



Independent project evaluation:

“AfCFTA support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification”

Independent Evaluation Unit

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ACRONYMS AND ABBREVIATIONS

AfCFTA	African Continental Free Trade Area Agreement
AMU	Arab Maghreb Union
ARIA	Assessing Regional Integration in Africa
ARIPO	African Regional Intellectual Property Organization
AU	African Union
AUC	African Union Commission
COMESA	Common Market for Eastern and Southern Africa
COVID-19	Coronavirus disease
DIAE	Division on Investment & Enterprise
DITC	Division of International Trade and Commodities
EAC	East African Commission
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
GDP	Gross Domestic Product
GIZ	Gesellschaft für Internationale Zusammenarbeit
GTR	Global Trade Review
ICAI	Independent Commission for Aid Impact
IEU	Independent Evaluation Unit
ILO	International Labour Organization
IMF	International Monetary Fund
IP	Intellectual Property
IPR	Intellectual Property Rights
ITC	International Trade Center
m	Million
M&E	Monitoring and evaluation
n	Number
NFP	National Focal Point
NTB	Non-Tariff Barriers
OAPI	Organisation Africaine de la Propriété Intellectuelle
REC	Regional Economic Commission
SADC	Southern African Development Community
SDG	Sustainable Development Goals
SMART	Specific, measurable, achievable, relevant and time-bound
SPA	Sanitary and Phytosanitary
SMS	Short Messaging Service
SWOT	Strengths, weaknesses, opportunities, and threats
ToR	Terms of Reference
TRAINS	Trade Analysis and Information System
TWG	Technical Working Group
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
UK	United Kingdom
UN	United Nations

UNCTAD	United Nations Conference on Trade and Development
UNECA	United Nations Economic Commission for Africa
USAID	United States Agency for International Development
US\$	United States Dollar
%	Percentage

EXECUTIVE SUMMARY

- ES 1. This document constitutes the evaluation report of the United Nations Conference on Trade and Development-led (UNCTAD) project titled: "African Continental Free Trade Area Agreement (AfCFTA) support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification" ("the project"). The government of Germany funded the project from 1 December 2018 to 31 December 2020 with a budget of EURO 1,600,000. The donor granted a three month project extension to 31 March 2021.
- ES 2. The UNCTAD Division of International Trade and Commodities (DITC)/Trade Analysis Branch and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit were implementing the project.

Project background

- ES 3. On 21 March 2018 in Kigali, Rwanda, the vast majority of African Union (AU) member states signed the agreement of the AfCFTA. If all members ratify it, the agreement will bring together 1.2 billion people with a combined gross domestic product (GDP) of more than US\$ 2 trillion.
- ES 4. This project aimed to contribute to the key objectives of the AfCFTA Protocol on Trade in Goods through two project components.
- Component 1: To support the implementation of AfCFTA Annexes on NTBs, SPS measures, and TBT, the project aims to increase African policymakers' capacity concerning the elimination of NTBs, regulatory transparency, and collaboration. It shall bridge the existing gap between capacities across African RECs, focusing on the East African Commission (EAC)- Common Market for Eastern and Southern Africa (COMESA) - Southern African Development Community (SADC) Tripartite and Economic Community of West African States (ECOWAS) as building blocks. It puts in place required mechanisms and tools and supports the building of institutional infrastructure at the national level where needed.
 - Component 2: To support economic diversification, regional value chain integration, and industrial capacity upgrading, the project aims to build capacity on intellectual property policies, licensing, technology transfer, and other collaboration.

Evaluation purpose and scope

- ES 5. The evaluation Terms of Reference (ToR)¹ outline the background of this evaluation: "This evaluation exercise is meant to ensure ownership, result-based orientation, cost-effectiveness, and quality of UNCTAD assistance. By carrying out this evaluation, UNCTAD plans to assess its work, learn lessons, receive feedback, appraisal, and recognition, and mobilize resources by showing the possible attribution of achievements to the programme. The UNCTAD Independent Evaluation Unit, in collaboration with the Division of International Trade and Commodities (DITC)/Trade Analysis Branch, and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit, managed this evaluation.

¹ UNCTAD, 2020: Terms of Reference (TOR)Independent Evaluation of UNCTAD Project"African Continental Free Trade Area Agreement (AfCFTA) support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification," pages 1-2.

Evaluation methodology

- ES 6. For this evaluation, the evaluator used a theory-based evaluation methodology to address the time-lag between project inputs such as capacity building, data collection and analysis, and, for example, the elimination of non-tariff barriers (NTBs) or changes in regulatory transparency. The approach was successfully used in recent evaluations for international organizations, including UNCTAD.
- ES 7. The evaluator used mixed evaluation methods for data collection. 57 stakeholders participated in the primary data collection. The evaluator contacted stakeholders from all beneficiary countries (42), with 17 representatives of seven countries agreeing to be interviewed (17%). Those countries include members of the following Regional Economic Commissions: COMESA, EAC, Economic Community of Central African States (ECCAS), ECOWAS, and SADC, with only the Arab Maghreb Union (AMU) missing. In the online survey, 31 out of 63 stakeholders from AU Member States participated, with a very high response rate of 49%. 42% of respondents were female and 58% male. The project team, the AU Commission and the donor also participated in telephone interviews. In total, 51 external stakeholders participated in primary data collection, excluding six members of the project team.
- ES 8. Field visits or face-to-face interviews were not possible due to the travel and meeting restrictions following the Coronavirus disease (COVID-19) pandemic.

Evaluation findings

Relevance: The project shows very high relevance.

- ES 9. The alignment to UNCTAD mandates is clearly given. The 2016 Nairobi Maafikiano mandates the project for both components. The relevance for the AU Member States needs is very high, given that the AfCFTA process is AU-owned and fully demand driven. The project's Theory of Change is valid, to the extent assumptions can be assessed before the full implementation of the Non-Tariff Barriers (NTB) database.
- ES 10. UNCTAD's comparative advantage is very high, and relevance for project stakeholders reached 74% to 78%, representing high to very high ratings.

Effectiveness: The project shows good progress towards the achievement of its expected results.

- ES 11. Overall, the project shows progress in achieving outputs, outcomes, and goals. A more specific quantitative assessment of progress is not possible due to the absence of time-bound milestones or targets in the UNCTAD project proposal template.
- ES 12. Stakeholder perceptions of progress made are highest for enhancing the capacities to implement AfCFTA provisions on NTBs, Sanitary and Phytosanitary (SPS) measures, and Technical Barriers to Trade (TBT) (72%), followed by establishing the NTB elimination mechanism in AfCFTA (71%). The increase in transparency of regulations shows slightly lower progress (61%), based on stakeholder perceptions. Overall, stakeholder satisfaction about the UNCTAD support in the AfCFTA progress on NTB and NTM reaches 75%.
- ES 13. The project's engagement in the Intellectual Property (IP) component was appreciated by stakeholders in Egypt.

- ES 14. The 1st Technical Working Group (TWG) on IP Protocol of the AfCFTA that was held from 11th to 13th November 2020 endorsed UNCTAD's presentation during the meeting and its work under the Assessing Regional Integration in Africa (ARIA) IX to serve as a reference document for IP negotiations under AfCFTA.
- ES 15. The project is likely to contribute to the Sustainable Development Goal (SDG) 17.11.1 "Developing countries and LDCs' share of global exports" and SDG 17.14.1 "No. of countries with mechanisms in place to enhance policy coherence". The main unintended positive effect of the project are significant cost savings due to the COVID-19 pandemic, resulting in the replacement of face-to-face meetings with virtual ones, enlarging the project's reach.

Efficiency: The project used resources appropriately.

- ES 16. Benefitting from the infrastructure and reputation of the AU and the AfCFTA as a forum to conduct the project is paramount for the adequacy of project implementation. The use of internal resources is very high. The project leverages many years of UNCTAD research and technical cooperation in the areas of NTB, NTM, and IP. Leverage of external cooperation is also very high, as the project is embedded in the AfCFTA unit in the AU Commission (AUC).
- ES 17. The project monitoring follows the donor's annual progress reporting requirements, with room for improvement to accommodate results-based management principles.

Sustainability: The evaluation finds largely positive results concerning the project's sustainability for partners' commitment, knowledge, and capacities. Questions, however, emerge about governments' future financial commitment to continue funding AfCFTA implementation.

- ES 18. Ownership by heads of state to the AfCFTA and its implementation is very high. The appointment of National Focal Points and National Monitoring Committees are governments' institutional arrangements to ensure the continued AfCFTA implementation, including NTB reporting. The project engaged mainly National Focal Points (NFPs) in technical capacity building with good results. All NFPs were reached with standardized training for NFP-specific tasks.
- ES 19. The evaluation finds that project beneficiaries' changes in knowledge, capacities, and practice are overall positive. However, a limited reach of the training shows beyond the National Focal Points in governments in many countries, according to project stakeholders. Concerning training of private sector operators, the project managed to undertake awareness raising/training events for over 1000 persons.
- ES 20. On the IP component, the project team aims at achieving sustainability by directly building capacity of the involved IP Protocol negotiators.
- ES 21. The financial resources are the Achilles heel of the project's sustainability in several countries. Challenges include the continued capacity building needs and national awareness-raising concerning the NTB platform once the UNCTAD project ends. The future funding of the NTB tool should only be a question of prioritization for the AU commission, as funds appear to be available for the annual costs of US \$15,000 to maintain the platform.

Gender and human rights: Gender mainstreaming and human rights are less visible in the project. Human rights aspects were not requirements for project planning and the internal approval process.

ES 22. The UNCTAD project serves all traders, but differentiation by sex does emerge, informal female cross-border traders being one example. Entry points for UNCTAD to address gender mainstreaming could include targeted awareness-raising of National Focal Points (NFPs) and negotiators, capacity building of joint border posts, the collection of disaggregated data, the promotion of the off-line NTB reporting tool for informal female traders and leaflets in border regions. The United Nations Economic Commission for Africa (UNECA) shows interest to join forces with UNCTAD to address gender mainstreaming in the AfCFTA context.

ES 23. Human rights: though not explicitly included in the project design, the project fully addresses monitoring and evaluation of AfCFTA impacts with the NTB platform, which is a human rights dimension for AfCFTA implementation, according to recent research. Also, the project's work on IP directly concerns human rights, especially the right to health, the right to food and the right to education. UNCTAD's advice in the context of both AfCFTA and Egypt relates to striking an appropriate balance between these rights and the objective to promote technological innovation.

Partnerships: The project was successful in establishing and leveraging partnerships

ES 24. The project design is partnership-based. Partnerships such as the one with the AU Commission or UNECA are instrumental to the project implementation. The benefits of partnerships are manifold, including catalyzing internal communication and awareness-raising among national stakeholders through trusted AU Commission channels.

