

# Evaluation of the International Law Research Program

## *Final Report*

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Innovation

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## Executive Summary

The ILRP launched at CIGI in 2013 as an integrated multidisciplinary research and teaching program that connects knowledge and practice to build the international law framework around key issues in the areas of intellectual property, economic and environmental law. This evaluation is the first of the program since its inception in 2013, with data collected between December 2017 and January 2018.

The evaluation found that the research and events of the ILRP fill a need for in-depth, comprehensive, policy-relevant, and timely analysis pertaining to challenges in international law. The program exercises agility in responding to issues as they emerge, though the program might benefit from strengthened planning processes.

The scholarships and fellowships provided by the ILRP provide a unique opportunity for emerging law researchers to engage in policy-relevant work in a non-academic setting. The program is likely to be attracting and retaining legal scholars in Canada, allowing for the development of Canadian research capacity and scholarship.

The program is adding value to dialogues in international law by providing substantive analysis to pressing, emerging, or forward-looking topics through a credible and Canadian lens. There is close alignment between the mandates and priorities of the ILRP and those of CIGI.

The ILRP boasts impressive convening power, and has demonstrated significant achievements in helping to shape policy processes. There has been strong uptake among the provincial and federal stakeholders, especially in IP. Greater clarity regarding its target audiences would likely increase the program's effectiveness.

Recipients of ILRP scholarships and fellowships benefit significantly from their participation in the program. The experience of the participants would be heightened through increased opportunities for scholars to be engaged in the program during the residency component, and through greater clarity of the role of the post-doctoral fellowship program.

The ILRP has become more efficient over time, in terms of its ability to program as well as in its overhead ratio relative to overall program costs. Additional sources of funding secured past year ten should be carefully weighed against the potential impact upon the program's reputation; a key strength of the ILRP is in its perceptions as an independent, neutral, and credible source.

ILRP is considered high-value to many of its external stakeholders, who wish to see the program continue its excellent work. Some suggest the program could more fully publicize its research as well as its scholarship and fellowship opportunities.

***RECOMMENDATION #1:* The ILRP should strengthen its internal planning processes to include mechanisms for strong annual consultation (internal and external); provide more clarity regarding its intended audiences and adapt its communication strategy for these audiences; and a more formal project selection process.**

**RECOMMENDATION #2:** The ILRP should continue to increase its focus on areas of work in which it adds the most value.

**RECOMMENDATION #3:** The ILRP should continue to clarify and communicate the role of the post-doctoral fellowship program and find ways to more fully engage the scholarship students in the ILRP while they are in residence.

**RECOMMENDATION #4:** The ILRP should begin to position itself for a future in which additional funders are brought on board, giving thought to how to maintain its position as a trusted source of information and advice in doing so.

## 1.0 Introduction

Goss Gilroy Inc. (GGI) is pleased to submit this Final Evaluation Report in support of the Evaluation of the Centre for International Governance Innovation's (CIGI's) International Law Research Program (ILRP).

This report contains the findings, conclusion and recommendations stemming from this evaluation. The evaluation of the ILRP began in the fall of 2017, with data collection activities launched in early December and completed in January of 2018. This is the first time this program has been the subject of its own evaluation, though CIGI as an organization has twice been the subject of an evaluation commissioned by the Government of Canada; first in 2008 and again in 2013. A third such evaluation of CIGI is underway presently and will incorporate the findings of this report.

### 1.1 The International Law Research Program

The ILRP launched at CIGI in 2013 as an integrated multidisciplinary research and teaching program that provides leading academics, government representatives and private and legal sector experts, as well as students with the opportunity to contribute to advancements in international law. It connects knowledge and practice to build the international law framework around key issues in the areas of intellectual property, economic and environmental law. A fourth cross-cutting area, international Indigenous law, is growing in importance as well.

The 10-year initiative is supported with \$30 million from the Ministry of Research, Innovation, and Science (MRIS) (originally the Ontario Ministry of Training, Colleges and Universities), and \$30 million from CIGI chair and founder Jim Balsillie. A series of workshops, reports, policy briefs, and a growing network of influence, explore practical approaches to improving the global rule of law.

Since the Program began in 2013, CIGI has issued 70 publications in a variety of formats. The bulk are published as numbered and dated CIGI Papers (sometimes issued as a numbered Commentary Series on a particular topic). Others are called Special Reports (undated), Policy Briefs, Policy Memos, Commentaries and, in three cases, books. One book on Investor-State Arbitration is already published and two are forthcoming in 2018: one on Brexit and the other on legal reflections on Canada at 150.

CIGI also has a multimedia presence ([cigionline.org/multimedia](http://cigionline.org/multimedia)) which allows senior staff and fellows to comment on international law issues as reflected in its publications. CIGI also communicates via its social media accounts on Facebook and Twitter. A list of the key multimedia pieces and its top 10 social media engagements are provided in the Program's annual report (from the end of March to the first of April) along with a list of articles, interviews and opinion pieces (45 appear on CIGIonline.org and 7 in the Globe and Mail, Financial Post and Huffington Post).

The ILRP has a significant capacity building component as well. Since 2015, the ILRP has funded up to 39 graduate students and post-doctoral fellows per year to undertake research in the program's areas of focus. Graduate students complete a four-month residency at the CIGI campus, during the summer months, and are granted \$24,000 in their first year (with an option to renew for a second and third year for \$16,000 annually). Post-Doctoral students are brought on full-time for up to three years, with starting salaries in the range of \$80,000. Both graduate students and post-doctoral fellows are recruited through a competitive process that considers both their achievements and alignment with the program's research agenda.

As of January 2018, there are 84 legal experts contributing to the work of the ILRP. This figure comprises 48 ILRP research fellows and 34 authors contributing papers towards the two books coming in spring 2018. The ILRP Advisory Committee, which is currently comprised of five members who are eminent experts in international law, periodically provides strategic advice to the program, particularly in relation to its annual program of work.

## 2.0 Scope and Methodology

This evaluation serves dual objectives. Firstly, it is an opportunity to generate learning for the ILRP. As emphasized in the CIGI strategic plan (2015-20), CIGI is committed to conducting periodic internal reviews of major activities. However, this evaluation is also scheduled to satisfy accountability requirements as per the funding agreement with the Province of Ontario, which specifies that the first evaluation of the ILRP must take place during year 5 of the program's funding. As such, this evaluation looks backwards, to take stock of achievements and to identify weaknesses, but also aims to look forward, in order to generate meaningful recommendations that the program can implement for immediate improvements.

It is also worth noting that while the program technically began in 2013, its first director was hired about a year into the program, in April of 2014. The program increased its research output and activities rapidly and was almost at its full budget by the 2015-16 year. This past year (2016-17) is the first year the program spent its full budget. The program has been operating at full capacity with respect to its scholarship students from year one.

Our reading of CIGI's Evaluation Plan, the agreement with the Province, and the Terms of Reference for this evaluation suggested that a study with both formative and summative elements was expected. We have attempted to take this into account by centering our evaluation questions at the immediate and intermediate outcome level, placing due focus on relevance, and examining questions of resource allocation and financial sustainability. Evaluation questions, indicators, and potential data sources were drawn from preliminary interviews with program staff and then used to develop an evaluation matrix. This matrix can be found on page 7 and provides the overall framework to guide the evaluation. The overall basis of the evaluation is the program's own logic model, which can be found on page 5, with the goal of fidelity between the evaluation's areas of inquiry and the program's own stated objectives.

A total of 36 key informant interviews were held for this evaluation, 9 of which were with internal key informants (program staff, ILRP Advisory Committee Members, and Senior Fellows). 27 key informants were external to the program, namely government stakeholders, partners, and law school representatives. Interviews were semi-structured, about an hour long, using the interview guides found in Appendix A.

An online survey was also developed to examine the scholarship student's experiences. This survey was open for about a month between December and January. A census approach was used, in which all 60 current and past students<sup>1</sup> were invited to participate, and about three quarters of them did – a solid response rate, giving us much confidence in the overall results. The questions posed in the survey can be found in Appendix A.

Furthermore, an expert review of publications was conducted to provide greater depth in the exploration of relevance. The publication review, conducted by international law expert Robert Hague, comprised a review of 48 ILRP publications, with a greater focus on those published since 2016.

A review of internal documentation was also conducted, which looked mainly at questions of relevance. Lastly, an informal focus group was held at CIGI in December, attended by four recipients of ILRP scholarships/fellowships.

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<sup>1</sup> There are currently 29 students receiving a scholarship, with 31 students having previously received 1 – 3 years of funding.

A mid-term report and final presentation was given to program staff and senior management at CIGI in December. Feedback from that meeting, as well as additional data collection undertaken in January, was also used in the development of this draft report.

