



**Internal Audit and Oversight Division**

**EVALUATION SECTION**

**TERMS OF REFERENCE**

**PILOT COUNTRY PORTFOLIO EVALUATION – KENYA  
2005-2010**

April 8, 2011

**Terms of Reference:****TERMS OF REFERENCE****PILOT COUNTRY PORTFOLIO EVALUATION: KENYA 2005-2010**

<b>Type of exercise:</b>	PILOT COUNTRY PORTFOLIO EVALUATION
<b>Countries:</b>	KENYA
<b>Evaluation Period:</b>	2005-2010
<b>Evaluation Manager:</b>	Mrs. Julia Flores Marfetán Senior Evaluator
<b>Section:</b>	Evaluation Section
<b>Division:</b>	Internal Audit and Oversight Division
<b>Evaluation Team:</b>	To be selected
<b>Evaluation Start Date:</b>	6 <sup>th</sup> June 2011
<b>Evaluation Completion Date:</b>	9 <sup>th</sup> December 2011
<b>Deadline for application</b>	<b>20<sup>th</sup> May 2011</b>

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### I. INTRODUCTION

Evaluation has been a part of WIPO's processes since 1998 and became part of the Internal Audit and Oversight Division (IAOD) in 2000 when the IAOD established to unify the three important functions of Internal Audit, Investigations and Evaluation, which in the past had been undertaken separately.

Until the "Independent Review of the Program Performance Report Process" issued in late 2008, the last evaluation undertaken by IAOD concerned the WIPONET project in 2004. In March 2011, the Director General approved the revision of the WIPO Evaluation Policy. The purpose of the WIPO Evaluation Policy is to provide a comprehensive framework for planning and conducting evaluations as well as using information emerging from evaluations within the Organization.

With the approval of the revised WIPO Evaluation Policy, the Organization has also committed to enhance accountability and to establish systems and processes that are consistent with those of UNEG and that will facilitate a) independent, high quality independent evaluations; b) management responses to independent evaluations recommendations; and c) effective learning from independent evaluations.

In this context and continuing with the implementation of the WIPO Evaluation Policy, a series of evaluation activities have been approved as part of the 2010-2011 Evaluation Section plan. Portfolio Evaluations are one of the proposed tools in the plan. The Country Portfolio Evaluations encompass the entirety of WIPO's activities during a specific period. They evaluate the performance and results of the portfolio as a whole and provide evaluative insights to make evidence-based strategic decisions about positioning WIPO in a country, strategic partnerships, operations design and implementation. This specific country portfolio evaluation is envisaged to start on 6<sup>th</sup> June 2011 and be finalized on 9<sup>th</sup> December 2011. The draft terms of reference (TORs) was prepared by the WIPO Evaluation Section senior evaluator based on a various consultations undertaken across the whole Organization. The purpose of these TORs is to provide key information to stakeholders about the proposed evaluation, to guide the evaluation team and specify expectations during the various phases of the evaluation. The TORs are structured as follows:

### II. REASONS FOR THE EVALUATION

#### RATIONALE

WIPO is also geared to contribute to the UN Reform through evaluations to greater accountability and oversight in WIPO's operational activities to better apply the Organization's resources and staff towards producing results that will improve the lives of people around the world. WIPO is also contributing towards the UN Reform by strengthening the objectivity, effectiveness and visibility of the independent evaluation function across the Organization and to advocate the importance of independent evaluation for learning, decision making and accountability. The UNEG Norms and Standards are applied to all independent evaluations undertaken by the Evaluation Section.

Independent evaluations have not been a recent priority in WIPO. Due to several constraints, evaluations were not undertaken within the Organization. Although there are several evaluation constraints within the Organization, this does not suggest that if the pre-conditions do not exist, evaluations should not be

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undertaken. Evaluations within the given constraints will still need to be conducted for reasons of accountability and learning and constraints will need to be kept to a minimum.

WIPO's Member States and other key stakeholders are increasingly requesting evidence of the effects of WIPO development oriented activities<sup>1</sup> and the results<sup>2</sup> being produced by the Organization. With the introduction of the development agenda, WIPO has developed further services and dedicated more resources aimed to fulfill the needs of developing countries, as reflected by the Development Agenda Recommendations and the constitution of the Committee on Development and Intellectual Property (CDIP). Furthermore, WIPO's Director General has indicated the Evaluation Section that there is a need from management to have more reliable information they could use for decision making purposes. In special management is keen to have evaluations of the effects of development oriented activities.

In view of this context and taking into consideration the requirements of WIPO's stakeholders and the needs of the Organization for more evidence based information on the effects of development oriented activities, the Evaluation Section prepared its 2010-2011 Evaluation Section Plan and its 2010-2015 Strategy. This evaluation is part of the Evaluation Section plan which was developed after a wider staff consultation and includes the views of the Director General, senior management team, directors and senior staff, within the Organization in 2009.

To ensure that WIPO generates knowledge and learning based on evaluative evidence that is used for better delivery to the target groups. WIPO's Evaluation Section will support the conduction of different types of evaluations: country, thematic, strategic and/or program evaluations; and will apply an utilization-focused evaluation approach to all its independent evaluations. The different evaluations will be strengthened through quality assurance mechanisms, and their results will be carefully followed up for extracting knowledge and obtaining a management response with agreed actions for improvement and learning. The current TORs are applicable only to this country portfolio evaluation.

The users of this specific evaluation will be mainly WIPO senior management and program staff implementing the various activities in the country. The evaluation will also serve to inform WIPO's external stakeholders of the effects of WIPO's work in the selected country.

The results of this evaluation will be used to inform senior management and program staff on the effects of the WIPO's work in the country and if needed take corrective actions to improve assistance to the country.

### OBJECTIVES

Evaluation serves the dual objectives of accountability and learning. As such, this country portfolio evaluation will:

- Assess and report on the performance and results (outputs, outcomes and where possible impact) of the activities undertaken in Kenya for the period of 2005-2010 in line with the WIPO mandate

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<sup>1</sup> The Evaluation Section defines as "Development Oriented Activities" all activities undertaken in a specific country which are meant to contribute to WIPO's vision of developing a balanced and accessible international IP system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest. These activities encompass all activities dedicated to capacity building, infrastructure, norm setting activities, including all technical assistance activities and others.

<sup>2</sup> According to the international definition results go beyond the outputs and include also outcome and impact of interventions.

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and in response to the country's needs, as well as analyzing the factors that accounted for the achievement or lack thereof (accountability); and

- Determine the reasons for observed success/failure and draw lessons from experience to produce evidence-based findings to allow Senior Management to make informed strategic decisions about positioning itself in Kenya, from strategic partnerships, and improve operations design and implementation whenever possible (learning).

### STAKEHOLDERS AND USERS

Transparency and consultation with the primary stakeholders are essential features in all stages of the evaluation process. This improves the credibility and quality of the evaluation. It can facilitate consensus building and ownership of the findings, conclusions and recommendations.

The Evaluation Terms of Reference and reports will be available to key stakeholders and be public documents. Documentation on evaluations will be easily consultable and readable form and should also contribute to both transparency and legitimacy.

The primary users of this evaluation will be those who have the 'willingness', 'authority', and 'ability' to put learning from the evaluation process or evaluation findings to work in some way. In this context, the following users have been identified: the Director General, DDG for Development Activities, senior management team and directors implementing the various development oriented activities in the country.

The primary intended users are different from intended audiences, as the latter the intended audience has an interest in evaluation but has a more passive relationship with it than the primary intended users. For this evaluation the audience will be staff interested in the evaluation but who are not directly involved in the country delivery. For all interested audience the evaluation will be shared with them; however the use of the findings will not be their responsibility. Hence they are not considered as primary users, but rather intended audiences.

WIPO recognizes that evaluation has a number of important stakeholders with a range of perspectives and expectations. Some of the stakeholders<sup>3</sup> have been included in Annex 7 of these TORs.

### III. SCOPE AND FOCUS

The time frame for a portfolio evaluation is 6 years (2005-2010). In light of the strategic nature of the evaluation the focus shall not be on assessing individual operations but rather to evaluate the WIPO portfolio as a whole, its evolution over time, its performances, and the strategic role played by WIPO in Kenya. The evaluation will assess the portfolio of WIPO interventions/operations.

In addition to the operations, the evaluation will also review the analytical work conducted by WIPO over the period as well as WIPO's participation to strategic processes, not to assess the methodology or quality of products as such, but determine the extend to which it contributes to WIPO's priorities, core values and strategic goals in the country and enables strategic positioning.

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<sup>3</sup> The stakeholder list can only be used as a reference. The stakeholder list will be further elaborated and it is one of tasks that will need to be undertaken as part of the evaluation inception phase.

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### EVALUATION QUESTIONS

The CPE will be addressing the following three questions, which will be further detailed in a matrix of evaluation questions to be developed by the evaluation team during the inception phase.

Overall, the questions aim at highlighting the key lessons from the WIPO country presence and performance, which could inform future strategic and operational decisions. These are:

- **Question one – Strategic alignment of the WIPO portfolio including the extend to which:**
  - Its main goals and related activities have been in line with the country's developmental needs, priorities and capacities and;
  - Its goals have been coherent with the Millennium Development Goals, national agenda and policies, including IP policies/framework;
  - The Organization is working as one and its goals have been coherent and harmonized with those of partners (multilateral, bilateral and civil society); and
  - What would be the trade offs between aligning with national strategies on one hand and with WIPO's mission, strategic plans and corporate policies on the other hand.
  
- **Question two – Making strategic choices including the extent to which WIPO:**
  - Has analyzed the national IP issues, or used existing analyses to understand the key IP challenges in the country;
  - Contributed to placing these issues on the national agenda, to developing related national or partner strategies and to developing national capacity on these issues;
  - Positioned itself as a strategic partner for the government, multilateral, bilateral and civil society partners and in intellectual property; and
  - Identify the factors that determine existing choices (perceived comparative advantage, corporate strategies, national political factors, resources, organizational structure, monitoring information, etc.) to understand these drivers of strategy and how they need to be considered and managed when developing a country strategy.
  
