister
CBA	Canadian Bar Association
DEPARTMENT/JUS	Department of Justice Canada
DG	Director General
DM	Deputy Minister
EAC	Evaluation Advisory Committee
FJA	Office of the Commissioner for Federal Judicial Affairs Canada
FTE	Full-Time Equivalent
GAC	Global Affairs Canada
IDG	International Development Group
IERD	Intergovernmental and External Relations Division
IRG	International Relations Group
ILPS	International Legal Programs Section
OAG/PP	Office of the Attorney General and Public Prosecution
NJI	National Judicial Institute
PPSC	Public Prosecutions Service of Canada
TCI	Turks and Caicos Islands
UK-CPS	United Kingdom's Crown Prosecution Service (International Division)
UNOPS	United Nations Office for Project Service
US-OPDAT	United States Department of Justice's Office of Overseas Prosecutorial Development Assistance and Training



# EXECUTIVE SUMMARY

## 1. Introduction

The International Legal Programs Section (ILPS) supports Canada’s development assistance and foreign policy priorities through the delivery of technical assistance. The projects promote foundational Canadian values of freedom, democracy, human rights and the rule of law in different countries of the world. The work of ILPS is grounded in the sharing and transferring of Canadian legal expertise and knowledge regarding principles of the administration of justice in Canada that contribute to the construction, reform and strengthening of legal systems of other countries. The Section is also called upon to provide strategic advice on justice reform matters as part of a whole-of-government response to certain situations.

In accordance with the 2009 Treasury Board *Policy on Evaluation*, this evaluation addresses both the relevance and performance of the Section and covers the work of ILPS between fiscal years 2009-10 and 2013-14. This is the first evaluation of the Section.

## 2. Methodology

The evaluation methodology consisted of a document review, administrative data review, key informant interviews and case studies. Triangulation was used to verify and validate the findings obtained through these methods to arrive at overall evaluation findings.

## 3. Findings

### 3.1. Relevance

***Responding to Federal Priorities.*** The activities of ILPS support the Government of Canada’s international priorities relating to justice sector reform through the “whole-of-government” approach for the advancement of Canada’s foreign policy and development assistance agenda. The

federal government supports international justice sector development promoting Canadian values, the rule of law to protect the security and safety of Canadians at home and abroad, and in supporting economic development.

***Continued Need for ILPS.*** Canada's extensive experience in the rule of law is often recognized and respected by many foreign countries for its assistance to countries, ministries and institutions to improve their legal systems and enhance security and rule of law for that country's citizens. Canada is well positioned to provide legal technical assistance abroad because it has an advanced justice system along with the benefits of having both common law and civil law traditions.

ILPS has been providing government-to-government technical assistance because it has the legal expertise and competencies, the credibility, and the experience to develop and manage legal technical assistance projects to foreign countries seeking to modernize their justice system.

Additionally, beneficiaries from recipient countries receiving assistance indicated that there is a need for ILPS to provide legal technical assistance since the recipient country often does not have the resources nor the expertise to upgrade their legal system.

ILPS has designed and implemented seven new legal technical assistance projects during the evaluation period, of which two of these projects have been extended and the remaining five projects have been completed. The total time spent by ILPS executing technical assistance projects between 2009-10 and 2013-14, ranged from approximately 12,000 hours to 33,000 hours, or 67% of the total time spent undertaking ILPS functions.

ILPS has also been involved in providing legal policy development and strategic advice to other government departments, especially to GAC, on matters pertaining to international justice sector reform and assistance, and the integration of the access to justice and the rule of law. The time spent by ILPS researching and providing strategic advice ranged from nearly 1,900 hours to almost 4,600 hours between 2009-10 and 2013-14. This time spent on strategic advisory work accounts for approximately 11% of the total time spent undertaking ILPS functions.

***Alignment with Federal Roles and Responsibilities.*** The Department's provision of legal technical assistance is consistent with the Government of Canada's "whole-of-government" approach of promoting Canada's democratic values in targeted countries and regions around the world, and strengthening the rule of law as a means of supporting social and economic development and security. Under the whole-of-government approach, ILPS serves a general

advisory and policy-development role in the Department and within the federal government as a centre of both theoretical and practical expertise on international legal technical assistance.

### **3.2. Design of the Section**

***Mandate of ILPS.*** The evaluation found that the mandate of the Section is not well articulated. Key informants therefore, suggested that the Section develop a clearly defined vision and mission statement and to communicate them across the Department and to other relevant federal departments and agencies.

***Composition of ILPS.*** The Section consists of a core group of permanent employees and a flexible group of non-permanent or temporary employees on secondment to the Section from across the Department and/or other federal departments. This flexible structure of staffing process provides the Section with specific expertise to address particular needs of funded projects and the capacity to respond to emerging demands and priorities.

***Roles and Responsibilities of ILPS.*** The evaluation found that there are various types of international legal technical assistance work undertaken within the Department and there is not a central point of coordination for requests of this type of assistance. Other sections within the Department provide - generally out of their existing resources - international legal technical assistance on an ad hoc basis and focus on Canadian law. Whereas, ILPS provides - on a cost-recovery basis - legal technical assistance to foreign countries wanting to reform their justice sector, and consequently projects are more targeted, comprehensive, and tied to specific priorities and outcomes.

This fragmentation of international legal technical assistance activities has the potential to result in duplication of work and inconsistencies. Though the evaluation did not find any evidence of this, some key informants thought that there is a lack of understanding of the role of ILPS within the Department and the nature of their substantive legal work. According to these key informants, one possible solution could be for the Section to promote its roles and responsibilities to relevant areas of the Department.

***Performance Monitoring and Reporting Capacity.*** The Section has a systematic process in place within ILPS for collecting, monitoring and reporting on performance results of legal technical assistance projects by using GAC's reporting system. However, for strategic advisory and outreach activities, there is no systematic and standardized process for monitoring performance and reporting on its outcomes other than recording the time spent working on these activities in iCase.



### **3.3. Performance – Achievement of Expected Outcomes**

#### ***Project Design and Implementation Function of Legal Technical Assistance Projects***

During the evaluation period, ILPS developed and implemented seven new legal technical assistance projects in five recipient countries namely Palestinian Authority, Ukraine, Turks and Caicos Islands, Mexico and Jamaica. Of these, five projects have been completed and the remaining two projects have been extended. The types of technical assistance projects implemented varied in nature and duration. These types of projects address institutional capacity, and legal and judicial system foundations by strengthening justice ministries; advising and offering policy support on anti-corruption measures; developing legal resource centres; and strengthening legislative drafting functions. Across all of the technical assistance projects delivered, there was a high level of knowledge transfer.

However, there was limited information available with respect to the achievement of the intermediate outcome of enhancing the capacity of a recipient country to deliver fair and accessible justice. The evaluation found that this was dependent on the length of time a technical assistance project was in operation, the comprehensiveness of a project, and the availability of data, including post-measurement data, collected during and after operation of a project to assess its progress.

The evaluation also found that identifying and understanding the needs of the beneficiaries are important for tailoring a legal technical assistance initiative to their context. This understanding of the needs of the beneficiaries stems from the length of time the project is in operation and interacting with the beneficiaries on a regular basis. Timing and sequencing of project activities are also key factors to successfully execute a project.

The evaluation further noted that projects that only focus on transferring knowledge of Canadian justice system principles, processes, structures and experiences, and in operation for a period of three years or less and not as comprehensive, are less likely to have an impact on the delivery of fair and accessible justice. In addition, the availability of data, such as feedback or survey data during the operation of a project or any post-measurement data, are essential for a project to demonstrate progress and impacts.

The evaluation identified promising practices that aided in the achievement of expected outcomes by using the two case studies, the Palestinian Authority Project and the Mexico Project with its three sub-projects.

Promising practices included:

- Having a Field Director and Deputy Director co-located with the beneficiaries of the technical assistance project was useful and critical to the success, legitimacy and credibility of the project.
- Planning the project in a holistic fashion was beneficial to the overall project, ensuring the appropriate sequencing of activities.
- Hiring local specialists to work alongside the local employees was beneficial in order to reinforce knowledge transfer between specialist and employee.
- A committee of international donors was established to be aware of the recipients' evolving needs and to minimize and prevent any overlap or duplication of technical assistance provided, and at the same time improve the efficiency of their respective projects.
- Study tours to Canada provided an opportunity for judges to consolidate both theoretical and skills-based learning about the adversarial judicial system and to observe firsthand the skills required for a judge under this type of judicial system. When the judges visited the Canadian courts, the principles and processes that were discussed became "real" and more understandable. Although the learning exchanges to Canada can be costly it is very valuable since it is difficult to replicate the learning in non-Canadian environments.
- Partnerships with local and regional organizations in the recipient country also contributed to the transfer of knowledge.

There were a few challenges during implementation including:

- The contracting of local staff, which caused significant delays and affected implementation schedules of the project.
- The capacity of the recipient institution to participate in the training activities. The recipients were busy with their daily work and there was a limited capacity in terms of numbers, time and skills to participate in the many training and technical missions provided. While this issue may have been a result of the compressed timeframe, there was insufficient information available to make a clear determination.

### ***Strategic advice and outreach***

ILPS is the Section within the Department that is sought by GAC to provide strategic advice on policy matters relating to justice sector reform in a foreign country. The Section also participates in interdepartmental committees and working groups to discuss Canada's intervention in conflict

or priority country areas. In order to inform its strategic advisory responsibilities, ILPS engages in trilateral forums with the UK and the US to share experiences, stay current on emerging issues and to avoid any duplication of work. As part of its outreach function at the CBA annual conferences, ILPS organizes and coordinates annual workshops on international justice sector development. Besides its purpose of information exchange, ILPS creates and maintains a network of contacts in the international development community and advances Canada's foreign policy priorities and international development justice sector.

### **3.4. Performance – Demonstration of Efficiency and Economy**

The human resources organizational structure of ILPS consists of a core group of permanent employees and a flexible group of temporary employees on secondment to ILPS. Based on the funding and needs of the legal technical assistance projects, ILPS draws on other experts from across the Department and/or departments, or contract experts outside the federal government. The experts come to ILPS on secondment for a specified period of time to work solely on a technical assistance project. This organizational structure of core and flexible groups is considered efficient due to the flexibility of the human resources structure responding to the needs of technical assistance projects and the provision of strategic advisory work.

Despite the organizational structure of ILPS being efficient, there were some concerns with respect to internal knowledge transfer. At the end of a project or at the end of a specified period with a project, the temporary employee(s) return to their respective department(s), which can lead to a loss of expertise and knowledge gained during a project. Some key informants thought that the Section does not have a strong knowledge management component, and therefore, minimal internal knowledge transfer occurs.

In terms of the level of effort, counsel (LA-00, LA-01 and LA-2A) tend to work more on the legal technical assistance projects and the senior counsel (LA-2B and LA-3A) focused more on the strategic advisory work.

Despite the usefulness of the iCase data, there were challenges in analyzing this data in terms of the inconsistencies on how information was entered into iCase. This made it difficult to differentiate between legal technical assistance project work and strategic advisory work.

ILPS underwent a program review in fiscal year 2011-12. The decision was then made that the Section will operate on a full cost-recovery funding model on the basis of funds generated from providing legal technical assistance activities through projects to recipient countries, and therefore

funded by GAC. The cost-recovery approach was implemented progressively from fiscal year 2012-13. Key informants identified challenges with this type of funding model resulting from gaps between projects, staff retention, and the ability to respond quickly and effectively to requests, and securing the necessary expertise for the Section.

In spite of the efficiencies of the Section's organizational structure, the evaluation found that there are factors influencing the Section's ability to operate efficiently that include the following:

- Implications of cost recovery thereby influencing staff retention, securing corporate memory and capacity building within the Section. In addition, the cost recovery only covers for legal technical assistance project activities and not for strategic advisory work or conducting needs assessments of potential projects.
- Shortage of administrative support, which in turn affects the efficiency of the counsel's work in that they often have to complete administrative work such as travel arrangements, contracting of experts, and administrative aspects of project reporting, that divert their attention from substantive project-related work.
- Travel constraints due to the centralization of administrative processes and reduced flexibility.
- Challenges procuring international contracts for renting office space, buying equipment, or hiring local staff in the recipient country has led to long delays in project implementation.
- Limited knowledge sharing between ILPS project staff has influenced the planning and development of new project activities.



## **1. INTRODUCTION**

The International Legal Programs Section (“ILPS” or the “Section”) is located within the Policy Sector of the Department of Justice Canada (the “Department”). The Section is responsible for developing and implementing the Department’s cooperation initiatives in support of the efforts of foreign countries seeking to reform their justice system.

### **1.1. Purpose and Scope of the Evaluation**

The evaluation was completed in accordance with the 2009 Treasury Board *Policy on Evaluation*, which requires departments to evaluate all direct program spending. The primary purpose of the evaluation was to assess the relevance and performance of the Section. In terms of relevance, the evaluation considered the continued need for the Section and alignment of its activities with the Government of Canada priorities, departmental strategic outcomes, and federal roles and responsibilities. With regard to performance, the evaluation considered both the effectiveness (i.e. the extent to which the Section has achieved its intended outcomes) and efficiency and economy (i.e. the degree to which appropriate and efficient means are being employed to achieve the desired outcomes). The evaluation assessed the Section’s performance as a whole and not the outcomes of individual technical assistance projects.

The evaluation focused on the Section’s activities from 2009-10 to 2013-14. During this evaluation period, the ILPS comprised of two administrative sub-divisions: the International Development Group (IDG) and the International Relations Group (IRG). In April 2014, the IRG was moved to the Intergovernmental and External Relations Division (IERD) of the Policy Sector. As the ILPS no longer has the responsibility for managing the IRG, this group was not included in the evaluation.

The Department of Justice Evaluation Division conducted the evaluation. An Evaluation Advisory Committee (EAC) consisting of representatives from the Section provided input into the evaluation. This was the first evaluation of the Section.

## **1.2. Structure of the Evaluation**

The report contains five sections, including the introduction. Section 2 provides the background of the ILPS, describing its structure, resources and services. Section 3 describes the methodology used in the evaluation. Section 4 summaries the key findings, and Section 5 presents the conclusions, recommendations and management response.

## **2. PROFILE OF THE INTERNATIONAL LEGAL PROGRAMS SECTION**

The International Legal Programs Section (ILPS) was created by the Department of Justice Canada in 2005 to support Canada's whole-of-government approach to the achievement of the country's foreign policy objectives and development assistance agenda.

### **2.1. Background**

The Section initially comprised of two (2) business lines, the IDG and the IRG. The IDG was responsible for developing and implementing the Department's cooperation initiatives in support of the efforts of foreign countries to reform their justice system. The IRG had planned, coordinated and organized international visits of foreign justice officials to the Department, and senior representatives of the Department attending meetings and/or conferences overseas. The IRG moved to the IERD of the Policy Sector in April 2014.

The ILPS is responsible for providing technical assistance to countries seeking to reform their justice system. The expression "technical assistance" — also called "technical cooperation" and, in the justice sector, "legal technical assistance" — refers to a range of activities that enhance or complement human and institutional capabilities through the development, transfer, adoption and use of skills and technology from sources external to the recipient government or organization. The expression is generally used to distinguish that form of aid from "humanitarian assistance" and "financial support". This technical assistance was for the most part provided through projects once funded by the Canadian International Development Agency or the Department of Foreign Affairs and International Trade, and which then merged into a single entity in June 2013, to form the Department of Foreign Affairs, Trade and Development. In November 2015, it was re-named to Global Affairs Canada (GAC).

#### ***History of ILPS***

The Department began developing justice-related assistance projects after the collapse of the Soviet system and the fall of Berlin Wall, in 1989, at the request of the Department of Foreign Affairs,



which at the time was responsible for supporting post-communist countries. The first cooperative program implemented by the Department was in Hungary and commenced in 1990. Other initiatives followed from 1990-2000 with other former Soviet-bloc countries, including the Czech Republic, the Slovak Republic, Ukraine, Romania and Bulgaria. Eventually, countries beyond the Central and Eastern European sphere requested assistance.

In May 1999, a distinct administrative unit within the Department was established under the name of "International Cooperation Group". A staff of specialists was consolidated into a single unit to provide a more coordinated approach to technical assistance on justice issues to developing countries.

Then in 2005, the Section was created with two business lines comprising of the IDG and the IRG.

## **2.2. Structure**

The ILPS, which is part of the Policy Sector, is led by the Director General (DG) with the responsibilities of overseeing the provision of legal technical assistance initiatives to foreign countries seeking to reform their justice system, and strategic advice and outreach functions.

In line with its key functions, the Section consists of a core team of permanent employees and a flexible group of non-permanent or temporary employees on secondment to the Section from across the Department and/or other federal departments. This organizational structure of staffing provides flexibility by maintaining a core complement of staff to respond to ongoing strategic advisory and outreach functions, and temporary personnel to respond to more time limited and specific needs of GAC funded projects.