## 2.2 Challenges & Limitations

The complexity of the program in relation to the relatively small scope of this study proved a challenge to the evaluation. The ILRP comprises three streams, and one cross-cutting area of focus. While there are intersections, the streams work with different stakeholders, engage in different fora, and given this, may have slightly different objectives in terms of “shaping global rules”. In terms of soliciting feedback from stakeholders, this sometimes means trying to derive findings from only a small number of interviewees who spoke to that stream. (This also sometimes poses challenges with respect to providing concrete examples while maintaining confidentiality of key informants, e.g. if someone was critical of an event and only one key informant attended that event).

Concomitant to the above, the interviews were imbalanced in the sense that many more spoke to the IP stream than the others, followed by the economic stream. This imbalance was mitigated, to a degree, by adding additional interviews in January and including more publications from the environment stream into the publications review.

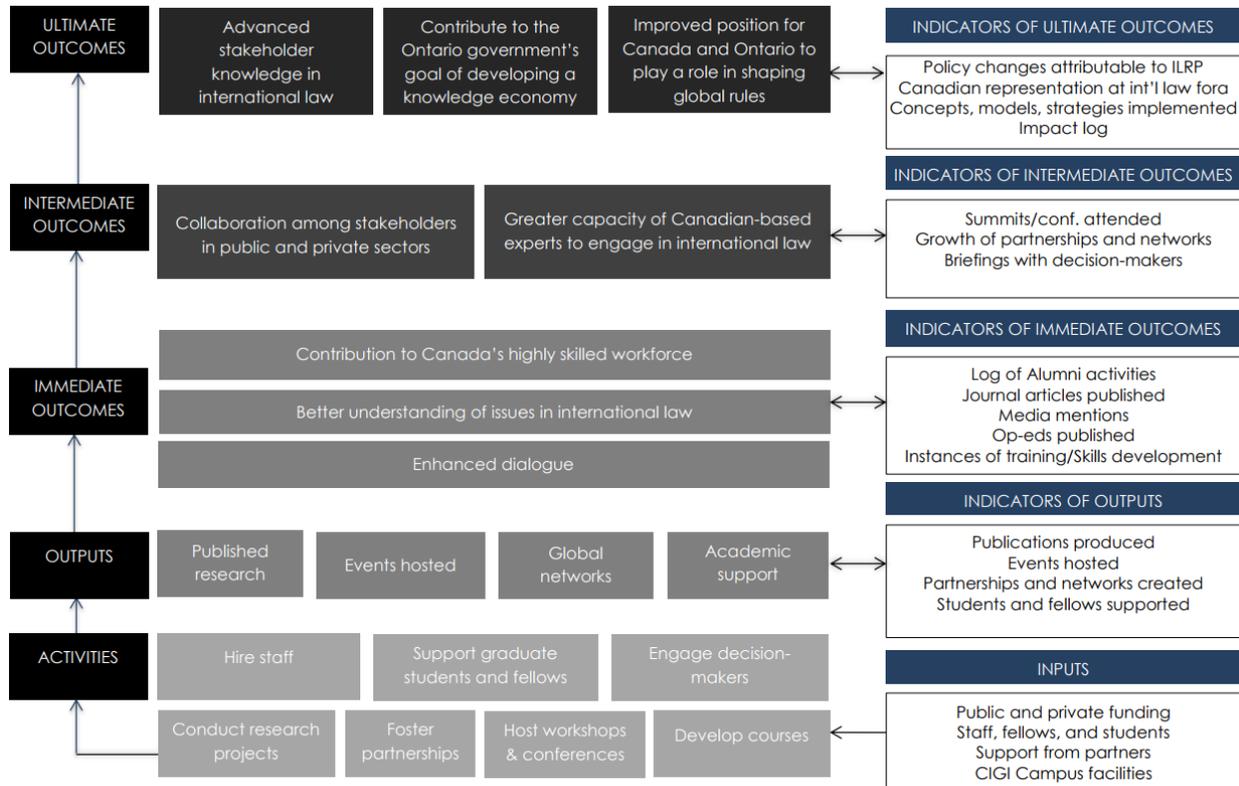
There is certainly a difficulty in measuring the awareness of the ILRP overall. There is no feasible way to do a general survey of all possible domestic and international stakeholders to understand how well the program is known. Therefore, as is common, known stakeholders were asked about their impressions of the program’ visibility and other measures such as uptake of research were used to indirectly address these same questions.

This brings us to the next limitation, in that all interviewees were proposed by the program itself. Therefore, the possibility of a beneficiary bias is present, in that these stakeholders have benefited from the program in some way (e.g. through use of its research) and are presumed to have a relationship with the program that is at least likely to be positive.

Despite the excellent overall response rate for the survey, only one of the respondents was a post-doctoral student. That means a total of three post-doctoral students’ voices were actually heard in this evaluation, including the small focus group that included two post-doctoral students. (It is also entirely possible that one of the focus group participants was also the sole survey respondent, meaning we may have heard from only two). This is somewhat disappointing, considering there were many comments *about* the post-doctoral fellows from key informants, and it would have been nice to hear more about their own experiences. However, three survey invitation/reminders were sent out by the program, and the evaluation eventually had to move on.

## 3.0 Logic Model

The logic model for the ILRP is depicted below.



Of note in the logic model are the two outcome areas (or “results chains”) that are present within the model. On the one hand, there are expected outcomes in terms of knowledge and influence that are typical for CIGI, and stem mainly from the program’s research, events, and network development. There is also, however, a distinct capacity building element of the program as well, an outgrowth of the scholarships and fellowships granted to law students; this element has goals of contributing to the highly skilled workforce and developing the knowledge economy.

The first of these areas requires the evaluators to engage with those stakeholders that the ILRP is trying to influence; the second requires feedback from the scholars and fellows to understand potential impacts on their career trajectories. Ultimately, these different expected results are assumed to be both intertwined and mutual reinforcing.

## 4.0 Evaluation Issues, Questions, and Indicators

The following table presents the evaluation matrix, which provides the overall framework for this study. While some elements of this evaluation were formative in nature, we also included two indicators (which are **bolded**) that seek to find impacts at the ultimate outcome level. This was done to be able to capture any high-level achievements that may have been made by the program, while also acknowledging it is still early days in many respects.

Evaluation Question	Evaluation Indicator	Document Review	Interviews		Survey	Expert Review
			External	Internal		
<b>Relevance</b>						
1. Do the activities of the ILRP meet a demonstrated need for research on international law?	1.1 Evidence of information needs of stakeholders/decision-makers	✓	✓	✓		
	1.2 Evidence that project selection/research program is informed by these needs	✓		✓		
2. Is there a demonstrated need for scholarships and fellowships in international law in Canada?	2.1. Absence of comparable opportunities for recipients		✓		✓	
3. Has the research produced by the ILRP added value to relevant dialogues on international law?	3.1 Degree to which ILRP research focuses on pertinent issues in international law		✓		✓	✓
	3.2 Degree to which ILRP research/events provide a unique perspective not offered by other organizations		✓	✓		✓
4. Is the work of the ILRP aligned to CIGI's priorities and mandate?	4.1 Degree of alignment	✓		✓		
<b>Performance</b>						
5. To what extent are the ILRP's target audiences: i) Listening to the ILRP (uptake) ii) Considering new approaches (influence) iii) Adopting ILRP-developed recommendations (impact)	5.1 Degree to which the ILRP's work is reaching its intended audience	✓	✓	✓	✓	
	5.2 Evidence that ILRP research was used in international fora	✓	✓	✓	✓	
	<b>5.3 Examples of policy changes attributed to ILRP</b>		✓	✓	✓	✓
6. To what extent is the ILRP increasing the capacity of new professionals to engage effectively with international law?	6.1 Evidence of advanced knowledge and understanding in areas of research		✓		✓	
	6.2 Evidence that Canadian-based international law experts are better positioned in the workforce	✓	✓	✓	✓	

Evaluation Question	Evaluation Indicator	Document Review	Interviews		Survey	Expert Review
			External	Internal		
	<b>6.3 Evidence that CIGI-funded experts contribute to the Ontario and/or Canadian economy</b>	✓	✓	✓	✓	

### ***Efficiency***

7. To what extent are financial and human resource allocation strategies used by the ILRP efficient?	7.1 Extent to which the ILRP is on track with its program of activities	✓		✓		
	7.2 Relative impact of the ILRP's delivery approaches (events/papers/briefings)	✓	✓	✓		
	7.3 Suggestions of alternatives that may offer greater efficiencies		✓	✓		

### ***Sustainability***

8. How can the ILRP position itself to achieve financial sustainability into the future?	8.1 Identification of alternative/additional funding sources/mechanisms		✓	✓		
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### ***Lessons Learned***

9. How can the ILRP increase its value to decision-makers and other stakeholders into the future?	9.1 Opinions/ideas from stakeholders		✓		✓	
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## 5.0 Findings on Relevance

### EQ1: Do the activities of the ILRP meet a demonstrated need for research on international law?

**FINDING:** The research and events of the ILRP fill a need for in-depth, comprehensive, policy-relevant, and timely analysis pertaining to challenges in international law. The program's inherent flexibility means it exercises agility in responding to issues as they emerge. However, ILRP's activities are only informally determined by the identified needs of stakeholders, and the program might benefit from strengthened planning processes.