- **Question three – Performance and Results of WIPO portfolio including:**
  - The relevance to the needs of people;
  - The level of efficiency, effectiveness, impact and sustainability of the main WIPO interventions and explanations for these results (including factors beyond WIPO's control);
  - The level of synergy and multiplying effect between similar activities in different operations and between the various main activities regardless of the operations; and
  - The level of synergies and multiplying opportunities with partners (multilateral, bilateral and civil society) at operational level.
  - The level of satisfaction among WIPO stakeholders, customers and beneficiaries.

### Lessons learned and Good Practices:

Identify key lessons in each of the above mentioned areas of focus and on positioning that can provide a useful basis for strengthening WIPO and its support to the country and for improving the effectiveness of WIPO's interventions in the future. Present good practices at the country level for learning and replication. Draw lessons from unintended results.

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### IV. EVALUATION PROCESS, METHODS AND APPROACH

#### EVALUABILITY ASSESSMENT

The Evaluation Section will provide the evaluation team all in house existing relevant documentation required for this evaluation. However, it is important to note that evaluation has not been considered as a priority in any of the programs/ project designs. Consequently there are none information evaluation data within the Organization. Baseline data by country has never been gathered making difficult to measure the effects of WIPO's interventions. In this context the evaluation could proof to be a valuable tool to analyze the existing situation in the country.

The WIPO framework has evolved over time: A new medium strategic plan was introduced in 2010. All program frameworks including indicators and results have been modified on an annual basis making it difficult to track results over a certain number of years. Although WIPO is working and collaborating with its members and towards development, country portfolios have not been developed. In the absence of an overall strategy for country portfolios, this will need to be reconstructed by the Evaluation Team at the inception phase. The 2010- 2015 Medium Term Strategic Plan should be used as a key reference, as well as its strategic results framework.

Although there are several evaluation constraints within the Organization, this does not suggest that if the pre-conditions do not exist, evaluations should not be undertaken. Evaluations within the given constraints are urgently needed to be conducted for reasons of accountability and learning. Further information on the evaluation constraints and possible strategies to manage some of the constraints can be found in Annex 9 of these TORs.

#### METHODOLOGY

The evaluation will employ relevant internationally agreed evaluation criteria of relevance, efficiency, effectiveness, impact and sustainability. In addition to the more traditional evaluation criteria, the evaluation will also consider the coordination, coherence and coverage.

During the inception phase the evaluation team will design the evaluation methodology to be presented in the inception report. The WIPO Independent Evaluation Guidelines should be used as a main reference document when developing the methodology. The methodology should:

- Demonstrate impartiality and lack of biases by relying on a cross-section of information sources (e.g. stakeholder groups, including beneficiaries, etc.) and using a mixed methodology (quantitative, qualitative, participatory) to ensure triangulation of information through a variety of means. The sampling technique to impartially select field visits sites and stakeholders to be interviewed should be specified.
- Employ a variety of methodologies, including desk reviews, stakeholder meetings, client surveys, focus group interviews and select site visits to Kenya. The Evaluation Team will review national policy documents, among others, the PRSP, in house available documentation as well as overall programming frameworks (United Nations Assistance Development Framework (UNDAF), UN Common Country Assessment for Kenya (CCA), etc.), which give an overall picture of the country context. The team will also consider select project documents and programs support documents as well as any reports from monitoring and evaluation at country level. Statistical data will be assessed where useful.



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- Allow for aggregation of findings related to groups of activities across the various portfolio operations by ensuring that the focus is put on how groups of main activities across operations have contributed together to their respective goals.
- Take into account the evaluation constraints described in these TORs, as well as budget constraints.
- Consider a wide stakeholder consultation and involvement. The Evaluation Team is required to meet with government ministries/institutions, research institutions, civil society organizations, civil society and private sector representatives, UN agencies, bilateral donors, and beneficiaries. The team should envisage visits to project/field sites as required.

In terms of methodology, the evaluation will follow guidance issued by the Evaluation Section, in a phased approach:

- Phase 1—Design Phase—drafting TORs, preparing budget, publishing TORs, selecting and hiring the evaluation team.
- Phase 2—Inception Phase briefing in Geneva—It will be the opportunity for the Evaluation Section to brief the evaluation team on the approach and for the evaluation team to meet the various technical units.
- Phase 3—Inception mission—conducted jointly by the team leader, team member, national consultant and evaluation manager to Kenya. The main objective will be to discuss the TORs and the evaluation approach with the main stakeholders in the country (Government, KIPI, Donors, universities and civil society, etc.).
- Phase 4—Inception report—the main objective of the inception report is to ensure the evaluation team has a good understanding of the scope of work in the TORs and has developed a coherent methodology for the main evaluation phase and presented it according to the report template in Annex 1.
- Phase 5—Mission—The mission will consist of field work in Kenya focusing on various areas identified in this TORs and inception report. The mission will end with a formal debriefing to WIPO stakeholders to present the evaluation findings and preliminary conclusions.
- Phase 6—Evaluation report—the data will be analyzed and presented according to the template provided in Annex 2. The executive summary of the evaluation report will be the core of the report to be presented to the Director General and its senior management team.

<b>V. EXPECTED PRODUCTS INCLUDING TIMEFRAME</b>
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**The CPE is expected to start on 6<sup>th</sup> June 2011 and be finalized on 9<sup>th</sup> December 2011.**

The following products should be delivered by the evaluation team:

**Deliverable 1:** An inception report which contains the evaluation objectives and scope, description of the evaluation methodology and methodological approach, data collection tools, data analysis methods, key informants/agencies, evaluation questions, performance criteria, issues to be studied, work plan summary of activities, timescales, workshops, reports and other deliverables;. The inception report should include

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and **evaluation matrix**. A template for the inception report explaining further details has been included in Annex 1 of these TORs.

**Derivable 2:** Power point presentation of preliminary findings of the key stakeholders. The comments made by key stakeholders should inform the draft report.

**Derivable 3:** Draft evaluation report which should be delivered with adequate time to allow stakeholder discussion of the findings and formulation of recommendations.

**Derivable 4:** Final evaluation report which should be structured as proposed in Annex 2. The final evaluation report should contain the management response to the recommendations and the management matrix.

**Derivable 5:** Power point presentation of the evaluation results to be presented to key WIPO stakeholders of the key stakeholders.

The reporting language will be English.

**Table 1:** Phases and deliverables

	Main phases of the evaluation	
Timeframe	Phase	Expected Outputs
February to May	<p>Phase 1: Design</p> <p>This includes drafting the TORs, preparing the budget, selecting and hiring the evaluation team.</p>	<p>TORs</p> <p>Consultants contracts</p>
June to July	<p>Phase 2: Inception (including team briefing in Geneva and first mission to Kenya for Team Leader)</p> <p>This will be the opportunity of the Evaluation Section to brief the evaluation team on the approach and for the evaluation team to meet the various technical units.</p> <p>Inception mission if required could provide a good opportunity to identified further relevant stakeholders and present the TORs and evaluation approach to main stakeholders in the Government, KIPI, donors, NGOs, CMOs, and other stakeholders.</p> <p>Inception report</p> <p>The main objective of the inception report is to ensure the evaluation team has a good understanding of the scope of work in the TORs and has developed a coherent methodology for the main evaluation phase and presented it according to the report template.</p>	<p>Inception Report including questionnaires and surveys for stakeholders consultation</p>
August to September	<p>Phase 3: Mission to Kenya and Zimbabwe</p> <p>The mission will consist of field work in Kenya and</p>	<p>Power point presentation and aide</p>

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	Zimbabwe focusing on various areas identified in the inception report. The mission will start with the debriefing with key stakeholders to inform them on the evaluation and will end with a formal debriefing to internal and stakeholders to present the evaluation findings and preliminary conclusions.	memoir
October	Phase 4: Reporting Sharing the results of the evaluation  The data will be analyzed and presented according to the template provided. The executive summary of the evaluation report will be the core of the report to be presented to the Senior Management Team. Management responses to the recommendations should be included in the report	Draft and Final Evaluation Report including presentation in Headquarter for all WIPO staff
December	Phase 5: Follow-up of management response	Management Response

## VI. EVALUATION DISSEMINATION AND COMMUNICATION

Evaluation contributes to knowledge building and organizational improvement. Therefore, evaluation findings and recommendations will be presented in a manner that is easily understood by target audiences.

Evaluation findings and lessons drawn from the CPE will be accessible to target audiences and the public in a user-friendly way. A repository of the evaluation will be used to distil lessons that contribute to learning and the development of structured briefing material for enhancing awareness rising of the evaluation function among staff and external stakeholders. This will be done in a way that facilitates the sharing of learning among stakeholders, including the organizations of the UN system.

All evaluation products will be in English.

Initial findings, conclusions and recommendations of the evaluation team will be shared with stakeholders during debriefing sessions at the end of the mission. There will be two such meetings one with external stakeholders in Kenya and a second one with WIPO stakeholders in Geneva. This early feedback is important to verify the initial findings of the team with stakeholders, give stakeholders in the country the opportunity to clarify issues and ensure a transparent evaluation process.

The evaluation report will be posted on the internet and briefs disseminated. Evaluation Section might envisage undertaking a workshop after the evaluation has been completed to discuss the conclusions and recommendations and determine follow-up actions with program managers and WIPO partners.

Once the evaluation is completed, the Evaluation Section will ensure dissemination of lessons through various means such as inclusion in the annual evaluation report, and through presentations made in relevant meetings. Lessons will be incorporated into Evaluation Section system for sharing lessons.

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### VII. LEARNING RESOURCE GROUP AND QUALITY ASSURANCE

For this specific CPE, the Evaluation Section will constitute a “Learning Resource Group (LRG)”. The Evaluation Manager will not only be part of the evaluation team but will follow the independent evaluation process at regular intervals. The LRG will be constituted by the Evaluation Section based on specific evaluation requirements and skills required. The role of LRG will be to provide technical support to the on technical issues or questions the Evaluation Team might have. The LRG will meet only twice during the whole evaluation process. The common key stages where the support of the “Learning Resource Group” will be required are during preparation of the inception or draft report and final presentation of evaluation results.