## **2.3. Key Functions**

The ILPS supports the Department and the federal government in their role on international justice sector development matters through two key functions: project design and implementation; and strategic advice and outreach.

### ***Program Design and Implementation Function***

The ILPS is responsible for the design and implementation of technical assistance initiatives to foreign countries seeking to reform their justice system. These activities involve the transfer of technical expertise rooted in the Canadian justice system.

The Section's program-based legal technical assistance is in some cases carried out in the context of larger government foreign policy or aid-based initiatives that seek to incorporate justice and security sector areas like public safety, policing or border control. This program-based work applies a whole-of-government approach to foreign policy, and requires key competencies associated with international justice sector development, such as knowledge of legal technical assistance theory, solution-oriented system design, and the ability to work in a multi-disciplinary and cross-cultural environment.

Currently, ILPS' legal technical assistance initiatives are undertaken at the request and with the financial support of GAC. The Section uses GAC bilateral program funding to work with justice system partners, normally on a government-to-government basis.

To achieve longer-term and sustainable results, ILPS program-based assistance work has concentrated on initiatives that focus on institutional development and capacity building.

The technical assistance team within ILPS includes lawyers, notaries, and other professionals. The Section draws upon the expertise of individuals and institutions from outside the Section - both within the Department and external (e.g., judges, academics and consultants) - depending on the expertise required for particular initiatives. The technical assistance is primarily substantive in nature, and involves the transfer of knowledge and experience on justice sector issues. It can include sharing or advising on Canadian and international standards, laws and policies in respect of criminal or civil matters. Depending on the recipient country requirements, the legal technical assistance may also need to deal with operational matters, such as strengthening the human resources capacity or organizational design of the foreign justice institution.

ILPS' technical assistance work is grounded in institutional, justice sector reform activities and, to date, has led to the provision of support in areas such as:

- reorganization and capacity building in ministries of justice;
- reorganization and capacity building in criminal prosecution services;
- creation of a specialized legislative drafting office;
- court improvement and drafting of judicial ethical guidelines;
- establishment of law reform commissions;
- creation of a young offenders regime;

- criminal law reform; and
- civil code reform.

Legal technical assistance initiatives have been implemented in countries as diverse as Hungary, the Czech Republic, Ukraine, Bangladesh, Mexico, Jamaica and the Palestinian Authority (West Bank).

### ***Strategic Advice and Outreach Function***

The scope of ILPS' activities has expanded. Due to its expertise and involvement in international development, the Section has increasingly become engaged in policy development and strategic advisory work to support GAC on matters of justice sector reform.

ILPS' strategic advisory role consists of:

- providing strategic advice both internally and to other government departments with respect to the development of Canadian foreign policy and international justice sector development approaches;
- conducting research on new and emerging trends and approaches in the delivery of international justice sector development; and
- undertaking internal and external communication activities by participating in bilateral or multilateral information-sharing meetings on international justice sector development.

Research and development activities include conducting research on the legal, social, economic and political situation of a foreign country; research on justice organizational-related matters; legal policy development in the area of justice sector development; and the development of options to guide decision making by developing countries.

Other strategic advisory activities include:

- providing advice to senior management on the appropriateness of departmental involvement in a given foreign country, as well as the nature and scope of any legal technical assistance that could be given;
- providing justice sector development advice on international justice sector issues discussed at Deputy Minister (DM), Assistant Deputy Minister (ADM) or DG level interdepartmental committees, as well as senior level meetings with foreign government officials;

- participating in a variety of interdepartmental committees and working groups dealing with failed and fragile states; and
- undertaking major roles in some international meetings. For example, ILPS was a key participant in the Meeting of Commonwealth Experts on the Rule of Law Programme that was held in Ottawa on March 1-3, 2011.

The Section's outreach activities have included participation in bilateral or multilateral information-sharing meetings on international justice sector reform with counterparts in foreign countries. This has included participation in bi-annual Canada-UK-US Trilateral Forums pertaining to international justice sector development issues. ILPS also co-hosts international justice sector development workshops with the Canadian Bar Association (CBA) at its annual conferences.

### **Partners and Beneficiaries**

ILPS partners with representatives of the federal government and justice system both within Canada and in foreign countries.

Examples of partners include:

- GAC;
- other federal agencies (e.g. Office of the Commissioner for Federal Judicial Affairs (FJA), Public Prosecution Service of Canada (PPSC));
- national organizations (e.g. CBA, National Judicial Institute (NJI));
- international organizations (e.g. United Nations Office for Project Services (UNOPS), Commonwealth Secretariat); and
- foreign governments.

The beneficiaries of ILPS' legal technical assistance through the program-based initiatives include foreign countries and Canadians.

## **2.4. Resources**

The resources of ILPS had consisted of a mix of Justice A-base funds and other government department funds such as from GAC. The A-base salary funding (permanent salary budget) that

the Section had received was fully utilized to help fund the positions of the Director General and the Director of ILPS, and related administrative support positions. In 2011-12, the decision was made that the Section will operate on a full cost-recovery approach to carry out its technical assistance activities (i.e., on basis of the funds ILPS recovers through the implementation of technical legal activities/projects funded by another government department). The cost recovery approach was implemented progressively. This meant that the A-base salary funding decreased over the fiscal years to be eliminated eventually. Table 1 lists the expenditures of ILPS by fiscal year during the evaluation period.

**Table 1: ILPS Expenditures (\$) by Year**

	2009-10	2010-11	2011-12	2012-13	2013-14
A-base Salary Budget per Year <sup>a</sup>	474,190	496,380	508,687	483,253	222,650
Recoveries <sup>b</sup>	1,518,240	1,342,168	1,482,024	1,755,691	1,368,793
<b>Total Budget<sup>c</sup></b>	1,992,430	1,838,548	1,990,711	2,238,944	1,591,443
Operating and Maintenance Expenditures	181,632	206,016	88,019	84,746	68,080
Salaries for Temporary Staff	1,193,368	1,068,253	1,067,680	1,145,780	1,084,007
<b>Total Expenses<sup>d</sup></b>	1,849,190	1,770,649	1,664,386	1,713,779	1,334,737
Variance <sup>e</sup>	143,240	67,899	326,325	525,165	216,706

<sup>a</sup> Salaries for the Director-General and Director of ILPS and related administrative support staff

<sup>b</sup> Funding received for undertaking the legal technical assistance projects

<sup>c</sup> A-base budget and Recoveries (i.e., legal technical assistance project funds)

<sup>d</sup> Total salaries (A-base and temporary staff ) plus the operating and maintenance expenditures

<sup>e</sup> Difference between Total Budget and Total Expenses

The composition of full-time equivalents (FTEs) within ILPS is fluid since the number of positions vary year-to-year due to the temporary employees that come to ILPS on secondment to work on the technical assistance projects. Table 2 below illustrates the number of FTEs for the various categories during the evaluation period.

**Table 2: ILPS Human Resources (FTEs) by Year**

<b>Categories</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
	<b>FTEs</b>	<b>FTEs</b>	<b>FTEs</b>	<b>FTEs</b>	<b>FTEs</b>
Counsel	11	11	12	12	10
Other Professional(s)	1	1	1	2	1
Administrative Support Staff	7	7	6	7	5
Other (Students <sup>f</sup> )	4	4	2	0	0
<b>Total</b>	<b>23</b>	<b>23</b>	<b>21</b>	<b>21</b>	<b>16</b>

<sup>f</sup> Students from the Legal Excellence Program articulated with ILPS to provide targeted legal research and writing support to the technical assistance projects.



### **3. METHODOLOGY**

The evaluation of the Section draws on four lines of evidence: document review, review of administrative data, key informant interviews with departmental officials and other stakeholders, and case studies. Each of these methods is described more fully below. This section also includes a brief description of the methodological challenges.

The evaluation matrix, which identifies the evaluation questions, indicators and lines of evidence used to guide the study, can be found in Appendix B. The data collection instruments developed to respond to the evaluation matrix are in Appendix C.

#### **3.1. Document Review**

An extensive document review was conducted both to inform the development of the data collection instruments and to address a majority of the evaluation questions. The review also provided insight into the operations of the Section. Documents reviewed included Departmental Performance Reports; Reports on Plans and Priorities; the Policy Sector's Business Plans; legal technical assistance semi-annual and annual project reports to GAC; Government of Canada documents including documents provided for partner countries; media reports relating to the projects; finance and human resources information; foreign policy plans; project performance management frameworks; Administrative Arrangements for the legal technical assistance projects; strategic advice documents; and other supporting documents.

#### **3.2. Administrative Data Review**

The evaluation included a review of administrative data from the Department's iCase<sup>1</sup> database for fiscal years 2009-10 to 2013-14, which provided descriptive information about the types of files for which the Section is responsible and the associated level of effort (number of hours).

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<sup>1</sup> iCase is the Department's integrated case management, timekeeping and billing, document management and reporting system.



### 3.3. Key Informant Interviews

The key informant interviews conducted for this evaluation addressed the majority of the evaluation questions and were a key line of evidence in gathering information about the relevance as well as performance.

A list of potential key informants was prepared, and interview guides tailored to each key informant group were developed in consultation with the EAC. Potential interviewees received an invitation to participate in an interview. Those who agreed to participate were provided with a copy of the interview guide in the official language of their choice prior to the interview. Each interview was conducted in the respondents' preferred official language, and key informants were assured of the anonymity of their responses.

Interviews were conducted with a total of 33 key informants with representatives from the Department, GAC, other federal government department, beneficiaries from the funded projects, and other partners.

Table 3 below provides a breakdown of the number of key informant interviews by ILPS activities and the response rate, and includes those interviewed as part of the case studies.

**Table 3: Interviews by ILPS Activities**

ILPS Activities	Suggested #	Participated #	Response Rate (%)	Additional interviews (Snowball Effect)	Total # interviewed (Participated + Additional)
Jamaica Project	7	7	100%	-	7
Mexico Project	5	3	60%	5	8*
Palestinian Authority Project	9	7	78%	2	9*
Strategic Advice	6	4	67%	-	4
Outreach	6	5	83%	-	5
<b>TOTAL</b>	<b>33</b>	<b>26</b>	<b>78%</b>	<b>7</b>	<b>33</b>

\*case study interviews

### **3.4. Case Studies**

The Mexico<sup>2</sup> and the Palestinian Authority legal technical assistance projects were used as case studies. The purpose of the case studies was to illustrate what worked well and did not work well in terms of factors either contributing to the success or constraining the projects and to allow a more in-depth assessment of the projects. The choice of the projects as case studies was made in consultation with the EAC.

The methodology for the case study approach included a detailed document review of project reports, media reports and other supporting documents followed by key informant interviews with beneficiaries, representatives from GAC associated with those projects selected as case studies, temporary staff who had worked on one of the projects, departmental staff, ILPS staff working on the projects, and other partners involved with the projects such as Canadian experts delivering the training, and the Canadian embassy. See Table 3 for a detailed breakdown of the key informants. A total of 17 case study interviews were conducted to support the documented information, and which is inclusive in the total number of interviews conducted. A ‘snowball’ approach was used whereby additional interviewee sources were recommended by some of the case study interviewees. Seven (7) additional interviews were conducted between the two (2) projects.

A majority (67%) of the interviews including key informants and case studies, were conducted either by telephone or in-person, and the remaining (33%) interviews were conducted in writing by completing the interview questionnaire. There were several reasons for this latter approach. For example, as some interviewees spoke neither English nor French, the interview guides were translated into Spanish or Arabic. The completed responses were then translated into English. Additionally, the difference in time zones posed a scheduling challenge.

### **3.5. Methodological Limitations**

The evaluation faced some methodological limitations which are discussed by line of evidence below.

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<sup>2</sup> The technical assistance project in Mexico had consisted of three sub-projects namely:  
1) Education and Training for Judges;  
2) National/State Licensing and Education for Lawyers; and  
3) Harmonization of Criminal Legislation and Strengthening of Prosecution Services.

**Interviews and Case Studies.** The interviews with key informants have the possibilities of self-reported response bias and strategic response bias. Self-reported response bias occurs when individuals are reporting on their own activities and so may want to portray themselves in the best light. Strategic response bias occurs when participants answer questions with the desire to affect outcomes. The interviews also have the possibility of selection bias in that the potential key informants were identified by the EAC which consisted of some ILPS staff members.

For the Mexico – Education and Training of Judges technical assistance sub-project, only judges and magistrates were interviewed. Other recipients (lawyers and prosecutors) from the other two sub-projects of the Mexico project were not interviewed. It was not possible to identify or locate such individuals as the project had ended before the evaluation began. Similarly, it was not possible to identify interviewees from the Ukraine and Turks and Caicos Islands technical assistance projects so follow-up was limited. The Ukraine and Turks and Caicos Islands’ projects had ended in 2012, and the Mexico project had ended in 2013.

The projects for the case studies were not chosen by random selection since the sample of projects within the evaluation period was not large. The two projects that were identified as case studies were considered to provide a good representation of the diversity of the Section’s work and were intended to be illustrative of the Section’s work in technical assistance projects.

**iCase Data Review.** Overall, iCase was a useful source of information for the evaluation by providing some insight into the type of activities provided by the Section. However, there were some limitations.

It was difficult to determine with accuracy the amount of technical assistance project implementation work, pure advisory work, and outreach work done by the Section using the iCase data as staff had entered data inconsistently. For instance, a large portion of the Section’s technical assistance project work was entered into more than one category in iCase (i.e., corporate, advisory, general, policy) which did not distinguish the nature of the service provided. This was also the case for the strategic advisory work, which was entered into more than one category in iCase and was not fully descriptive of the nature of its advisory work. Therefore, it was difficult to determine with full accuracy what was pure advisory work.

In addition, the time keeping in iCase of the temporary employees who came to ILPS on secondment were not distinguished from those of the permanent employees. Therefore, it was difficult to determine the level of effort by the flexible group of temporary employees.

### **3.6. Mitigation Strategy**

The mitigation strategy for the above methodological limitations was to use multiple lines of evidence and which included both quantitative and qualitative data collection methods to answer the evaluation questions. The evaluation gathered information from the Section, the Department, representatives from GAC, other federal government department, the beneficiaries and partners of the funded projects, project-related and other relevant documents, and comprehensive administrative data review (iCase). By triangulating<sup>3</sup> the findings from the different sources countered the concern that the study's findings were the result of a single method or source, and at the same time to strengthen the conclusions of the evaluation.

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<sup>3</sup> Triangulation of findings refers to checking of the findings against the different sources of data collection and perspectives.



## **4. KEY FINDINGS**

This section combines information from all lines of evidence and presents the findings according to the broad evaluation issues of relevance and performance.

### **4.1. Relevance**

The evaluation considered the relevance of ILPS with respect to responding to federal government priorities, the continued need for the Section's activities given the demand for its services; as well as its alignment with federal roles and responsibilities and departmental strategic outcomes.

#### **4.1.1. Responding to Federal Priorities**

The activities of ILPS support the Government of Canada's international priorities relating to justice sector reform through the "whole-of-government" approach for the advancement of Canada's foreign policy and development assistance agenda. Canada's foreign policy is an extension of the national interest and is consistent with Canadian values of freedom, democracy, human rights and the rule of law. Further to this, the federal government supports international justice sector development and regards it as an essential step for Canada in promoting Canadian values, enhancing its status or prosperity in the international sphere by promoting the rule of law to protect the security and safety of Canadians at home and abroad, and in supporting economic development.

The work of ILPS is grounded in the sharing and transferring of Canadian legal expertise and knowledge regarding the principles of the administration of justice in Canada that contribute to the construction, reform and strengthening of legal systems of other countries. Therefore, in collaboration and in cooperation with GAC, ILPS promotes good governance, the rule of law, respect for human rights, international security, and the administration of public affairs in accordance with the law through the delivery of justice sector technical and institutional capacity building assistance to countries seeking to reform their justice systems.

ILPS' legal technical assistance initiatives are demonstrably linked to the Government of Canada's political commitments, foreign policies for specific countries (e.g., Jamaica<sup>4</sup>) or regional specific strategies<sup>5</sup>, or as a result of a country asking for assistance. By illustration, ILPS' work on justice reform matters in Mexico was directly linked to a broader foreign policy strategy - the Americas Strategy - which included both a focus on Mexico<sup>6</sup> as well as the thematic areas of justice and security. Another example would be justice sector reform in the Middle East, particularly in the Palestinian Authority, to build accountable and effective institutions and meet priorities of a future stable and peaceful Palestinian state<sup>7</sup>. Further to this, all of ILPS' technical assistance funded projects (e.g., Palestinian Authority and Jamaica) are designed and implemented having adhered to GAC's identified development priorities.