#### 1.1 Evidence of information needs of stakeholders/decision-makers

In order to understand the information needs of stakeholders, we simply asked external stakeholders what their needs were. Additionally, we asked internal stakeholders to identify what they thought the needs of external stakeholders were, providing something of a proxy based on their own experiences.

Many of the stakeholders we spoke to play a role in which they are constantly trying to stay abreast of the issues in their area of work/expertise. Indeed, several discussed the challenge in trying to keep up with the most current thinking and were looking for sources that synthesize. For some stakeholders, typically working in more niche areas with fewer players (e.g. international IP policy), they will read anything published within their domain of work. For those working either in negotiations or with other countries in some other capacity, understanding international stakeholders' perspectives and positions was an additional information need. Several mentioned they appreciate international comparative pieces.

Many noted the appreciation of those who play a role in scanning the broader horizon for trends that could impact their work in the future. They find they cannot do this in their day-to-day job, and appreciate the role of think tanks – and ILRP more specifically – in identifying emerging issues that could affect them in the future. The scope of information these interviewees are looking for, in many cases, could be characterized as comprehensive analysis with a pragmatic bent, for example, “Many stakeholders simply don't have the time to fully investigate and synthesize new issues in international law – [they are] often missing the bigger picture. Academic work is often theoretical, and practitioner work is very practical; there is a middle ground where there is a demand for in-depth analysis.” That said, there was a subset of interviewees who noted they relied most often on academic sources such as journals.

The credibility of the source of information was raised numerous times as a factor that influenced the information that one consumes. Stakeholders noted that they seek out and appreciate perspectives that are well informed and neutral on substantive issues.

The timeliness of the information was also considered very important, especially among government stakeholders who seek out information to help inform immediate challenges they need to resolve in their work. For these stakeholders, “We’re looking for information that is policy relevant – and relevant now”. Again, while many of the external stakeholders highlighted the need for concise, easy-to-digest sources of information, there were a few that preferred a lengthier and more academic bent.

While the document review did not reveal much evidence in terms of the information needs of stakeholders, the way the program describes itself is certainly in line with the expressed needs of its stakeholders. For example, the “...the ILRP develops high-quality, policy-relevant research on cutting-edge issues of international law for maximum impact”, as noted in the 2017-18 work plan for the program. In other words, there is certainly congruence between the information needs as articulated by stakeholders and the expressed rationale for the program.

### *1.2 Evidence that project selection/research program is informed by these needs*

There is little evidence to suggest that the ILRP’s project selection process is informed by the determined needs of stakeholders in any sort of structured or formal way. Certainly though, the program overall aims to be responsive to stakeholder needs while retaining focus on the areas of expertise that they are building.

The overarching business plan for the program notes that, “In consultation with public, private, academic and civil society sector experts in international and transnational law, the ILRP develops and implements a flexible research agenda.” Internal stakeholders described this agenda-setting process as organic, utilizing inputs such as annual and ongoing consultations with stakeholders, idea pitches from senior fellows that emerge as a result of interactions within their networks, and suggestions emanating from the CIGI Board of Directors and the ILRP Advisory Committee. This informal approach means that there are no strict project selection criteria, intended audience identification, or intentional alignment to the program’s logic model that is documented and communicated. In the absence of written guidelines and/or project selection criteria, projects are developed through back-and-forth discussions with the Director or Deputies. This process is reported to take anywhere from 2-18 months or more, a complaint of some internal stakeholders. The first written documentation of the project is the actual contract. In terms of the program’s original mandate, described in a two-page schedule in the contract with the Province, the very broad parameters only set the three pillars of work and left most of the details up to the eventual Director. The annual work plan that is submitted to the province is not aligned to the logic model, however, we understand that a new reporting format will be developed next year to do just that.

In some ways, this flexibility to respond to emerging trends or needs as they develop is certainly a strength of the program, that likely underpins its successes in terms of outcomes achievement (see Section 6.0). The documentation notes that, “work planning for a given year of ILRP activity provides a flexible framework within which to advance the international law research agenda and muster projects and expertise to respond effectively and strategically with policy-relevant advice

for events unfolding in the real world.” However, some internal stakeholders indicated that a little more structure around project selection would be helpful to ensure the program is strategic in its efforts. These respondents noted, “In terms of project selection, my general observation is that it could be more strategically managed”, and “Having a project selection process more formalized and written down would help”.

## **EQ2: Is there a demonstrated need for scholarships and fellowships in international law in Canada?**

**FINDING:** The scholarships and fellowships provided by the ILRP provide a unique opportunity for emerging law researchers to engage in policy-relevant work in a non-academic setting. The majority of students indicated their research would have proceeded without the assistance of the ILRP, suggesting the program is not meeting a need in terms of financing additional research that would not have been developed otherwise. However, this additional funding is likely to be attracting and retaining legal scholars in Canada, allowing for the development of Canadian research capacity and scholarship.

### **2.1 Absence of comparable opportunities for recipients**

As with the rest of the program, the ILRP’s scholarship/fellowship component is viewed as falling in the middle of the spectrum between the policy world and the academic one, somewhere between more practical internship programs offered through government departments such as Global Affairs Canada and more traditional and theoretical scholarship programs offered by law schools. When asked about what makes the opportunities offered to students by CIGI then other scholarship programs already available to law students, interviewees (i.e. not the students themselves) highlighted the opportunities for exposure and network development outside of academia, the encouragement of interdisciplinary research, and the uniqueness of the required residency period. In general, stakeholders appreciated the existence of funding opportunities to allow for the development of Canadian research capacity (indeed, a key goal of the program); a few suggested that in the absence of the program, students might either pursue their studies abroad or discontinue them altogether.

While their overall feedback was quite positive, when asked about these same issues, the students themselves seemed to suggest their studies would have continued regardless of the funding they received from the ILRP. In fact, almost two-thirds of survey respondents who answered this question (61%) felt that their research project ‘probably would have’ or that there was a ‘very high chance it would have’ proceeded if it had not been funded by CIGI. Furthermore, just over two thirds (68%) noted there were other scholarship opportunities for which they were available. Lastly, about a third (36%) of the students noted that IRLP funding actually comprised less than half of the total funding they were receiving. All three of these survey questions are typical questions used in the evaluation of scholarship programs, and meant to identify whether or not the funding opportunities are filling a niche. While it is not a completely clear picture, these

results would suggest that – at least when strictly discussing financial aspects – the ILRP scholarship and fellowship programs may not be providing these opportunities to students who would otherwise go without. However, it bears repeating that they may have conducted this research abroad instead, and that this provision of funding helps to keep excellent students at Canadian schools. We understand this was an important feature in designing the program, and an approach created in consultation with Canadian law deans who explained their challenges in losing students to foreign universities with more attractive funding opportunities.

The student focus group participants spoke very highly of the program. They agreed the difference between ILRP scholarships and other available opportunities centered on the policy-oriented nature of the work, and the requirement to participate in event planning while making time for one’s own research. They appreciated the opportunities to develop networks outside of academia and noted that the residency requirement – while posing potential logistical challenges – had influenced their thinking and writing in a positive way.

### **EQ3: Has the research produced by the ILRP added value to relevant dialogues on international law?**

**FINDING:** The program is adding value to dialogues in international law by providing substantive analysis to pressing, emerging, or forward-looking topics. It does so by drawing in diverse perspectives, crafting innovative approaches, and providing depth to novel issues. The program provides an independent, credible and Canadian lens to international legal matters that is valued by its stakeholders. Furthermore, there are a number of instances in which the program has demonstrated incredible speed in its responsiveness to issues as they develop.

#### ***3.1 Degree to which ILRP research focuses on pertinent issues in international law***

When we asked external stakeholders about the pertinence of issues that ILRP was focusing on, their feedback related less to the topics that the program was tackling and more to the quality and character of its exploration of those issues. Respondents spoke about the program’s adeptness at tracking substantive and technical matters, and in being able to explain these issues in a more digestible fashion than other sources. The program was also lauded for its ability to bring diverse and sometimes opposing voices to the table in discussing germane issues, and for being able to engage a “wider bandwidth of views and ideas”. Furthermore, the program’s ability to highlight intersections between different disciplines within international law was also underlined as a strength of the program (e.g. Indigenous law and IP).