The learning resources group will increase the ownership of different stakeholders. However the number of participants on the LRG will not exceed the number of the evaluation team members. The evaluation team will be provided closely with institutional knowledge as and when necessary.

The Evaluation Section Quality Assurance System is based on the UNEG norms and standards, the WIPO Independent Evaluation Guideline and good practice of the international evaluation community. The evaluation manager will conduct the first level of quality assurance, while the Director, IAOD will conduct the second level review. This quality assurance process does not interfere with the views and independence of the evaluation team, but ensures the report provides the necessary evidence in a clear and convincing way and draws its conclusions on that basis.

The evaluation team will be required to ensure the quality of data (validity, consistency and accuracy) throughout the analytical reporting phases (inception report and final evaluation report).

### VIII. EXISTENT INFORMATION SOURCES

- WIPO Evaluation Policy and Independent Evaluation Guidelines which should be used as the primary guidance documents for this evaluation
- Medium Term Strategic Plans for WIPO
- Program and Budget Documents
- Program Performance Reports
- Mission reports, progress reports and monitoring information where available
- Country profile information
- Information available in the Development Sector System
- The evaluation will use the UNEG norms and standards for evaluation
- In house available statistics
- WIPO Financial Rules and Regulations
- WIPO’s paper on Millennium Development Goals and WIPO

The Evaluation Team will also be provided with access to required WIPO systems and networks.

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### IX. EVALUATION TEAM COMPOSITION, SKILLS AND EXPERIENCE

In order to uphold the evaluation independence in line with the WIPO Evaluation Policy, the evaluation will be conducted by the Evaluation Section with the support of a team of external consultants identified through a transparent selection process. Members of the team will not have been significantly involved in direct work with WIPO, or have other conflicts of interest. Please see in Annex 3 the WIPO Evaluation Section Code of Conduct for Consultants. All consultants will have to sign the Evaluation Section Code of Conduct – Evaluation Consultants Agreement Form which is available in Annex 4.

All proposed team members should have extensive knowledge, and experience in applying qualitative and quantitative evaluation methods. Overall, this evaluation will require the following:

1. One international team leader with strong evaluation experience
2. One international team member with IP background and evaluation experience
3. One intellectual property national consultant

The evaluation team should combine between its various members the following competencies:

- Strong experience in strategic positioning and planning related to development assistance, capacity building and intellectual property
- Ability to conceptualize complex evaluations and to design an optimal approach and methodology
- At least one team member should be an IP expert and have strong knowledge of the following: (i) IP technical assistance and capacity building including issues related to governance, donor harmonization/One-UN processes and civil society participation (ii) Norm-setting, flexibilities, public policy and public domain (iii) Technology transfer, information and communication technologies and access to knowledge.
- National expertise in IP is required as part of the team. In addition, knowledge of the Country-specific context and IP technical expertise needs to be brought in. WIPO requires a multicultural team with gender balance and geographic representation.
- Familiar with the country context especially with the IP context in Kenya.
- Strong skills in analyzing databases and surveys;
- Technical competence in intellectual property areas;
- Process management skills such as facilitation skills;
- Knowledge of the role of the UN and its programming is desirable as well as gender knowledge;
- Good communication, writing and report presentation skills;
- English writing skills;
- Ability to conceptualize the evaluation and to understand the strategic implications of findings.

### X. ACCOUNTABILITIES AND MANAGEMENT ARRANGEMENTS

The Evaluation Section will manage the evaluation and ensure coordination and liaison with concerned departments and programs in WIPO. Mrs. Julia Flores, Senior Evaluator of the Evaluation Section will be the Evaluation Manager and will lead the evaluation process.

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As the Evaluation Manager she is responsible for drafting the TORs; selecting and contracting the evaluation team/firm; preparing and managing the budget; organizing the team briefing in WIPO; assisting when possible in the preparation of field missions; conducting the first level quality assurance of the evaluation products and consolidating comments from stakeholders on the various evaluation products. She will also be the main interlocutor between the evaluation team, and WIPO counterparts to ensure a smooth implementation process. The Evaluation Manager will take a lead role in dialogue and stakeholder meetings on the findings and recommendations support the Evaluation Team in liaison with the key partners and in discussions with the team, and make available to the team all the material they have available.

According to the WIPO Financial Rules and Regulations, WIPO program managers are expected to provide information necessary to the evaluation; be available to the evaluation team to discuss when required their activities, its performance and results; facilitate the evaluation team contacts with stakeholders in Kenya; and assisting when required in setting up meetings. Relevant WIPO staff are expected to be available for interviews/meetings with the evaluation team and to comment on the various reports throughout the evaluation process.

To ensure the independence of the evaluation the Evaluation Section will conduct this evaluation with the support of external experts. WIPO senior managers, program and administration staff will not be part of the evaluation team nor participate in meetings where their presence could bias the responses of the stakeholders.

The Evaluation Team Leader is responsible for preparing and providing all expected products mentioned in Section XI of this TORs (presentations, draft and final inception report and draft and final evaluation report). The evaluation team is also responsible for the dissemination of all methodological tools such as surveys, but WIPO Evaluation Section will facilitate this process to the extent possible by providing contact information such as email addresses and phone numbers.

The Evaluation Section will meet all costs directly related to the conduct of the Country Evaluation. These will include costs related to participation including field visits of the team leader, international and national consultant(s) and the Evaluation Manager, as well as the issuance of the final evaluation report (English version) and presentation of results. The Evaluation Section will also cover costs of any stakeholder workshops during the evaluation mission.

### **XI. HOW TO APPLY FOR THIS ASSIGNMENT AND CONTRACTUAL ISSUES**

This is a call for individual consultants or group of individual consultants. Consultants applying for this assignment should not have been significantly involved in direct work with WIPO nor have other conflicts of interest. Consultants undertaking this evaluation will act impartially and respect the code of conduct of the evaluation profession.

Individual consultants interested in applying for this assignment will need to provide the evaluation section with the following:

1. A maximum of two pages technical proposal
2. A working plan including roles, tasks and time allocation for each task for each working member should be provided. Team members with unclear roles, tasks and time allocations for each time will not be considered for the exercise. The workplan should also specify the timeframe indicating key dates for providing the expected products.

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3. A budget proposal indicating the resources requirement using the guidance provided in Annex 5 of these TORs
4. Consultants' CVs
5. The signed Agreement to abide by the IAOD Code of Conduct for Evaluation in the UN System
6. Three working references

Please note that only applications fulfilling the above requested application requirements will be considered for the selection process.

Only selected consultants will be required to **submit two or three examples of evaluation reports** recently completed when responding to the Terms of Reference.

Interested individual consultants are welcomed to send their applications via e-mail to the following address [Julia.flores@wipo.int](mailto:Julia.flores@wipo.int) copying [silvia.nunez@wipo.int](mailto:silvia.nunez@wipo.int). **Deadline for applications is 20<sup>th</sup> May 2011.**

For the purpose of this evaluation two contracts will be developed by the Evaluation Section in collaboration with WIPO Human Resources:

1. The first contract which will cover all costs and consultants fees for the inception phase including mission for inception phase
2. A second contract which will cover the main evaluation including missions

The second contract will be provided to the consultants depending on the quality of the inception report and consultants performance meeting the TORs requirements. In case expected the outputs and evaluation team do not met the requirements set on these TORs then the contract can be terminated by WIPO at any time without further notice.

### Prepared by:

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## **Terms of Reference:**

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## **ANNEXES**



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## Terms of Reference:

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<b>ANNEX 1: SAMPLE INCEPTION REPORTING FORMAT</b>
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**Title page [Inception Report]**

[Name of the evaluation exercise as listed in the TORs; date; name and organizations of the evaluators; name of WIPO staff contact point for the evaluation (the evaluation manager); table of contents]

**1. Objectives and scope of the evaluation.**

[As stated on the TORs, with changes if agreed among the relevant stakeholders.]

[The team may choose to elaborate on the scope of the evaluation. The scope determines the boundaries of the evaluation, tailoring the objectives and evaluation criteria to the given situation. It should also make the coverage of the evaluation explicit (time period, phase in implementation, geographic area, and the dimensions of the network of actors being examined, i.e. a single organization or all stakeholders.) The limits of the evaluation should also be acknowledged within the scope.]

**2. Description of proposed methodology**

[While the TORs and the Note on a Proposed Evaluation Approach have outlined the methodology directions envisaged, the consultant should use the Inception Report to make any adjustments deemed necessary after the initial part of the exercise.]

[The objectives and scope of the evaluation are critical references to judge whether the methodology selected and resources allocated are adequate. They are also the critical reference against which the findings/conclusions and recommendations will be compared.]

*2.1 Methodological approach*

[Please describe briefly the overall methodological approach envisaged, for example inductive and/or deductive. Please provide details on preferred approaches, e.g. focus on processes, outputs and/or objectives; inter- and/or intra-organizational; participatory- and/or accountability-oriented; etc.]

*2.2 Data Collection Tools*

[Please describe the suggested methodologies to identify information sources and collect information during the evaluation. Examples could include informal and formal surveys, direct and participatory observation, community interviews, focus groups, expert opinion, case studies, and literature search.]

*2.3 Organization of the review/evaluation*

[Please describe how the review/evaluation is organized, e.g. who manages the process, who will be consulted, provide assistance, and if a core learning groups is constituted]

*2.4 Key informants and Agencies*

[Please provide names of agencies and other actors, who you consider to be key informants for this evaluation.]

*2.5 Key evaluation questions*

## Terms of Reference:

[Evaluations are often oriented by key evaluation questions. These add more detail to the objectives and contribute to defining the scope.]

### 2.6 Performance criteria

[Please describe how to measure the key issues, which performance indicators may be most useful.]