#### **4.1.2. Continued Need for ILPS**

Canada's extensive experience in the rule of law is often recognized and respected by many foreign countries for its assistance to countries, ministries and institutions to improve their legal systems and enhance security and rule of law for the country's citizens. Canada is well positioned to provide legal technical assistance abroad because it has an advanced justice system along with the benefits of having both common law and civil law traditions. In an era when justice issues often cross borders and concerns such as organized crime, terrorism and money laundering are prominent, the Government of Canada works closely with other countries to develop transnational responses. Such responses can include providing legal technical assistance and training to other countries to ensure they have strong justice systems so that Canada can work with them to effectively address transnational organized crime and global terrorism.

Key informants highlighted that the provision of legal technical assistance to countries wanting to reform their justice system contributes to the safety and security of Canadians and to the protection of Canadian business interests. They explained that Canadians would be confident investing in a country with a functioning justice system, as there would be a remedy available in the event of any problems. The key informants further noted that the international justice environment is an increasingly important consideration in the development of the Canadian justice system and in promoting more generally Canadian security and prosperity. Particular in this regard are

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<sup>4</sup> Canada and the Americas: Priorities and Progress. Government of Canada, 2009. Page 13.

<sup>5</sup> Sharing Successes: Canada's Engagement in the Americas 2012-2013. Government of Canada, 2013. Page 10

<sup>6</sup> Sharing Successes: Canada's Engagement in the Americas 2012-2013. Government of Canada, 2013. Pages 2, 14

<sup>7</sup> West Bank and Gaza Strategy 2009. Global Affairs Canada, Government of Canada.

[http://www.international.gc.ca/development-developpement/aidtransparency-transparenceaide/country\\_strategies\\_pays/west\\_bank\\_gaza-cisjordanie\\_bande\\_de\\_gaza.aspx?lang=eng](http://www.international.gc.ca/development-developpement/aidtransparency-transparenceaide/country_strategies_pays/west_bank_gaza-cisjordanie_bande_de_gaza.aspx?lang=eng)

international engagement activities to promote the rule of law as being essential to the Government's efforts to protect the safety and security of Canadians domestically and abroad.

Within the Department, ILPS serves as a centre of expertise and provides for a coordinated approach to the Departmental contributions to the Government of Canada's foreign policy as it relates to matters of justice sector reform and capacity building in foreign countries. In addition, ILPS fills a gap within the Department and across the federal government as a centre for both theoretical and practical expertise on international legal technical assistance. Moreover, ILPS is often requested by GAC to provide strategic advice relating to international justice sector development issues. The capacity to provide this type of advice often comes from the experience and knowledge of conducting legal technical assistance work.

ILPS has been providing government-to-government technical assistance because it has the legal expertise in terms of the necessary skill set and competencies, the credibility, and the experience to develop and manage legal technical assistance projects that can be useful to foreign countries seeking to modernize their justice system. The Section can provide substantive legal expertise from a government perspective, and it has access to many experts within the Department from different fields of law and across the government to assist other government institutions. It is appropriate for a government partner such as ILPS to work with a recipient country's government since it would be government-to-government and would understand the functioning of government, and the challenges it faces. This is a unique niche that only a government entity can provide to another country seeking technical assistance.

Additionally, beneficiaries from recipient countries receiving assistance indicated that there is a need for ILPS to provide legal technical assistance since the recipient country often does not have the resources nor the expertise to upgrade their legal system. Since Canada has an advanced legal system, recipient countries such as Mexico, the Palestinian Authority, and Jamaica have so far benefited from the transfer of knowledge.

### ***Demand for legal technical assistance projects***

ILPS has designed and implemented seven (7) new legal technical assistance projects during the evaluation period, of which two of these projects have been extended and the remaining five (5) projects have been completed. See Table 4 for a summary of the technical assistance projects executed by ILPS during the evaluation period.



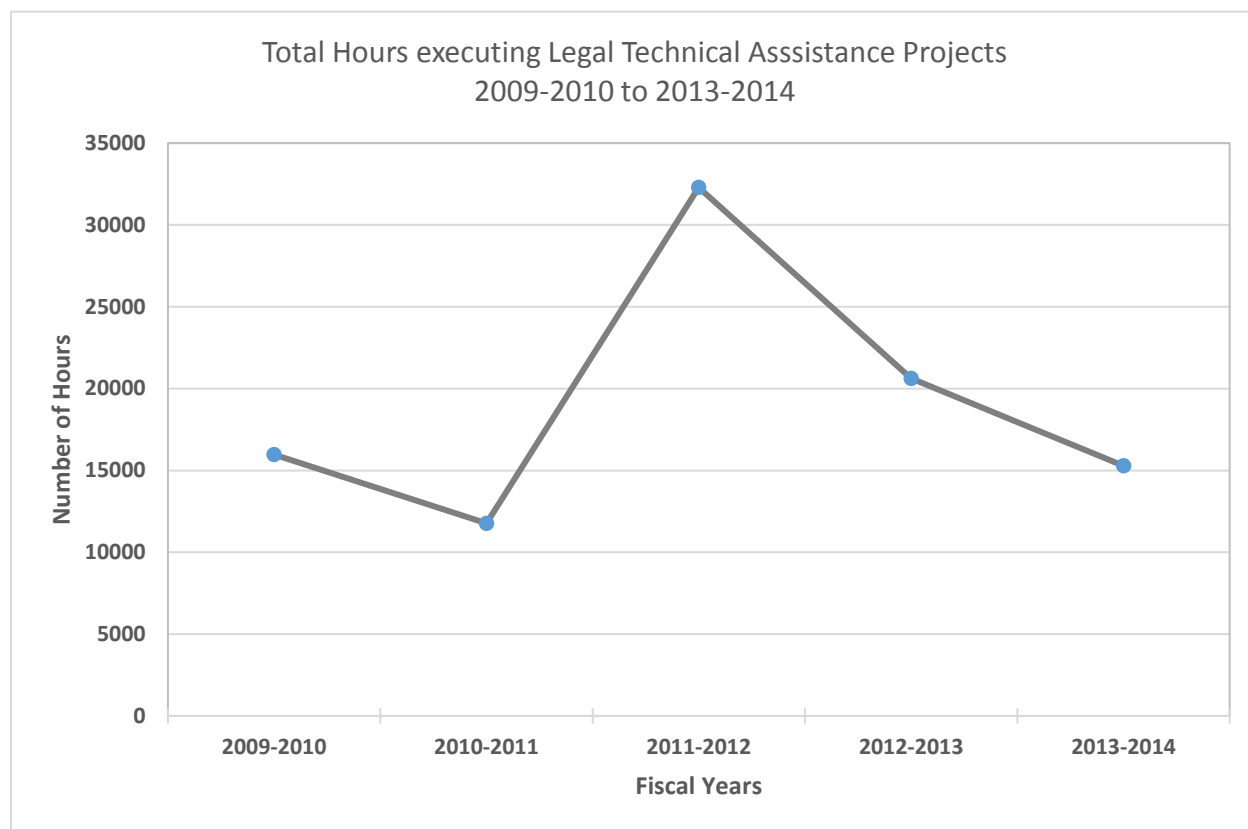
**Table 4: Summary of Legal Technical Assistance Projects**

Country	Duration & Funding	Main Activities
Ukraine	May 21, 2008 – July 31, 2012 \$5,439,571	Anti-corruption project through mainly funding extensive research on corruption-related matters by a local research institute.
Palestinian Authority	May 6, 2009 – Mar 31, 2014 Extension: Sep 30, 2016 \$16,300,000	The project provides assistance to the Office of the Attorney General and Public Prosecution (OAG/PP) to: <ul style="list-style-type: none"> <li>• Strengthen organizational and operational capacity of the OAG/PP to improve effectiveness of public prosecution;</li> <li>• Improve coordination and integration of the OAG/PP with other justice sector institutions;</li> <li>• Increase professional capacity of the OAG/PP through training and leadership development, and in areas of human rights and gender sensitivity.</li> </ul>
Mexico (1)	Apr 1, 2010 – Mar 29, 2013 \$1,850,140	Education and training of judges to increase the judges' ability to manage the new adversarial system in the courts; assist the Mexican judiciary in developing national and state-level education program for judges; and assist with the modernization of the rules of judicial conduct and disciplinary mechanisms, and reviewing of existing court rules and practices.
Mexico (2)	Apr 1, 2010 – Mar 29, 2013 \$1,029,815	National/State licensing and education systems for lawyers including the development of a system of licensing for lawyers, code of ethics, and education programs for lawyers.
Mexico (3)	Apr 1, 2010 – Mar 29, 2013 \$ 1,231,045	Harmonization of criminal legislation and strengthening of prosecution services to help the Government of Mexico develop a strategy to strengthen the integrity and quality of the criminal justice system; contribute to the improvement of the services rendered by public prosecutors; and support the creation of a national strategy to establish more coherent criminal procedure through the harmonization of criminal legislation.

Country	Duration & Funding	Main Activities
Turks and Caicos Islands (TCI)	Apr 2010 – Oct 2012  \$352,040	To review the TCI Evidence Ordinance and proposed DNA legislation; strengthen the OAG library with legal documentation; and support improvement of document and file management of the OAG.
Jamaica	Dec 1, 2011 – Mar 31, 2017 Extension: Mar 31, 2020  \$9,093,849	Strengthen key areas of the Jamaican justice system including: <ul style="list-style-type: none"> <li>• Assisting the Ministry of Justice increase its policy development capacity; assisting the Office of the Director of Public Prosecutions in reviewing its organization and functioning;</li> <li>• Contributing to the improvement of the efficiency of the court system;</li> <li>• Assisting with the development of ethical guidelines for judges;</li> <li>• Reviewing the aspects of how witnesses are treated in the court process.</li> </ul>

Figure 1 illustrates the total time spent executing technical assistance projects between 2009-10 and 2013-14, ranging from approximately 12,000 hours to 33,000 hours, or 67% of the total time spent undertaking ILPS functions. There was a marked increase in the number of hours spent on projects in 2011-12 with over 32,000 hours, as all seven projects were in operation during that fiscal year and the Section had a relatively high complement of FTEs. Then 2012-13 had the second highest number of hours spent on projects with almost 21,000 hours. By the end of that year, five of the projects were completed resulting in a decrease in hours in 2013-14 as well as a decrease in the number of FTEs.

**Figure 1: Total Hours executing Legal Technical Assistance Projects**



Source: iCase Data

***Demand for strategic advisory work***

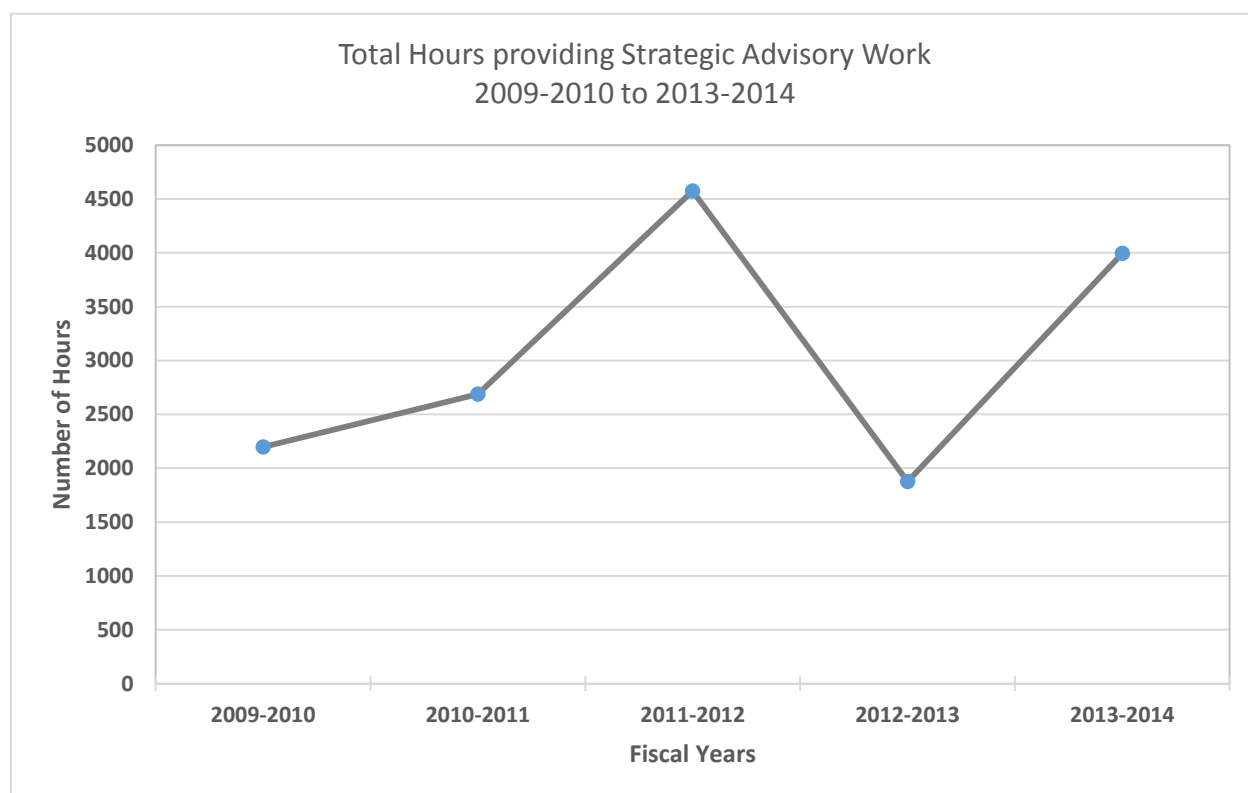
ILPS has been involved in providing legal policy development and strategic advice to other government departments, especially to GAC, on matters pertaining to international justice sector reform and assistance, and the integration of the access to justice and the rule of law. As a result, ILPS actively participates in a variety of whole-of-government, foreign policy and security sector based inter-departmental committees and working groups. Based on the evaluation evidence from key informant interviews and document review, ILPS typically has been sought because of its knowledge, legal expertise and involvement in international development-related matters, and of its experiences, implementing legal technical assistance projects in particular countries and regions of the world. The key informants noted that the needs are even greater now to have input from ILPS with its legal expertise due to events occurring in regions of the world such as in North

Africa, Syria and the Middle East where security, migration and human trafficking are major concerns.

ILPS has been requested by senior levels of the Department or other parts of the government familiar with its expertise to conduct legal and policy research and to provide strategic advice. In addition, ILPS has been called upon to provide support for the Deputy Minister of Justice's participation in the Deputy Minister Committee on Conflict and Fragility, and for Justice's Senior Assistant Deputy Minister - Policy on the ADM Round Table on Mexico. The depth and range of such contributions can vary considerably depending on the nature of the subjects being considered by these committees. When the committees address international development matters, the analytical work required by ILPS can be substantial. ILPS also receives requests for assistance especially when the relevant ministers of countries of interest visit Canada. In these instances, a request may initially originate as strategic advice and could potentially lead to a legal technical assistance project.

Figure 2 illustrates the time spent researching and providing strategic advice ranging from nearly 1,900 hours to almost 4,600 hours between 2009-10 and 2013-14. This time spent on strategic advisory work accounts for approximately 11% of the total time spent undertaking ILPS functions. Again, there was a marked increase in the number of hours spent in 2011-12 due to the demand on ILPS to provide advisory work during that year. Then there was a drop in the number of hours spent providing strategic advisory work in 2012-13 to just under 1,900 hours but doubled to almost 4,000 hours the following year in 2013-14 compared to the previous year. This rise correlates to the trend that key informants had noted, namely that the demand for strategic advisory work has been increasing.

**Figure 2: Total Hours providing Strategic Advisory Work**



Source: iCase Data

As part of its project design and implementation function, ILPS is called upon by GAC to conduct country specific justice sector needs assessments. The purpose of the assessments is to scope out what viable technical assistance Canada could provide, though they may not automatically lead to the development of projects. During the evaluation period, ILPS contributed 565.42 hours conducting needs assessments on Guatemala and Afghanistan based on the iCase data.

**4.1.3. Alignment with Federal Roles and Responsibilities**

The Department’s provision of legal technical assistance is consistent with the Government of Canada’s “whole-of-government” approach of promoting Canada’s democratic values in targeted countries and regions around the world, and strengthening the rule of law as a means of supporting social and economic development and security. Under the whole-of-government approach to the pursuit of Canada’s foreign policy objectives, ILPS is the section within the Department that GAC would seek advice from on policy matters relating to justice sector reform. ILPS is often invited

and participates in special meetings convened by GAC to discuss Canada's intervention in conflict areas. Recent high-profile crises that required ILPS' involvement include Somalia, Afghanistan, Libya, and Syria. Therefore, ILPS serves a general advisory and policy-development role on international justice reform assistance in the Department and within the federal government as a centre of both theoretical and practical expertise on international legal technical assistance. The role of ILPS on behalf of the Department is to support the government's responsibilities in areas that fall within the mandate of the Minister of Justice, with reference to the Department of Justice Act<sup>8</sup>, since the Minister has the general obligation to:

- Provide legal advice to the representative of the head of state and to government departments;
- Ensure the administration of public affairs is in accordance with the law; and
- Superintend all matters connected with the administration of justice in Canada<sup>9</sup>.