ES 25. Apart from the AU Commission, the project was most successful in leveraging partnerships with Regional Economic Commissions (REC) such as COMESA, ECOWAS, and SADC (73% success rating) and the project worked well with those partners. Less progress showed in partnering with civil society organizations (59% success rating).

Conclusions

ES 26. Based on the above key findings, the evaluation comes to the following conclusions.

Relevance

ES 27. The UNCTAD project is entirely demand-driven and fits into AU processes and structures. UNCTAD is a preferred partner for the AU.

Effectiveness

ES 28. The evaluation mitigated the absence of specific time-bound milestones or targets in the UNCTAD project proposal template through stakeholder perceptions to assess the project's effectiveness with overall positive results at the output and outcome level.

The project's practical and demand-driven approach shows potential contributions to the SDGs, which now depend on a more systematic use of the NTB reporting tool and action taken to address the reported NTBs.

Efficiency

ES 29. The project is highly efficient by bringing together internal UNCTAD expertise and operating from within the AU Commission and its AfCFTA negotiation process, combining the technical capacity of two UNCTAD Divisions in one project.

Sustainability

ES 30. The project still benefits from a momentum of the highest policy makers' significant ownership across the AU. The institutionalization of ownership is well advanced. Individual capacities of stakeholders such as NFPs are enhanced, and practices changed. However, the project's reach to create awareness and enhance capacities is still limited.

ES 31. An exit strategy, including a transition period, with explicit reference to the AU commission's/ AfCFTA Secretariat's role in funding the NTB reporting tool, after a transition period, is currently missing in the project.

Gender and human rights



ES 32. Though not explicitly demanded in the UNCTAD project proposal template, the AfCFTA support project contains a human rights dimension. Specific opportunities to further address gender more systematically emerge, with UNECA interested to cooperate with UNCTAD. For human rights, the project's explicit human rights orientation concerning AfCFTA implementation monitoring is currently underreported.

Partnerships

ES 33. Partnerships are the cornerstone of the project and significantly facilitated project implementation. Room for improvement emerges in stronger engaging the private sector and civil society organizations.

The following page presents the evaluation's recommendations in the summary matrix of findings, evidence, and recommendations.





SUMMARY MATRIX OF FINDINGS, EVIDENCE, AND RECOMMENDATIONS

Findings ² : problems and issues identified	Evidence ³	4Recommendations
 <p>Relevance: The 2016 Nairobi Maafikiano mandates the project for both components. The relevance for the AU Member States needs is very high, given that the AfCFTA process is AU-owned and fully demand driven. UNCTAD's comparative advantage is very high, and relevance for project stakeholders reached 74% to 78% high to very high ratings. The project's reconstructed Theory of Change is valid. The relevance score of the project is "green" (94 out of 100).</p>	<p>Document review; Theory of Change validation, On-line survey; telephone Interviews.</p>	<p>R1: The donor is encouraged to continue funding the project due to its high relevance and fully demand-driven nature. <i>Prioritization: very high: next 3- 6 months</i></p>
 <p>Effectiveness: Overall, the project shows progress in achieving outputs, outcomes, and goals. A more specific quantitative assessment of progress is not possible due to the absence of time-bound milestones or targets in the UNCTAD project proposal template. Stakeholder perceptions of progress made are highest for enhancing the capacities to implement AfCFTA provisions on NTBs, SPS measures, and TBT (72%), followed by establishing the NTB elimination mechanism in AfCFTA (71%). The increase in transparency of regulations shows slightly lower progress (61%), based on stakeholder perceptions. Overall, stakeholder satisfaction about the UNCTAD support in the AfCFTA progress on NTB and NTM reaches 75%. The project's engagement in the IP component showed appreciation in Egypt. The 1st Technical Working Group on IP Protocol of the AfCFTA endorsed UNCTAD's presentation during the meeting and its work under ARIA IX to serve as a reference document for IP negotiations under AfCFTA. The project is likely to contribute to SDG 17.11.1 "Developing countries and LDCs' share of global exports" and SDG 17.14.1 "No. of countries with mechanisms in place to enhance policy coherence". The main unintended positive effect of the project are significant cost savings due to the COVID-19 pandemic, resulting in the replacement of face-to-face meetings with virtual ones, enlarging the project's reach. . The main lessons learned and good practices are clustered around the project implementation mechanism and the NTB reporting tool. The score for effectiveness is "green," with 83 out of 100, based on the evaluation's scoring methodology.</p>	<p>Document review; On-line survey; telephone Interviews.</p>	<p>R2: The Project team should conduct a baseline assessment, set milestones and targets at the inception stage and review the results framework at mid-point. <i>Prioritization: high: next 6 months</i></p> <p>R3: The Project team should provide "run clinics" in the logging of existing NTB complaints in the online reporting tool during practical sessions of its capacity-building events. An increasing number of complaints registered will motivate others to use the tool and enhances stakeholder expectations for governments to address those reported NTBs. <i>Prioritization: high: next 6 months</i></p>
<p>Efficiency:</p>	<p>Document review; On-</p>	<p>R4: The Directors of the Division of International Trade and Commodities and the Division on Investment &</p>

² A finding uses evidence from data collection to allow for a factual statement.

³ Sources that substantiate findings

⁴Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

 <p>Benefitting from the infrastructure and reputation of the AU Commission as a forum to conduct the project is paramount for the adequacy of project implementation. The use of internal resources is very high and the project leverages many years of UNCTAD research and technical cooperation in the areas of NTB, NTM, and IP. The leverage of external cooperation is very high, as the project operates from inside the AfCFTA unit in the AU Commission. The project monitoring follows the donor's annual progress reporting requirements. The evaluation finds the project's efficiency as very high (94 out of 100), with a "green" score.</p>	<p>line survey, telephone Interviews.</p>	<p>Enterprise could showcase the AfCFTA support project as an example of: i) a fully demand-driven project; ii) its implementation mechanisms from inside the AU Commission; and iii) as an example of cooperation across UNCTAD.</p> <p><i>Prioritization: medium: next 6 – 12 months</i></p>
 <p>Sustainability: Government ownership of heads of state to the AfCFTA and its implementation is very high. The appointment of National Focal Points and National Monitoring Committees are governments' institutional arrangements to ensure the continued AfCFTA implementation. The project engaged mainly National Focal Points in technical capacity building with good results. All NFPs were reached with standardised training for NFP-specific tasks. However, a limited reach of the training shows beyond the National Focal Points in governments in many countries, according to project stakeholders. The financial resources are the Achilles heel of the project's sustainability in several countries. Challenges include the continued capacity building needs and national awareness-raising concerning the NTB platform once the UNCTAD project ends. The future funding of the NTB tool should only be a question of prioritization for the AU commission, as funds appear to be available for the annual costs of US \$ 15,000 to maintain the platform. The evaluation finds that project beneficiaries' changes in knowledge, capacities, and practice are overall positive. The score for sustainability is "amber/green" (73 out of 100).</p>	<p>Document review, On-line survey, telephone Interviews.</p>	<p>R5. The project team should review its experience with the Training of Trainers (ToT) approach taken in Togo and other countries and consider the systematic roll-out of such a ToT approach to significantly enhance the reach of its awareness-raising and capacity building.</p> <p><i>Prioritization: very high: next 3- 6 months</i></p> <p>R6. The project team should develop an exit strategy jointly with the AU Commission and AfCFTA Secretariat as part of the implementation planning for the second project phase, clarifying the NTB reporting tool's future funding.</p> <p><i>Prioritization: high: next 6 months</i></p>
 <p>Gender and human rights: The UNCTAD project serves all traders, but differentiation by sex does emerge, with informal cross-border traders, being predominantly female. Entry points for UNCTAD to address gender mainstreaming could include targeted awareness-raising of NFPs and negotiators, capacity building of joint border posts, the collection of disaggregated data, the promotion of the off-line NTB reporting tool for informal female traders and leaflets in border regions. UNECA shows interest to join forces with UNCTAD to address gender mainstreaming in the AfCFTA context. Human rights: though not explicitly included in the project design, the project fully addresses monitoring and evaluation of AfCFTA impacts with the NTB platform, which is a human rights dimension for AfCFTA implementation, according to recent research. Also, the project's work on IP directly concerns human rights, especially the right to health, the right to food and the right to education. UNCTAD's advice in the context of both AfCFTA and Egypt relates to striking an appropriate balance between these rights and the objective to promote technological innovation. The evaluator has not rated this criterion, given that UNCTAD programming guidance did not include gender or human rights for the development of project proposals.</p>	<p>Document review, On-line survey, telephone Interviews.</p>	<p>R7. The project team should review the entry points for strengthening the project's gender dimension identified in this evaluation and systematically address the most suitable entry points in the project's next phase.</p> <p><i>Prioritization: very high: next 3- 6 months</i></p> <p>R8. The project team should explicitly state its human rights orientation through AfCFTA monitoring when reporting to the donor and UNCTAD.</p> <p><i>Prioritization: medium: next 6 – 12 months</i></p>
 <p>Partnerships: The project design is partnership-based. Partnerships such as the one with the AU Commission or UNECA are instrumental to the project implementation; Benefits of partnerships are manifold, including catalysing internal communication and awareness-raising among national stakeholders through trusted channels; Apart from the AU Commission, the project was most successful in leveraging partnerships with Regional Economic Commissions (REC) such as COMESA, ECOWAS, and SADC (73% success rating); Less progress showed in partnering with civil society organisations (59% success rating). The score for this evaluation criterion is "green" (88 out of 100).</p>	<p>Document review, On-line survey, telephone Interviews.</p>	<p>R9: For capacity building and awareness-raising events, the project team should also target the private sector and civil society organizations, for example, through its representatives.</p> <p><i>Prioritization: very high: next 3- 6 months</i></p>

Key: colour coding⁵



Green: Strong achievement across the board. It stands out as an area of good practice where UNCTAD is making a significant positive contribution. Score 76 to 100 out of 100.



Green/amber: Satisfactory achievement in most areas, but partial achievement in others. An area where UNCTAD is making a positive contribution but could do more. Score 51 to 75 out of 100.