### 3. Issues to be studied

[This section is where the Inception Report primarily distinguishes itself from the TORs and the Note on a Proposed Evaluation Approach. The key issues of the evaluation are addressed in the TORs. The Inception Report should build on these and elaborate where possible to reflect the finding of the first initial period of the assignment. The sets of issues identified through the initial part of the evaluation and elaborated on in the Inception Report should serve as the parameters for interviews and analysis upon which the final report will be based.]

[In terms of structure, this section should be organized according to the subject headings by which the key issues are grouped in the TORs, with changes as deemed necessary. Where appropriate the evaluation criteria specified in the TORs (e.g. timeliness, appropriateness, relevance, efficiency and effectiveness) should be represented by sub-headings.]

### 6. Workplan

[As stated on the TORs, with changes as agreed among the relevant stakeholders. The workplan should include the list of activities, timescales, workshops, reports and other deliverables]

### 7. Timetable

[As stated on the TORs, with changes as agreed among the relevant stakeholders]

### 8. Reporting

[As stated on the TORs, with changes as agreed among the relevant stakeholders]

### 9. Action points

[Please list any points of action, like revision of the TORs, additional national consultant required, etc.]

### ANNEX: EVALUATION MATRIX

[A matrix on the key issues with associated indicators and research tools has proved very useful in past evaluations and may be included as a tool for easy reference.]

**Table 4:** Evaluation Matrix

Key issues	Performance indicators	Data collection tools and key informants

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## Terms of Reference:

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### ANNEX 2: SAMPLE EVALUATION REPORT

(Note: The Synthesis report for the whole comparative evaluation will closely follow a similar outline, with some additional elements to capture relevant results, and selective reference to evaluation results on country specific questions, outside the common template.). The evaluation report should not exceed 40 pages. Information backing up the report should be provided in the annexes.

#### **Title Page**

The Evaluation Section title page should include the date of publication, the name of the authors responsible for the report and a clear reference to the commissioning Organization. A reference where the document can be found once published should be added as well.

#### **Preface**

This should be prepared by the IAOD Evaluation Section

#### **Contents page**

Indicating the sections and annexes for easy reference

#### **Acronyms and abbreviations**

These are usually explained in full on the first occasion they are used in the report in order to assist the reader

#### **Acknowledgements**

Thanking those that have contributed to the exercise

#### **Executive summary**

Should be as brief as possible and should include a summarized version of the key findings, conclusions, recommendations and key lessons. The executive summary should not exceed 2 pages.

#### **Main report body**

The main report should be presented in the user-friendliest form allowing easy reading and interpretation of data. The evaluation team should make use wherever possible of sophisticated presentation techniques like diagrams, statistics and avoid the use of jargon.

### **1. Introduction**

Should include the following:

- The purpose, scope and focus of the evaluation
  - Any limitations of the evaluation design gained in retrospect
  - The policy context of the activity
  - The activity's size in terms of budget in relation to the overall WIPO's budget
  - A brief description of the activity, its logic and assumptions
  - An explanation of the structure of the report
  - Introduction to the team
2. **Methodology** (how the evaluation has been undertaken)
- Phases in data collection (desk study, field visits)
  - Reasons for the selection of the activity, or the countries or case studies chosen

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## Terms of Reference:

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- How information is collected (primary data collection, secondary data collection)
- Challenges encountered during the undertaking of the exercise like for instances key stakeholders not available for participating in the exercise or documentation not reliable or available

### 3. Findings on the Common Evaluation Questions

The evaluation team will need to report based on the evidence found through primary and secondary data the following:

- What happened? and why?
- What results were achieved in relation to those intended?
- What was the positive or negative, intended or unintended impact?
- What have been the effects on end beneficiaries?

### 4. Conclusions (justified and arising logically from the findings)

Summary of achievements against the initial activity logic model

- Summary of problems encountered and the reasons for this
- Overall effect end beneficiaries and cross cutting issues
- Why things happened as they did, questioning the assumptions, design, implementation, management, etc.

### 5. Key Lessons

Lessons that may have implications for future work arising from the evaluation questions

### 6. Recommendations around the Common Evaluation Questions

A short number, succinctly expressed, and addressed to those with the means and responsibilities for implementing them

### 7. Management Response on the Recommendations

## ANNEXES

Annex 1: Terms of Reference for Program Level Evaluation

Annex 2: Timetable and detailed evaluation work plan

Annex 3: Evaluation team profiles

Annex 4: List of Interviewees (by location, titles, gender specific, include interview time)

Annex 5: Evaluation Tools (questionnaires etc)

Annex 6: Collated stakeholder feedback on findings, conclusions and recommendations

Annex 7: Reports of country visits and case studies which formed part of the independent evaluation and have been drawn upon to produce the main report

Annex 7: Sources/bibliography (in full, including secondary sources)

Annex 8: Other appendices/annexes

## Terms of Reference:

### ANNEX 3: IAOD EVALUATION SECTION CODE OF CONDUCT FOR EVALUATION CONSULTANTS

Adapted by the IAOD Evaluation Section from the UNEG Code of Conduct and Ethical Guidelines for Evaluation.

To promote the trust and confidence in evaluation within WIPO, evaluation consultants working for the IAOD Evaluation Section are required to commit themselves in writing to the Code of Conduct for Evaluation specifically to the following obligations:

#### *Independence*

Evaluation in the United Nations systems should be demonstrably free of bias. To this end, evaluation consultants managed by the IAOD Evaluation Section are recruited for their ability to exercise independent judgment. Evaluation consultants working for the Section shall ensure that they are not unduly influenced by the views or statements of any party, that independence of judgment is maintained and evaluation findings and recommendations are consistent, verified and independently presented.

#### *Impartiality*

Evaluation consultants working for the IAOD Evaluation Section shall operate in an impartial and unbiased manner at all stages of the evaluation and give a comprehensive and balanced presentation of strengths and weaknesses of the activity or organizational unit being evaluated, taking due account of the views of a diverse cross-section of stakeholders. Evaluators shall guard against distortion in their reporting caused by their personal views and feelings.

#### *Credibility*

Evaluation consultants working for the IAOD Evaluation Section should prepare their reports based on reliable data and observations and ensure that reports show evidence of consistency and dependability in data, findings, judgments and lessons learned; appropriately reflecting the quality of the methodology, procedures and analysis used to collect and interpret data. They shall endeavor to ensure that each evaluation is accurate, relevant, and timely and provides a clear, concise and balanced presentation of the evidence, findings, issues, conclusions and recommendations.

#### *Conflicts of Interest*

Evaluation consultants working for the IAOD Evaluation Section shall avoid as far as possible conflict of interest so that the credibility of the evaluation process and product shall not be undermined. Conflicts of interest may arise at the level of the IAOD Evaluation Section, or at that of individual staff members or consultants. Conflicts of interest should be disclosed and dealt with openly and honestly.

Evaluation consultants working for the IAOD Evaluation Section are required to disclose in writing any past experience, of themselves, their immediate family, close friends or associates, which may give rise to a potential conflict of interest and to deal honestly in resolving any conflict of interest which may arise.

Evaluation consultants working for the IAOD Evaluation Section shall not have had any responsibility for the design, implementation or supervision of any of the activities that they are evaluating.

#### *Honesty and Integrity*

Evaluation consultants working for the IAOD Evaluation Section shall:

- a. Accurately represent their level of skills and knowledge and work only within the limits of their professional training and abilities in evaluation, declining assignments for which they do not

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## Terms of Reference:

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have the skills and experience to successfully complete.

- b. Negotiate honestly the costs, tasks to be undertaken, limitations of methodology, scope of results likely to be obtained, and uses of data resulting from the evaluation.
- c. Accurately present their procedures, data and findings, including ensuring that the evaluation findings are not biased to make it more likely that the evaluator receives further commissions from the Client.

### *Accountability*

Evaluation consultants working for the IAOD Evaluation Section are accountable for the completion of the evaluation as agreed with the Client in the TORs.

### *Obligations to participants*

Evaluation consultants working for the IAOD Evaluation Section shall:

- a. Respect people's right to provide information in confidence and make participants aware of the scope and limits of confidentiality. Evaluators must ensure that sensitive information cannot be traced to its source so that the relevant individuals are protected from reprisals.
- b. Respect differences in culture, local customs, religious beliefs and practices, personal interaction, gender roles, disability, age and ethnicity, and be mindful of the potential implications of these differences when planning, carrying out and reporting one evaluations, while using evaluation instruments appropriate to the cultural setting
- c. Keep disruption to a minimum while needed information is obtained, providing the maximum notice to individuals or institutions they wish to engage in the evaluation, optimizing demands on their time, and respecting people's right to privacy.

### *Rights*

In including individuals or groups in the evaluation, Evaluation consultants working for the IAOD Evaluation Section shall ensure:

- a. Right to Self-Determination. Prospective participants should be treated as autonomous agents and must be given the time and information to decide whether or not they wish to participate and be able to make an independent decision without any pressure or fear of penalty for not participating.
- b. Fair Representation. Evaluators shall select participants fairly in relation to the aims of the evaluation, not simply because of their availability, or because it is relatively easy to secure their participation. Care shall be taken to ensure that relatively powerless, 'hidden', or otherwise excluded groups are represented.
- c. Compliance with codes for vulnerable groups. Where the evaluation involves the participation of members of vulnerable groups, evaluators must be aware of and comply with legal codes (whether international or national) governing, for example, interviewing children and young people.
- d. Redress. Stakeholders receive sufficient information to know a) how to seek redress for any perceived disadvantage suffered from the evaluation or any projects it covers, and b) how to register a complaint concerning the conduct of an Implementing or Executing Agency.

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## Terms of Reference:

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### *Confidentiality*

Evaluation consultants working for the IAOD Evaluation Section shall respect people's right to provide information in confidence and make participants aware of the scope and limits of confidentiality. Evaluation consultants working for the IAOD Evaluation Section must ensure that sensitive information cannot be traced to its source so that the relevant individuals are protected from reprisals.

### *Avoidance of Harm*

Evaluation consultants working for the IAOD Evaluation Section shall seek to: minimize risks to, and burdens on, those participating in the evaluation; and seek to maximize the benefits and reduce any unnecessary harms that might occur from negative or critical evaluation, without compromising the integrity of the evaluation.