In addition, documentation indicated that the Department can receive and spend Vote 1 appropriation in order to carry out international legal technical assistance<sup>10</sup>.

#### **4.1.4. Alignment with Strategic Outcomes of the Department of Justice**

During the evaluation period of 2009-10 to 2013-14, the activities of ILPS were aligned with the Strategic Outcome of 'A fair, relevant and accessible Canadian justice system' by developing and supporting international justice sector reforms to ensure that Canada's foreign policy objectives are aligned with its criminal law policy in protecting Canadian interests and values<sup>11</sup>. This is achieved through the provision of technical assistance to foreign countries seeking to reform their justice systems by promoting foundational Canadian values of freedom, democracy, human rights and the rule of law (e.g., technical assistance initiatives in Jamaica, Mexico and the Palestinian Authority to strengthen their criminal justice systems).

In the last two years of the evaluation period, the activities of ILPS were also aligned with the second strategic outcome of 'A federal government supported by high quality legal services'. The Section also provides advice in the development of Canada's international justice policies relating to rule of law reform and justice sector technical assistance especially to GAC.

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<sup>8</sup> S.2, S.4, and S.5 of the *Department of Justice Act*, R.S.C., 1985, c. J-2.

<sup>9</sup> *Ibid*, s.4. and s.5

<sup>10</sup> *Appropriation Act No. 1, 2010-2011, Schedule 1.2.*

<sup>11</sup> Department of Justice Canada. *Report on Plans and Priorities 2013-2014*. Ottawa, p 20.

## **4.2. Design of the Section**

### **4.2.1. Mandate of ILPS**

While the ILPS has the mandate to carry out international legal technical assistance, the evaluation found that it is not well articulated. Key informants suggested that the Section develop a clearly defined vision and mission statement, and to communicate them across the Department and to other relevant federal departments and agencies.

### **4.2.2. Composition of ILPS**

Since 2005, ILPS has consisted of a core group of permanent employees and a flexible group of non-permanent or temporary employees on secondment to the Section from across the Department and/or other federal departments. This flexible structure of staffing personnel enables the Section to have staff with specific expertise to address the particular needs of each funded project.

This “core group and temporary group” approach is meant to retain the necessary staffing flexibility that allows the Section to best match the staffing level with the required expertise of a project, noting that the needs of each project can be very different. The area of legal expertise that would be essential in one project may not be as relevant in another project. This approach creates a flexible capacity to respond to emerging demands and priorities. At the same time, this avoids a large permanent structure that would be inconsistent with service demands and priorities. Accordingly, the size of the Section, in terms of FTEs, varies based on the number of projects in operation at any given time.

At the end of the evaluation period, the Section had consisted of a core group of permanent or indeterminate staff with a total of nine (9) personnel and made up of five (5) Counsel and four (4) Administrative Officers; and a non-permanent or flexible group of six (6) Counsel and a Senior Paralegal.

The evaluation found that the composition of ILPS is appropriate given the nature of its services/activities. The Section was designed to have a solid core group with permanent staff and another group of temporary staff based on the service demands of its technical assistance projects.

### **4.2.3. Roles and Responsibilities**

The evaluation found that there are various types of international legal technical assistance work undertaken within the Department and that there is no central point of coordination for requests of this type of assistance. There are other sections within the Department, which provide - mainly from their existing resources - international legal technical assistance but are generally on an ad hoc basis and focusing on Canadian law. Whereas, ILPS provides - on a cost-recovery basis - legal technical assistance to foreign countries wanting to reform their justice sector. According to the key informants, the technical assistance provided by ILPS is more targeted, funded on a cost-recovery basis, and tied to specific priorities and outcomes.

The document review indicated that the activities provided by the other sections are generally in relation to the justice work done within the Department and can contribute to developing the capacity of the recipient country. For example, the Criminal Law Policy Section delivers specialized seminars and ad hoc training to other countries on topics such as anti-corruption, cyber-crime, organized crime and money laundering. In other instances, the assistance supports the work of the Organization of American States, the Commonwealth Secretariat, or various United Nations working groups assembled to address issues with respect to international law. In contrast, ILPS provides more holistic or comprehensive technical assistance to address country-specific justice sector projects, such as in Mexico, Jamaica and the Palestinian Authority. It was identified in the evaluation that while the Department is carrying out a wide range of international legal technical assistance, there is not a central point of coordination of requests within the Department. Though the evaluation did not identify any specific issues, this fragmentation of international legal technical assistance activities has the potential to result in duplication of work and inconsistencies.

Some key informants suggested that there is not a strong understanding of the role of ILPS within the Department and the nature of their substantive legal work. According to these key informants, one possible solution could be for the Section to promote its roles and responsibilities to relevant areas of the Department. The document review and key informants further noted that the Department has opportunities in the longer term to build synergies with the work being carried out in the Department; to use resources more efficiently; and to develop a higher level of coherency to when and how the Department chooses to engage in legal technical assistance work.



#### **4.2.4. Performance Monitoring and Reporting Capacity**

The Section has a systematic process in place within ILPS for collecting, monitoring and reporting on performance results of legal technical assistance projects by using GAC's accountability reporting system. For monitoring and reporting, the performance results are presented as quarterly, semi-annual and annual reports that are submitted to GAC. Financial reports are submitted every three (3) months to GAC then an advance of funds are provided for the projects. For strategic advisory and outreach activities, there is no systematic and standardized process for monitoring performance and reporting on its outcomes other than recording the time spent working on these activities in iCase.

#### ***Knowledge Management***

- There is limited accessibility in the storage of project-related information. For example, key informants noted that project matter rather than subject matter is been filed internally, but that it would be beneficial to the Section if the information were also captured by topic or subject matter to further improve the knowledge management within the Section.
- Project Directors have begun to develop comprehensive lists of products finalized from projects. However, it would be useful to the Section if the information was also captured in a systematic manner to be useful for future projects of similar nature.
- The Section has been providing half-day knowledge management learning series several times a year for ILPS staff, and twice a year information-sharing sessions for the Department's counsel outside of ILPS. These learning sessions have helped integrate and share knowledge across the Policy Sector.
- For strategic advisory and outreach activities, a standardized approach can be developed in iCase such as on the type of strategic advice or outreach activity, to whom it is provided to, the outcome of that activity, and a list of any reference documents.

#### **4.3. Performance – Achievement of Expected Outcomes**

According to the Treasury Board's 2009 *Policy on Evaluation*, evaluating performance involves assessing effectiveness, as well as efficiency and economy. The subsections below discuss the effectiveness of ILPS – in other words, the extent to which the Section is achieving its expected outcomes.

The purpose of this evaluation is not to assess the individual projects but to identify the extent the Section has achieved its expected outcomes of: i) transferring knowledge of Canadian justice systems principles, structures processes and experiences to recipient countries in order to assist them in strengthening their justice systems; ii) enhancing the capacity of recipient countries to deliver fair and accessible justice.

#### **4.3.1. Project Design and Implementation Function of Legal Technical Assistance Projects**

ILPS developed and implemented seven (7) new legal technical assistance projects in five (5) recipient countries namely Palestinian Authority, Ukraine, Turks and Caicos Islands, Mexico and Jamaica during the evaluation period (2009-10 – 2013-14). Of these, five projects have been completed and the remaining two projects have been extended. The types of legal technical assistance projects implemented varied in nature and duration. Many of the projects focused on needs of fragile states or dealing with current, recent or potential crises. These types of projects address institutional capacity, and legal and judicial system foundations by strengthening justice ministries; advising and offering policy support on anti-corruption measures; developing legal resource centres; and strengthening legislative drafting functions. Refer to Table 4 for a summary of the legal technical assistance projects.

The evaluation found that the Section achieved its expected immediate outcome of transferring knowledge of Canadian justice system principles, structures, processes and experiences to recipient countries to assist them in strengthening their justice systems (Appendix A: Logic Model). Across all of the legal technical assistance projects delivered, there was a high level of knowledge transfer. Examples of knowledge transfer across the projects include:

- education and training of judges;
- local experts working alongside the beneficiaries, to emphasize knowledge transfer between the specialist and employee;
- local staff benefitting input from Canadian experts who produced several detailed reports to guide organizational capacity;
- research missions of prosecutors to Canada to participate in various learning exchanges with officials from JUS, PPSC, provincial governments, Royal Canadian Mounted Police, the judiciary, and to observe criminal trials. These exchanges provided a valuable opportunity for knowledge transfer and sharing of best practices;

- delivery of documents such as legislative drafting manuals; and
- observe how case flow management works in Canada.

However, there was limited information available with respect to the achievement of the intermediate outcome of enhancing the capacity of a recipient country to deliver fair and accessible justice. The evaluation found that this was dependent on the length of time a technical assistance project was in operation, the comprehensiveness of a project, and the availability of data, including post-measurement data, collected during and after operation of a project to assess its progress.

In terms of length of time, the evaluation found that long-term commitment of a project is critical to allow an appropriate amount of time to execute it. This is particularly the case when providing technical assistance involving institution building, transforming an organization and changing peoples' perception. This was the case for both the Palestinian Authority Project, which was initially planned to be a 5-year project but was extended to 7 years; and the Jamaica Project, which was initially planned to be a 4-year project but was recently extended to 8 years.

To demonstrate the benefit of long-term commitment, case disposition rates in the Palestinian Authority Project were improving and indicative of a demonstration of efficiencies in the legal system. Judges had indicated that after 3 years of the project, prosecutors were coming to court more prepared and confident. In year 5 of the project, results of surveys conducted with the judges and lawyers indicated that there was significant increase in the level of prosecutors' knowledge. In addition, survey results indicated that public perception of integrity and independence of the public prosecution had increased significantly. There was also a significant improvement in the perception of judges, lawyers and non-state actors in the competence and capabilities of prosecution services.

On the other hand, key informants from the Education and Training of Judges component of the Mexico project indicated that their project was short, when compared to the needs of the Mexican government and that more training could have been provided on judicial administration. They thought that it could have had a more sustainable impact if the training was delivered on a national level while switching from an inquisitorial judicial system to an adversarial system.

The evaluation also found that identifying and understanding the needs of the beneficiaries are important to tailoring a technical assistance initiative to their context. This understanding of the needs of the beneficiaries stems from the length of time the project is in operation and interacting with the beneficiaries on a regular basis. Timing and sequencing of project activities are also key factors to successfully execute a project.

The evaluation further noted that projects that only focus on transferring knowledge of Canadian justice system principles, processes, structures and experiences, and in operation for a period of three years or less and not as comprehensive, are less likely to have an impact on the delivery of fair and accessible justice. In addition, the availability of data, such as feedback or survey data during the operation of a project or any post-measurement data, are essential for a project to demonstrate progress and impacts.

The evaluation identified promising practices that aided in the achievement of expected outcomes as well as challenges or lessons learned through the two case studies:

- Palestinian Authority Project of strengthening the organizational, operational and professional capacities of the Office of the Attorney General and the Public Prosecution Services (OAG/PP); and
- Mexico Project<sup>12</sup> of preparing the judicial and legal systems for the transfer from the inquisitorial judicial system to the adversarial judicial system<sup>13</sup>.

### **Promising practices**

- Having a Field Director and Deputy Director located on-site and in the same building as the beneficiaries of the technical assistance project was useful and critical to the success, legitimacy and credibility of the project. As demonstrated by the Palestinian Authority project, the co-location of the Field Director and Deputy Director within the same office building as

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<sup>12</sup> The Mexico Project had consisted of three sub-projects namely:

- 1) Education and Training for Judges;
- 2) National/State Licensing and Education for Lawyers; and
- 3) Harmonization of Criminal Legislation and Strengthening of Prosecution Services.

<sup>13</sup> Differentiation between the inquisitorial judicial system and the adversarial judicial system.

- An inquisitorial judicial system is based on the notion that an independent officer of the state, whether a judge or prosecutor, is the best person to seek the truth. Proceedings are conducted largely by paper and behind closed doors, with the judge issuing a verdict based on all the evidence that has been collected. In addition, police does not have to follow the same strict procedures of gathering evidence as in an adversarial system – meaning that evidence is considered admissible no matter how it is obtained.
- An adversarial judicial system is based on the notion that judges are apt to lose their neutrality if they investigate the case they are trying. Instead, the truth is most likely to surface where opposing counsel present their cases orally in court. In doing so, each counsel tries to convince an impartial judge or jury with no prior knowledge of the case that his or her version of events is true, while trying to cast doubt on the other side's evidence to a judge or jury and let them decide the outcome. Proceedings in an adversarial system must be open and transparent, inspiring public confidence and reducing fear of corruption or unfairness. (Source Globe and Mail. Canada and Mexico, partners in the pursuit of justice. David Johnston, Governor-General of Canada. December 17, 2012.)

the OAG/PP created opportunities for daily interactions with the Attorney General and the Chief Prosecutor. This sustained field presence and the frequent interactions between the project and the beneficiaries resulted in a level of trust and rapport to allow frank conversations when required and improve working relationships. In addition, it allowed for better communication, which enabled the transfer of information and knowledge. According to the key informants interviewed for this project, having a field presence meant additional costs but is important to project outcomes.

- Planning the project in a holistic fashion by ensuring that components of the project complement each other was beneficial to the overall project. The evaluation found that it was especially important to ensure that the infrastructure was in place at the front-end, before providing the training.
- Hiring local specialists who have expertise in an area of focus for the project was beneficial. These specialists worked alongside the local prosecution service employees to increase the capacity of the prosecution service in selected areas of activity. The local specialists were hired to perform a variety of positions including policy analysis, knowledge management, training and professional development, information technology, human resources, gender analysis, communication and outreach, and facilities management. Additionally, service data clerks were hired to archive files and compile data for retrieval of official documents. Another purpose of hiring the highly qualified Palestinian specialists was to have the local prosecution service employees' work alongside them, therefore, reinforcing knowledge transfer between the specialist and employee. This arrangement proved to be very productive in terms of providing daily interactions between employees and experienced professionals in their field.
- A committee of international donors was established to be aware of the recipients' evolving needs and to minimize and prevent any overlap or duplication of technical assistance provided, and at the same time improve the efficiency of their respective projects. These implementing agencies included the European Union, the American Bureau of International Narcotics and Law Enforcement Affairs, United Nations Development Programme and Justice Canada. The Field Director of the Palestinian Authority Project had chaired the committee.
- The Mexico project included technical exchanges or study tours to Canada, and judges training judges to transfer knowledge of the Canadian justice system, principles, structures and processes. These technical exchanges to Canada provided the opportunity to consolidate both theoretical and skills-based learning about the adversarial judicial system and to observe firsthand the skills required for a judge. When the judges visited the Canadian courts, the principles and processes that were discussed became "real" and more understandable. The

project reports noted the importance of observing the actual adversarial court proceedings, and that although the exchanges to Canada can be costly it is very valuable since it is difficult to replicate the learning in non-Canadian environments. The participants also had the opportunity to interact and speak with the Canadian judges before and after observing an adversarial court in session. Similarly, key informants noted that it was useful for participants in the Jamaica Project to tour the Canadian courts, interact with the judges, tour the court libraries and observe their services in operation, and to observe how case flow management works.

- The Education and Training of Judges' component of the Mexico project also had developed a core of judge trainers who had beginners' proficiency in skills-based judicial education. The pedagogy of skills-based training and judge-to-judge methodologies were used to train judges and, at the same time, train the Mexican judicial trainers to develop courses. These judge trainers were able to develop further courses for their states and region after having gone through the cycle twice. This approach was specifically adapted to the Mexican culture and social realities. This concept was applied as a pilot project whereby over 120 judicial officials were trained in skills development in the five participating states of Tabasco, Chiapas, Quintana Roo, Campeche and Yucatan where the Education and Training of Judges component was taking place. As one judicial key informant indicated, the judges training judges enabled a healthy understanding and better comprehension of the information. The following quotation also reflects the opinion of key informants:

*"What is interesting is that the participants themselves developed their own training program according to their own needs, and they will now be responsible for training the next group of educators, which will result in a chain to improve and strengthen the training of operators of the new justice system in our country" stated the Deputy Director of Training of the Technical Secretariat of the Coordinating Council for Implementation of the Reform of the Criminal Justice System<sup>14</sup>.*

- The flexible manner in which the training and discussions were presented and at the same time not impose the views of the Canadian delivery partners on the participants. Instead, the approach taken was to share the Canadian experts' knowledge and experience and to guide the participants as appropriate in making their own decisions about how their system will function for them.