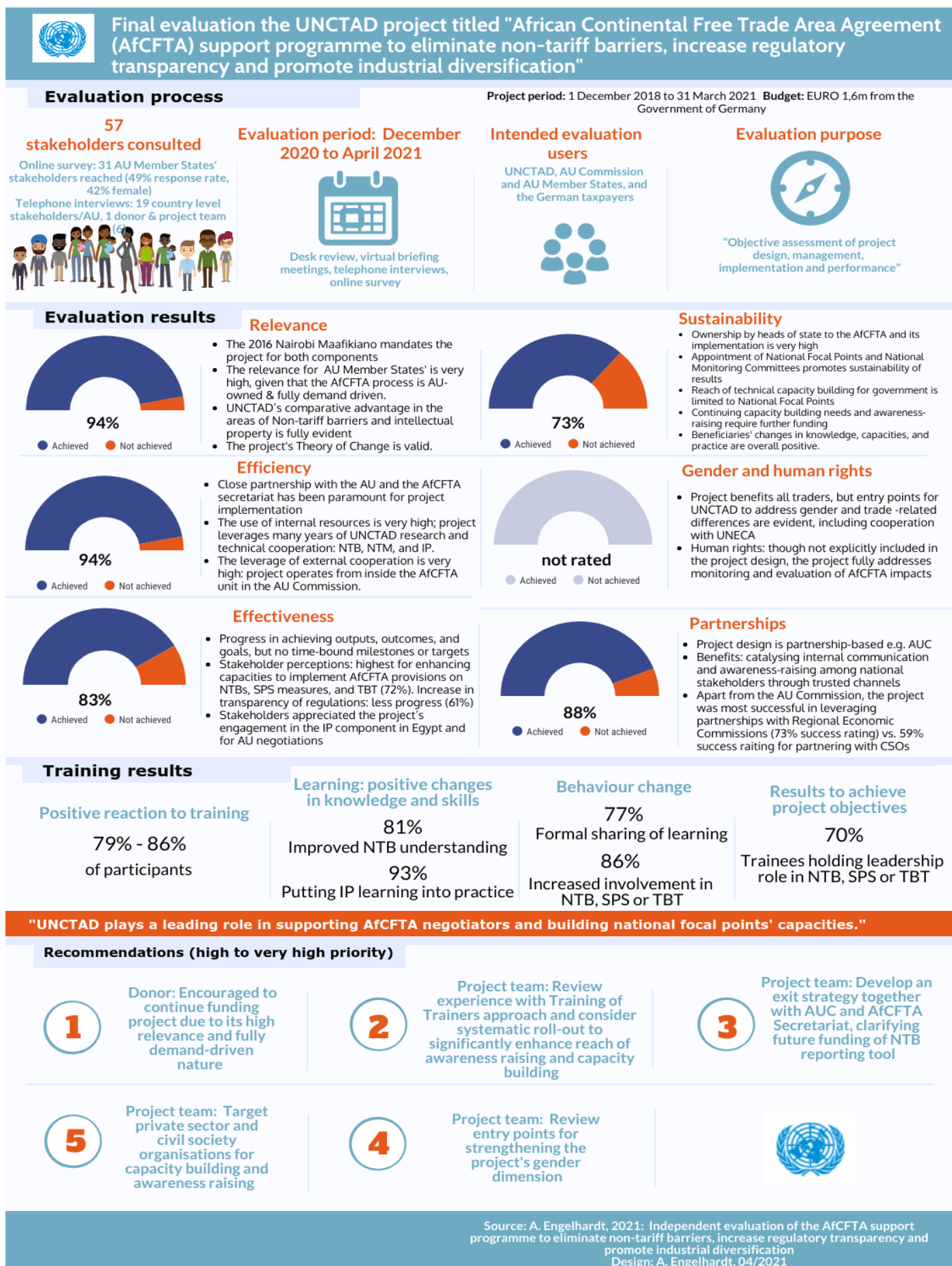
Amber/red: Unsatisfactory achievement in most areas, with some positive elements. An area where improvements are required for UNCTAD to make a positive contribution. Score 26-50 out of 100



Red: Poor achievement across most areas, with urgent remedial action required in some. An area where UNCTAD is failing to make a positive contribution. Score: 0-25 out of 100

⁵ Colour coding applied by the United Kingdom Independent Commission for Aid Impact, see for example <http://icai.independent.gov.uk/wp-content/uploads/ICAI-Review-UK-aids-contribution-to-tackling-tax-avoidance-and-evasion.pdf>

Figure 1. Overview of the project and main evaluation results



SECTION I. INTRODUCTION

1. This document constitutes the evaluation report of the United Nations Conference for Trade and Development-led (UNCTAD) project titled: "African Continental Free Trade Area Agreement (AfCFTA) support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification" ("the project"). The government of Germany funded the project from 1 December 2018 to 31 December 2020 with a budget of EURO 1,600,000. The donor granted a three months project extension to 31 March 2021.
2. The UNCTAD Division of International Trade and Commodities (DITC)/Trade Analysis Branch and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit are implementing the project since 1 December 2018.

1.1 Project Background

3. The project document provides the following summary of the project background⁶: On 21 March 2018 in Kigali, Rwanda, the vast majority of African Union (AU) member states signed the agreement of the AfCFTA. If all members ratify it, the agreement will bring together 1.2 billion people with a combined gross domestic product (GDP) of more than 2 trillion USD.
4. Africa faces challenges on competitiveness and employment opportunities for its growing population. Regional integration is contributing to economic prosperity and sustainable development. Achieving the aim of "Creating One African Market" will critically depend on addressing non-tariff measures (NTM) and not only tariffs. The overall restrictiveness of NTMs is estimated to be three to four times higher than current tariffs. This importance has been reflected in the negotiations, and the agreement as well as the Annexes on Non-Tariff Barriers (NTBs), Sanitary and Phytosanitary Measures (SPS), and Technical Barriers to Trade (TBT) set an ambitious agenda. Additional regulatory collaboration is also envisaged under the second phase of AfCFTA negotiations, covering investment, intellectual property (IP), and competition, which are important tools to meet the objectives of economic diversification, industrialization, and regional value chains as laid down in the AfCFTA Protocol on Trade in Goods.
5. The AUC, together with the African Regional Economic Communities (RECs) and UNCTAD, undertook this project targeted at increasing the capacity of African policymakers to eliminate NTBs, enhance regulatory transparency and collaboration, and promote industrial diversification to foster intra-African trade. To that end, the project put in place corresponding mechanisms and tools (inter alia, continent-wide NTB reporting mechanism) and supported the building of institutional infrastructure at the national level. It aimed to bridge the existing capacity gap between African RECs. The project focused on the EAC-COMESA-SADC Tripartite and ECOWAS as regional building blocks for the regulatory transparency component.
6. The project aimed to operationalize an NTB reporting, monitoring, and elimination online mechanism that allows private sector operators to report trade barriers, which are then addressed and resolved in an intergovernmental mechanism. The online mechanism builds on existing tools in the Tripartite and in ECOWAS. Furthermore, transparency about all NTMs, in particular

⁶ UNCTAD, 2018: Project proposal: AfCFTA support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification, pages 2-3

regulatory and behind-the-border measures, should be increased through comprehensive data collection and dissemination to the public and private sector. This information fed into the Global Trade Helpdesk initiative by ITC, WTO, and UNCTAD. To support the AfCFTA objectives of economic diversification, integration of regional value chains, and upgrading of industrial and productive capacity, and the second round of the AfCFTA negotiations, UNCTAD supported the development of IP frameworks and capacity on IP licensing, technology transfer, and regional collaborations.

7. The capacity of policymakers to implement the AfCFTA were strengthened through extensive training as well as through exchanges between peers to identify lessons learned and best practices.
8. This project sought to contribute to the key objectives of the AfCFTA Protocol on Trade in Goods.
9. To support the implementation of AfCFTA Annexes on NTBs, SPS measures, and TBT, the project aimed to increase African policymakers' capacity concerning the elimination of NTBs, regulatory transparency, and collaboration.

1.2 Evaluation Purpose and Scope

10. The evaluation Terms of Reference (ToR)⁷ outline the background of this evaluation: "This evaluation exercise is meant to ensure ownership, result-based orientation, cost-effectiveness, and quality of UNCTAD assistance. By carrying out this evaluation, UNCTAD plans to assess its work, learn lessons, receive feedback, appraisal, and recognition, and mobilize resources by showing the possible attribution of achievements to the programme. The UNCTAD Evaluation Unit, in collaboration with the Division of International Trade and Commodities (DITC)/Trade Analysis Branch, and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit, will undertake this evaluation.
11. The evaluation assessed systematically and objectively project design, project management, and project performance. The evaluation provided credible and useful assessments and include practical and constructive recommendations to enhance the work of UNCTAD in this area.
12. The evaluation provided accountability to UNCTAD management, the Government of Germany, project stakeholders, as well as UNCTAD's member States with whom the final evaluation report will be shared.
13. The evaluation covered the duration of the project from 1 December 2018 to 31 March 2021.
14. The UNCTAD Independent Evaluation Unit (IEU) coordinated the evaluation, in close collaboration with the Division of International Trade and Commodities (DITC)/Trade Analysis Branch and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit, which an independent external evaluator conducted.⁸
15. The evaluation ToR contained the following evaluation questions, which are addressed in this evaluation report:
 - i. Relevance: Is the project delivering on its promise?
 - Did the project design, choice of activities, and deliverables properly reflect and address partners' organizational needs, taking into account UNCTAD's own mandates?

⁷ UNCTAD, 2020: Terms of Reference (TOR)Independent Evaluation of UNCTAD Project"African Continental Free Trade Area Agreement (AfCFTA) support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification," pages 1-2.

⁸ Dr. Achim Engelhardt, Monitoring and Evaluation Specialist, managing the Lotus M&E Group since 2006, based in Geneva who has repeatedly supported UNCTAD in evaluations over the past seven years.

- Were the project's actual activities and outputs consistent with the overall goals and intended outcomes, and how have the different activities complemented each other towards the intended results?
 - What is UNCTAD's comparative advantage in this area, and to what extent did this project optimize it?
- ii. Effectiveness: were project results achieved, and how?
- Have the activities achieved, or are likely to achieve, planned objectives and outcomes as enunciated in the project document? ⁹
 - Are there indications of potential impact, assessed against the SDG targets supported by the project?
 - What are the lessons learned or best practices for similar future interventions?
- iii. Efficiency: Were resources used appropriately to achieve results?
- Have project implementation modalities and internal monitoring and control been adequate in ensuring the achievement of the expected outcomes in a timely and cost-effective manner?
 - Has the project leveraged in-house expertise, previous research and technical cooperation outcomes, existing databases, and other internal resources of UNCTAD and/or external collaboration from international development partners and mechanisms?
- iv. Sustainability: Are results lasting?
- Have the activities and outputs have been designed and implemented in such a way to ensure maximum sustainability of the project's results and possible scaling up of activities (phase 2)? Are the African Union and, as their supporter, UNCTAD, able to maintain the NTB tool on their own, in the long run?
 - Have efforts been made to sustain the knowledge and capacity gained in the project for future similar interventions to be carried out by UNCTAD?
- v. Gender and human rights: are results equitable?
- To what extent the design and implementation of the project incorporated gender mainstreaming considerations, and can evidence be identified in this regard?
 - To what extent does the project advance UNCTAD's efforts to promote equitable development?
 - Was monitoring and/or research data collected and disaggregated according to relevant criteria such as gender, age, ethnicity, location or income?
- vi. Partnerships and synergies
- How has the project advanced partnerships with international organizations, regional development banks, national agencies, the civil society, and the private sector?