The review of publications largely centered on this indicator, seeking to offer an expert opinion regarding the relevance of the issues covered, based upon a critical reading of a selection of the program’s research. The expert found there to be no question that ILRP research has focused on pertinent issues in international law, especially those of particular interest to Canada. In addition, there is an important overlapping of streams in CIGI publications between economic/trade issues,

intellectual property, environment and indigenous rights. Environment papers, especially, make ample reference to both trade and IP law.

The publication review stressed that many of CIGI's papers focus on climate change, noting it would be hard to think of a more pressing international legal topic in the environmental domain. (Recall that more environment papers were included in this review in order to provide better balance between the streams). In line with the comments from external interviewees, a number of ILRP publications are not only relevant to the subject but have sought out new approaches to international legal responses and guidance to governments, academics, student business groups and NGOs.

The expert also found that legal responses to new or cutting-edge technologies are an important and timely step forward. A paper addressing the issue of remote sensing and big data as a means of ensuring adherence to the Paris Agreement, and another on blockchain technology and international law, are examples of how the program's work tackles forward-looking subjects. Indeed, external interviewees agreed with this observation, noting the program to be at the forefront of these issues. As another indication of CIGI's novel approaches to pertinent issues, its 2016 Washington, DC Conference with three other think tanks gathered representatives from insurance, development banks and other IFI's to look at the limitations of insurance and international funding and the need for innovative concepts to address climate related damage.

We asked scholarship recipients about demand for their research, as an indirect way of understanding the potential pertinence of the issues they are researching. A staggering 89% were either confident or very confident that their research has or will fill a knowledge or capacity gap in Canada, noted with the caveat that this is a self-reported opinion of one's own achievements. More than a third (37%) reported that their participation in a summit or conference had led to requests to present their research at other events or conferences; just over a quarter (27%) had received requests to present their research at events or conferences.

### ***3.2 Degree to which ILRP research/events provide a unique perspective not offered by other organizations***

When we asked stakeholders what value ILRP-led research and events add over and above work produced by similar organizations, we often heard that there are no truly similar programs upon which to compare the ILRP, especially within Canada. The program was cited for its unique concentration on international legal issues; other think tanks were noted to be working on similar issues but without an explicit focus on law (i.e. with one lawyer on a team of other researchers) or broader in scope overall. Further to the point, some of the program's greatest value was often seen in its ability to bring depth to novel areas, such as Traditional Knowledge in IP.

The expert review of publications found that, for the first time, there is guidance on including Indigenous rights in NAFTA and other trade agreements (CIGI Papers #144, September 2017). In the same vein, another ILRP Paper provides a new perspective on the implementation of genetic

and traditional resources into trade treaties. These publications provide a unique view on NAFTA renegotiation not offered by other organizations. Another CIGI Paper cogently argued in favour of a permanent WTO arbitration body to resolve trade and investment dispute. Speaking further to the ILRP's persuasive response "in relation to an issue of global importance and urgency for Ontarians and Canadians" was its April 2015 Special Report on Ontario's Climate Change Discussion Paper. ILRP laid the groundwork with a Toronto Conference on emerging climate change issues. The ensuing Report focused on key issues such as Indigenous peoples and risks to their communities, how to encourage industries to innovate, carbon pricing and early stage research.

The ILRP was frequently lauded in interviews for its considerable convening power, with access to significant resources and networks to bring together diverse voices from across the world to its events. Though a couple of events were criticized as less than effective (both related to climate change), in general these events were considered to be high quality and well attended. Similarly, the program's ability to attract in-demand senior fellows to contribute to the program's research agenda was viewed as a key strength.

ILRP is certainly valued by government sources (and both the federal and provincial level), who, along with other stakeholders we interviewed, appreciate the program's Canadian lens and policy-focused work on international issues. ILRP was valued for its independent analysis and viewed as more credible than other think tank sources for this reason.

While not necessarily related to the program's ability to offer a unique perspective, the ILRP was also extolled by stakeholders for its speed, publishing high-quality pieces of research expeditiously when needing to respond to unforeseen events. The Special Report, *NAFTA 2.0 and Intellectual Property Rights*, was raised as such an example multiple times, rapidly developed and published in response to the executive order signaling that NAFTA was to be renegotiated. The expert review of publications also noted the speedy responsiveness of the program, again citing the NAFTA 2.0 piece but also work on investor-state arbitration in trade treaties. The Program responded quickly to this highly contentious issue, which practically derailed CETA. ILRP also published a Series on the topic by international authors, and then combined these into an April 2007 book.

However, the publications review also looked at two papers that provided helpful advice relating to current international law issues but both had timing problems. In one case, advice to a UN Working Group on Business and Human Rights was published the same month the Group arrived. In another, the author provided Trade Ministers challenging recommendations for WTO reforms only a few months prior to their ministerial meeting. Internal key informants noted that some senior fellows have difficulty meeting deadlines; perhaps this was a factor with these two publications, though this is unsubstantiated. We also understand that transitional issues relating to staff turnover (i.e. the loss of and subsequent hiring of a new deputy director) played a role in this as well. Curiously, the forthcoming book regarding legal reflections on Canada at 150 will be published in 2018, the year *after* most Sesquicentennial events have already passed.

## EQ4: Is the work of the ILRP aligned to CIGI’s priorities and mandate?

**FINDING:** There is close alignment between the mandates and priorities of the ILRP and those of CIGI. There were some suggestions that ILRP operates slightly differently than the rest of CIGI.

The documentation would certainly suggest a close alignment between the mandate of the ILRP and the overall mandate of CIGI. The ILRP’s mission to “seek to connect knowledge, policy and practice to build the international law framework — the globalized rule of law — to support international governance of the future” would appear to be a natural outgrowth of CIGI’s mandate to “build bridges from knowledge to power by conducting world-leading research and analysis, and influencing policy makers to innovate”.

Internal stakeholders felt that the ILRP was an obvious fit within CIGI’s mandate, given the obvious importance of law in shaping global governance. A small number of stakeholders suggested that the program is somewhat siloed from the rest of CIGI, possibly due to its different sources of funding (i.e. the province rather than the federal government), and relatedly, its different planning and reporting cycles.

## 6.0 Findings on Performance

### EQ5. To what extent are the ILRP’s target audiences listening to the ILRP, considering new approaches, and adopting ILRP-developed recommendations?

**FINDING:** The evaluation identified several examples in which the program’s work helped to shape policy processes; this is an impressive achievement for a program so young. There is a lack of clarity regarding ILRP’s target audiences, though there was strong uptake among the provincial and federal stakeholders interviewed for this project, especially in IP. The ILRP’s impressive convening power is another indication that stakeholders are listening to the program. There is not a lot of evidence that ILRP’s work is used in international fora, though a few stakeholders posited the program’s international presence has grown in the past two years.

#### 5.1 Degree to which the ILRP’s work is reaching its intended audience

In order to understand the extent to which the work of the ILRP is reaching its intended audience, we first had to explore who has been identified as the program’s intended audience. Given the logic model’s focus on ‘shaping global rules’, policy and other decision-makers would appear to be the target, in line with CIGI’s overall institutional focus. However, this is obviously fairly broad. The program’s other documentation does not provide any narrowing of these audiences, with the



Strategic Overview suggesting the intended audience could be almost anyone with a role in international law:

The ILRP develops concentric circles of knowledge and influence, from local and provincial to national and international spheres...the ILRP engages individual international law experts from academia, the public and private sectors, law faculties and other relevant academic institutions, professional organizations, all levels of government, international governmental organizations, nongovernmental organizations (NGOs) and other international institutions.

We asked internal key informants how the ILRP identifies the stakeholders it is trying to influence, and asked external key informants who they perceived the program to be trying to influence. These internal stakeholders discussed the need for different targets and tactics depending on the objectives, and the role of both the deputy directors and senior fellows in identifying those people and organizations that should be 'listening' to the program. For their part, external stakeholders agreed that policy makers/decision makers, particularly within government (and both federal and provincial levels) seemed to be the primary target. Several also referenced the general public and a few cited international stakeholders as well. Given this variety of stakeholders, the question becomes: is the ILRP simply exercising a healthy dose of flexibility in order to advance uptake wherever and whenever it makes sense, or, does this highly unbounded sense of potential audience signal a lack of focus?

When asked about the extent to which ILRP is indeed reaching these intended audiences, the evaluation found there to be strong uptake among Canadian government stakeholders at the provincial level (especially the Government of Ontario) as well as the federal level. In particular, the extent to which the program's work in IP was frequently referenced as being used would indicate a high degree of uptake of the program's work in this area.