### *Accuracy, Completeness and Reliability*

Evaluation consultants working for the IAOD Evaluation Section have an obligation to ensure that evaluation reports and presentations are accurate, complete and reliable. In the evaluation process and in the production of evaluation products, evaluation consultants working for the IAOD Evaluation Section shall:

- a. Carry out thorough inquiries, systematically employing appropriate methods and techniques to the highest technical standards, validating information using multiple measures and sources to guard against bias, and ensuring errors are corrected.
- b. Describe the purposes and content of object of the evaluation (program, activity, strategy) clearly and accurately.
- c. Present openly the values, assumptions, theories, methods, results, and analyses that significantly affect the evaluation, from its initial conceptualization to the eventual use of findings.
- d. Examine the context in enough detail so its likely influences can be identified (for example geographic location, timing, political and social climate, economic conditions).
- e. Describe the methodology, procedures and information sources of the evaluation in enough detail so they can be identified and assessed.
- f. Make a complete and fair assessment of the object of the evaluation, recording of strengths and weaknesses so that strengths can be built upon and problem areas addressed.
- g. Provide an estimate of the reliability of information gathered and the replicability of results (i.e. how likely is it that the evaluation repeated in the same way would yield the same result?).
- h. Explicitly justify judgments, findings and conclusions and show their underlying rationale so that stakeholders can assess them.
- i. Ensure all recommendations are based on the evaluation findings only, not on their or other parties' biases.

### *Transparency*

Evaluation consultants working for the IAOD Evaluation Section shall:

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**Terms of Reference:**

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- a. Clearly communicate to stakeholders the purpose of the evaluation, the criteria applied and the intended use of findings.
- b. Ensure that stakeholders have a say in shaping the evaluation.
- c. Ensure that all documents are readily available to an understood by stakeholders.



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**Terms of Reference:**

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<b>ANNEX 4: IAOD EVALUATION SECTION CODE OF CONDUCT – EVALUATION CONSULTANTS AGREEMENT FORM</b>
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To be signed by all consultants as individuals (not by or on behalf of a consultancy company) before a contract can be issued.

### **Agreement to abide by the IAOD Code of Conduct for Evaluation in the UN System**

Name of Consultant:

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Name of Consultancy Organization (where relevant):

---

I confirm that I have received and understood and will abide by the IAOD Code of Conduct for Evaluation in the UN System.

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Signed at (place) on (date)

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Signature:

## Terms of Reference:

### ANNEX 5: RESOURCES REQUIREMENTS GUIDANCE

The evaluation will require the evaluation team to undertake missions to Kenya, Zimbabwe and Geneva. The UN DSAs rates for Geneva are Sfr 389,00 per day, Zimbabwe Sfr 140,00 and Kenya Sfr 350,00 per day. The DSAs do cover all cost the consultant may have during the mission (hotel costs, meals, transport to go to work). The travel costs' are not included in the DSA and will need to be included separately. The table 2 below can be used as a reference how the costs could be organized and tasks could be allocated. Consultants/firms applying for this consultancy will need to fill the table accordingly and add any other tasks they might consider relevant for the exercise. Please note that WIPO does only cover economic airfares.

Table 2: ALLOCATION OF RESPONSIBILITIES, TIME AND COSTS

Allocation of responsibilities, time and costs					
Evaluation Phases	UN Unit cost	TL	TM	NC	Sub-total External Experts
External experts - Unit cost in Sfr per day					
<b>Design Phase</b>					
Drafting TORs					
Preparing budget					
selecting and hiring consultants					
<b>sub-total working days</b>					
<b>Inception phase</b>					
Briefing evaluation team in Geneva (3 days briefing, 2 days to on-site team work)					
Inception mission for evaluation team in Kenya					
Inception report (home based working days)					
<b>sub-total working days</b>					
<b>External experts sub-total fees in Sfr</b>					
DSAs Kenya					
DSAs Geneva					
<b>sub total fees and DSAs</b>					
<b>Mission phase</b>					
Field visit for evaluation team to Kenya including mission to Masai community					
Evaluation team presentation of preliminary findings in Geneva					
<b>sub-total working days</b>					
<b>External experts sub-total fees in Sfr</b>					
DSAs Kenya					
DSAs Geneva					
<b>sub total cost fees and DSAs</b>					

## Terms of Reference:

Allocation of responsibilities, time and costs					
Evaluation Phases	UN Unit cost	TL	TM	NC	Sub-total External Experts
External experts - Unit cost in Sfr per day					
<b>Evaluation report phase</b>					
Analysis of data and report preparation					
Comments gathering					
Evaluation team report presentation in Geneva					
<b>sub-total working days</b>					
sub-total fees in Sfr					
sub-total DSAs Geneva					
<b>sub total cost fees and DSAs</b>					
<b>Follow up phase</b>					
Evaluation team leader and team member - management response and implementation of recommendations					
<b>sub-total working days</b>					
sub-total fees in Sfr					
sub-total DSAs Geneva					
<b>sub total cost fees and DSAs</b>					
<b>Other costs</b>					
<b>Air travel costs</b>					
Number of missions to Kenya					
Budget per air fare					
<i>sub-total travel cost for Kenya</i>					
Number of missions to Geneva					
Budget per air fare					
<i>sub-total travel costs for Geneva</i>					
<b>Total airfares costs</b>					
transportation - car rental in Kenya Sfr 250 per day					
<b>Total travel</b>					
<b>Administration costs</b>					
communications& printing					
<b>Sub-total administration costs</b>					
<b>Total working days per team member</b>					
<b>Total costs per team member including travel and admin</b>					

**Terms of Reference:**

Allocation of responsibilities, time and costs					
Evaluation Phases	UN Unit cost	TL	TM	NC	Sub-total External Experts
External experts - Unit cost in Sfr per day					
<b>GRAND TOTAL</b>					

## Terms of Reference:

### ANNEX 6: WIPO'S PORTFOLIO IN KENYA

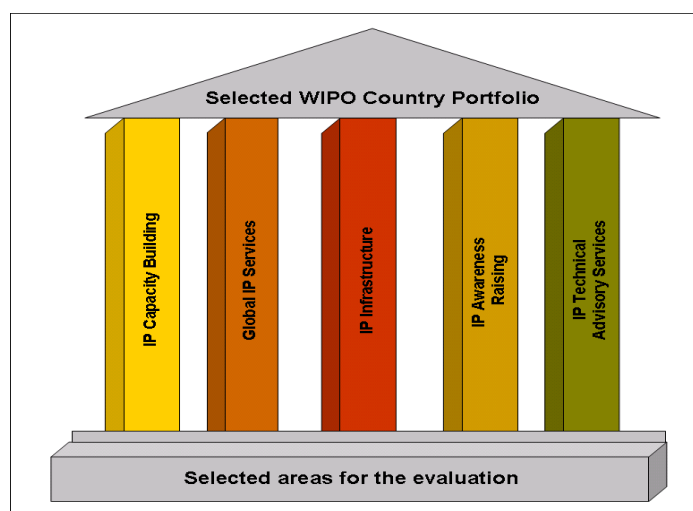
WIPO has a long working history with Kenya through the various WIPO administered treaties, agreements and conventions adopted by the country. The Paris convention was the first WIPO-administered treaty that came into force in 1965 and the last one is the Singapore Treaty that came into force in 2009.

WIPO has provided support to the Country through its various programs especially in the areas of IP capacity building activities, IP infrastructure, IP awareness raising, Global IP Services and technical advice on normative frameworks. WIPO does not have either country offices nor representation in the country to be evaluated. Its work is coordinated from the WIPO Headquarters in Geneva through its various departments. Through the introduction of the development agenda in WIPO, the Organization has committed itself to contribute to development specially to contribute to the achievement of the Millennium Development Goals. However, the success of WIPO's contribution to the MDGs depends heavily on cooperation and coordination not only within the Organization but among its partners including not only UN bodies and government but also the donor community, NGOs, private sector, universities, civil society in general, etc.

Currently WIPO does deliver its services to their Member States on a demand driven basis approach. All activities undertaken in Kenya have been implemented on this basis. Therefore it is the task of the evaluation team to assess whether the existing modus operandi is adequate for such an Organization like WIPO and whether the Organization is making the most effective use of its resources.

The concept of portfolio has been introduced by the Evaluation Section to refer to the entirety of WIPO activities implemented in the country over the last five years to ensure that the analysis is not only limited by operating modalities. Reference list of some of activities of the portfolio is available on Table 3 below. The country portfolio does include activities of the various WIPO programs. However the WIPO's Program Framework has over the years undergone several major modifications that it is not possible to analyze the effects of the interventions program by program. Therefore, the evaluation will only consider activities related to the following five pillars: IP capacity building activities, IP infrastructure, IP awareness raising, Global IP Services and technical advice.

**Graphic 1:** WIPO Pillars selected for the evaluation



The activities, services and projects of the portfolio seek to contribute to one or more of the eight strategic goals defined in the WIPO Medium-Term Strategic Plan as summarized below:

## Terms of Reference:

**Graphic 2:** WIPO technical strategic goals



The presented list of activities is not an exhaustive list of activities in the country. The list has only been provided as a guiding example. This list will need to be further elaborated as part of the inception report.