1.3 Evaluation Methodology

16. For this evaluation, the evaluator used a theory-based evaluation methodology to address the time-lag between project inputs such as capacity building, data collection and analysis, and, for

⁹ In particular, the evaluation should provide assessments against the following indicators: Number of permanently registered members of the NTB tool; Number of reported NTB cases and how they were resolved.

example, the elimination of non-tariff barriers (NTBs) or changes in regulatory transparency. The approach was successfully used in recent evaluations for international organizations, including UNCTAD.¹⁰ A theory-based evaluation specifies the intervention logic, also called the "theory of change," that is tested in the evaluation process. The theory of change is built on a set of assumptions around how the project designers think a change will happen. Logically it is linked to the project results framework contained in the project document. Figure 1 outlines the theory-based evaluation approach, using a concept developed by the University of Wisconsin.

Figure 1. Theory-based evaluation approach



Source: University of Wisconsin, Design: A Engelhardt, Lotus M&E Group 12/2020

Source: University of Wisconsin, **modified**; www.uwex.edu/ces/pdande/evaluation/evallogicmodel.html

17. The added value of theory-based evaluation is that it further elaborates on the project's assumptions and linkages between outputs, outcomes, and impact. Besides, the approach highlights stakeholder needs as part of a situation analysis. The situation analysis also identifies barriers to the elimination of NTBs or changes in regulatory transparency. The approach includes

¹⁰ Engelhardt, A. 2016: External Terminal Evaluation of UNCTAD's Development Account Project: Business schools for impact

Engelhardt, A. 2018: Independent Project evaluation of the UN Development Account project "Strengthening the capacity of developing country policymakers, investment promotion officials and academia in two priority sectors to attract investment for sustainable and inclusive development."

Engelhardt, A., 2019: Independent evaluation "eTrade for all".

analysing the projects' response (activities and outputs) to the problem followed by a results analysis.

18. To further strengthen the theory-based evaluation approach, the validity of each component of the Theory of Change will be scored, rather than only the overall programme theory. This measure constitutes a rigorous, even more, advanced use of the theory-based evaluation approach and is in line with international good practice.
19. The box below lists tailored evaluation tools and processes agreed in the inception report for this evaluation to ensure rigorous data triangulation. The full evaluation matrix is presented in Annex IV.

- **Desk review:** the project proposal including the results framework, progress indicators, strategic documents, and evidence of results achieved such as monitoring and other progress reports;
- **Virtual briefing meeting with the** project team and with the Evaluation Unit;
- **Telephone interviews** with relevant UNCTAD staff and primary partners such as the African Union Commission and the African Regional Economic Communities (RECs) and selected African Union Member States using a semi-structured questionnaire;
- **Statistical user analysis of** NTB online reporting and monitoring tool using available Google analytics data;
- **An online survey** of secondary project stakeholders and beneficiaries;
- **Presentation of emerging evaluation findings** to the project team, Evaluation Unit, and the donor following data analysis;
- **Draft report** for feedback to the project team (factual validation) and Evaluation Unit (quality assurance);
- **Finalization of the evaluation report.**

20. The evaluator contacted stakeholders from all beneficiary countries (42), with representatives of seven countries agreeing on the interviews (17%). Those countries include members of the following Regional Economic Commissions: COMESA, EAC, ECCAS, ECOWAS, and SADC, with only AMU missing. 57 stakeholders participated in the primary data collection which included:
 - In the online survey, 31 out of 63 stakeholders from AU Member States participated, with a very high response rate of 49%. 42% of respondents were female and 58% male;
 - 19 country-level stakeholders and AU agreed to participate in telephone interviews;
 - The donor representative (1) and the project team (6) were also interviewed.
21. The evaluation matrix in Annex IV specifies which data collection methods are used for the specific evaluation questions and shows the triangulation approach for each question.

1.4 Limitations

22. This evaluation took place in the context of the coronavirus pandemic. In early 2020 a global health crisis erupted, with the World Health Organization declaring the COVID-19 disease a pandemic on 11 March 2020. As a result, travel and meeting restrictions applied in Switzerland and across the globe. Subsequently, the evaluator was unable to physically meet the project team, despite being

based in Geneva. All primary data collection and meetings would occur virtually, and the evaluator would not undertake any field visits.

23. One limitation to the evaluation was the delays in the evaluation launch due to a lengthy recruitment process. This impacted the timing of primary data collection, which had to be shifted after the Christmas break with knock-on effects for the entire evaluation process. Effects included the initial deadline for the finalization of the evaluation, which originally was set before the end of the project cycle to inform the design of a second phase of the project as much as possible.
24. Another limitation concerns the evaluability of human rights. Human rights issues were not considered in the project document, apart from using human rights-based terminology for describing the IP component in the project proposal.
25. Concerning gender, the project document makes few references only, for example, two progress indicators with sex-disaggregated data of workshop participants and NTM/NTB database users.

During the inception phase, the evaluator found that the requirements for project planning, the internal approval process, and project evaluation in UNCTAD are inconsistent concerning the inclusion of human rights considerations. This finding and its effects on UNCTAD's programmatic work is beyond the control of the project team.

26. Responding to the original evaluation question 5.3 listed in the ToR11, for example, posed some difficulties. These findings are important for managing expectations concerning the depth of data available on both topics.
27. As a result, the evaluability is not fully given for human rights. The evaluator suggested reviewing where the project considered human rights indirectly. Emerging examples were the capacity building on IP, including development objectives such as access to medicines or education. For the NTM component, small traders' focus was further explored concerning gender and access to economic rights.
28. To mitigate this shortcoming, the evaluator took the following approach, as suggested by the UNCTAD Evaluation Unit:
 - Understand the reasons for not including human rights: are they political, practical, budgetary, time-related, due to limited know-how?
 - During the evaluation process, seek partners and documents that may have useful information on HR that the intervention has not captured (e.g., national evaluation/statistics offices, other development agencies, civil society and community organizations, media, academia, etc.). UNECA and Friedrich-Ebert-Stiftung, for example, published a paper on the human rights perspective on AfCFTA12.
 - During the data analysis process, pay special attention to whether the intervention had a negative effect on particular stakeholders. Consider and consult stakeholders on how this situation could be improved.
 - Highlight the challenges of addressing human rights in the evaluation report, also specifically in the evaluation section. Since human rights are a UN mandate, which should be considered in every intervention design, provide assertive recommendations for immediate action.
29. To keep the number of evaluation questions manageable, the evaluator added one forward-looking question on gender and human rights: "What could be done to collect and disaggregate

¹¹ 5.3 To what extent did the project consider all relevant stakeholders' rights, including minority and disadvantaged groups, in its design, implementation, and policy analysis?

¹²UNECA/Friedrich-Ebert Stiftung (2017): The Continental Free Trade Area in Africa – a human rights perspective <https://www.uneca.org/archive/publications/continental-free-trade-area-cfta-africa---human-rights-perspective>

monitoring and/or research data according to relevant criteria such as gender, age, ethnicity, location or income?"

30. The assessment of potential impact is included in the evaluation question 2.2 under the effectiveness criterion. However, capacity building, data collection, and reporting are likely to continue until the end of the project in March 2021. Hence, it is unlikely to see any effects during the evaluation process between November 2020 and March 2021 on indicators like reduced trade costs, job creation, or increased IP transactions. The use of theoretical contribution was used to mitigate this shortcoming, using data from similar interventions in other regions of the global south.

1.5 Reconstructed Theory of Change

31. The project's Theory of Change contains the following elements, as presented in Figure II:

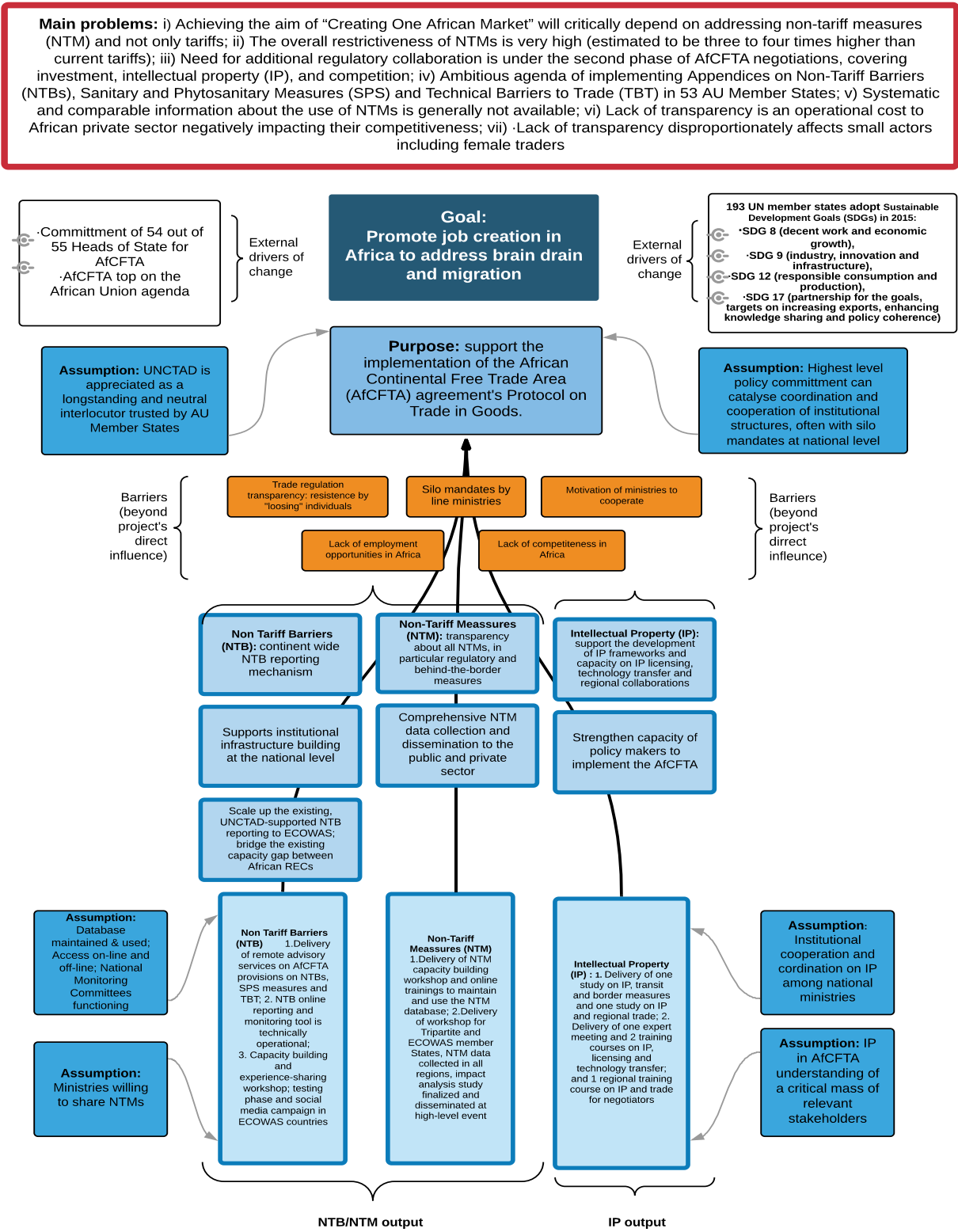
- Formulation of the main problems
- Outputs (short-term results) and related assumptions
- Policy areas covered by the project
- Outcomes
- Goals
- Impact statement (long-term results) contributing to SDGs
- Linkages to external drivers of change catalyzing the achievement of the impact