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<sup>14</sup> Media Report – Closing of the “Education and Training for Judges” training program developed by Mexico and Canada. Source: Justice in Yucatan, October – December 2012. (translated from Spanish to English)

- The case studies also demonstrated that partnerships included in the delivery of technical assistance have increased the awareness of the expertise of Canadian delivery partners while supporting knowledge transfer. For example, two Canadian delivery partners, the National Judicial Institute (NJI) and the Office of the Commissioner for Federal Judicial Affairs Canada (FJA) shared in the training of the Mexican judges. Prior to this project in Mexico, both the NJI and FJA, and the Canadian judiciary were not well known. As a result of the Mexico Project, Canada is now recognized for its contribution towards judicial reform.

It was also noted that the partnerships and good relations established during this project had effects beyond the life of the Mexico Project. For example, NJI was approached for the possibility of training judges in Chile. FJA had co-hosted a national conference on Judicial Independence, Ethics and Accountability (June 11-12, 2012 in Mexico City) along with the Superior Court of the Federal District and with the Institute of the Supreme Court of Mexico for Jurisprudential Research and Promotion of Judicial Ethics. The conference proved to be positive for building relationships for possible future interactions. For example, while on a personal visit to Canada a Chief Justice from Mexico approached the FJA to learn more about court administration and the Canadian judicial system.

- The Palestinian Authority Project also had partnerships with local and regional organizations in the field to enhance knowledge transfer. For example, the Faculty of Law of the An-Najah National University in the Palestinian Authority, the Palestinian Judicial Institute, and the Judicial Institute of Jordan, served as sources of knowledge during the life of the project. Their expertise extends beyond the project, along with other organizations including PPSC and JUS.

### **Challenges/Lessons Learned**

The Palestinian Authority Project experienced implementation challenges with contracting local staff. This caused significant delays and affected implementation schedules of the project for almost one year. A solution was found midway during the second year of the project with the UNOPS agreeing to undertake the local procurement and contracting. In so doing, they assumed responsibility for contracting various consultants, specialists, institutions and related materials to assist in the delivery of the legal technical assistance component of the project. In so doing, the UNOPS expanded its involvement in the project beyond its initial procurement of refurbishing the OAG, which was the first phase of the Palestinian Authority Project. The evaluation noted that the lack of clarity on the authority to spend allocated funds relating to the interpretation of guidelines led to the confusion and delays in the early implementation phase of this project. A great deal of effort, assessment of options and re-scoping were required to get the project back on track.

Another challenge that had been identified was the capacity of the recipient institution to participate in the many training activities. Given their regular workload the recipients, in this case the prosecutors, had limited capacity in terms of numbers, time and skills to participate in the many training and technical missions provided. While this issue may have been a result of the compressed timeframe, there was insufficient information available to make a clear determination.

However, despite the few challenges experienced by the Palestinian Authority Project, key informants commented on the successes of the Project and the recognition it has attained. This project has raised the profile of Canada. At the macro level, the project has been very successful in terms of project delivery based on the feedback received from the regular visits to the project site and the discussions with the beneficiaries, the OAG/PP. They appreciated the assistance provided in the early stages of the project especially the refurbishing and professionalizing the institution. The building now has a professional appearance, which in turn has improved the perception of the general public and increased their level of trust. This has been recognized by the police, the courts, and civil society groups (human rights groups and non-governmental organizations) as having a positive effect on the rule of law in the West Bank. From the multiple lines of evidence, it was noted that it is very encouraging to observe this reaction within the first four years of the project. Furthermore, Canada has been recognized for taking a holistic approach for refurbishing the infrastructure of the OAG/PP and then providing the technical assistance. The ILPS designed this holistic intervention and it is seen as a best practice among other donors. In addition, the accomplishment of the Project has increased the visibility of Canada in the justice sector.

#### **4.3.2. Strategic Advice and Outreach Function**

In response to an identified need for strategic advice, the mandate of ILPS was broadened to provide this service. Within the Department and across the federal government, ILPS functions as a centre for both theoretical and practical expertise on international legal technical assistance.

Under the whole-of-government approach to the pursuit of Canada's foreign policy objectives GAC regularly turns to ILPS as the section within the Department to seek advice on policy matters relating to justice reform in a foreign country. In this instance, ILPS is often invited to participate in special meetings convened by GAC to discuss Canada's intervention in conflict or priority country areas. High profile crises that had required ILPS's involvement include Afghanistan, Somalia, Libya and Syria. ILPS often participates on a number of interdepartmental committees



and working groups led by GAC such as the Stabilization and Reconstruction Task Force Advisory Board.

ILPS also supports the Minister and Deputy Minister on matters relating to international justice and security. This includes providing strategic policy advice relating to international justice sector assistance and capacity building to support the Deputy Minister Committee on Conflict and Fragility, the Commonwealth Law Ministers' meetings, the Meeting of the Quintet of Attorney Generals, the Organization of American States' meetings of Ministers of Justice or Attorney Generals of the Americas.

Advice from ILPS has also been sought by other government departments such as Environment Canada for strategic advice on wildlife trafficking. Interviews with other government departments found that they are very satisfied with the strategic advice and the level of involvement of the Section. From the nature of strategic advice provided, it can be determined that it has enhanced the knowledge of the members of inter-departmental committees and other government departments.

To inform its strategic advisory responsibilities, the Section engages in bilateral and trilateral information sharing meetings with counterparts in foreign countries to share experiences on matters relating to the provision of technical assistance to developing countries. The Canada-UK-US Trilateral forum on international justice sector reform was established and meetings occur every 12-18 months. The purpose of the trilateral forums are for both advancing strategic thinking and sharing project information to avoid any duplication of work among the counterparts working in the same country, share best practices and lessons learned, and to stay current on emerging issues. The key informants involved in the trilateral forums indicated that they have found the information and knowledge exchanges to be very helpful in terms of understanding what the allies' priorities are. These forums have allowed ILPS' work to remain relevant, coordinated and effective. Furthermore, they support Canada's capacity to participate strategically in foreign policy and international development justice sector issues.

To further share information and advance innovative thinking, in 1999 ILPS began engaging with CBA, a non-governmental organization, by organizing and coordinating annual CBA conference workshops on international justice sector development. Apart from its purpose of immediate information exchange and knowledge transfer, the workshops are used by ILPS to maintain and expand its network of contacts in the international development community. The information gathered and the relations developed at its annual events enables ILPS to stay attuned to best practices, identify organizations that could participate in delivery of legal technical assistance, and

highlight its own achievements. In addition to organizing and coordinating the annual workshops, ILPS is able to inform the workshop agenda to align with the Government of Canada and the Department's interests, therefore, providing a forum for advancing the Government of Canada foreign policy priorities.

#### **4.4. Performance – Demonstration of Efficiency and Economy**

The Treasury Board's 2009 *Policy on Evaluation* defines efficiency as the production of "a greater level of output...with the same level of input or, a lower level of input with the same level of output," and economy as the achievement of expected results using the minimum amount of resources required. Applying these definitions to the work of ILPS, an analysis of efficiency and economy considers the ability of the Section to manage costs while maintaining its activities.

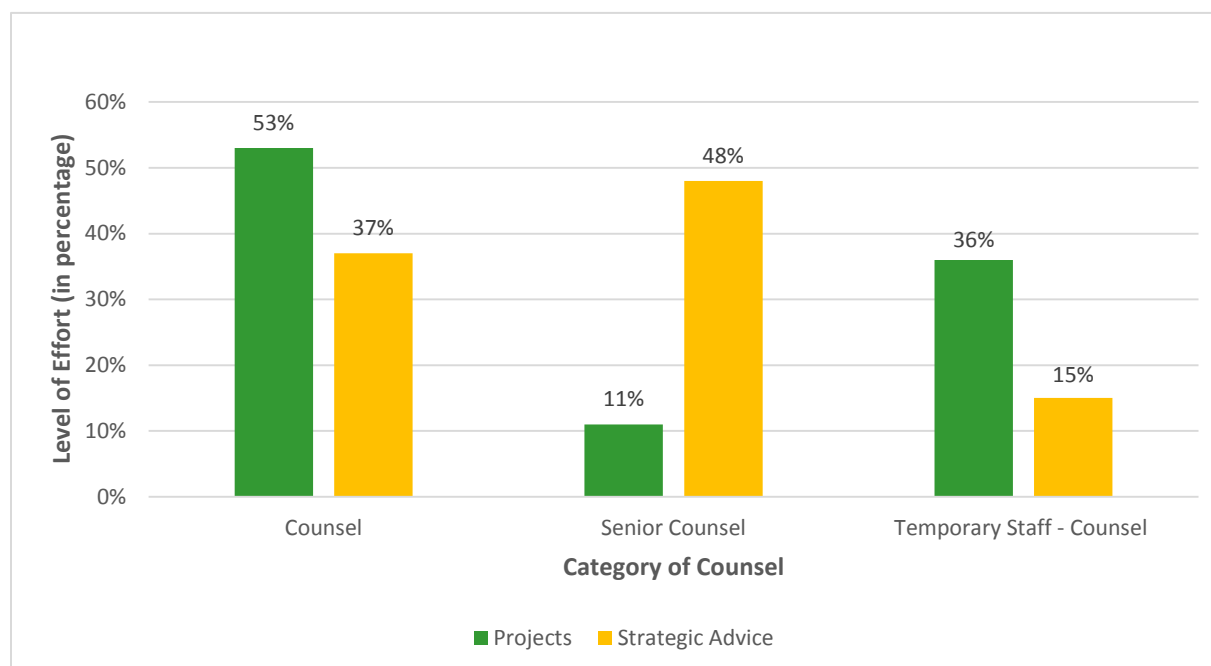
##### **4.4.1. Human Resources**

The human resources organizational structure of ILPS consists of a core group of permanent or indeterminate employees and a flexible group of non-permanent or temporary employees on secondment to ILPS. At the time of the evaluation, the group consisted of 16 personnel of which nine permanent positions were staffed with a mix of four administrative staff and five counsel. The Section had an additional seven flexible positions with a mix of counsel and other specializations. Based on the funding and needs of the legal technical assistance projects, ILPS draws on other experts from across the Department and/or departments, or contract experts outside the federal government. The experts come to ILPS on secondment for a specified period of time to work solely on a legal technical assistance project. This organizational structure of core and flexible groups is considered cost-efficient due to the flexibility of the human resources structure responding to the needs of technical assistance projects and to the provision of strategic advisory work. A few interviewees also mentioned that some counsel from the core group are perceived to do more senior level of work, which could be considered an efficiency.

Despite the organizational structure of ILPS being efficient, there were some concerns with respect to internal knowledge transfer. At the end of a project or at the end of a specified period with a project, the temporary employee(s) return to their respective department(s), which can lead to a loss of expertise and knowledge gained during a project. Some key informants thought that the Section does not have a strong knowledge management component, and therefore, minimal internal knowledge transfer occurs.

In terms of the level of effort during the evaluation period, counsel (LA-00, LA-01 and LA-2A<sup>15</sup>) generally spent slightly more time (53%) working on legal technical assistance projects compared to the senior counsel (LA-2B and LA-3A) who tend to focus mainly on strategic advisory work (48%) (Figure 3). It is also economical to have more counsel working on projects and the senior counsel undertaking the strategic advisory work.

**Figure 3: Comparisons of Level of Effort by Categories of Counsel spent on Projects and Strategic Advisory Work**



Source: iCase Data

Despite the usefulness of the iCase data, there were challenges in analyzing this data in terms of the inconsistencies on how information was entered into iCase. This made it difficult to differentiate between legal technical assistance project work and strategic advisory work. For example, a large portion of the Section’s technical assistance project work was entered into more than one category (i.e., corporate, advisory, general, policy) in iCase and which did not distinguish the nature of the service provided. Similarly, the strategic advisory work was entered into more

<sup>15</sup> Treasury Board approved a new classification for legal counsel (Law Practitioner or LP), which became effective on January 4, 2014. However, as the LA classification was applicable to the period covered by the evaluation it is used in this report.

than one category in iCase and was not fully descriptive of the nature of its advisory work. It was also especially difficult to determine with full accuracy what was strategic advisory work.

Although beyond the scope of this evaluation, the Department introduced the National Timekeeping Protocol in April 2015. It is expected that compliance with this new time keeping standard will address some of the issues in iCase identified in the evaluation.

#### **4.4.2. Financial Resources**

ILPS underwent a program review in fiscal year 2011-12. Due to the Deficit Reduction Action Plan review in that year, the decision was made that the Section will operate on a full cost-recovery funding model on the basis of funds generated from providing legal technical assistance activities through projects to recipient countries, and therefore funded by GAC. The cost-recovery approach was implemented progressively from fiscal year 2012-13.

Key informants identified challenges using this type of funding model including staff retention, an ability to respond quickly and effectively to requests, and in securing the necessary expertise for the Section.

The evaluation found that GAC requests services from ILPS for legal technical assistance and strategic advisory work as part of a whole-of-government approach on matters of foreign policy and international development. ILPS is fully dependent on GAC approaching the Section with a request to develop and implement a project. Hence, ILPS is tied to GAC's funding model and key informants pointed out that it is challenging to manage without continuity of funding particularly covering the salaries of the permanent staff. GAC also seeks the assistance of ILPS to conduct justice sector needs assessment in foreign countries to inform GAC's foreign policy or project development decisions. It was noted that GAC can be reluctant to cover the associated salary and other costs based on the assumption that ILPS has A-Base funding similar to models used in other countries. For example, the US Department of Justice pays the salaries of the United States Department of Justice's Office of Overseas Prosecutorial Development Assistance and Training (US-OPDAT) (counterparts of ILPS), and other government partners will fund any incremental activity costs. At the United Kingdom's Crown Prosecution Service (UK-CPS) International Division (another counterpart of ILPS), salaries are funded by other government partners in the same way as the work of the ILPS is funded by GAC. However, in the case of any shortfall, these salaries are absorbed by CPS allowing for a stable base of expertise.

#### **4.4.3. Factors influencing the ability of ILPS to provide its activities efficiently**

Despite the efficiencies in the organization structure, the evaluation found that there are factors influencing the Section's ability to do its activities efficiently. These include the implications of cost recovery, shortage of administrative support, travel constraints, entering into international contracts for the technical assistance projects, and knowledge sharing within ILPS.

Key informants identified that by being on a cost-recovery funding model and dependent on receiving funding to conduct technical assistance projects present challenges for the Section in terms of staff retention, securing corporate memory and capacity building within the Section. The key informants further noted that there is a low incentive for core staff to commit and there are insecure feelings among the staff due to long-term job instability. The cost recovery only covers legal technical assistance project activities and not strategic advisory work or conducting needs assessment of potential projects that may include travel.

GAC regularly requests advice from ILPS on justice sector reform policy matters. Given that ILPS does not receive additional funding for strategic advisory work, it can sometimes pose a resource challenge for the Section to provide timely, high quality advice.

Some key informants perceived there to be a shortage of administrative support within the Section. Consequently, counsel often have to complete administrative work, such as travel arrangements, contracting of experts, and administrative aspects of project reporting, that divert their attention from substantive project-related work.

The evaluation found that there are travel constraints due to the centralization of administrative processes and reduced flexibility. In addition, the increased level of approvals for travel can be time-consuming and reduce work efficiencies. To streamline the approach for approvals key informants suggested exploring the use of blanket approvals, which may expedite project-related travel.

ILPS has had challenges procuring international contracts for renting office space, buying equipment or hiring local staff in the recipient country, which has led to long delays in project implementation. To resolve this issue, GAC identified an effective mechanism of having a third party or external organization procure the necessary international contracts. For example, the UNOPS hired local staff in the recipient country to carry out certain identified activities for the Palestinian Authority Project. However, there is an administrative fee associated with this service

that becomes an extra cost to the project, which has strained the relationship between ILPS and GAC, as it reduces the funds supporting project operations.

The final factor influencing the ability of ILPS to provide its activities efficiently was the limited knowledge sharing between ILPS project staff. Suggestions put forward were to share relevant templates and to have regular knowledge sessions for the Section such as on a quarterly basis, and to strengthen the knowledge management capacity.



## **5. CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE**

This section of the report provides conclusions based on the findings presented in Section 4. The information is structured along the main evaluation issues, and recommendations are included as applicable.

### **5.1. Relevance**

#### **Responding to Federal Priorities**

The activities of ILPS support the Government of Canada's international priorities relating to justice sector reform through the "whole-of-government" approach for the advancement of Canada's foreign policy and development assistance agenda. The federal government supports international justice sector development promoting Canadian values, the rule of law to protect the security and safety of Canadians at home and abroad, and in supporting economic development.