**Table 3:** Sample list of activities undertaken in Kenya

Year	Partner	Activity	Type of activity
2005	UNCTAD	Protecting and Promoting Traditional Knowledge: Systems, National Experiences and International Dimensions	Research
2005	Ilkerin Loita Integral Development Centre, Kenya	Promoting Development among the Indigenous Loita Maasai	Capacity Building
2005	Kenya Industrial Property Institute (KIPI) and Moi University	Moi University's IP policy (Kenya) was launched in 2004. The objective of this initiative was to create a linkage between the Kenya Industrial Property Institute (KIPI) and Moi University	Policy development
2005	Collective Management Organizations (CMOs)	Sensitization campaigns were organized in countries determined to create CMOs and other events focused on aspects of copyright and corporate governance for boards of management and heads of existing CMOs (Benin and Kenya).	Awareness raising
2005		In the context of promoting the effective and efficient use of the IP system in the African Region, impact assessment projects were launched in Ghana, Kenya, South Africa and the United Republic of Tanzania.	Research
2005	KIPI	Publication customized: Trade Marks - An introduction to Trade marks for Small and Medium -size enterprises	Awareness raising

## Terms of Reference:

Year	Partner	Activity	Type of activity
2005		Regional Consultations for African Countries on the Protection of Broadcasting Organizations - May 17, 2005 to May 19, 2005 (Nairobi, Kenya)	Research
2006	The Kenya Private Sector Alliance (KEPSA)	WIPO – KEPSA Seminar on IP and Franchising for SMEs	Capacity Building
2006		Meeting: WIPO International Seminar on the Strategic Use of Intellectual Property for Economic and Social Development - May 15, 2006 to May 19, 2006 (Nairobi, Kenya)	Capacity Building
2007		WIPO Sub-Regional Training Workshop on International Classifications and Search Tools 26 March, Nairobi, Kenya	Capacity Building
2007		Promoting copyright: Copyright awareness raising	Awareness raising
2007		Customized Guideline for the examination of patents, utility models and industrial design	Capacity Building
2008	WIPO and the AFC at the Library of Congress in Washington D.C. and the CDS at Duke University in North Carolina.	WIPO's Creative Heritage Project: Pilot Training Program for Indigenous Communities	Capacity Building
2008		Intergovernmental committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore	Policy development
2008		Inter-Regional Forum on Development and Service Oriented IP Administration, Geneva, July 1 and 2, 2008: Business modernization of IP institutions in Kenya and Africa: use of information technology in IP management	Infrastructure
2008	MCSK and KAMP	WIPOCOS Implementation Process at the Music Copyright Society of Kenya (MCSK) and Needs Assessment at the Kenya Association of Music Producers (KAMP)	Infrastructure
2009	European Patent Academy of the European Patent Office (EPO)	Third symposium for heads of IP Academies - EPO Munich, Germany, June 9 and 10, 2009	Capacity Building
2009	Cooperation with the Government of Kenya	Regional Forum on the Role of Patents and the Patent Cooperation Treaty (PCT) in Research in Developing Countries (WIPO/PCT/NBO/09) 30-mar-2009 to 01-abr-2009 (Nairobi, Kenya)	Capacity Building

## Terms of Reference:

Year	Partner	Activity	Type of activity
2009		PATENSCOPE: Under the agreement, WIPO will provide technical assistance to the Kenyan Industrial Property Institute (KIPI) for the digitization and dissemination of Kenyan patent documents via WIPO's PATENSCOPE® service.	Infrastructure
2009	Ministry of Foreign Affairs of Egypt Meeting took place in Cairo	African-Arab Seminar on Copyright Limitations and Exceptions: Addressing the needs of affected constituencies	Capacity Building
2009		Study undertaken by WIPO: Standing Committee on Copyright and Related Rights - 9th Session in Geneva December 14 to 18, 2009: Study on limitations and exceptions for copyright and related rights for teaching in Africa	Research
2009	Music Copyright Society of Kenya, AU und NEPAD	WIPOCOS Implementation at the Music Copyright Society of Kenya, Nairobi - WIPO Software for Collective Management of Copyright and Related Rights (WIPOCOS), which is all-embracing data processing management software for collective management of copyright and related rights, was deployed in Kenya	Infrastructure
2009	Music Copyright Society of Kenya, AU und NEPAD	Equipment for Kenya (WIPO Software for Collective Management of Copyright and Related Rights WIPOCOS)	Infrastructure
2009		Kenyan Task Force - Stakeholders Workshop, Kenya, Naivasha	Capacity Building
2009		Regional Forum on the Role of Patents and the PCT in Research in Developing Countries, Kenya	Awareness raising
2009	ARIPO and KIPI	Provision of a Server for KIPI in the framework of WIPO-ARIPO-KIPI e-communication project (Kenya)	Infrastructure
2009		Various PCT Training, Seminars and Presentations	Awareness raising
2009		Visit of Two officials from Burundi to KIPI, Nairobi	Capacity Building
2009		National Workshop on Deposit of Microorganisms for the Purposes of the Patent Procedure, Nairobi	Capacity Building
2009		Study on Developing a Benchmarking Tool for Enhancing the Contribution of the Technical Assistance and Capacity Building (TACB) Program to the Development of National Intellectual Property Systems	Research
2009		Study on Developing a Benchmarking Tool for Enhancing the Contribution of the Technical Assistance and Capacity Building (TACB) Program to the Development of National Intellectual Property Systems	Technical Assistance
2009	MCSK	On-site Follow-up Mission at the Music Copyright Society of Kenya (MCSK)	Infrastructure



## Terms of Reference:

Year	Partner	Activity	Type of activity
2009	MCSK	Roving Mission for the Migration from AFRICOS to WIPOCOS at the Music Copyright Society of Kenya (MCSK)	Infrastructure
2010		Missions for migration AFRICOS to WIPOCOS, Kenya	Infrastructure
2010		Study Visit to Kenya Copyright Office	Research
2010	ARIPO	Training Workshop on WIPOCOS Business Tools and Technical Applications for African English-Speaking Societies, AIPA, October 18 - 22, 2010 - Kenya participated in this workshop	Capacity Building
2011		WIPO scheme to give patents to poorest	Technical Assistance

## Terms of Reference:

### ANNEX 7: WIPO INTERNAL AND EXTERNAL STAKEHOLDERS AND USERS OF THE EVALUATION

WIPO Internal and External Stakeholders and Users of the Evaluation	
Internal Stakeholders	Interest in the evaluation
WIPO operational sectors, divisions, sections, units, grouped under the various programs.	Primary stakeholder of this evaluation. Responsible for planning and operations implementation, it has a direct stake in the evaluation and together with senior management will be primary users of its results to reposition WIPO in the country context, if necessary, and readjust advocacy, analytical work, programming and implementation as appropriate.
WIPO Senior Management concerned with corporate level policies and strategies.	Presentation of the evaluation results will inform Senior Management about the performance and outcome of WIPO activities in Kenya 2005-2010.  Both have an interest in learning from the evaluation results.
External Stakeholders	
WIPO Member States	WIPO's strategic direction, budget and activities are determined by its Member States, who meet in the Assemblies, Committees and other decision making bodies. Therefore, they will have a strong interest in finding and results of this evaluation.
Beneficiaries	Beneficiaries of WIPO have supported activities for whom the success or failure of WIPO's activities has the most direct and long-lasting implications: Inventors, IP students, researchers, academics, writers, musicians, other artists, indigenous communities, etc.
Government	The Kenya Copyright Board State Law Office Kenya Industrial Property Institute (KIPI) Ministry of Trade and Industry Ministry of Science and Technology Kenya Kenya National Library Service
User groups	People who use the resources or services in an area.  <b>Collective Management Organizations in Kenya:</b> The Kenya Association of Music Producers (KAMP) Performers Rights Society of Kenya (PRSK) Music copyright Society of Kenya The Reproduction Rights Organization of Kenya (KOPIKEN),  <b>National Museums of Kenya</b> Nairobi Gallery Rabai Museum Malindi Museum Loiyangalani Desert Museum Hyrax Hill Meru Museum Gede Ruins Kariandusi Kabarnet Museum Kitale Museum Lamu Museum Narok Museum Kisumu Museum Kapenguria Museum Nairobi National Museum Karen Blixen Museum

## Terms of Reference:

WIPO Internal and External Stakeholders and Users of the Evaluation	
	<p>Nairobi Snake Park</p> <p><b>Other users</b>            Cockrid Ltd            Muriu Mungai &amp; Co Advocates            Hanilton Harrison &amp; Mathews Advocates            Kaplan &amp; Stratton Advocates</p>
Cooperating partners.	<p><b>UN Organizations</b>            WHO            WTO            UNCTAD            UNAIDS            UNDP            UNESCO            UNIDO            UPOV            UNECA            International Trade Center (ITC)            FAO</p> <p><b>Regional Intergovernmental Organizations</b>            NEPAD            COMESA            ARIPO            African Union            Central African Economic and Monetary Community (CEMAC)</p> <p><b>Bilateral</b>            USAID            Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)            Norway            Denmark            Sweden            Canada            Japan            Netherlands</p> <p><b>Multilateral Organizations</b>            World Bank            European Patent Office            African Development Bank</p> <p><b>Private Sector Organizations</b>            Kenya Private Sector Alliance (KEPSA)</p> <p><b>SME associations</b>            Kenya National Chamber of Commerce and Industry            Micro and Small Enterprises Federation (MSEF)            Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT)            Kamukunji Jua Kali Youth Initiative (KAJUYI)            Kenya Association of Young Entrepreneurs (KAYE)            Entrepreneurship For Youth Empowerment-Kenya (EYE-K)            Kenya National Jua Kali Youth Association (KNJKYA)            Association of East Africa Women Entrepreneurs (AEAWE)            Nairobi Metropolitan Jua Kali Associations (NMJKA)            Kenya National Jua Kali Co-Operative Society            Millennium Youth Development and Cultural organization (MYDCO)            Kenya Micro &amp; Small Enterprise Trainers Association (KMSETA)            GS1            Metropol East Africa</p>
Non-governmental organizations (NGOs),	Ikerin Loita Integral Development Centre

## Terms of Reference:

WIPO Internal and External Stakeholders and Users of the Evaluation	
civil society organizations, and other organizations that are engaged in WIPO-assisted support.	
Universities and Research and Development Institutions	Moi University Kenyatta University Sudi Wandabusi law lecturer, Inorero University IDRC Kenya Agricultural Research Institute (KARI – TRC) Kenya Trypanosomiasis Research Institute (KETRI) Kenya Industrial Research and Development Institute (KIRDI)
Other partners	<b>Other collaboration partners working jointly with WIPO in Kenya</b> Library Congress in Washington DC
International stakeholders	International Federation of Musicians (FIM) World Association of Small and Medium-sized Enterprises (WASME) Bid Network
Co-financiers	That supplements WIPO's resources in particular projects.