32. The **main underlying challenges** comprise the following: i) the critical role of eliminating NTBs for the creation of "One African Market"; ii) high overall restrictiveness of NTBs; iii) the need for additional regulatory collaboration covering investment, intellectual property (IP), and competition; iv) challenging agenda of implementing Appendices on Non-Tariff Barriers (NTBs), Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT) in 54 AfCFTA Member States; v) general lack of systematic and comparable information about the use of NTMs; vi) lack of transparency is an operational cost to the African private sector, which is negatively impacting their competitiveness; and vii) lack of transparency disproportionately affects small actors, including female traders

33. The project builds on **assumptions** concerning UNCTAD being a neutral and trusted partner, a high level of policy buy-in for the AfCFTA implementation process, and institutional cooperation and coordination at the national level despite often siloed mandates of the implementation partners.

34. Section 2.3 assesses the validity of the Theory of Change of the project in more detail.

Figure 2. Reconstruction of the project's Theory of Change



SECTION II. EVALUATION FINDINGS

Relevance: was the project addressing the right issues?

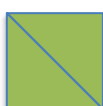
35. This section addresses the evaluation criteria of relevance. The sub-criteria agreed in the inception report's evaluation matrix comprise: i) the alignment of the project to UNCTAD mandates; ii) relevance for the needs of member States iii) the validity of the project's Theory of Change; iv) and UNCTAD's comparative advantage;
36. The principal sources of evidence for this section are the document review, interviews, the online survey, and the remote Theory of Change validation with the project team.

Key findings: The project shows very high relevance and is doing the right thing.

- The 2016 Nairobi Maafikiano mandates the project for both components;
- The relevance for the AU Member States needs is very high, given that the AfCFTA process is AU-owned;
- The project's Theory of Change is valid, to the extent assumptions can be assessed before the full implementation of the NTB database;
- UNCTAD's comparative advantage is very high, and relevance for project stakeholders reached 74% to 78% high to very high ratings.



37. The evaluation finds that the relevance of the project is very high. In all four sub-criteria, the project shows strong to very strong performance. Based on the evaluations' scoring methodology¹³, the relevance score of the project is "green" (94 out of 100)¹⁴.



2.1 Alignment to UNCTAD mandates

38. The 2016 Nairobi Maafikiano clearly outlines UNCTAD's mandate for the project, as shown below¹⁵. Consequently, the evaluation finds that the project's alignment to the UNCTAD mandates is very high. For UNCTAD's Subprogramme 3, international trade and commodities, the project contributes to the 2018 to 2020 performance measures concerning the awareness by women informal traders about border procedures, documentation requirements and rights and obligations¹⁶

¹³ Applied by the United Kingdom's (UK) Independent Commission for Aid Impact, see for example <http://icai.independent.gov.uk/wp-content/uploads/ICAI-Review-UK-aids-contribution-to-tackling-tax-avoidance-and-evasion.pdf>

¹⁴ Alignment to UNCTAD mandates: 4 out of 4; relevance for the member States needs : 4 out of 4; relevance of project design/validity of theory of change: 3 out of 4. relevance for project stakeholders: 4 out of 4; Total: 15 out of 16 = 94%

¹⁵ UNCTAD, 2016: Nairobi Maafikiano. From decision to action: Moving towards an inclusive and equitable global economic environment for trade and development, pages 9 and 16.

https://unctad.org/system/files/official-document/td519add2_en.pdf

¹⁶ UNCTAD, 2019: Proposed programme budget for 2020

https://unctad.org/system/files/official-document/a64d6section12_en.pdf

39. The project also contributes to UNCTAD’s strategy for 2020, “seeking to innovate and maximize its resources, for instance by exploring the interlinkages between trade, technology and investment, rather than looking at these issues in isolation”. Those interlinkages figure in UNCTAD’s Proposed Programme Budget for 2020¹⁷

Continue its work on the impact of non-tariff measures on the trade and development prospects of developing countries and strengthen its cooperation on the topic with other relevant partners, including through participation in the Multi-Agency Support Team on the non-tariff measure database; (page 9)

Acknowledging that the World Intellectual Property Organization has the lead in intellectual property rights issues in the United Nations system, UNCTAD will continue its work on intellectual property rights as it relates to trade and development. (page 16)

2.2 Relevance for Member States’ needs



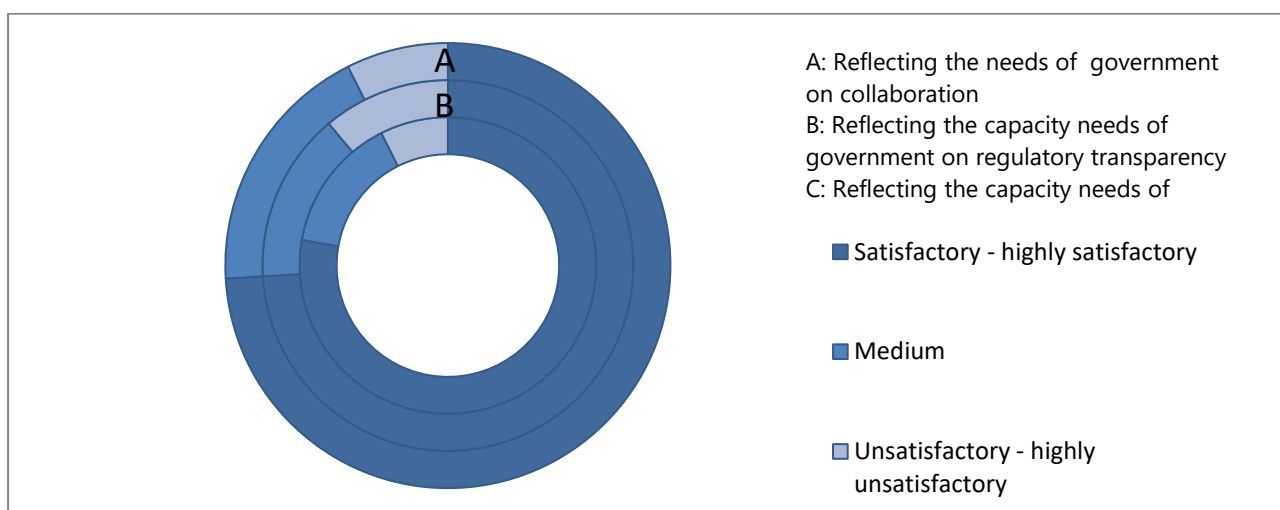
40. The evaluation finds that this project is fully demand-driven and meeting the needs of AU Member States. 54 of 55 African Union (AU) member states have signed the agreement of the AfCFTA to create a single continental market for goods and services. On 1 January 2021, the agreement with its Protocol on Trade in Goods came into force.

41. In this context, the African Union requested technical assistance from UNCTAD and UNECA to support respective negotiations and implementation of the AfCFTA regarding NTMs/NTBs. The second phase of the AfCFTA also targets negotiation on IP, investment, and competition policy. This underscores the highly demand-led nature of this UNCTAD project.

42. The evaluation interviews showed high demand from stakeholders, particularly for capacity building in Non-Tariff Barriers (NTBs), Sanitary and Phytosanitary Measures (SPS), Technical Barriers to Trade (TBT), and Intellectual Property (IP). The needs concerned particularly awareness raising for the private sector and ministries with responsibilities in cross-border trade.

43. The evaluation survey provided an insight into the needs reflected through the UNCTAD projects concerning governments’ capacities in eliminating NTBs and regulatory transparency, as well as the need for wider collaboration on those topics. Figure III summarizes the results of 27 stakeholders across the AU Member States.

Figure 3. Project’s relevance for stakeholder needs (Source: Evaluation survey, n=27)



¹⁷ UNCTAD, 2019: Proposed programme budget for 2020, page 7.

44. For 78% of stakeholders, the project's relevance concerning building governments' capacities in eliminating NTBs was satisfactory to highly satisfactory¹⁸. The satisfactory to highly satisfactory ratings reached 74% for the need for capacity building on regulatory transparency¹⁹ as well as the need for wider collaboration on those topics²⁰.
45. The evaluation interviews complemented and endorsed the survey results for this criterion. Interviews showed that for 86% of stakeholders, the project's overall relevance was very high (12 out of 14). For 14% of stakeholders, the relevance was high (2 out of 14), i.e. high to very high ratings reached 100% for the 14 country stakeholders responding to this question.