#### **Continued Need for ILPS**

Canada's extensive experience in the rule of law is often recognized and respected by many foreign countries for its assistance to countries, ministries and institutions to improve their legal systems and enhance security and rule of law for that country's citizens. Canada is well positioned to provide legal technical assistance abroad because it has an advanced justice system along with the benefits of having both common law and civil law traditions.

ILPS has been providing government-to-government technical assistance because it has the legal expertise and competencies, the credibility, and the experience to develop and manage legal technical assistance projects to foreign countries seeking to modernize their justice system.

Additionally, beneficiaries from recipient countries receiving assistance indicated that there is a need for ILPS to provide legal technical assistance since the recipient country often does not have the resources nor the expertise to upgrade their legal system.



### ***Demand***

ILPS has designed and implemented seven new legal technical assistance projects during the evaluation period, of which two of these projects have been extended and the remaining five projects have been completed. The total time spent by ILPS executing technical assistance projects between 2009-10 and 2013-14, ranged from approximately 12,000 hours to 33,000 hours, or 67% of the total time spent undertaking ILPS functions.

ILPS has also been involved in providing legal policy development and strategic advice to other government departments, especially to GAC, on matters pertaining to international justice sector reform and assistance, and the integration of the access to justice and the rule of law. The time spent by ILPS researching and providing strategic advice ranged from nearly 1,900 hours to almost 4,600 hours between 2009-10 and 2013-14. This time spent on strategic advisory work accounts for approximately 11% of the total time spent undertaking ILPS functions.

### **Alignment with Federal Roles and Responsibilities**

The Department's provision of legal technical assistance is consistent with the Government of Canada's "whole-of-government" approach of promoting Canada's democratic values in targeted countries and regions around the world, and strengthening the rule of law as a means of supporting social and economic development and security. Under the whole-of-government approach, ILPS serves a general advisory and policy-development role in the Department and within the federal government as a centre of both theoretical and practical expertise on international legal technical assistance.

## **5.2. Design of the Section**

### **Mandate of ILPS**

The evaluation found that the mandate of the Section is not well articulated or well known. Key informants therefore, suggested that the Section develop a clearly defined vision and mission statement and to communicate them across the Department and to other relevant federal departments and agencies.

## **Composition of ILPS**

The Section consists of a core group of permanent employees and a flexible group of non-permanent or temporary employees on secondment to the Section from across the Department and/or other federal departments. This flexible structure of staffing process provides the Section with specific expertise to address particular needs of funded projects and the capacity to respond to emerging demands and priorities.

## **Roles and Responsibilities**

The evaluation found that there are various types of international legal technical assistance work undertaken within the Department and that there is not a central point of coordination for requests of this type of assistance. Other sections within the Department provide - generally out of their existing resources - international legal technical assistance on an ad hoc basis and focus on Canadian law. Whereas, ILPS provides - on a cost-recovery basis - legal technical assistance to foreign countries wanting to reform their justice sector, and consequently projects are more targeted, comprehensive, and tied to specific priorities and outcomes.

This fragmentation of international legal technical assistance activities has the potential to result in duplication of work and inconsistencies. Though the evaluation did not find any evidence of this, some key informants thought that there is a lack of understanding of the role of ILPS within the Department and the nature of their substantive legal work. According to these key informants, one possible solution could be for the Section to promote its roles and responsibilities to relevant areas of the Department.

## **Performance Monitoring and Reporting Capacity**

The Section has a systematic process in place within ILPS for collecting, monitoring and reporting on performance results of legal technical assistance projects by using GAC's reporting system. However, for strategic advisory and outreach activities, there is no systematic and standardized process for monitoring performance and reporting on its outcomes other than recording the time spent working on these activities in iCase.

## **5.3. Performance**

### **5.3.1. Achievement of Expected Outcomes**

#### ***Project Design and Implementation Function of Legal Technical Assistance Projects***

During the evaluation period, ILPS developed and implemented seven new legal technical assistance projects in five recipient countries namely Palestinian Authority, Ukraine, Turks and Caicos Islands, Mexico and Jamaica. Of these, five projects have been completed and the remaining two projects have been extended. The types of technical assistance projects implemented varied in nature and duration. These types of projects address institutional capacity, and legal and judicial system foundations by strengthening justice ministries; advising and offering policy support on anti-corruption measures; developing legal resource centres; and strengthening legislative drafting functions. Across all of the technical assistance projects delivered, there was a high level of knowledge transfer.

However, there was limited information available with respect to the achievement of the intermediate outcome of enhancing the capacity of a recipient country to deliver fair and accessible justice. The evaluation found that this was dependent on the length of time a technical assistance project was in operation, the comprehensiveness of a project, and the availability of data, including post-measurement data, collected during and after operation of a project to assess its progress.

The evaluation also found that identifying and understanding the needs of the beneficiaries are important for tailoring a legal technical assistance initiative to their context. This understanding of the needs of the beneficiaries stems from the length of time the project is in operation and interacting with the beneficiaries on a regular basis. Timing and sequencing of project activities are also key factors to successfully execute a project.

The evaluation further noted that projects that only focus on transferring knowledge of Canadian justice system principles, processes, structures and experiences, and in operation for a period of three years or less and not as comprehensive, are less likely to have an impact on the delivery of fair and accessible justice. In addition, the availability of data, such as feedback or survey data during the operation of a project or any post-measurement data, are essential for a project to demonstrate progress and impacts.

The evaluation identified promising practices that aided in the achievement of expected outcomes by using the two case studies, the Palestinian Authority Project and the Mexico Project, which had three sub-projects.

Promising practices included:

- Having a Field Director and Deputy Director co-located with the beneficiaries of the technical assistance project was useful and critical to the success, legitimacy and credibility of the project.
- Planning the project in a holistic fashion was beneficial to the overall project, ensuring the appropriate sequencing of activities.
- Hiring local specialists to work alongside the local employees was beneficial in order to reinforce knowledge transfer between specialist and employee.
- A committee of international donors was established to be aware of the recipients' evolving needs and to minimize and prevent any overlap or duplication of technical assistance provided, and at the same time improve the efficiency of their respective projects.
- Study tours to Canada provided an opportunity for judges to consolidate both theoretical and skills-based learning about the adversarial judicial system and to observe firsthand the skills required for a judge under this type of judicial system. When the judges visited the Canadian courts, the principles and processes that were discussed became "real" and more understandable. Although the learning exchanges to Canada can be costly it is very valuable since it is difficult to replicate the learning in non-Canadian environments.
- Partnerships with local and regional organizations in the recipient country also contributed to the transfer of knowledge.

There were a few challenges during the implementation phase:

- The contracting of local staff, which caused significant delays and affected implementation schedules of the project.
- The capacity of the recipient institution to participate in the training activities. The recipients were busy with their daily work and there was a limited capacity in terms of numbers, time and skills to participate in the many training and technical missions provided. While this issue may have been a result of the compressed timeframe, there was insufficient information available to make a clear determination.

### ***Strategic advice and outreach***

ILPS is the Section within the Department that is sought by GAC to provide strategic advice on policy matters relating to justice sector reform in a foreign country. The Section also participates in interdepartmental committees and working groups to discuss Canada's intervention in conflict or priority country areas. In order to inform its strategic advisory responsibilities, ILPS engages in trilateral forums with the UK and the US to share experiences, stay current on emerging issues and to avoid any duplication of work. As part of its outreach function at the CBA annual conferences, ILPS organizes and coordinates annual workshops on international justice sector development. Besides its purpose of information exchange, ILPS creates and maintains a network of contacts in the international development community and advances Canada's foreign policy priorities and international development justice sector.

#### **5.3.2. Demonstration of Efficiency and Economy**

The human resources organizational structure of ILPS consists of a core group of permanent employees and a flexible group of temporary employees on secondment to ILPS. Based on the funding and needs of the legal technical assistance projects, ILPS draws on other experts from across the Department and/or departments, or contract experts outside the federal government. The experts come to ILPS on secondment for a specified period of time to work solely on a technical assistance project. This organizational structure of core and flexible groups is considered efficient due to the flexibility of the human resources structure responding to the needs of technical assistance projects and the provision of strategic advisory work.

Despite the organizational structure of ILPS being efficient, there were some concerns with respect to internal knowledge transfer. At the end of a project or at the end of a specified period with a project, the temporary employee(s) return to their respective department(s), which can lead to a loss of expertise and knowledge gained during a project. Some key informants thought that the Section does not have a strong knowledge management component, and therefore, minimal internal knowledge transfer occurs.

In terms of the level of effort, counsel (LA-00, LA-01 and LA-2A) tend to work more on the legal technical assistance projects and the senior counsel (LA-2B and LA-3A) focused more on the strategic advisory work.

Despite the usefulness of the iCase data, there were challenges in analyzing this data in terms of the inconsistencies on how information was entered into iCase. This made it difficult to differentiate between legal technical assistance project work and strategic advisory work.

ILPS underwent a program review in fiscal year 2011-12. The decision was then made that the Section will operate on a full cost-recovery funding model on the basis of funds generated from providing legal technical assistance activities through projects to recipient countries, and therefore funded by GAC. The cost-recovery approach was implemented progressively from fiscal year 2012-13. Key informants identified challenges with this type of funding model resulting from gaps between projects, staff retention, and the ability to respond quickly and effectively to requests, and securing the necessary expertise for the Section.

In spite of the efficiencies of the Section's organizational structure, the evaluation found that there are factors influencing the Section's ability to operate efficiently that include the following:

- Implications of cost recovery thereby influencing staff retention, securing corporate memory and capacity building within the Section. In addition, the cost recovery only covers for legal technical assistance project activities and not for strategic advisory work or conducting needs assessments of potential projects.
- Shortage of administrative support, which in turn affects the efficiency of the counsel's work in that they often have to complete administrative work such as travel arrangements, contracting of experts, and administrative aspects of project reporting, that divert their attention from substantive project-related work.
- Travel constraints due to the centralization of administrative processes and reduced flexibility.
- Challenges procuring international contracts for renting office space, buying equipment, or hiring local staff in the recipient country has led to long delays in project implementation.
- Limited knowledge sharing between ILPS project staff has influenced the planning and development of new project activities.

#### **5.4. Recommendations and Management Response**

Below presents the recommendations and management response.

## **Issue 1: Communication**

### **Mandate of ILPS**

The evaluation found that while ILPS has the mandate to carry out legal technical assistance, it is not well articulated or well known. Key informants suggested that the Section develop a clearly defined vision and mission statement and to communicate them across the Department and to other relevant federal departments and agencies.

### **Roles and Responsibilities**

The evaluation found that there are various types of international legal technical assistance work undertaken within the Department, and that there is no central point of coordination for requests of this type of assistance. Other sections within the Department provide – generally out of their existing resources - international legal technical assistance on an ad hoc basis and focus on Canadian law. Whereas, ILPS provides – on a cost-recovery basis - legal technical assistance to foreign countries wanting to reform their justice sector, and consequently projects are more targeted, comprehensive, and tied to specific priorities and outcomes.

This fragmentation of international legal technical assistance activities has the potential to result in duplication of work and inconsistencies. Though the evaluation did not find any evidence of this, some key informants thought that there is a lack of understanding of the role of ILPS within the Department and the nature of their substantive legal work. According to these key informants, one possible solution could be for the Section to promote its roles and responsibilities to relevant areas of the Department.

### **Recommendation 1:**

**In line with the findings, it is recommended that the ILPS clearly define its vision and mission statement and communicate them as well as its roles and responsibilities to relevant sections within the Department including the Legal Services Units, the Criminal Law Policy Section, the Contracting and Materiel Management Division, the International Assistance Group, and to other federal departments and agencies, such as pertinent sections within Global Affairs Canada.**

### **Management Response:**

*We agree with the recommendation. We consider that, in addition to developing a vision and mission statement, it would be useful to take a number of measures to clarify ILPS' role.*

### **Issue 2: Knowledge Management**

Despite the organizational structure of ILPS being efficient, there were some concerns with respect to internal knowledge transfer. At the end of a project or at the end of a specified period with a project, the temporary employee(s) return to their respective department(s), which can lead to a loss of expertise and knowledge gained during a project. Some key informants thought that the Section does not have a strong knowledge management component, and therefore, minimal internal knowledge transfer occurs.

In addition, it was identified that limited knowledge sharing between ILPS project staff was identified as a factor influencing the ability of ILPS to provide its activities in terms of efficiently planning and developing new legal technical assistance projects.

### **Recommendation 2:**

**It is recommended that the ILPS improve its internal knowledge management and transfer capabilities to retain corporate memory and to strengthen its capacity to plan and develop technical assistance projects.**

### **Management Response:**

*We agree with the recommendation.*

*ILPS has accumulated over the years a good quantity of information. However, this information has remained largely unprocessed, thus generating limited usable knowledge. Correcting the situation is therefore not simply a matter of transferring knowledge but also of generating it.*

*This requires dealing with two separate but closely linked categories of information:*

- tangible information on substantive matters which is recorded in written documents; and*
- intangible information on law and development flowing from the section's experience in project design and implementation.*



### **Issue 3: iCase Data**

Despite the usefulness of the iCase data, there were challenges in analyzing this data in terms of the inconsistencies on how information was entered into iCase. This made it difficult to differentiate between legal technical assistance project work and strategic advisory work.

#### **Recommendation 3:**

**It is recommended that ILPS apply a standardized approach to recording data in iCase in order to improve the overall data integrity, therefore making it possible to assist with workflow tracking, to measure and compare the demands for its services, and to analyze trends over time.**

#### **Management Response:**

*We agree with the recommendation. Moving forward, files will be created so that the time spent on technical assistance can be distinguished from the time spent on strategic advice.*

### **Issue 4: International Contracting**

ILPS has experienced challenges procuring international contracts for renting office space, buying equipment or hiring local staff in the recipient country, which has led to long delays in project implementation.

#### **Recommendation 4:**

**It is recommended that ILPS initiate discussions with the Contracting and Materiel Management Division to explore options for international contracting.**

#### **Management Response:**

*We agree with the recommendation and will undertake the following steps:*

- Develop document describing the nature of the contracting issue;*
- Hold meeting with JUS' contracting operations section; and*
- Develop internal note summarizing the outcome of the discussions and identifying follow-up measures required, if any.*

**Appendix A:  
Logic Model**



## Logic Model

This section provides a description of the logic model of ILPS by linking the activities/outputs of the Section with its intended outcomes. The logic model is a systematic way to illustrate the relationship between the planned activities of ILPS and their expected results.

### 1. Activities and Outputs

The Section serves two main functions: i) project design and implementation, and ii) strategic advice and outreach.

#### 1.1 Strategic advice and outreach function

**Research and development:** The ILPS conducts research and prepares in-depth studies and discussion papers that help the Department identify trends in foreign policy and assist other government departments in developing strategic approaches to the delivery of justice sector activities. For example, at the request of GAC, the Section conducts research on legal, social, economic and political issues of relevance in a particular foreign country. **Outputs:** research papers, briefing notes, memos, presentations, meetings, networking, web site.

**Strategic advice:** The ILPS plays a key role in supporting the preparation of legal policy advice to help inform the Department's position on the viability of the justice sector involvement in a foreign country, as well as the nature, scope and relevance of any proposed legal technical assistance activities in light of Canada's foreign policy objectives. In carrying out this work, the ILPS provides advice to senior management on positions to be taken on issues to be discussed at DM or ADM level interdepartmental meetings. The Section provides suggestions on legal technical assistance matters to other departments and agencies through participation in a variety of interdepartmental committees and groups. It also contributes to an integrated approach on international justice sector matters by participating on the Policy Sector International Strategic Framework Committee. **Outputs:** discussion papers, briefing notes, memos, presentations, meetings.

**Outreach:** The ILPS participates in bilateral or multilateral information-sharing meetings on international justice sector reform, including regular trilateral sessions with the US-OPDAT, the UK-CPS (International Division) and Ministry of Justice, and in Commonwealth rule of law meetings. Finally, ILPS organizes and co-chairs the annual CBA/Justice Canada Workshop on

International Development, and makes presentations to the Federation of Law Societies of Canada. **Outputs:** presentations, product database, meetings, networking, web site and database.

## **1.2 Project design and implementation function**

***Project design:*** The ILPS first conduct assessments of the justice system of foreign countries requesting assistance, and identifies possible subject areas in which Canada could provide assistance to these countries. ILPS then identifies on a preliminary basis the source of expertise on the subject areas in which assistance could be provided and estimates the cost of the assistance that the Department could provide. On the basis of the assessment ILPS then develops, in cooperation with the funding agency, a project proposal that:

- describes the subject areas in which assistance could be provided;
- describes the way in which assistance would be provided;
- provides a detailed budget;
- explains the way in which financial matters would be managed;
- delineates the responsibilities of the various organizations involved in the project;
- establishes a project management structure; and
- defines the Department's reporting obligations.