We also asked the scholarship students about uptake of their own work, and they were quite sure that their target audience was listening to what they had to say. Indeed, 81% were either confident or very confident their research has/will reach its intended audience.

Furthermore, both internal and external stakeholders repeatedly referenced the ILRP's well attended events, and valued the ILRP's ability to bring different stakeholders to the table. Indeed, the program was enthusiastically applauded for its considerable convening power and high quality events.

## *5.2 Evidence that ILRP research was used in international fora*

We found less evidence that would demonstrate that ILRP research is being used in international fora. However, a few external key informants did argue that the program's influence has grown overseas in the last two years or so. Both the UNFCCC and WIPO were identified as international bodies in which the program has increased its presence in recent years, citing CIGI's recently achieved observer status at WIPO as a concrete example.

### 5.3 Examples of policy changes attributed to ILRP

As discussed earlier, expecting a program such as the ILRP to have made an impact with respect to policy change within its first five years of operation may be too high of a standard. This is a very high level outcome for a relatively new program, and outcomes this advanced generally take time. However, we decided to include an examination of this question anyway, with the understanding that if examples were found to be lacking, it would not be considered a failure of the program.

However, the evaluation identified several examples in which stakeholders used ILRP's work in the advancement of their own policy processes, indicating impact at this very high level. Examples include:

- Getting international negotiators (federal and provincial) to consider the role of Traditional Knowledge in IP;
- Advancing international negotiators' (at the federal level) understanding of IP interests and positions vis-à-vis trading partners such as China the United States;
- Introducing to federal stakeholders the idea of accounting for emissions using satellite-enabled technology; and,
- Influencing the Government of Ontario with respect to the potential use of border carbon adjustment mechanisms.

Granted, some of these examples may not be considered "policy change" in the strictest sense, but getting stakeholders to think about an issue in a different way, consider approaches they may not have otherwise, and introducing lesser-known perspectives, all play an important role in the complex dynamics of shaping global rules. In fact, several stakeholders suggested that ILRP's most appreciated efforts were in bringing to the tables a diversity of perspectives that may have not been heard otherwise. There may also be further achievements that were simply not identified through the data collected for the evaluation.

#### EQ6. To what extent is the ILRP increasing the capacity of new professionals to engage effectively with international law?

**FINDING:** Recipients of ILRP scholarships and fellows indicate their understanding and knowledge of international law has deepened greatly through their participation in the program. There are indications that the program helps to attract and retain international law scholars in Canada. With fewer than expected opportunities for networking, the potential benefits of the residency component of the graduate scholarships are not fully realized. The policy-oriented nature of much of CIGI's work poses unique challenges for the post-doctoral fellows.

### ***6.1 Evidence of advanced knowledge and understanding in areas of research***

Despite the fact that within this report, we frequently lump together the graduate student scholars and the post-doctoral fellows together as “students”, a clear distinction was made by stakeholders with respect to these two groups. While the evaluators asked about them together in the interviews, we were cautioned that they were very different programs. A key difference is that the post-doctoral fellows were perceived to have more opportunities to meet external stakeholders, to participate in events, and to network. The graduate students, on the other hand, were seen by key informants to be engaged very little at CIGI, siloed off from much of the rest of the organization, and focused on their own research. Concomitantly, the scholars are seen to concentrate on their own work while the post-doctoral fellows are viewed more as ILRP staff.

For their part, both groups of students feel strongly that the program has helped advance their own knowledge and understanding of key issues in their research area. When asked the extent to which the scholarship or fellowship from ILRP was deepening skills in their research area, the largest proportion (58%) thought ‘very much’ and an additional 28% reported ‘extremely’. The focus group participants echoed these comments, citing that the ability to dig really deep into their research with highly skilled people as among the greatest benefits of their scholarship or fellowship.

The surveyed students (almost all graduate scholars) also noted that their knowledge advanced particularly through participation in summits or conferences in their areas of research, with more than half (56%) indicating these opportunities led to new partnerships in their research areas, and almost all (93%) reporting that it led to new ideas for their research. (We did not look at, however, the number of such events they may have participated in. Given the concerns discussed below, it would appear the students felt they did not attend enough events, but found great benefit from those events in which they did participate).

### ***6.2 Evidence that Canadian-based international law experts are better positioned in the workforce***

### ***6.3 Evidence that CIGI-funded experts contribute to the Ontario and/or Canadian economy***

There was little evidence available to assess whether or not the scholarship and fellowship recipients are better positioned in the workforce or contributing to the economy. This stems from two main reasons. First, it may be too soon. Secondly, outcomes for participants beyond the life of the program are not yet tracked, so it is difficult to get a sense of how alumni are faring after their participation in an ILRP scholarship or fellowship program. Indeed, it’s not known how many of the 29 previous ILRP recipients have even graduated from their respective university programs.

When asked, many key informants felt they could not speculate about potential economic impacts that may or may not materialize for the students. However, some did say that they perceived the post-doctoral fellows to have been able to improve their networks, since they have opportunities to participate in events and interact with external stakeholders. Given the focus on policy-

oriented research, several suggested it broadened the scholars' and fellows' opportunities, particularly for careers outside of academia.

This calls into question the rationale for the residency component of the scholarships, in which students are required to spend four months on the CIGI campus. In fact, this issue dominated the feedback received at the end of the survey when asked for further comments or suggestions. For the most part, however, the suggestions were not to cancel the residency requirement, but rather to help students more fully take advantage of it. All scholarship students do presentations to ILRP and participate in an annual conference. However, students asked for the ILRP to consider "engaging scholarship students with ongoing projects at CIGI", and "to be assigned work with CIGI fellows", and for "more networking opportunities". A few suggested pairing graduate students with either post-doctoral or senior fellows as mentors, and a few asked for structured opportunities to share and discuss their research with others working in the program.

Several interviewees also commented that the program did appear, at least anecdotally, to be bringing and keeping legal scholars in Canada. The program was seen to not only attract international students, but to give post-doctoral fellows an important bridge as they wait for their permanent residency application to go through. The survey findings corroborate these suggestions; the majority of current students either plan to live and work in Ontario (53%) or elsewhere in Canada (29%) upon completing their studies. When asked what else could be done by a program such as ILRP to encourage them to live and work in Ontario, almost half (48%) suggested more connections to employment in Ontario, and over a third (36%) indicated this could be achieved through more funding and research opportunities.

When speaking about the student component of the ILRP, key informants also spoke about a tension between the extent to which the ILRP is an academic program versus a policy-oriented one. The ambiguity around the fundamental character of the program reaches a crossroads when it comes to the work of the post-doctoral fellows. A few key informants familiar with the post-doctoral fellowships were critical of this aspect of the program, suggesting that recruiting budding academics and then "forcing them to engage in policy debate" was detrimental to both CIGI and the fellows.

The focus group participants agreed that it is not a traditional post-doctoral program such as those found in law schools, and that individuals arriving in the program with academic pursuits in mind could find it challenging to keep up with their academic publishing ambitions. They found it hard to keep up an academic publishing record because journals do not like to publish work already issued elsewhere (as CIGI has the right of first refusal over the work of fellows). Furthermore, they found it hard to find the time to focus on their own research, given the understanding (echoed by internal key informants) that they are employees of CIGI and expected to contribute to the ILRP's areas of work, especially events. That said, everyone agreed that communication on this issue had already begun to improve, and furthermore, that some post-doctoral fellows were beginning to consider careers outside of academia that they would not have

otherwise.

## 7.0 Findings on Efficiency

### EQ7: To what extent are financial and human resource allocation strategies used by the ILRP efficient?

**FINDING:** The ILRP has become more efficient over time, in terms of its ability to program as well as in its overhead ratio relative to overall program costs. The program is now operating at full capacity and producing a large number of outputs.

#### 7.1 Extent to which the ILRP is on track with its program of activities

#### 7.2 Relative impact of the ILRP's delivery approaches (events/papers/briefings)

#### 7.3 Suggestions of alternatives that may offer greater efficiencies

The evaluation examined programming expenses in relation to overall costs over four years, between 2013 and 2017. It looked at expenses in terms of: ILRP's ability to achieve its annual program of work, the overhead ratio in relation to total expenditures, and the number of program activities it was able to implement on a yearly basis. It also examine the extent that the ILRP is on track with program activities, as well as the relative impact of different delivery mechanisms, e.g. workshops, publications, briefings.

Over the period under review, ILRP improved its ability to program. Program costs versus total expenditures increased from \$317,009 in fiscal year 2014-15 to \$6, 202, 211 in fiscal year 2016-17. It must be noted that 2013-2014 was a start-up year and the ILRP did not have a Program Director for the first year of operation. In 2015-16 the program executed 98% of its budget and 100% in 2016-17.