2.3 Relevance of project design: Validity of Theory of Change

46. The evaluation finds that the project's reconstructed Theory of Change is valid to the extent it can be assessed at this stage of the project implementation. While it was not a requirement for the project team to design a Theory of Change, the evaluator opted for a reconstruction as part of the theory-based evaluation approach.
47. The project's results chain is logically structured and grounded on a correct problem analysis, as stated in the project proposal. To date, the assumptions hold. However, the use of the NTB database online and off-line will determine whether assumptions about national-level coordination between ministries will hold.
48. **Problem analysis:** The evaluation finds that the problem analysis described in section 1.5 is correct. The Overseas Development Institute and the Commonwealth Secretariat (2010)²¹ share the project's analysis of how NTBs impede intraregional trade in Africa, using UNCTAD Trade Analysis and Information System (TRAINS) data as part of their research. In fact, the IMF (2019)²² found that even small improvements on NTBs are likely to have sizeable trade effects. The Global Trade Review (GTR) endorsed in 2021 the importance of addressing NTBs for making the AfCFTA to be a successful agreement²³.
49. **Results pathway from outputs to impact:** Based on IMF research (2019), the results chain from addressing NTBs to supporting the AfCFTA, enhancing intra-African trade, and ultimately job creation seems valid. Cape Town University/World Intellectual Property Organization (WIPO) (2020)²⁴ quotes the World Bank about the potential of AfCFTA lifting around 100 million people out of poverty. This finding endorses the project's claim to contribute to SDGs concerning poverty reduction and economic growth.
50. The same source finds that "The AfCFTA's intellectual property rights protocol affords AU member states the opportunity to prioritize areas of comparative advantage for African countries in an international IP instrument. Furthermore, it can be used to promote IP rules and standards that are calibrated to the continent's level of industrialization and in line with the AfCFTA's

¹⁸ 15% medium ratings and 7% unsatisfactory to highly unsatisfactory ratings

¹⁹ 15% medium ratings and 11% unsatisfactory to highly unsatisfactory ratings

²⁰ 19% medium ratings and 7% unsatisfactory to highly unsatisfactory ratings

²¹ Keane, J et al., 2010: Impediments to Intra-Regional Trade in Sub-Saharan Africa

²² IMF, 2019: *Is the African Continental Free Trade Area a Game Changer for the Continent?* IMF Regional Economic Outlook: Sub-Saharan Africa | April 2019, p. 39.

²³ <https://www.gtreview.com/news/africa/afcfta-takes-effect-but-lifting-non-tariff-barriers-will-prove-problematic/>

²⁴ Nkomo, M, et al. 2020: The African Continental Free Trade Area. A significant role for IP. WIPO Magazine, December 2020.

objectives."²⁵. This research finding underpins the rationale for including the IP component in the UNCTAD project.

51. Research from the University of Munich on NTMs in the agri-food trade (2018) indicates that lack of transparency affects African countries negatively²⁶.
52. The change pathway from the purpose level to the project's goal includes higher income arising from increased efficiency and productivity from improved resource allocation, higher cross-border investment flows, and technology transfers (International Monetary Fund (IMF), 2019)²⁷. The latter changes would contribute job creation and address brain drain and migration.
53. More specifically, taking a sector perspective, the IMF study reveals that the tradeable sectors, particularly manufacturing, which accounts for over 60 percent of welfare gains, and agriculture—16 percent—are the key drivers of estimated welfare changes for the vast majority of countries, particularly for the smallest economies. The manufacturing sector comprises electricity generation, machinery, chemicals, and textiles²⁸.

From a practical viewpoint the combination of both components under one project adds value. Under the AfCFTA Protocol on Trade in Goods, NTM, NTM and industrial diversification, where IP plays a major role, are combined. Besides, linkages show with IP being one of the NTBs.

54. **Assumptions:** The evaluation finds that one assumption at purpose level (outcomes) holds, based on the evaluation interviews. UNCTAD is in fact a trusted and neutral partner which strongly enables the project implementation. Whether the highest-level policy commitment from African Heads of State can catalyze coordination and cooperation among often competing national structures remains to be seen.
55. It is too early to assess the assumptions at the output level, as the use of the NTB database was only commencing at the time of the evaluation.
56. **Drivers of change:** The project strongly benefits from the AfCFTA being a top priority for the AU and African Heads of governments. Besides, the Agenda 2030 and its SDGs provide a solid frame for the project.

²⁵ Ibid, unnumbered page.

²⁶ Santeramo, F.G, and Lamonaca, E., 2018: On the impact of non-tariff measures on trade performances of African agri-food sector

https://mpr.ub.uni-muenchen.de/91206/1/MPRA_paper_91206.pdf

²⁷ IMF, 2019, The African Continental Free Trade Area: Potential Economic Impact and Challenges

²⁸ IMF, 2019, The African Continental Free Trade Area: Potential Economic Impact and Challenges, page 21.



2.4 Relevance for project stakeholders and UNCTAD's comparative advantages

57. Project stakeholders in most countries are engaged with multiple development partners for NTB/NTM and IP support. In nearly all countries, the Regional Economic Commissions provide support. Other partners include bilateral donors such as the German Technical Cooperation (GIZ) and the United States Agency for International Development (USAID), and multilateral partners like the Islamic Development Bank, AU Commission, and international organizations/UN agencies (for example, World Trade Organization (WTO), International Labour Organization (ILO), ITC, WIPO). Besides, the African Regional Intellectual Property Organization (ARIPO) and Organisation Africaine de la Propriété Intellectuelle (OAPI) provide support in IP.

58. Figure IV summarizes the comparative advantage of UNCTAD to implement this project, based on stakeholders' perceptions.

59. Stakeholders particularly appreciate the practical project approach for both components. The development of a practical IT platform, complemented with specific, high quality, capacity building to increase the understanding of the tool and its use. For the IP component, stakeholders appreciate the practical application of IP to create social and economic value. Stakeholders underscore the focused and results-oriented project approach. The quotes below summarize the specific appreciation of UNCTAD's knowledge of the region, which complements its technical expertise.

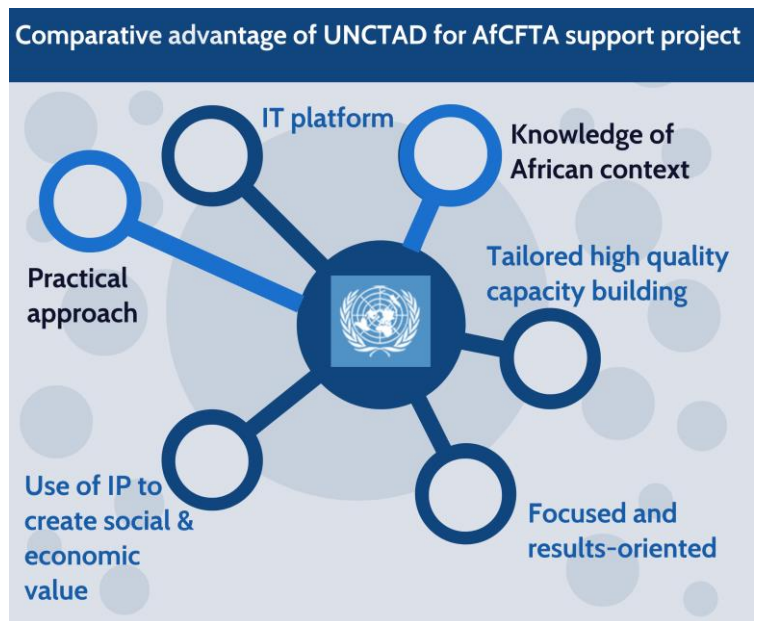
"UNCTAD know what to do and how to do it in NTB in our African context."

"The project team shows political and technical awareness. They know how to deal with the region".

"This project builds on a long-term relationship with our country, back to the 1990s and UNCTAD accompanied us through politically challenging times when bilateral donors left us".

Sources: Project stakeholders

Figure 4. The comparative advantage of UNCTAD



60. Concerning the relevance of the project design and implementation, stakeholders identified several areas of improvement:

- A more prominent use of other languages than English for capacity building
- Wider reach of capacity building beyond the focal points
- Sensitization of the wider public, beyond government institutions
- Functionality improvement of the NTB platform

61. Single voices called for UNCTAD financial support for the Member States to undertake on-going capacity building. Besides, the project's online engagement works unevenly in the Member States due to differences in internet connectivity. While stakeholders are aware that this fact is beyond the control of UNCTAD, it affects the practical participation of Member States in the project. The evaluator also experienced those shortcomings during the primary data collection, when several interviews were interrupted, delayed, or postponed due to internet connectivity challenges in several Member States.
62. In the UN context, WIPO, WTO, WHO are also engaged with AU Member States in the area of IP. However, gaps show which UNCTAD is filling.
63. WIPO's focus is on the normative side of IP, while WTO has a clear trade focus and WHO works in the health sector. UNCTAD, however, adds the investment policy link, bringing in also social and human rights elements to ensuring coherence among policies relating to IP, investment and national / regional development goals. Examples include access to knowledge, access to medicines or the need to protect biodiversity and participate in technology partnerships.
64. Besides, WIPO play a secretariat role for IP treaties, while UNCTAD is perceived more as a think tank with more flexibility "to think more broadly".

3. Effectiveness: were results achieved, and how?

65. This section assesses the project results' achievement using four sub-criteria: i) results at the output, outcome, and goal level; ii) likelihood of impact and contribution to SDGs; iii) unintended effects; iv) lessons learned and good practices. The principal data sources for this section are the document review, interviews, and the online survey.

Key findings: The project shows good progress towards the achievement of its expected results

- Overall, the project shows progress in achieving outputs, outcomes, and goals. A more specific quantitative assessment of progress is not possible due to the absence of time-bound milestones or targets.
- Stakeholder perceptions of progress made are highest for enhancing the capacities to implement AfCFTA provisions on NTBs, SPS measures, and TBT (72%), followed by establishing the NTB elimination mechanism in AfCFTA (71%). The increase in transparency of regulations shows slightly lower progress (61%), based on stakeholder perceptions.
- Overall, stakeholder satisfaction about the UNCTAD support in the AfCFTA progress on NTB and NTM reaches 75%.
- The project's engagement in the IP component was appreciated by stakeholders in Egypt. The 1st Technical Working Group (TWG) on IP Protocol of the AfCFTA endorsed UNCTAD's presentation during the meeting and its work under ARIA IX to serve as a reference document for IP negotiations under AfCFTA.
- The project is likely to contribute to SDG 17.11.1 "Developing countries and LDCs' share of global exports" and SDG 17.14.1 "No. of countries with mechanisms in place to enhance policy coherence".
- The main unintended positive effect of the project are significant cost savings due to the COVID-19 pandemic, resulting in the replacement of face-to-face meetings with virtual ones, enlarging the project's reach



66. The evaluation finds that the project shows satisfactory to very satisfactory achievement of its objectives for all rated sub-criteria. The score for effectiveness is "green," with 83 out of 100, based on the evaluation's scoring methodology.²⁹



3.1 Overview of achievement of project outputs, outcomes, and goals

67. The evaluation's inception report presented a template to assess progress against logframe indicators in the project's results framework, as presented in Figure V.