***Project implementation:*** The ILPS conducts research on specific justice sector matters related to the project activities and develops background papers, discussion papers, option charts and other documents necessary to guide the recipient country's decision-making process on specific justice sector reform matters. ILPS will plan and carry out fact-finding missions in the recipient country on contemplated reforms and deliver, with the support of relevant experts (either internal or external), technical assistance to the recipient country on specific justice sector issues.

***Project reporting and information sharing:*** The ILPS team responsible for a given project has to report regularly to the funding agency on the progress of the initiative. ILPS teams working on projects in various countries will also share information and knowledge amongst themselves to avoid duplication and leverage lessons learned. In addition, project information is shared as appropriate with other implementing agencies active in the recipient country, with a view to avoid duplication and build synergies where possible.

**Project management:** The Director General and the Director of the ILPS oversee the broader strategic, human resources and financial management aspects of all program delivery activities. The Section's employees provide support to the projects, which can include delegated oversight of the contracting processes, preparation of travel arrangements and related approval requests, drafting of Memorandum of Understanding with Government of Canada partners, and regular input into the development of program activity work plans, budget forecasts and actual expenditure reports. **Outputs:** needs assessments, project proposals, administrative arrangements, implementation plans, budget, consultation summaries, comparative charts, research papers, manuals, guidelines and reports.

## **2. Immediate Outcomes**

- Enhanced knowledge in the Canadian federal system of current and emerging international justice sector development matters.

The ILPS conducts research, identifies new and emerging trends, and participates and provides input in departmental, inter-departmental, international and civil society working groups and committees. It also establishes networks and identifies key partners to enhance ILPS' knowledge of doctrines, theories, principles and concepts related to international justice sector issues and Canada's foreign policy priorities.

- Knowledge of Canadian justice system principles, structures, processes and experiences transferred to recipient countries to assist them in strengthening their justice systems.

Through their interaction with ILPS, foreign countries receiving legal technical assistance gain knowledge and a better understanding of how to reconstruct or reform their legal system. The ILPS provides advice or training on how to address the recipient country's specific concerns with their legal system, or design plans for implementing changes. Each project has specific outcomes on which the ILPS must report.

## **3. Intermediate Outcomes**

- Enhanced capacity of Canada to participate strategically in foreign policy and international development matters.

Through the activities of its strategic advice and outreach function, the ILPS enhances knowledge in the Canadian federal system on current and emerging international justice sector development

matters; allows Canada to be prepared and responsive to contemporary and emerging justice sector challenges faced by foreign countries and regions of interest to Canada; and enhances the capacity of Canada to participate strategically in foreign policy and international justice sector development matters.

- Enhanced capacity of recipient countries to deliver fair and accessible justice.

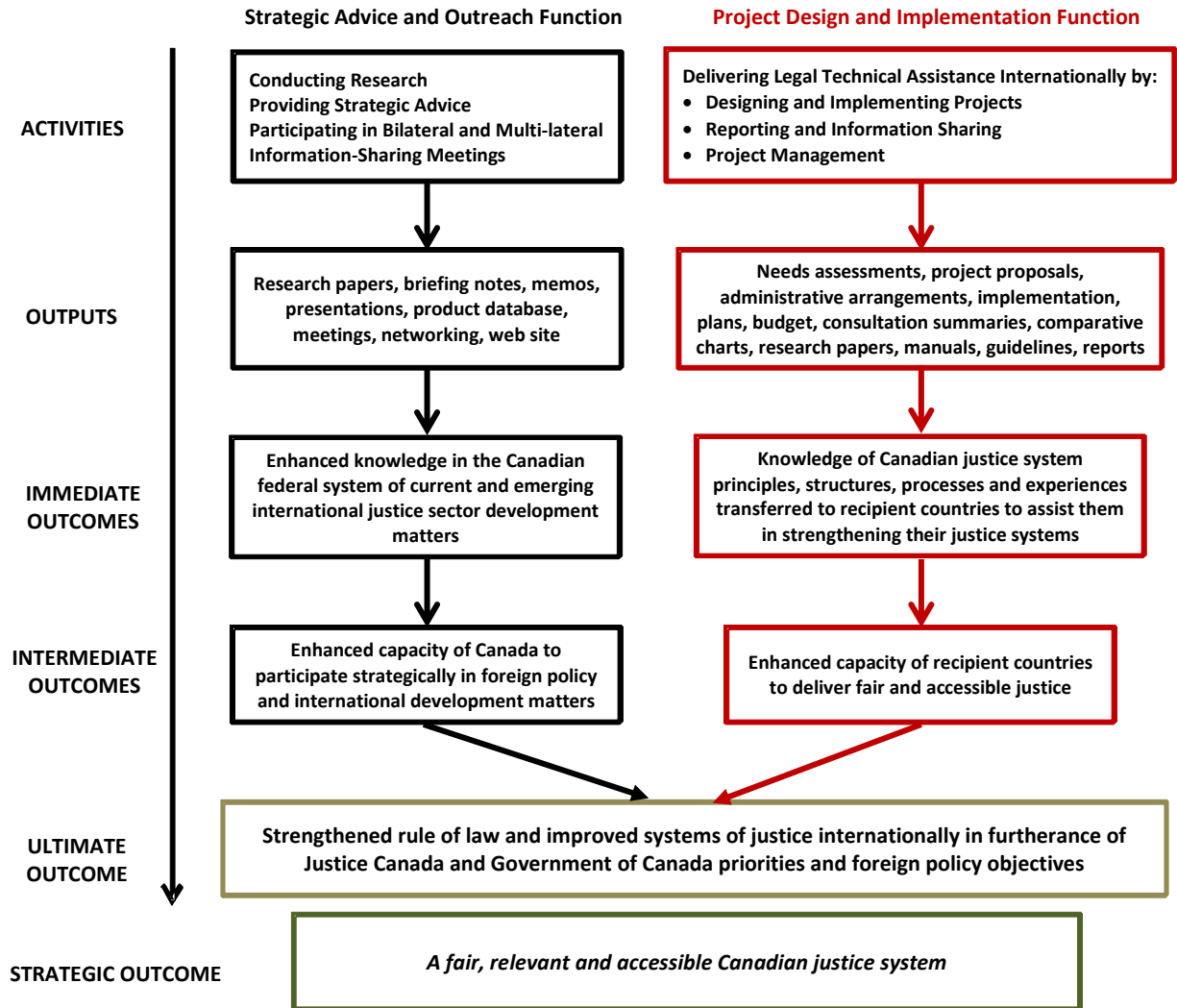
ILPS works collaboratively with and provides legal technical assistance and training to recipient countries, and in so doing, assists these countries in building their capacity to deliver fair and accessible justice.

#### **4. Ultimate Outcome**

- Strengthened rule of law and improved systems of justice internationally in furtherance of Justice Canada and Government of Canada priorities and foreign policy objectives.

ILPS promotes Canada's democratic values in targeted regions of the world. In particular, through the interaction with ILPS and the experience of addressing specific justice-related issues, recipient countries gain a better understanding of how to strengthen their justice systems and better act in accordance with the rule of law and democratic principles. As such, the ultimate outcome of the ILPS contributes to the first strategic outcome of the Department, "*A fair, relevant and accessible Canadian justice system*".

## LOGIC MODEL: INTERNATIONAL LEGAL PROGRAMS SECTION







**Appendix B:**  
**Evaluation Matrix**



## Evaluation Matrix

Issues/Questions	Indicators	Data Sources	Responsibility for Collecting
<b>RELEVANCE</b>			
1. To what extent are the activities of ILPS aligned with the federal priorities and strategic outcomes of the Department of Justice?	<ul style="list-style-type: none"> <li>• Comparison of ILPS description of activities to stated federal priorities in the area of international development and strategic outcomes</li> <li>• Alignment of ILPS objectives/activities with federal priorities</li> <li>• Alignment of ILPS objectives/activities with the Department's strategic outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Key informant interviews</li> <li>• Document review</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
2. To what extent are the activities of ILPS aligned with federal roles and responsibilities? Is there a legitimate and necessary role for the federal government in providing international legal assistance?	<ul style="list-style-type: none"> <li>• Alignment of ILPS objectives/activities with federal government's roles and responsibilities</li> <li>• Continued relevance of federal government involvement in international development activities for the justice sector in other countries</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
3. Is there a continued need for ILPS?	<ul style="list-style-type: none"> <li>• Continued need for strategic advice and outreach function</li> <li>• Continued need for legal technical assistance in countries in transition assisted by ILPS</li> <li>• Impact of research, strategic partnerships and advice on international Justice Sector developmental matters</li> <li>• Benefits of JUS participation in international meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
<b>DESIGN</b>			
4. Are the mandate and objectives of ILPS clear?	<ul style="list-style-type: none"> <li>• Clarity of stated mandate and objectives of ILPS</li> <li>• Awareness of the stated mandate and objectives of ILPS among client agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
5. Is the ILPS governance structure appropriate?	<ul style="list-style-type: none"> <li>• Clarity of ILPS' roles and responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
6. Does ILPS have in place appropriate methods/systems for monitoring performance and reporting on outcomes?	<ul style="list-style-type: none"> <li>• Standardized methods for monitoring performance and reporting on outcomes</li> <li>• Appropriateness of these methods</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>

Issues/Questions	Indicators	Data Sources	Responsibility for Collecting
<b>PERFORMANCE – Achievement of Expected Outcomes</b>			
7. To what extent has ILPS achieved its expected outcomes?	<ul style="list-style-type: none"> <li>• Number and nature of projects</li> <li>• Extent to which knowledge was enhanced in the Canadian federal system of current and emerging international justice sector development matters</li> <li>• Extent to which knowledge of Canadian justice system principles, structures, processes and experiences transferred to recipient countries to assist them in strengthening their justice system</li> <li>• Extent to which capacity of Canada was enhanced to participate strategically in foreign policy and international development matters</li> <li>• Evidence of enhanced capacity of recipient countries to deliver fair and accessible justice</li> <li>• Extent to which ILPS has contributed to strengthen rule of law and improve systems of justice internationally in furtherance of Justice Canada and Government of Canada priorities and foreign policy objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Project semi-annual reports to GAC</li> <li>• Project annual reports to GAC</li> <li>• project performance reports</li> <li>• Strategic advice</li> <li>• Research papers</li> <li>• Presentations/briefing material</li> <li>• Key informant interviews</li> <li>• Case studies</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
8. What factors are contributing to or constraining the achievement of expected outcomes?	<ul style="list-style-type: none"> <li>• Identified best practices and challenges</li> <li>• Nature of factors contributing to or constraining success</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Project semi-annual reports to GAC</li> <li>• Project annual reports to GAC</li> <li>• Key informant interviews</li> <li>• Case studies</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
9. To what extent have partnerships supported the achievement of ILPS outcomes?	<ul style="list-style-type: none"> <li>• Number and nature of partnerships</li> <li>• Contribution of partnerships to achieving identified outcomes</li> <li>• Perception of the contribution of partnerships to achieving the identified outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> <li>• Case studies</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
10. Have ILPS activities led to any unintended or unanticipated impacts?	<ul style="list-style-type: none"> <li>• Instances of unintended impacts and their effects</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>

Issues/Questions	Indicators	Data Sources	Responsibility for Collecting
<b>EFFICIENCY AND ECONOMY</b>			
11. Are there more appropriate and efficient means of achieving the expected results of ILPS activities?	<ul style="list-style-type: none"> <li>• Alternative management, accountability and reporting methods</li> <li>• Identified resource challenges</li> <li>• Appropriateness of ILPS organizational structure to support its outcomes</li> <li>• Level of funding</li> </ul>	<ul style="list-style-type: none"> <li>• Key informant interviews</li> <li>• Document review</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
12. How could the efficiency and economy of ILPS be improved?	<ul style="list-style-type: none"> <li>• Extent to which ILPS outcomes could be achieved for less money</li> <li>• Identified areas for improvement in efficiency and effectiveness of ILPS performance</li> </ul>	<ul style="list-style-type: none"> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>
13. Are other organizations within or outside of government better placed to deliver these programs and services?	<ul style="list-style-type: none"> <li>• Other organizations within or outside of government that are engaged in international development activities for the justice sector in other countries. Degree to which JUS activities complement/duplicate these organizations' activities</li> </ul>	<ul style="list-style-type: none"> <li>• Document review</li> <li>• Key informant interviews</li> </ul>	<ul style="list-style-type: none"> <li>• JUS Evaluation Division</li> <li>• ILPS</li> </ul>



**Appendix C:**  
**Data Collection Instruments**





**Evaluation of the International Legal Programs Section (ILPS)  
Key Informant Interview Guide for ILPS Counsel**

The 2009 Treasury Board of Canada Secretariat *Policy on Evaluation* requires federal departments to evaluate all direct program spending every five years. Consequently, the Department of Justice Evaluation Division is conducting an evaluation of the International Legal Programs Section (ILPS). The purpose of the evaluation is to assess the extent to which ILPS provides relevant and effective assistance to foreign countries seeking to modernize their justice system. The evaluation includes interviews with those working within ILPS, with representatives of the Department of Justice and of other organizations familiar with the work of ILPS.

The information gathered through this interview will be summarized in aggregate form and will not be attributed to individual informants. You will have an opportunity to review a written summary of the interview and make any corrections or additions.

The evaluation focuses on the period 2009 to 2014, so please consider your experiences during this period in your responses.

Your input and participation are greatly appreciated.

**Introduction**

1. Please describe your current role/position and responsibilities as they relate to your work with ILPS.

**Relevance**

2. Please describe the extent to which the activities of ILPS are aligned with:
  - a) the strategic outcomes of the Department of Justice;
    - *Strategic Outcome A: A fair, relevant and accessible Canadian Justice System.*
    - *Strategic Outcome B: A federal government that is supported by high-quality legal services;*
  - b) the federal priorities in the area of international development.

3. In your view, is there a legitimate and necessary role for the Canadian federal government to provide international legal assistance to foreign countries seeking to modernize their justice system?
  - a) If yes, please elaborate.
  - b) If no, why not?
4. Please describe the extent to which the activities of ILPS are aligned with the federal government's roles and responsibilities with respect to international development.
5. In your opinion, have there been any changes in the level or nature of the demand for the activities of ILPS in the last 5 years? Please consider the volume and the type of activities requested (such as technical legal assistance, strategic advice, and outreach).
6. In your opinion, is there a continued need for ILPS:
  - a) To provide technical assistance to foreign countries seeking to modernize their justice system?
    - 1) If yes, what are the benefits of having this type of assistance provided by ILPS?
    - 2) If no, why not?
  - b) To provide strategic advice and have strategic partnerships relating to international justice sector development issues?
    - 1) If yes, what are the benefits?
    - 2) If no, why not?
  - c) To participate in national and international information-sharing meetings?
    - 1) If yes, what are the benefits?
    - 2) If no, why not?

## **Design**

7. In your opinion, is the governance structure of ILPS appropriate?

8. Do you think that the roles and responsibilities of ILPS are clear? Please explain.
  - a) If not, what more needs to be done?
9. Does ILPS have a systematic process in place for collecting information, and monitoring and reporting on its performance results?
  - a) If yes, how is this information used?
  - b) If no, why not?

**Performance – Effectiveness**

10. Please describe briefly how ILPS becomes involve in starting a technical assistance project?
11. Thinking about what has resulted from the technical assistance project in (Specific Country) in which ILPS has been involved, please indicate the extent to which this project achieved its intended results of:
  - a) Knowledge transfer to assist (Specific Country) to strengthen its justice system;
  - b) Improved capacity of (Specific Country) to deliver fair and accessible justice; and
  - c) Strengthened rule of law and overall improved justice system of (Specific Country).
12. Have any partnerships develop while implementing the (Project) in (Specific Country)?
  - a) If yes, what types of organizations were involved?
  - b) What was the nature of the contributions made by these partnerships?
13. What worked particularly well while implementing the (Project)?
14. What, if anything, did not work so well while implementing the (Project)?
15. Were there any unintended or unanticipated impacts, either positive or negative, that occurred while implementing the (Project)?
  - a) If yes, what were they?