**Table 7.1: Program Versus Total Costs**

2013-2014		
Program	\$	317,009
Total Costs	\$	585,400
<b>Program: % of total</b>		<b>54%</b>
		<b>Overhead: 46%</b>
2014-2015		
Program	\$	910,801
Total Costs	\$	1,349,193
<b>Program: % of total</b>		<b>67%</b>
		<b>Overhead: 33%</b>
2015-2016		
Program	\$	4,455,919
Total Costs	\$	4,771,511
<b>Program: % of total</b>		<b>93%</b>
		<b>Overhead: 7%</b>
2016- 2017		
Program	\$	5,863, 985
Total Costs	\$	6,202, 211
<b>Program: % of total</b>		<b>95%</b>
		<b>Overhead: 5%</b>

Source: ILRP Annual Reports

In terms of overhead, ILRP has improved over time from 54% in the first year to 5% in 2016-17, which is reasonable for a not-for-profit organization that does not need to fundraise on an ongoing basis.<sup>2</sup> During its first year of operation, the ILRP focused on setting up its offices, establishing collaborative relationships, and developing internal operational and governance structures for the program.

Efficiency has also improved from 2015-16 to 2016-17, as the number of reported program activities was significantly higher in the latter year, taking into account the 30% increase in expenditures in 2016-17 over 2015-16.

In terms of the completion of ILRP’s activities, over time the program has increased the number of outputs relative to its budget.<sup>3</sup> Efficiency has increased in 2016-17 compared to the previous year as the number of activities that ILRP completed was higher than the previous year in most categories. And, the number of activities in some categories has more than doubled despite a 25% increase in budget. For instance, ILRP produced 44 publications in 2016-17 compared to 20 in 2015-16. The number of events supported, summits and conferences attended, and skills development activities also more than doubled compared to 2015-16. As well, the program was able to support the number of graduate students that it had planned for in 2016-17.

**Table 7.2: Program Activities Completed by Year**

<b>Program Activity</b>	<b>Completed 2014 - 15</b>	<b>Completed 2015 - 16</b>	<b>Completed 2016 - 17</b>
Publications produced	5	20	44
Research workshops/events hosted	10	29	43
Summits/conferences attended and presented at by ILRP fellows and students	20	38	93
Partnerships and networks created	23	16	18
Letters of intent and formal agreements	7	9	18
Students supported	23	26	32
Fellows supported (includes internal and external fellows, not all are full time)	13	33	46
Skills development	10	37	75
Annual Budget	\$1,349,193	\$4,771,511	\$6,354,650

Source: ILRP Annual Reports

We asked key informants if they were more likely to read a publication or attend an event. The answers were mixed, with different stakeholders valuing different formats, seemingly based on individual preference. Several commented that the sheer quantity of work produced by the ILRP

<sup>2</sup> There is not set rate. Global Philanthropy provides a range depending on the situation of a organization, such as need to fundraise , etc.

[https://www.globalphilanthropy.ca/images/uploads/How\\_Much\\_Should\\_A\\_Canadian\\_Charity\\_Spend\\_on\\_Overhead\\_in\\_The\\_Canadian\\_Donor\\_Guide.pdf](https://www.globalphilanthropy.ca/images/uploads/How_Much_Should_A_Canadian_Charity_Spend_on_Overhead_in_The_Canadian_Donor_Guide.pdf)

<sup>3</sup> ILRP reporting for 2013-2014 was not based on the program’s fiscal year so it has not been included.

was impressive, noting the high number of publications produced and events organized as compared to other think tanks they were familiar with.

## 8.0 Findings on Sustainability

### EQ8: How can the ILRP position itself to achieve financial sustainability into the future?

**FINDING:** Key informants proffered many suggestions regarding alternative funding models and sources of funding ILRP might consider in the future. Any thought to altering ILRP's revenue streams should be carefully weighed against the potential impact upon the program's reputation.

#### 8.1 Identification of alternative/additional funding sources/mechanisms

This evaluation question was added at the suggestion of the Program Director, in order to generate some ideas regarding how to sustain the program after its initial ten year funding period comes to a close. The following presents a list of suggestions from key informants (both internal and external stakeholders) when asked what other funding models or sources of funding might the ILRP consider in the future.

- A number of key informants suggested that the federal government would be a “natural fit” as a potential funder, given its existing contributions to CIGI as well as the program’s international scope;
- Many suggested the ILRP could embrace consultancy-style services, in which ILRP was commissioned to undertake specific pieces of research within its areas of expertise. A few suggested that international organizations would be a good place to look for contract research opportunities.
- Some stakeholders suggested a “fee for service”-type model, in which CIGI would charge for its events;
- Some stakeholders suggested foundations, INGOs, international organizations (WTO, WIPO, or other provinces) might be potential sources.
- A few suggested private sector sources of philanthropy such as businesses with interests in innovation, extractive industries, industry associations, or law firms.
- A couple of stakeholders suggested seeking endowments, e.g. for a research chair.
- One suggested that ILRP provide (and charge for) specialized training, either as in-person seminars or through online courses;

- There were a few suggestions that ILRP could partner more with larger think tanks to undertake larger, collaborative research projects, the financial benefit of this being in the sharing of expenses.

However, a few things should be added as caveats to the above suggestions. For the most part, stakeholders were offering top-of-mind suggestions, rather than serious and thought-through recommendations. Furthermore, and perhaps more importantly, many of those suggestions came with warnings regarding the extent to which other sources of funding might compromise the real or perceived notion of the ILRP's independence, and consequently, its credibility. Therefore, any additional financial contributions would have to be carefully considered in light of their potential impacts upon the program's (currently excellent) reputation. A few also suggested that identifying additional funding opportunities would require the ILRP to have more clearly defined and specific programming.

## 9.0 Findings on Lessons Learned

### EQ9. How can the ILRP increase its value to decision-makers and other stakeholders into the future?

**FINDING:** ILRP is already considered high-value to many of its external stakeholders, who wish to see the program continue its excellent work. Some stakeholders suggested ILRP might benefit from more fully publicizing its research as well as its scholarship and fellowship opportunities.

We also solicited feedback from external stakeholders on how the ILRP increase its value to them and other stakeholders in the future. Many external stakeholders provided encouragement for the program to “continue doing what you are doing”, noting that the program is already high-value to them and adding a Canadian lens to important debates.

There were a few suggestions around communications, and in making the work produced by the program more visible, more accessible, and more publicly available. Advice here was not particularly concrete, but constituted more generic comments about the perceived need to more actively promote both publications and to ensure that scholarship opportunities are well publicized. More specific suggestions in this regard include webcasting events so they could be viewed by staff unable to attend; consider publishing more in French; take on larger research projects to increase ILRP's profile; and reach out more to other provinces.

For their part, the Public Affairs team has signaled that a more robust planning process characterized by strong internal consultation and a clear identification of objectives and audiences will promote more effective communications – both proactive and reactive.

## 10.0 Conclusions & Recommendations

**RECOMMENDATION #1: The ILRP should strengthen its internal planning processes to include mechanisms for strong annual consultation (internal and external); provide more clarity regarding its intended audiences and adapt its communication strategy for these audiences; and a more formal project selection process.**

The ILRP has produced research and events that are considered by stakeholders to be adding value to relevant discussions through the provision of an impartial, credible, in-depth Canadian lens to pressing and emerging issues. Stronger planning processes would aid in ensuring that the program retains strategic focus, is clear to all stakeholders, explicitly contributes to outcomes, and provides some continuity in the event of staff turnover. In particular, a more formal project selection process should be created to ensure that all activities directly contribute to the program's expected outcomes (i.e. beyond fitting within the three streams of work) and are well positioned to enhance the visibility of the program.

**RECOMMENDATION #2: The ILRP should continue to increase its focus on areas of work in which it adds the most value.**

Some of the areas that the ILRP works in are niche, have fewer players, and contributions to discussions in those areas are well received (e.g. IP). In other areas, in which there are larger and more established players already, ILRP faces stiff competition to capture the attention of potential target audiences. In its first five years of operation, the ILRP's scope of work was quite broad. In its next phase, it would benefit from increasing depth in its areas of expertise.

**RECOMMENDATION #3: The ILRP should continue to clarify and communicate the role of the post-doctoral fellowship program and find ways to more fully engage the scholarship students in the ILRP while they are in residence.**

ILRP scholars and fellows benefit greatly from their involvement in the program, gaining new ideas, networks, and opportunities to engage in policy-relevant work. Their involvement in the program would be made even more valuable with a few small changes to this component of the program, to ensure the fellows understand the expectations of their role before arriving, and to facilitate opportunities for scholars to network and engage with other researchers while they are in residency.