Figure 5. Level of progress against logframe indicators

Project logframe indicator	Level of progress (as of 4 March 2021)
1. Goal	
1./2./3. No. of complaints registered in online NTB reporting tools	4, since 11 January 2020 (after launch on 1 Jan 2021, no AfCFTA trading is taking place yet since tariff liberalisation issues are still being concluded)
1./2./3. No. and share of complaints resolved through the elimination mechanism	One NTB has been transferred to the Tripartite NTB mechanism as it was an intra-Tripartite issue. One NTB is in an advanced state of negotiations and was even addressed at the level of Heads of State. While an agreement between the parties was reached, implementation and enforcement at the border remains an issue and therefore the NTB has not yet been declared 'resolved'.
3./4./5. No. of countries assisted that take specific actions at the national, regional, or multilateral levels to streamline or harmonize NTMs in international trade	44 countries established National Focal Points for NTBs, nominated by Ministers/Permanent Secretaries. A total of 111 NFPs were nominated (average of 2.5 per country). <i>Benchmark: areas not supported by UNCTAD have much lower levels of NFP nominations; for example, only 24 countries notified NFPs for Rules of Origin.</i> 22 countries established National Monitoring Committees for NTBs <ul style="list-style-type: none"> • thereof 19 followed UNCTAD recommendations to assign NMC mandate to existing committees (mostly National Trade Facilitation Committees or Tripartite NMCs) • thereof 3 established new National Monitoring Committees 10 countries implemented additional awareness raising workshops/field trips for the NTB mechanism after receiving train-the-trainer support from UNCTAD (Burkina Faso, Cameroon, Comoros, Côte d'Ivoire, Gabon, the Gambia, Chad, Egypt, Togo, Zambia). 11 Member States of the ECCAS region and the ECCAS Commission have started negotiations on a regional regulation and online portal to anchor the AfCFTA NTB mechanism at the ECCAS-level.
6./7. No. of countries/private sector players having initiated policy changes and IP transactions or,	Egypt (delivery of workshops) Ghana (preparatory work) 25 countries + secretariats of SADC, AU, and UNECA participating in the AfCFTA's Technical Working Group on the IP Protocol.

²⁹ Overview of achievements. Outputs, outcome, and goals : 3 out of 4; likelihood of impact and contribution to SDGs 3 out of 4; unintended effects: no rating; lessons learned and good practices: 4 out of 4. Total: 10 out of 12 = 83%

at least, preparatory work for such transactions.	
2. Outcomes	
1-7. Number of participants confirming the usefulness of training for their work	Satisfaction rate reached median of 79% n=33
1./2./3. No. of complaints registered in online NTB reporting tools	4 (since 11 January 2020)
1./2./3./4. No. of NTM/NTB database clicks and users	20.586 between 01.08.2019 and 04.02.2021 by 10.268 active users User language: 71,22% English, 15,58 French, 0,98% Portuguese (for top 25 language settings) 43% female users and 57% male users since 18.12.2020 4 out of the 5 tops user locations are in Africa (South Africa, Nigeria, Kenya, and Cote d'Ivoire)
5./6. No. of report downloads	2013 visitor clicks on the document site between 01.08.2019 and 04.02.2021
3. Outputs³⁰	
3.1 Regional NTB and NTM transparency online tools fully functional	Affirmative
3.2 No. of NTM regulations uploaded and classified by government officials in online tool	436 from 12 countries
3.3 No. of participants in workshops (disaggregated by gender, level, country, etc.)	<p>Workshops organized by UNCTAD in collaboration with the AUC: 537 in 2 physical and 4 virtual meetings I. thereof 38% women participants <i>(Note: Workshop participants are nominated by their respective national governments, RECs or AU. While UNCTAD can and has recommended female participation/nominees, the final decision of the governments had to be respected.)</i></p> <p>Social media and webinar campaign for the AfCFTA NTB online mechanism (6 regional webinars + 1 continental workshop): 416 in 6 regional webinars and 1 continental workshop II. thereof 39% women participants</p> <p>NTM transparency data collection trainings, follow-up meeting and validation workshops: 532 participants in 47 meetings. <ul style="list-style-type: none"> thereof 42% women participants </p> <p>Regular AfCFTA negotiation rounds where UNCTAD presented analysis, proposals and draft versions of the NTB online mechanism: ~1000 government representatives in 10 meetings <i>(Note: conservative estimate with 100 participants per meeting)</i> <ul style="list-style-type: none"> The First Technical Working Group on the IP Protocol gathered round 50 participants/negotiators. </p> <p>Third-party workshops where a project team member presented the NTB online mechanism: 2696 participants in 29 workshops/events</p>

³⁰ The project proposal's results framework does not contain indicators of progress for the IP component at the output level.

68. Besides, the donors wished to evaluate the number of registered users/members of the NTB tool and how complaints were resolved. The number of registered users of the NTB tool is 470. As no complaints have been solved to date, it is not possible to evaluate related processes.
69. Given that the project proposal template does not contain any targets, the evaluation can assess progress made for each indicator but not determine the performance level. To mitigate this shortcoming, the evaluator enquired about stakeholder's perception about the level of progress perceived. Figure VI summarizes the results for the outcome indicators of the NTB/NTM component, given the larger number of stakeholders reached for that component during the evaluation.
70. The paragraphs below summarize selected activities project activities for the two components.

NTB/NTM component

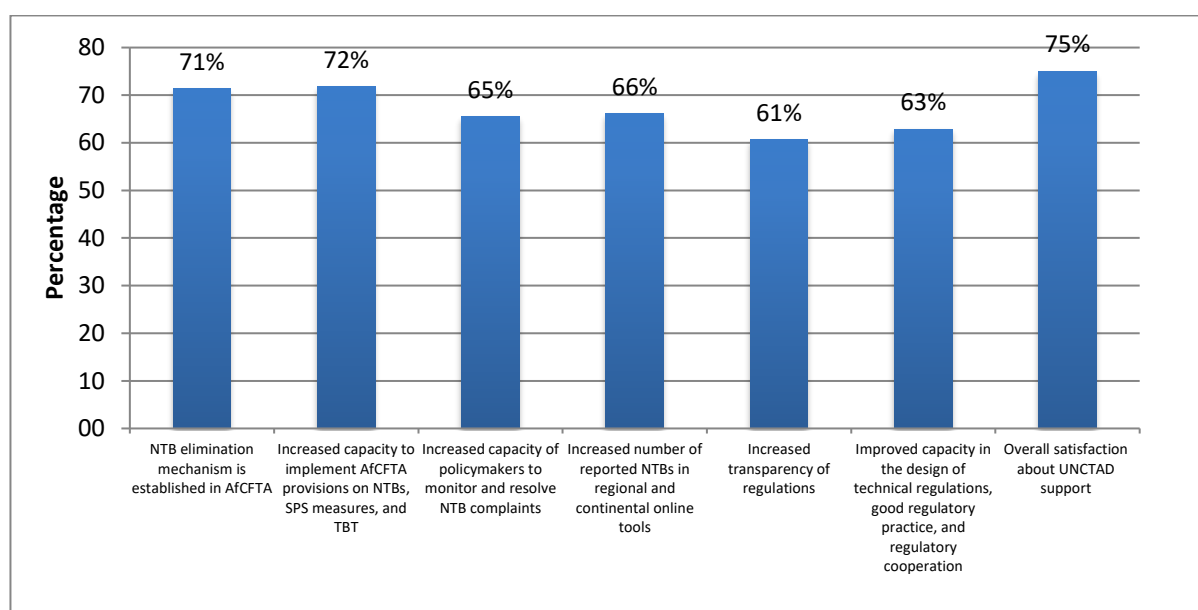
71. The project supported 41 AU Member States with awareness raising and capacity building. 10 countries implemented additional awareness raising workshops/field trips for the NTB mechanism after receiving train-the-trainer support from UNCTAD (Burkina Faso, Cameroon, Comoros, Côte d'Ivoire, Gabon, the Gambia, Chad, Egypt, Togo, Zambia).
72. 11 Member States of the ECCAS region and the ECCAS Commission have started negotiations on a regional regulation and online portal to anchor the AfCFTA NTB mechanism at the ECCAS-level.
73. The project organised a social media and webinar campaign for the AfCFTA NTB online mechanism. For the work on NTMs, the project undertook NTM transparency data collection trainings, follow-up meetings and validation workshops:
74. The newly established AfCFTA Secretariat brings together units on NTBs, Sanitary and Phytosanitary (SPS) Measures and Technical Barriers to Trade (TBT) under one 'Non-Tariff Measures Division'. This corresponds to UNCTAD advocacy that has recommended a stronger integration of these subject areas.
75. Kenya is currently working with UNCTAD to include NTM data in their official law reporting portal (www.KenyaLaw.org). In this process the project provided e-courses on NTM data collection and capacity building for NTM mapping. The latter included south-south cooperation on the IT side, connecting Kenya Law with a UNCTAD project in Namibia.
76. In Côte d'Ivoire, the project started a process of reviewing the country's quantitative import restrictions (NTM Classification: Chapter E) that were identified in the NTM data collection.

IP component

77. The evaluation finds that based on stakeholder feedback, the IP component's process support in the drafting of the AfCFTA Protocol on IP was as important as specific deliverables such as technical workshops.
78. The IP component contributed to the capacity building and analytical support of AU Member States' negotiators in the drafting of the AfCFTA Protocol on IP.

79. The project team led the development of one chapter for the Assessing Regional Integration in Africa (ARIA) IX: Next steps for the African Continental Free Trade Area³¹. Given the high quality of the report, AU Member States agreed using the report as an input into the negotiation process.
80. The project team engaged with the African regional IP offices, OAPI and ARIPO, for building trust, while the active collaboration with UNECA also led to demand to cooperate on IP in the pharmaceutical sector.
81. In Egypt, the project's IP component responded to a demand of the national IP office looking for an international agency with experiences in developing IP strategies in other African countries, generating a request for follow-on technical cooperation.

Figure 6. Stakeholders' perception about the degree of progress against logframe indicators



Sources: Evaluation survey and interviews, n=38

82. Figure VI above summarizes project stakeholders' perception of achievements made for project outcomes and outputs.
83. 72% of survey participants perceive that the project has contributed to enhancing the capacities to implement AfCFTA provisions on NTBs, SPS measures, and TBT, while 71% appreciate the establishment of the NTB elimination mechanism in AfCFTA. Stakeholders commented on the quality of well-targeted training through experts and its reach of all RECs. In one country, interviewees reported cases of replicating training with the use of UNCTAD materials. However, overall, the reach at the national level seems still limited.
84. 66% of stakeholders perceived the accomplishments of establishing NTBs reporting in regional and continental online tool, referring mostly to regional tools as the use of the continental one just started. Besides, the AfCFTA was officially only launched on January 1st, 2021.
85. Stakeholder perceptions ratings for the NTM component reach 63% for the progress made in increasing the capacity in the design of technical regulations, good regulatory practice, and

³¹ <https://www.uneca.org/assessing-regional-integration-africa-aria-ix-0>

regulatory cooperation. The increase in transparency of regulations shows slightly lower progress (61%), based on stakeholder perceptions.