## Terms of Reference:

### ANNEX 8: COUNTRY CONTEXT

Kenya has a population of 38.61 million and ranks 128<sup>th</sup> out of 169<sup>th</sup> countries with comparable data on the 2010 United Nation Development Program Human Development Index (HDI).

Between 1980 and 2010, Kenya's life expectancy at birth decreased by about 2 years, and mean years of schooling increased by over 4 years. Kenya's Gross National Income (GNI) per capita (Purchasing Power Parity (PPP) US\$) also increased by 13 per cent while expected years of schooling decreased by 0.4 years during the same period.

In 1980, Kenya, Lesotho and Zambia had close HDI values for countries in Sub-Saharan Africa. However, during the period between 1980 and 2010 the three countries experienced different degrees of progress toward increasing their HDIs.

**Comparison with other neighbor countries:** Kenya's 2010 HDI of 0.470 is above the average of 0.389 for countries in Sub-Saharan Africa. It is also above the average of 0.393 for low human development countries. From Sub-Saharan Africa, Kenya's 2010 "HDI neighbors", which are countries close in HDI rank and population size, are Cameroon and Ghana, which had HDI ranks of 131 and 130 respectively. Kenya is also compared to South Africa, a medium human development country in the region.

**Gender:** In Kenya, 10 per cent of parliamentary seats are held by women, and 20 per cent of adult women have a secondary or higher level of education compared to 39 per cent of their male counterparts. For every 100,000 live births, 560<sup>4</sup> women die from pregnancy related causes; and the adolescent fertility rate is 104 births per 1000 live births. Female participation in the labor market is 78 per cent compared to 89 per cent for men. The result is a Gender Inequality Index (GII) value for Kenya of 0.738 ranking it 117 out of 138 countries based on 2008 data. Kenya's "HDI neighbors", Cameroon and Ghana, are ranked at 129 and 114 respectively on the GI.

**Poverty:** In Kenya 60 per cent of the population suffer multiple deprivations while an additional 23 per cent are vulnerable to multiple deprivations. The breadth of deprivation (intensity) in Kenya, which is the average percentage of deprivation experienced by people in multidimensional poverty, is 50 per cent. The Multidimensional Poverty Index (MPI), which is the share of the population that is multidimensionally poor, adjusted by the intensity of the deprivations, is 0.302. Kenya's "HDI neighbors", Cameroon and Ghana, have MPIs of 0.299 and 0.140, respectively.

**International Property Right:** According to the 2011 International Property Rights Index (IPRI)<sup>5</sup> which measures the intellectual and physical property rights of 129 nations from around the world, Kenya still ranks quite low on the IPRI, it scores 4.4 out of 10 ranking Kenya 100 out of 129. However, its ranking improved for the third consecutive year. The legal and political environment remains unchanged and ranks very low 120 out of 129. After two years of growth Physical Property Rights stagnated in 2011 and continued scoring 6.0. Copyright piracy levels decreased while professional opinions regarding the intellectual property protection in Kenya slightly improved scoring 4.2 in 2011. Overall, these factors combined to raise IPR by 0.2 points.

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<sup>4</sup> The maternal mortality estimates are those available at the time the report was being prepared. For updated estimates released in September 2010 refer to UNICEF (2010) "Trends in Maternal Mortality, 1990-2008". New York (also available at [http://whqlibdoc.who.int/publications/2010/9789241500265\\_eng.pdf](http://whqlibdoc.who.int/publications/2010/9789241500265_eng.pdf))

<sup>5</sup> The IPRI uses three primary areas of property rights to create a composite score: Legal and Political Environment (LP), Physical Property Rights (PPR), and Intellectual Property Rights (IPR). Most importantly, the IPRI emphasizes the great economic differences between countries with strong property rights and those without.

## Terms of Reference:

**Table 4:** Overview of Kenya's rating in all areas

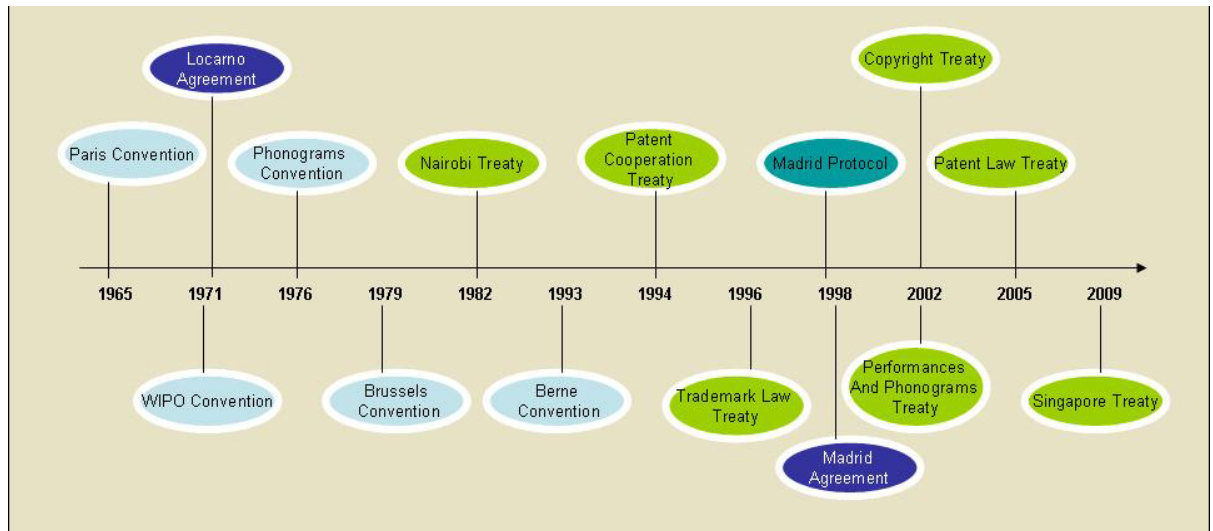
Category	Score	World Rank	Regional Rank
<b>Overall</b>	<b>4.4</b>	<b>100 of 129</b>	<b>18 of 26</b>
<b>Legal and Political Environment</b>	<b>3.0</b>	<b>120 of 129</b>	<b>21 of 26</b>
Judicial Independence	3.7	109 of 129	19 of 26
Rule of Law	2.9	118 of 129	19 of 26
Control of Corruption	2.8	119 of 129	21 of 26
Political Stability	2.4	113 of 129	20 of 26
<b>Physical Property Rights</b>	<b>6.0</b>	<b>67 of 129</b>	<b>7 of 26</b>
Protection of Physical Property Rights	5.2	94 of 129	15 of 26
Registering Property	7.5	102 of 129	20 of 26
Access to Loans	5.2	21 of 129	1 of 26
<b>Intellectual Property Rights</b>	<b>4.2</b>	<b>93 of 129</b>	<b>17 of 26</b>
Protection of Intellectual Property Rights	4.2	88 of 129	15 of 26
Patent Protection	6.4	66 of 129	5 of 26
Copyright Piracy	2.1	81 of 129	4 of 26
<b>Gender Equality</b>	<b>4.4</b>	<b>73 of 80</b>	<b>17 of 26</b>
Access to Land	0.0	78 of 80	20 of 26
Access to Property Other than Land	5.0	51 of 80	8 of 26
Access to Credit	5.0	48 of 80	3 of 26
Inheritance Practices	5.0	36 of 80	3 of 26
Social Rights	7.0	56 of 80	13 of 26

Kenya's IPR increased in 2010, but there remains room for much needed improvement. While the Protection of Intellectual Property Rights sub-component score increased, pirated material still is estimated to account for 80 percent of the business software used in the country. According to Professor T. Ogada, the barriers to patenting in Kenya include the low funding of R&D activities by African Governments (currently less than 1 percent of the GDP); a lack of funds to finance patent applications and maintenance; a lack of IP professionals, such as patent agents; the lack of institutional framework, such as technology management offices in Kenyan universities and R&D institutions; and a low level of IP awareness. Added to that the UNESCO calculated that by the end of 2007, only 2,2% of the total world researches were located in the African Continent. But the Kenyan government lacks both the will and the resources to enforce intellectual-property rights more vigorously, and the public has minimal awareness of the issue. According to *2010 The Economist Intelligence Unit Ltd*, neither police nor customs officers are well versed in copyright law and enforcement procedures. The Kenyan government lacks both the will and the resources to enforce intellectual-property rights more vigorously, and the public has minimal awareness of the issue.

Kenya is a member of World Intellectual Property Organization (WIPO) based in Geneva, Switzerland.

**Graphic 3:** WIPO-Administered Treaties in Kenya

## Terms of Reference:



It has signed and ratified several treaties. These include the convention establishing the WIPO in 1971, Paris Convention for the Protection of Industrial Property in 1883, Nairobi Treaty on Protection of the Olympic Symbol in 1981, Convention of Protection of Phonographs against Unauthorized Publication in 1976, Convention relating to the Programs Carrying Signal Transmitted by Satellites in 1979, Berne Convention for the Protection of Literary and Artistic Works on 12 February 1886 and Patent Co-operation Treaty (PCT) of 1970 administered by WIPO in Geneva, Switzerland in 1994 (WIPO, 1987). Kenya is also a member of the African Regional Industrial Property Organization (ARIPO) based in Harare, Zimbabwe.

In order to enhance and promote the creation and utilization of patent information in Africa, the African Regional Industrial Property Organization (ARIPO) was established in Harare, Zimbabwe on 9 December 1976. The organization is responsible for the following: modernization, harmonization and development of industrial property laws of its member states; fostering the establishment of close relationships between the member states in matters relating to industrial property rights; establishment of common services or organs for the coordination, harmonization and development of industrial activities affecting its members; the promotion and evolution of a common view and approach to industrial matters; and assisting its members in the acquisition and development of technology relating to industrial property (ARIPO, 1994). The organization administers two treaties, namely, the Lusaka Agreement on the Creation of African Regional Industrial Property Organization since 9 December 1976 and the Harare Protocol on the Grant and Registration of Patent and Industrial Design within the framework of ARIPO since 24 October 1994 (ARIPO, 1994).