**RECOMMENDATION #4: The ILRP should begin to position itself for a future in which additional funders are brought on board, giving thought to how to maintain its position as a trusted source of information and advice in doing so.**

It is encouraging to see that the ILRP has begun to think about financial sustainability after year ten. However, careful thought must be given to ensure that the most valued aspects of the

program – its impartiality, independence, and credibility – are not compromised in doing so. Stronger planning and increased focus, as discussed in the above recommendations, will be helpful in supporting this process as well.

# Annex A: Data Collection Instruments

## Draft Interview Guide – External Stakeholders (Government, Law Schools, Partners)

1. Please tell me a little bit about your current role and responsibilities. What is your relationship with the International Law Research Program?
  - a. Is your work more or less aligned to one particular stream (Environment, IP, Economic, or Indigenous)?
2. How would you describe your information needs as they relate to challenges in international law?
  - a. What factors most greatly influence the information that you consume? [1.1, 7.2] (*probe for format, timing, source, etc.*)
  - b. Which people and/or organizations do you turn to most frequently for policy-related information, ideas and recommendations on emerging issues in international law? Why? [1.1]
3. Are you more likely to attend a CIGI event, read a CIGI publication, or other? Why? [7.2]
  - a. (*If they answered read*) Which type of CIGI publication are you most likely to read and use in your work? Why? (*probe for: paper, brief, conference report, etc*)
4. Thinking to ILRP-led research and events, what value has it added over and above work produced by similar organizations? [3.1, 3.2]
  - a. Can you think of an example of a when the ILRP may have influenced your perspective on a given issue? [5.1,5.2,5.3]
  - b. Can you think of an example of a when the ILRP may have influenced someone else's perspective on a given issue? [5.1,5.2,5.3]
5. From your perspective, who is the ILRP trying to influence? To do what? [5.1]
  - a. To what extent do you think that the ILRP is succeeding in reaching these people? [5.1, 5.2]
6. Since 2015, the ILRP has funded up to 39 graduate students and post-doctoral fellows at a time to undertake research in the program's areas of focus. What do you see as the primary rationale for these funding opportunities? [6.1, 6.2, 6.3]
  - a. To what extent are these opportunities different from other scholarship programs already available to law students? [2.1]
  - b. What would happen in the absence of these scholarship/fellowship opportunities? [2.1]
7. Thinking of the scholars and post-doc fellows that you've seen complete their programs at CIGI, to what extent are they better positioned in the workforce? [6.2] (*probe for: recognized expertise, expanded networks, enhanced reputation, publication record, etc.*)

- a. How and to what extent are these scholars/fellows contributing to the Ontario and/or Canadian economy now and in the future? [6.3]
8. The ILRP is funded by both the Government of Ontario and by CIGI founder Jim Balsillie. Reflecting on other think tanks you might be familiar with, what other funding models or sources of funding might the ILRP consider in the future? [8.1, 8.2]
  - i. Do you have any suggestions that might make the ILRP more efficient or effective? [7.3]
9. How could the ILRP increase its value to you and other stakeholders in the future? [9.1]

### **Draft Interview Guide – Internal Stakeholders (Staff, Fellows, Advisory Committee)**

1. Please tell me a little bit about your current role and responsibilities. What is your relationship with the International Law Research Program?
  - a. Is your work more or less aligned to one particular stream (Environment, IP, Economic, or Indigenous)?
2. How would you describe the information needs of stakeholders as they relate to challenges in international law? [1.1]
  - a. How and in what ways is the research and events produced by CIGI responsive to these needs? [1.2]
  - b. How do these needs inform the research agenda/project selection? [1.2]
  - c. How do these needs inform the types type of delivery approaches used (events/papers/briefings)? [7.2]
3. What value do ILRP-led research and events add over and above work produced by similar organizations? [3.2]
  - a. Can you think of an example of a when the ILRP may have influenced a key stakeholder’s perspective on a given issue? [5.1,5.2,5.3]
4. How and in what ways does the work of the ILRP advance CIGI’s overall objectives? Are there any areas in which the program’s work is not well aligned to the organization’s overall objectives? [4.1]
5. How does the ILRP identify the stakeholders it is trying to influence? [5.1]
  - a. To what extent do you think that the ILRP is succeeding in reaching these people? [5.1, 5.2]
6. Since 2015, the ILRP has funded up to 39 graduate students and post-doctoral fellows at a time to undertake research in the program’s areas of focus. What do you see as the primary rationale for these funding opportunities? [6.1, 6.2, 6.3]
  - a. To what extent are these opportunities different from other scholarship programs already available to law students? [2.1]

- b. What would happen in the absence of these scholarship/fellowship opportunities? [2.1]
7. Thinking of the scholars and post-doc fellows that you've seen complete their programs at CIGI, to what extent are they better positioned in the workforce? [6.2] (*probe for: recognized expertise, expanded networks, enhanced reputation, publication record, etc.*)
- a. How and to what extent are these scholars/fellows contributing to the Ontario and/or Canadian economy now and in the future? [6.3]
8. As you know, the ILRP is funded by both the Government of Ontario and by CIGI founder Jim Balsillie. Reflecting on other think tanks you might be familiar with, what other sources of funding might the ILRP consider in the future? [8.1, 8.2]
- i. Do you have any suggestions that might make the ILRP more efficient or effective? [7.3]

## Survey Questionnaire for the Evaluation of the International Law Research Program

### Background

1. I was awarded a:

- CIGI-ILRP Graduate Student Scholarship
- CIGI-SSHRC Post-Doctoral Fellowship

*[If person answered CIGI-ILRP Graduate Student Scholarship]*

1.a) At the time I received my scholarship, I was working towards my:

- SJD
- PhD
- LLM

*[If person answered CIGI-SSHRC Fellowship]*

1.b) At the time I received my fellowship, I was:

- Working towards my PhD
- Had already completed my PhD

I began my scholarship/fellowship in:

- 2014-15
- 2015-16
- 2016-17
- 2017-18

I completed my scholarship/fellowship in:

- 2015-16
- 2016-17
- 2017-18
- I have not yet completed by scholarship/fellowship

2. My scholarship/fellowship contributes to the following ILRP stream:
- International Economic Law
  - International Intellectual Property Law & Innovation
  - International Environmental Law
  - International Indigenous Law

**Relevance**

3. What is the likelihood that your research project would have proceeded if it had not been funded by CIGI? [2.1]
- Little to no chance it would have proceeded
  - Slight chance it would have proceeded
  - Moderate chance it would have proceeded
  - High chance it would have proceeded
  - Very high chance it would have proceeded
  - Don't know
4. What is the percentage of the research you are conducting is funded by CIGI-ILRP? [2.1]
- 100%
  - More than 75%
  - Between 50% and 75%
  - Between 25% and 50%
  - Less than 25%
  - Don't know
5. To your knowledge, were there other scholarship opportunities for which you were eligible? [2.1]
- Yes, at least one other
  - Yes, a few others
  - Yes, several
  - Yes, many
  - No
  - Don't know

**Effectiveness**

8. The research outputs created through my scholarship/fellowship to date include: (*check all that apply*) [3.1; 5.1]
- Peer-reviewed journal articles
  - Conference publications
  - Conference presentations
  - Book chapters
  - Course content
  - Articles in popular media (op-eds, magazine, newspaper)
  - Reports
  - Policy briefs

Other (please describe)

6. Since you have started receiving funding from ILRP (CIGI), have you participated in public events organized by CIGI? [6.1]

- Yes
- No (If no, skip to Q7)

6.a) If yes, has your participation in a CIGI or ILRP event led to any of the following? (check all that apply)

- New ideas for my research [6.1]
- New contacts/networks in my research area [6.2]
- New partnerships in my research area [6.1]
- New research [3.1]
- Requests to present my research at other events/conferences [5.1; 3.1]
- Request to present my research in an international forum [5.2]
- Job opportunities in my area of research [6.2]
- Other (please describe)

7. Since you have started receiving funding from CIGI-ILRP, have you participated or presented your CIGI-funded research in any external conferences, international summits, etc.? [5.1]

- Yes
- No (if no, skip to Q #8)

7.a) If yes, has your participation in a summit/conference in your field of research contributed to any of the following (tick all that apply)

- New ideas for my research [6.1]
- New contacts/networks in my research area [6.2]
- New partnership in my research area [6.1]
- New research [3.1]
- Requests to present my research at other events/conferences [5.1; 3.1]
- Request to present my research in an international forum [5.2]
- Job opportunities in my area of research [6.2]
- Other (please describe)

9. On a scale of 1-5, to what extent do you agree with the following statements:  
I am confident that my research has/will:

	<b>1-Not at All Confident</b>	<b>2-Somewhat confident</b>	<b>3-Not sure/uncertain</b>	<b>4- Confident</b>	<b>5-Very Confident</b>	<b>IDK</b>
Reach its intended audience [5.1]						
Fill a knowledge/capacity gap in Canada [3.1]						
Be used in international fora [5.2]						
Influence decision-making in my area of research [5.3]						

10. For current scholars/fellows: When my studies are completed, I plan to: [6.3]

- Pursue further education in Ontario
- Pursue further education in Canada but outside Ontario
- Live and work within Ontario
- Live and work within Canada but outside Ontario
- Live, work or study in another country (please specify; dropdown list)
- Don't know

*[If person answered live and work in another country]*

11. For past scholars/fellows: When I completed by studies, I went on to: [6.2; 6.3]

- Pursue further education in Ontario
- Pursue further education in Canada but outside Ontario
- Live and work within Ontario
- Live and work within Canada but outside Ontario
- Live, work or study in another country (please specify; dropdown list)
- Don't know

12. In the future, a program such as the ILRP could encourage me to live and work in Ontario by: [6.3]

- Providing more funding/research opportunities
- Providing more connections to employment in Ontario
- I'm leaving/have left Ontario for unrelated reasons; there is nothing CIGI-ILRP could do to influence this (please describe)
- Don't know
- Other (please describe)

13. From a scale of 1-5, the scholarship/fellowship I received from CIGI-ILRP is deepening my skills in my research area: [6.1]

1-Not at all 2- Slightly 3-Moderately 4-Very much 5-Extremely

Please explain

14. My most significant achievement stemming from the scholarship/fellowship I received from CIGI-ILRP is: [5.3; All]

14. Please add any comments or suggestions regarding the ILRP that you think would be useful to improve the program:

## Annex B: Bibliography of Publications Review

### International Economic Law

1. CIGI Conference Report, November 24, 2017, Emerging Issues in International Trade and Investment Law
2. CIGI Papers No 68, May 2015: Hugo Perezcano, Peeling NAFTA Layers, 20 Years After
3. CIGI Investor States Arbitration Series, Paper No 11, September 2016, Ucheora Onwuamaegbu, Limiting the Participation of Developed States; Impacts on Investor-State Arbitration
4. CIGI Policy Brief No 89 October 2016, Patrick Leblond, A Transatlantic Perspective on CETA
5. CIGI Investor States Arbitration Series, Paper No 13, November 2016, Armand de Mestral and Lukas Vanhonnaeker, The Impact of the NAFTA experience on Canadian policy Concerning Investor-States Arbitration
6. CIGI Book, 2017, Second Thoughts, Investor-State Arbitration between Developed Democracies, Armand De Mestral ed.
7. CIGI Papers No 128, April 2017, Enrique Boon Barrera, The Case for Removing the Fari and Equitable Treatment Standards from NAFTA
8. CIGI Papers No 129, May 2017, Sara L. Seck, The Canadian Country Visit of the UN Working Group on Business and Human Rights
9. CIGI Papers No 143, September 2017, Hector Torres, Argentina: An Opportunity to Rethink the WTO's Working Practices
10. CIGI Papers No 145, September 2017, Armand de Mestral and Lukas Vanhonnaeker, How Best to Protect the Right to Regulate, The WTO or ISA?
11. CIGI Papers No 149, October 2017, Julie Maupin, Mapping the Global Legal Landscape of Blockchain and Other Distributed Ledger Technologies
12. Brexit: The International Legal Implications, Paper No. 1, September 2017, Valerie Hughes, Brexit and International Trade, One Year after the Referendum
13. Brexit: The International Legal Implications, Paper No 2, November 2017, David A. Gantz, Renegotiating the EU-UK Trade Relationship
14. Brexit: The International Legal Implications, Paper No. 4, November 2017, Maziar Peihani, Brexit and Financial Services, Navigating through the Complexity of Exit Scenarios
15. Brexit: The International Legal Implications, Paper No. 5, November 2017, Armand de Mestral, Squaring the Circle, The Search for an Accommodation between the European Union and the United Kingdom
16. Brexit: The International Legal Implications, Paper No. 6, December 2017, Oonagh E. Fitzgerald, Lessons from Brexit: Reconciling International and Constitutional Aspirations

## International Intellectual Property Law

17. CIGI Papers No 81, November 2015, Bassem Awad, Global Patent Pledges, A Collaborative Mechanism for Climate Change Technology
18. CIGI Special Report, 2015, James W. Hinton and Kent C. Howe, A Report on the CIGI International Intellectual Property Clinic
19. CIGI Conference Report, March 14, 2016, Regulating Blockchain and Distributed Ledger Technologies: Challenges and Opportunities for Canadian Innovators
20. CIGI Special Report, 2016, Myra J. Tawfik, Addressing A Gap in Canada's Global Innovation Strategy, Capacity Building, IP Literacy, IP Strategy and Access to Affordable IP Legal Services
21. CIGI Special Report, 2017, New Thinking on Innovation
22. CIGI Special Report, 2017, NAFTA 2.0 and Intellectual Property Rights
23. CIGI Policy Brief No 102, April 2017, Oonagh Fitzgerald, Understanding the Promise and Peril of Sovereign Patent Funds
24. CIGI Papers No 131, May 2017, Bassem Awad and Marsha S. Cadogan, CETA and the Future of Geographical Indications Protection in Canada
25. CIGI Papers No 148, October 2017, Jean-Frederic Morin and Rosalie Gauthier Nadeau, Environmental Gems in Trade Agreements, Little-known Clauses for Progressive Trade Agreements
26. Brexit: The International Legal Implications, Paper No. 3, November 2017, Luke McDonagh, UK Patent Law and Copyright Law after Brexit
27. CIGI Papers No 139, August 2017, Ton Zuijdwijk, Intellectual Property in a Renegotiated North American Free Trade Agreement, The Canadian Perspective
28. CIGI Papers No 115, November 2016, Jean-Frederic Morin and Mathilde Gauquelin, Trade Agreements as Vectors for the Nagoya Protocol's Implementation

## International Environmental Law

29. CIGI Conference Report, December 6, 2014, Law Governance and Climate Change, An International Law and Policy Workshop in the Context of the UNFCCC COP 20
30. CIGI Conference Report, February 18, 2015, Emerging Issues in International and Transnational Law Related to Climate Change
31. CIGI Special Report, Submission to Ontario's Climate Change Discussion Paper, April 2015, Submission to Ontario's Climate Change Discussion Paper 2015
32. CIGI Papers No 29, November 2015, Roger Cox, A Climate Change Litigation Precedent: *Urgenda Foundation v The State of the Netherlands*
33. CIGI Papers No 82, November 2015, Basil Ugochukwu, Climate Change and Human Rights, How? Where? When?
34. CIGI Papers No 83, November 2015, Maria Panezi, When CO2 Goes to Geneva: Taxing Carbon Across Borders—Without Violating WTO Obligations
35. CIGI Special Report, 2016, A. Neil Craik and William C. G. Burns, Climate Engineering under the Paris Agreement



36. CIGI Special Report, February 29, 2016, Implementing the Paris Agreement: The Relevance of Human Rights to Climate Action
37. CIGI International Workshop Report, March 16-17, 2016, Thinking Outside the Boat About Climate Change Loss and Damage
38. CIGI Papers No 101, May 2016, David Estrin, Limiting Dangers Climate Change: The Critical Role of Citizen Suits and Domestic Courts—Despite the Paris Agreement
39. CIGI Special Report, 2017, James Bacchus, The Case for a WTO Climate Waiver
40. CIGI Conference Report, March 6, 2017, Basil Ugochukwu, Understanding the Challenges of Climate Change Regulation in International Shipping
41. CIGI Conference Report, June 2017, Timiebi Aganaba-Jeanty, Sam Anissimov and Oonagh E. Fitzgerald, Blockchain Climate Cup Round Table
42. CIGI Papers Bi 153, November 2017, Neil Craik, Developing a National Strategy for Climate Engineering in Canada
43. CIGI Papers No 152, November 2017, Patricia Galvao Perreira, Equitable Allocation of Climate Adaptation Finance Considering Income Levels Alongside Vulnerability
44. CIGI Paper No 151, November 2017, Timiebi Aganaba-Jeanty, Satellites, Remote Sensing and Big Data: Legal Implications for Measuring Emissions

## International Indigenous Law

45. CIGI Papers No 109, October 2016, Risa Schwartz, Realizing Indigenous Rights in International Environmental Law, A Canadian Perspective
46. CIGI Special Report, 2017, UNDRIP Implementation: Braiding International, Domestic and Indigenous Laws
47. CIGI Papers No 144, September 2017, Risa Schwartz, Toward a Trade and Indigenous Peoples' Chapter in a Modernized NAFTA