16. Based on your experience working with ILPS, what would you identify as best practices and/or lessons learned in the delivery of ILPS' work of providing technical assistance?
17. Turning to the strategic advice activities of ILPS, please briefly describe how ILPS becomes involve in providing strategic advice relating to justice sector development issues.
18. Thinking about the results achieved for the strategic advice function that ILPS has been involved, please indicate the extent to which each of the following intended results have been achieved:
  - a) Transfer of knowledge of current and emerging international development justice sector issues to Justice Canada and to other Canadian federal departments;
  - b) Improved capacity of Canada to participate strategically in foreign policy and international development justice sector issues; and
  - c) Advanced the priorities and foreign policy objectives of the Government of Canada.
19. Did any partnerships develop while undertaking the strategic advice function?
  - a) If yes, what types of organizations were involved?
  - b) What was the nature of the contributions made by these partnerships?
20. From your perspective, what would you identify as best practices and/or lessons learned with respect to ILPS's work in providing strategic advice relating to justice sector development issues?
  - a) And now, turning to information-sharing and outreach, please briefly describe how ILPS becomes involve in bilateral and multilateral information-sharing meetings. *(For example, specific GAC working group meetings, the Canada-UK-US Trilateral meetings)*

21. Thinking about the results achieved for the information-sharing meetings that ILPS has been involved, please indicate the extent to which each of the following intended results have been achieved:
- a) Exchange of knowledge of current and emerging international development justice sector issues at bilateral and multilateral information sharing meetings;
  - b) Improved capacity of Canada to participate strategically in foreign policy and international development justice sector issues; and
  - c) Advanced the priorities and foreign policy objectives of the Government of Canada.
22. Have any partnerships developed from the information-sharing meetings?
- a) If yes, what types of organizations were involved?
  - b) What were the nature of the contributions made by these partnerships?

**Performance (Efficiency & Economy)**

23. In your opinion, are adequate resources (e.g. human, financial, technological, other) in place to support the work of ILPS?
24. How has ILPS managed any resource challenges?
25. Are the most appropriate levels of legal counsel assigned to the various ILPS activities? Please elaborate.
- a) What measures are in place to ensure that the activities of ILPS are carried out efficiently and cost-effectively? (For example: i) assigning appropriate levels of counsel to a project; ii) using tools and practices to reduce the costs of the project)
26. Have there been any factors that have influenced, either positively or negatively, ILPS' ability to provide its activities efficiently? Please elaborate.
27. What, if any, suggestions do you have for improving the efficiency and/or cost-effectiveness of the activities provided by ILPS?

28. What other organizations outside of government are engaged in international development activities for the justice sector?

- a) Are these organizations complementing or duplicating the work of the ILPS. Please elaborate.

**Conclusion**

29. Do you have anything else you would like to add?

*Thank you for your time. Your participation is greatly appreciated.*

## **Evaluation of the International Legal Programs Section (ILPS) Key Informant Interview Guide for Partners of Legal Technical Assistance Projects**

The 2009 Treasury Board of Canada Secretariat *Policy on Evaluation* requires federal departments to evaluate all direct program spending every five years. Consequently, the Department of Justice Evaluation Division is conducting an evaluation of the International Legal Programs Section (ILPS). The purpose of the evaluation is to assess the extent to which ILPS provides relevant and effective assistance to foreign countries seeking to modernize their justice system. The evaluation includes interviews with those working within ILPS, with representatives of the Department of Justice and of other organizations familiar with the work of ILPS.

The information gathered through this interview questionnaire will be summarized in aggregate form and will not be attributed to individual informants. You will have the opportunity to review a written summary of the interview and make any corrections or additions.

The evaluation focuses on the period 2009 to 2014, so please consider your experiences during this period in your responses.

Your input and participation are greatly appreciated.

### **Introduction**

1. Please describe your current role/position and responsibilities as they relate to your involvement with the International Legal Programs Section (ILPS) of the Department of Justice Canada.

### **Relevance**

2. In your view, is there a legitimate and necessary role for the Canadian federal government to provide international legal assistance?
  - a) If yes, please elaborate.
  - b) If no, why not?



3. In your opinion, is there a continued need for ILPS to provide technical assistance to foreign countries seeking to modernize their justice system?
  - a) If yes, what are the benefits of having this type of assistance provided by ILPS?
  - b) If no, why not?

### **Design**

4. Do you think that the roles and responsibilities of ILPS are clearly communicated to your organization? Please explain.
  - a) If not, are there ways in which ILPS can communicate its roles and responsibilities more clearly?
  - b) What else can be improved?
5. Does the ILPS use a systematic process for collecting information, and monitoring and reporting on its performance results for the (Project) in the (Specific Country)?
  - a) If yes, how is this information used?
  - b) If no, why not?

### **Performance – Effectiveness**

6. Please indicate the extent to which transfer of knowledge by ILPS on current and emerging international development justice sector-related issues to other Canadian federal departments have occurred. (*i.e., any Strategic advice provided to your organization by ILPS*)
7. Please briefly describe how the ILPS became involved in starting the (Project) to provide technical legal assistance in the (Specific Country).

8. Now, I would like to ask you about what has resulted from the (Project) in (Specific Country) in which ILPS has been involved. To what extent has the (Project) achieve its intended results in terms of:
  - a) Knowledge transfer to assist the (Specific Country) to strengthen its justice system;
  - b) Improved capacity of the (Specific Country) to deliver fair and accessible justice; and
  - c) Strengthened rule of law and overall improved justice system of the (Specific Country).
9. Has any partnerships develop while implementing the (Project) in the (Specific Country)?
  - a) If yes, what types of organizations were involved?
  - b) What was the nature of the contributions made by these partnerships?
10. What has worked particularly well while implementing the (Project)?
11. What, if anything, has not worked so well while implementing the (Project)?
12. Are there any unintended or unanticipated impacts, either positive or negative, that have occurred while implementing the (Project)?
  - a) If yes, what are they?
13. Based on your experience working with ILPS, what would you identify as best practices and/or lessons learned in the delivery of ILPS' work of providing technical assistance through the (Project) in the (Specific Country)?
14. In general, how satisfied are you with the technical assistance work your organization has received from the ILPS?

**Performance (Efficiency & Economy)**

15. Are other organizations in the (Specific Country) engaged in international development activities for the justice sector?
  - a) If yes, are these organizations complementing or duplicating the work of ILPS that is being done in the (Specific Country)? Please elaborate.

## **Conclusion**

16. Do you have anything you would like to add about your experience working with ILPS?

*Thank you for your time. Your participation is greatly appreciated.*

**Evaluation of the International Legal Programs Section (ILPS)  
Key Informant Interview Guide for Beneficiaries of the  
Legal Technical Assistance Projects**

The 2009 Treasury Board of Canada Secretariat *Policy on Evaluation* requires federal departments to evaluate all direct program spending every five years. Consequently, the Department of Justice Evaluation Division is conducting an evaluation of the International Legal Programs Section (ILPS). The purpose of the evaluation is to assess the extent to which ILPS provides relevant and effective assistance to foreign countries seeking to modernize their justice system. The evaluation includes interviews with those working within ILPS, with representatives of the Department of Justice and of other organizations familiar with the work of ILPS.

The information gathered through this interview will be summarized in aggregate form and will not be attributed to individual informants. You will have an opportunity to review a written summary of the interview and make any corrections or additions.

The evaluation focuses on the period 2009 to 2014, so please consider your experiences during this period in your responses.

Your input and participation are greatly appreciated.

**Introduction**

1. Please describe your current role and responsibilities within your organization.
2. What is the nature of your organization's relationship with the International Legal Programs Section (ILPS) of the Department of Justice Canada?

**Relevance**

3. In your opinion, is there a continued need for ILPS to provide legal technical assistance to foreign countries seeking to modernize their justice system?
  - a) If yes, what are the benefits of having this type of assistance provided by ILPS?
  - b) If no, why not?

### **Performance – Effectiveness**

4. Please briefly describe how ILPS became involved in starting the (Project) to provide legal technical assistance in (Specific Country)?
5. Now, I would like to ask you about what has resulted from the (Project) in which ILPS has been involved. To what extent did the (Project) achieve its intended results in terms of:
  - a) Knowledge transfer to assist (Specific Country) to strengthen its justice system;
  - b) Improved capacity of (Specific Country) to deliver fair and accessible justice; and
  - c) Strengthened rule of law and overall improved justice system of (Specific Country).
6. Has any partnerships develop while implementing the (Project)?
  - a) If yes, what types of organizations were involved?
  - b) What was the nature of the contributions made by these partnerships?
7. What worked particularly well while implementing the (Project)?
8. What, if anything, did not work so well while implementing the (Project)?
9. Were there any unintended or unanticipated impacts, either positive or negative, that occurred while implementing the (Project)?
  - a) If yes, what were they?
10. In general, how satisfied are you with the legal technical assistance your organization has been receiving from ILPS?
11. Based on your experience working with ILPS, what would you identify as best practices and/or lessons learned in the delivery of ILPS' work of providing legal technical assistance?

**Performance –Efficiency & Economy**

12. What other organizations outside of your government are providing international justice sector related services in (Specific Country)?
- a) Please elaborate.

**Conclusion**

13. Do you have anything you would like to add about your experience working with ILPS?

*Thank you for your time. Your participation is greatly appreciated.*

## **Evaluation of the International Legal Programs Section (ILPS) Key Informant Interview Guide for Partners of the Strategic Advice Function**

The 2009 Treasury Board of Canada Secretariat *Policy on Evaluation* requires federal departments to evaluate all direct program spending every five years. Consequently, the Department of Justice Evaluation Division is conducting an evaluation of the International Legal Programs Section (ILPS). The purpose of the evaluation is to assess the extent to which ILPS provides relevant and effective assistance to foreign countries seeking to modernize their justice system. The evaluation includes interviews with those working within ILPS, with representatives of the Department of Justice and of other organizations familiar with the work of ILPS.

The information gathered through this interview will be summarized in aggregate form and will not be attributed to individual informants. You will have an opportunity to review a written summary of the interview and make any corrections or additions.

The evaluation focuses on the period 2009 to 2014, so please consider your experiences during this period in your responses.

Your input and participation are greatly appreciated.

### **Introduction**

1. Please describe your current role and responsibilities within your organization.
2. What is the nature of your organization's relationship with the International Legal Programs Section (ILPS) of the Department of Justice Canada?

### **Relevance**

3. In your view, is there a legitimate and necessary role for the federal government to provide international legal assistance?
  - a) If yes, please elaborate.
  - b) If no, why not?

4. In your opinion, is there a continued need for ILPS to provide strategic advice and develop strategic partnerships relating to international justice sector development issues?
  - a) If yes, what are the benefits?
  - b) If no, why not?

### **Design**

5. Do you think that the roles and responsibilities of ILPS are clearly communicated to your organization? Please explain.
  - a) If not, are there ways in which ILPS can communicate its roles and responsibilities more clearly to clients?
  - b) What else can be improved?

### **Performance – Effectiveness**

6. Please briefly describe how ILPS became involved in providing strategic advice relating to justice sector development issues to your organization.
7. Thinking about the results achieved for the strategic advice function that ILPS has been involved, please indicate the extent to which each of the following intended results were achieved:
  - a) Transfer of knowledge of current and emerging international development justice sector issues to Justice Canada and to other Canadian federal departments;
  - b) Improved capacity of Canada to participate strategically in foreign policy and international development justice sector issues; and
  - c) Advanced the priorities and foreign policy objectives of Justice Canada and the Government of Canada.
8. Did any partnerships develop while undertaking the strategic advice function?
  - a) If yes, what types of organizations were involved?
  - b) What was the nature of the contributions made by these partnerships?



9. Were there any factors that contributed or constrained ILPS' ability to provide timely and high-quality strategic advice to your organization?
  - a) If yes, please elaborate.
10. In general, how satisfied are you with the work on strategic advice relating to justice sector development issues your organization has been receiving from ILPS?
11. Based on your experience working with ILPS, what would you identify as best practices and/or lessons learned in the delivery of ILPS' work in providing strategic advice relating to justice sector development issues?

**Performance – Efficiency & Economy**

12. What other organizations outside of government are providing international justice sector related services?
  - a) Please elaborate.

**Conclusion**

13. Do you have anything you would like to add about your experience working with ILPS?

*Thank you for your time. Your participation is greatly appreciated.*

## **Evaluation of the International Legal Programs Section (ILPS) Key Informant Interview Guide for Partners of the Outreach Function**

The 2009 Treasury Board of Canada Secretariat *Policy on Evaluation* requires federal departments to evaluate all direct program spending every five years. Consequently, the Department of Justice Evaluation Division is conducting an evaluation of the International Legal Programs Section (ILPS). The purpose of the evaluation is to assess the extent to which ILPS provides relevant and effective assistance to foreign countries seeking to modernize their justice system. The evaluation includes interviews with those working within ILPS, with representatives of the Department of Justice and of other organizations familiar with the work of ILPS.

The information gathered through this interview will be summarized in aggregate form and will not be attributed to individual informants. You will have an opportunity to review a written summary of the interview and make any corrections or additions.

The evaluation focuses on the period 2009 to 2014, so please consider your experiences during this period in your responses.

Your input and participation are greatly appreciated.

### **Introduction**

1. Please describe your position and responsibilities as they relate to your relationship with the International Legal Programs Section (ILPS) of the Department of Justice Canada.

### **Relevance**

2. In your opinion, is there a continued need for ILPS to participate in international information-sharing meetings such as the Canada-UK-US Trilateral Meeting on International Justice Sector Development?
  - a) If yes, what are the benefits?
  - b) If no, why not?

### **Performance – Effectiveness**

3. Please briefly describe how ILPS became involved in the Canada-UK-US Trilateral Meeting on International Justice Sector Development

4. Thinking about the results achieved from the Canada-UK-US Trilateral Meetings on International Justice Sector Development that ILPS has been involved, please indicate the extent to which each of the following intended results have been achieved:
  - a) Exchange of knowledge of current and emerging international development justice sector issues at bilateral and multilateral information sharing meetings;
  - b) Improved capacity of Canada to participate strategically in foreign policy and international development justice sector issues; and
  - c) Advanced the priorities and foreign policy objectives of the Government of Canada.
5. Have any partnerships developed from the Trilateral Meetings?
  - a) If yes, what types of organizations were involved?
  - b) What were the nature of the contributions made by these partnerships?
6. In general, how satisfied are you with your relationship with ILPS?
7. Based on your experience working with ILPS, what would you identify as best practices and/or lessons learned from ILPS' participation in information-sharing meetings?

**Performance (Effectiveness & Efficiency)**

8. Are there other organizations that can either complement and/or duplicate the participation of ILPS in the Canada-UK-US Trilateral Meetings on International Justice Sector Development? Please elaborate.

**Conclusion**

9. Do you have anything else you would like to add about your relationship with ILPS?

*Thank you for your time. Your participation is greatly appreciated.*

## **Evaluation of the International Legal Programs Section (ILPS) Key Informant Interview Guide for the Senior Assistant Deputy Minister**

The 2009 Treasury Board of Canada Secretariat *Policy on Evaluation* requires federal departments to evaluate all direct program spending every five years. Consequently, the Department of Justice Evaluation Division is conducting an evaluation of the International Legal Programs Section (ILPS). The purpose of the evaluation is to assess the extent to which ILPS provides relevant and effective assistance to foreign countries seeking to modernize their justice system. The evaluation includes interviews with those working within ILPS, with representatives of the Department of Justice and of other organizations familiar with the work of ILPS.

The information gathered through this interview will be summarized in aggregate form and will not be attributed to individual informants. You will have an opportunity to review a written summary of the interview and make any corrections or additions.

The evaluation focuses on the period 2009 to 2014, so please consider your experiences during this period in your responses.

Your input and participation are greatly appreciated.

### **Introduction**

1. Please describe your current role/position and responsibilities as they relate to your work with ILPS.

### **Relevance**

2. Please describe the extent to which the activities of ILPS are aligned with the:
  - a) Strategic outcomes of the Department of Justice;
    - *Strategic Outcome A: A fair, relevant and accessible Canadian Justice System.*
    - *Strategic Outcome B: A federal government that is supported by high-quality legal services;*
  - b) Federal priorities in the area of international development.

3. In your view, is there a legitimate and necessary role for the federal government to provide international legal assistance?
  - a) If yes, please elaborate.
  - b) If no, why not?
4. Please describe the extent to which the activities of ILPS are aligned with the federal government's roles and responsibilities with respect to international development.
5. In your opinion, is there a continued need for ILPS?
  - a) If yes, please elaborate. Should ILPS continue to provide legal technical assistance, strategic advice, and participate in national and international information-sharing meetings?
  - b) If no, why not?

### **Design**

6. In your opinion, is the governance structure of ILPS appropriate?
7. Do you think that the roles and responsibilities of ILPS are clear? Please explain.
  - a) If not, what more needs to be done?

### **Performance – Effectiveness**

8. In general, how satisfied are you with the work produced by ILPS?
9. In your view, what has worked particularly well for ILPS?
10. What has not worked so well for ILPS?

### **Performance (Efficiency & Effectiveness)**

11. On your opinion, are adequate resources (e.g. human, financial, technological, other) in place to support the work of ILPS?

12. Have there been any factors that have influenced, either positively or negatively, ILPS' ability to provide its activities efficiently? Please elaborate.
13. What, if any, suggestions do you have for improving the efficiency and/or cost-effectiveness of the activities provided by ILPS?

**Conclusion**

14. Do you have anything else you would like to add about your experience working with ILPS?

*Thank you very much for your time and input. Your participation is greatly appreciated.*