WIPO has a long working history with Kenya. With the adoption of the various WIPO-administered treaties and the support provided over the years, Kenya has been considered, as part of the consultation undertaken by the Evaluation Section in 2009-2010 across WIPO, to be one of the selected countries for the country portfolio evaluations. The evaluation time-frame covers the 2005-2010 period, over the past six years various activities have been undertaken by WIPO in the country (a reference list of some of the activities undertaken have been provided in Annex 6 of this TORs). The evaluation team will further have to ensure that it has all relevant and up to date information concerning the on-going activities in Kenya over the past six years as this information was not fully available at the time of writing these TORs.

### Economy

Kenya continues to recover steadily from the multiple shocks that the country suffered since 2008. The World Bank's *Kenya Economic Update* for June 2010 projects a Gross Domestic Product (GDP) growth rate of 4.0 percent for 2010, but the government estimates a higher 4.5 percent growth rate. The Bank projects further improvement to 4.9% in 2011. The growth momentum was largely attributed to one engine, domestic consumption fuelled by imports, while the other engine, exports, remains weak due to underperforming manufacturing sector. Manufacturing, which was the second-largest sector after agriculture, now contributes 11 percent to GDP, falling behind transport and

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communications, and wholesale and retail. Agriculture remains the dominant sector, contributing 25 percent of GDP, according to the economic report published by the World Bank Kenya office in Nairobi. The overall outlook is that Kenya is moving towards the expansion recorded in 2004 to 2007, which resulted in a peak growth rate of 7.1 percent.

The economy continued to expand in the past two years, and Kenya was one of the few countries in the world that grew faster in 2009 compared to 2008, according to a December 2009 *Kenya Economic Update*. Growth rate of 2.6 percent in 2009, compared to 1.7 percent in 2008, followed a slow recovery from a quadruple shock: post election violence in early 2008, oil and food price increases, and the global financial crisis; and in 2009, the worst drought in a decade. The impact of the multiple shocks were particularly felt in the third quarter of 2009, when the economy stagnated, compared to a growth rate of 5.6 percent and 2.1 percent in the first and second quarters respectively. In the first quarter of 2010, growth rate was recorded at 4.4 percent, driven by expansion of agriculture, mining and quarrying, manufacturing, wholesale and retail, and financial sectors, according to the Central Bank of Kenya's May 2010 *Monthly Economic Review*. But growth was dampened by high cost of electricity and water, according to the review. Agriculture, the mainstay of the economy accounting for 23.4 percent of GDP, expanded at 4.6 percent during the first quarter, while mining and quarrying improved by 9.0 percent, manufacturing by 7.8 percent and the financial sector 11.9 percent. The expectation is that the economy will return to the earlier trend of recovery, as agricultural production, water and electricity supply improved following heavy rains in most parts of the country since December 2009, but drought predicted towards the end of the year may dampen these prospects. The government has adopted an expansionary fiscal policy including a fiscal stimulus targeted at infrastructure and agriculture to cushion the economy from further contraction.

The fiscal deficit for the first half of Fiscal Year 2009 to 2010 (July to June) was 5.6 percent of GDP, which was double the 2.8 percent achieved in 2008 to 2009, but it remained within the government's target of 6.4 percent of GDP. Average annual inflation declined throughout the year, falling from 15.9 percent in May 2009 to 5.9 percent in May 2010 due to falling prices of most goods and services.

### Political Developments

Kenyans approved a new constitution with a 67 percent majority vote in a referendum on Aug. 4, 2010. President Kibaki promulgated the new constitution on Aug. 27, 2010. The new constitution, which restructures Kenya into 47 devolved counties, marks the beginning of Kenya's second republic, and the end of nearly two decades of debate and search for a new constitutional dispensation. The government is now focusing its attention on the enormous policy and legislative agenda that must be completed to ensure implementation.

The new constitution is one of the long-term issues that the Grand Coalition Government committed itself to when it was sworn in on April 17, 2008, with Mr Mwai Kibaki from the Party of National Unity (PNU) as president and Mr. Raila Odinga from the Orange Democratic Party (ODM) as prime minister. The coalition was established under a National Accord and Reconciliation Agreement with an equally shared portfolio balance between PNU and ODM following a political crisis and violence that followed the announcement of the results of the presidential, parliamentary and local government elections of Dec. 28, 2007. The constitution will enable the government to deal with other long-term issues, including judicial, electoral and land reforms.

### Social Developments

Kenya's population hit 38.61 million, an increase of 35 percent over the last decade, according to the 2009 population census results released on Aug. 31, 2010. The report shows the distribution of the population across the country, with Rift Valley Province being the most populous with 10.1 million people. Nairobi, the capital, has 3.1 million people, according to the report released by the Ministry of Planning and National Development.

While the prevailing macro-economic conditions between 2003 and 2008 helped improve the welfare of Kenyans, rural and urban poverty remain a challenge. Recent analysis of the data from the 2005 to 2006 Kenya Integrated Household Budget Survey (KIHBS) indicates that national absolute poverty declined from 52.3 percent in 1997 to 46.1 percent in 2005 to 2006. While this decline in poverty compares well with other Sub Saharan African countries, it can still be considered high in comparison to neighboring countries such as Tanzania (about 36 percent) and Uganda (about 31 percent). In rural



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areas, overall poverty declined from 52.9 percent to 49.1 percent, while in urban areas, poverty declined from 49.2 percent in 1997 to 38.8 percent over the same period.

The Kenyan poverty profile also reveals strong regional disparities in the distribution of poverty. According to the 2005 to 2006 survey, the lowest incidence of rural poverty was in Central province (30.3 percent), followed by Nyanza (47.9 percent), Rift Valley (49.7 percent), Eastern (51.1 percent), Western (53.2 percent), Coast (69.7 percent), and North Eastern province (74.0 percent). Inequality in Kenya remains high. The distribution of income, measured by the Gini coefficient (a measure of inequality of income distribution—the higher the percentage the higher the level of inequality) was estimated at 39 percent in rural areas and 49 percent for urban areas (pre-crisis). Income disparities in the rural areas have gone down since 1997, while the disparities in the urban areas have increased slightly.

There has been additional progress with respect to other dimensions of social development over the past years. For example, net primary education enrollment was only 80 percent in 2003, but has since increased to about 90 percent in 2008 (with an equal enrollment ratio between boys and girls). In 2004, only about 60 percent of primary students completed their education compared with about 80 percent in 2008.

### Development Challenges

Kenya continues to face enormous challenges, reflected in weakening of the exchange rate, pressure on the current account due to weak exports attributed to underperforming manufacturing sector, remittances and tourism, and lower investor confidence due to prolonged differences within the grand coalition. Inflation is expected to continue falling due to lower food prices resulting from improved weather. The combination of output and employment losses has a direct impact on poverty.

Many problems resulting from the successive crises will take time to resolve. These include (i) damage to physical assets, (ii) the displacement of about 300,000 people (about 1 percent of the population); (iii) the loss of confidence among investors and tourists; and (iv) damage to social capital. Unrelated to the post election violence, last year's global financial crisis increased inflation and the trade deficit. Looming global slowdown is another risk and Kenya's economic policies will need to factor these into the overall policy management framework.

Kenya's external account situation seems to be manageable. This is attributed partly to the cuts the Ministry of Finance announced on certain public expenditures in 2009. Shortfalls in finance will be financed by net domestic borrowing including long term infrastructure bonds, and privatization receipts.

## Terms of Reference:

### ANNEX 9: EVALUATION CONSTRAINTS

Although there are several evaluation constraints within the Organization, this does not suggest that if the pre-conditions do not exist, evaluations should not be undertaken. Evaluations within the given constraints are urgently needed to be conducted for reasons of accountability and learning.

#### Data constraints

In WIPO there is little experience that has been cumulated through evaluations. Consequently in most programs or projects there is little or no comparable baseline information available on the conditions of the target groups before the programs or projects started. Even in cases where program or project records are available, they might be often not organized in the form needed for comparative before-and-after analysis. Program records and other documentary data often suffer from reporting biases or poor record-keeping standards. Even when secondary data is available, this is sometimes incomplete. Even in cases where monitoring has been done on a routine basis and data has been gathered this might not always relate to the reality of the program or the initial agreed results framework.

Since data constraints are a major issue in WIPO the Evaluation Team will need to:

- Reconstruct baseline data for program/project populations:
- Special challenges in working with comparison groups
  - Identifying and constructing comparison groups
  - Problems of nonequivalent comparison groups
- Collecting data on sensitive topics or from groups who are difficult to reach
- Collecting data on difficult-to-reach groups

#### Framework constraints

Within WIPO each operation has its own working framework and the formulation of the operations at different points in time refers consequently to different goals not always the Organization's goals. However, in the absence of an overall strategy or set of goals for the portfolio, this will need to be reconstructed by the Evaluation Team at the inception phase. The 2010-2015 Strategic Plan should be used as a reference for the discussion on strategic alignment of the overall portfolio, as well as its related strategic results framework.

#### Budget Constraints

Due to budget constraints the Evaluation Team will need to:

- Prioritize data needs with the stakeholders to eliminate the collection of non-essential data
- Make use of reliable secondary data
- Reduce the sample size of analysis
- Reduce the cost of data collection, input and analysis

#### Political influences

In order to manage existing political influences to the possible extend the Evaluation Team might need to:

- Addressing political constraints during the evaluation process:
  - By understanding the political environment
  - Participatory evaluation and consultation
- Addressing political constraints during the evaluation:
  - Ensuring access to information during the implementation of the evaluation
  - Providing feedback to allay suspicion and demonstrate the value of the evaluation

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- Addressing political constraints in the presentation and use of evaluation findings:
  - Ensuring that the findings are of direct practical utility to the different stakeholders