86. Overall, stakeholder satisfaction about the UNCTAD support in the AfCFTA progress on NTB and NTM reaches 75%.
87. Regarding the IP component, stakeholders in Egypt expressed their appreciation. UNCTAD's regional expertise and its link to the Egypt vision 2030, the country's national development agenda contributes to the national IP strategy's planning. The progress in developing the national IP strategy currently depends on processes that are beyond the project's control.
88. The report of the 1st Technical Working Group (TWG) on IP Protocol of the AfCFTA stated that participants took note of the UNCTAD presentation and it was further indicated that it could provide support and serve as a reference document for IP rights (IPR) negotiations under AfCFTA. Furthermore, as the ARIA IX Report has extensive coverage on the IPR situation in the continent, the AUC in collaboration with UNCTAD will update existing information contained publication in order to develop the situational analysis study/paper for the IPR negotiations.
89. Besides, UNCTAD-led research and expertise focused on negotiations and text options during the drafting of the AfCFTA Protocol on IP. This is an on-going process with an ambitious conclusion date by the end of 2021.



3.2 Likelihood of impact and contribution to SDGs

90. The evaluator enquired about the likely impact of the UNCTAD project on i) the reduction of trade costs; ii) increased intra-African trade and jobs creation; iii) adoption of international standards and regional regulatory cooperation measures. As only eight stakeholders responded to those questions, a statistical analysis of results is less robust. However, the results show that stakeholders agreed about the project's potential to achieve its goals.
91. Seven out of eight stakeholders assessed the likelihood of the project's contribution to reducing trade costs as high to very high, as an effectively implemented NTB reporting tool would enhance competition. It is also likely to inform decision-makers and provide the private sector with evidence when NTBs are reported.

"We do not know yet what policymakers would do with the data. Would they act on it? In any case, empirical data can help the private sector in arguing with the government, in pushing it to take action."

Source: project stakeholder

92. Six out of eight stakeholders affirmed a high to very high likelihood of the project's contribution to increased intra-African trade and job creation. In the short term, the COVID-19 pandemic increases the number of NTBs, which discourages trade internationally. In the longer view, some stakeholders perceive the NTB reporting tool as a valuable mechanism to increase trade flows in real-time if governments act instantly upon the reporting of NTBs.
93. Based on the above assessment, the project contributes to SDG 17.11.1 "Developing countries and LDCs' share of global exports."
94. The adoption of international standards in NTB/NTM and regional regulatory cooperation measures shows momentum due to the high-level policy buy-in from nearly all AU Member States to the AfCFTA. The UNCTAD project showed the benefits of international standards, and the likelihood of its contribution to the adoption of international standards in NTB/NTM is high to

very high (5 out of 8 stakeholders). As such, the project contributes to SDG 17.14.1 "No. of countries with mechanisms in place to enhance policy coherence".

95. For the IP component, the evaluation found an opportunity for vaccine production. A concrete cooperation opportunity in vaccine production emerged for the IP component in Ghana with a German investor, with support from the UK's Foreign, Commonwealth, and Development Office. This engagement would contribute to the project's impact level indicator of initiating IP transactions.
96. If successful, this line of action would contribute to SDG 17.16.1 "Number of science and/or technology cooperation agreements and programmes between countries, by type of cooperation."



3.3 Unintended effects

97. The evaluation enquired about unintended project effects, both positive and negative ones. No negative unintended effects emerged. The unintended positive effects are listed below.
98. The main unintended positive effect of the project are significant cost savings due to the COVID-19 pandemic, resulting in the replacement of face-to-face meetings with virtual ones. Savings were reinvested in broadening and deepening virtual meetings, which also resulted in the need for the non-cost extension.
99. Besides, the project team noted the increasing demand from AU member States to accelerate the NTM data collection, which feed into Phase II of the project. Also, based on AU Member States demand, the project engaged in the development of national AfCFTA strategies in the EAC, in collaboration with UNECA.
100. On the NTM side of the project, a spin-off showed in a growing partnership with Kenya Law, the government body responsible for publishing laws in Kenya. Both parties exchange data, as at times UNCTAD is in possession of data which is not yet published by Kenya Law.
101. Some stakeholders referred to enhanced internal cooperation at the national level following National Focal Points and National Monitoring Committees' appointment, even beyond the primary stakeholders.

4. Efficiency: were resources used appropriately to achieve programme results?

102. This section analyses the efficiency of the project. The following set of sub-criteria is used, as listed in the evaluation matrix: i) adequacy of implementation modalities; ii) quality of monitoring and control modalities; iii) use of internal UNCTAD resources for project implementation; and iv) leverage of external cooperation. This section's main data sources are the document review, telephone interviews, and the online survey.

Key findings: The project used resources appropriately.

- Using the AU and the AfCFTA as a forum to implement the project is paramount for the adequacy of project implementation;
- The project monitoring follows the donor's annual progress reporting requirements, with room for improvement to accommodate results-based management principles;
- The use of internal resources is very high. The project leverages many years of UNCTAD research and technical cooperation in the areas of NTB, NTM, and IP;
- Leverage of external cooperation is very high, as the project operates from inside the AfCFTA unit in the AU Commission.

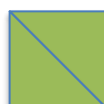


103. The evaluation finds the project's efficiency as very high (94 out of 100), with a "green" score, based on the evaluations' scoring methodology.³².



4.1 Adequacy of project implementation modalities and mechanisms

104. Using the AU and the AfCFTA as a forum to implement the project, as demanded by the AU, is paramount for project implementation's adequacy.
105. The web-based database <https://tradebarriers.africa> is fully functional in English, French, Arabic, and Portuguese for online reporting. The mobile phone reporting component is under development. At this stage, due to its recent development, the use of the tool is yet to be seen. The latter is the reason for a more cautious scoring of this evaluation question.
106. The project team benefitted from internal guidance, for example, on the logframe with related performance indicators for the project design. However, the project missed guidance on incorporating human rights into the project proposal. This important shortcoming is at the institutional level.
107. The project benefitted from three months no-cost extension, mainly COVID-19-related. Due to the pandemic, the project team was unable to implement most of the face-to-face events originally planned for 2020. This resulted in cost-savings due to hosting events remotely and funds still to be spent after the original project end.



4.2 Quality of monitoring and control modalities

108. The project monitoring follows the donor's annual progress reporting requirements. The reporting format is in a narrative form addressing the project components, main deliverables and activities. Results are reported on summarizing the progress made by selected indicators.

³² Adequacy of project implementation modalities and mechanisms: 3 out of 4; quality of monitoring and control modalities: 4 out of 4; use of internal UNCTAD resources: 4 out of 4; Leverage of external cooperation: 4 out of 4; Total: 15 out of 16 = 94%

109. The project team appreciates the report as a good communication tool with the donor. For the second year, the project team is due to prepare a final report at the end of the project implementation cycle. The donor was also satisfied with the project team's annual reporting.
110. From a results-based management perspective, the reporting format shows some shortcomings, beyond the control of the project team. The format is not specifically referring to all project's performance indicators, Also the reporting format does not foresee any baselines or targets. However, the project team complies with the existing reporting format.



4.3 Use of internal UNCTAD resources, previous resource, and technical cooperation

111. The project leverages many years of UNCTAD research and technical cooperation in the areas of NTB, NTM, and IP. The implementing Divisions in UNCTAD have over a decade of expertise in working on those topics in Africa. While cooperation across Divisions is institutionally encouraged in UNCTAD, collaboration ultimately depends on personal relationships, as shown in this project.
112. For both workstreams, some overlaps show, and though NTB/NTM and IP are separate negotiation processes, they are under the common AfCFTA umbrella. Besides, the NTB/NTM component benefitted from increased IP understanding as part of the project implementation.



4.4 Leverage of external cooperation

113. Given its demand-driven nature, this project is fully based on an external cooperation approach. The project operates from inside the AfCFTA unit in the AU Commission and uses the AU's convening power, its missions, and official channels for communication. In formal AfCFTA meetings, project staff provides advice to negotiators. As such, project processes are perceived as AfCFTA ones, which significantly enhances AU member states' ownership.
114. The cooperation with UNECA appears seamless, with significant value-added for the AfCFTA negotiation process. For the preparation of one chapter for the Assessing Regional Integration in Africa (ARIA) IX, the IP component made significant contributions to the UNECA publication.
115. The IP component's work in Egypt builds on on-going national processes through workshops to share insights about the National IP Strategy Development in other African countries, responding to a national IP office demand.



4.5 Theoretical contribution

116. Though not part of the ToR, the evaluator elaborated on calculating the project's theoretical contribution to projected AfCFTA results. The evaluator aims to answer the question whether the project is likely to "pay back" the donor's investment.

117. The World Bank (2020)³³ estimates that the AfCFTA will boost Africa's income by \$450 billion by 2035 (a gain of 7 percent) while adding \$76 billion to the rest of the world's income. The increase of Africa's exports by 2035 is estimated at \$560 billion, mostly in manufacturing.
118. The evaluator calculated the project's theoretical contribution to those results by putting Germany's investment in the project in relation to the estimated benefits. With a project investment of US\$ 1'882'352, a contribution of 0,00000417% would be sufficient to redeem the entire investment in the context of increased income in Africa. If put in relation to the increase in Africa's exports, a contribution of 0,00000336% would be sufficient to amortize Germany's investment.
119. As those percentages are indeed very small, the evaluator uses an alternative perspective to shed light on the project's theoretical contribution. A contribution as small as 1% of the project to the World Bank's projected economic results would equal \$760 million in Africa's income and \$5,6 billion in Africa's exports.
120. While it is impossible to quantify the project's contribution to the AfCFTA negotiation process on the Protocol on Trade in Goods, stakeholder feedback acknowledges **UNCTAD's leading role** in supporting the negotiators and building national focal points' capacities. In the given context, the project's theoretical contribution to the projected AfCFTA impact is likely to be beyond the small percentages presented above. As such, the evaluator expects that Germany's investments in the project will be fully amortized by 2035.

5. Sustainability: are results lasting?

121. This section analyzes the project's sustainability using the following sub-criteria: i) partners' commitment (government ownership, institutional arrangements, and technical capacities; ii) sustainability of the NTB tool; and iii) knowledge and capacities. The main data sources used in this section are telephone interviews and the online survey.

Key findings: The evaluation finds largely positive results concerning the project's sustainability for partners' commitment, knowledge, and capacities. Questions, however, emerge about governments' future financial commitment to continue funding AfCFTA implementation.

- Ownership by heads of state to the AfCFTA and its implementation is very high;
- The appointment of National Focal Points and National Monitoring Committees are governments' institutional arrangements to ensure the continued AfCFTA implementation, including NTB reporting;
- The project engaged mainly National Focal Points in technical capacity building with good results. All NFPs were reached with standardised training for NFP-specific tasks. However, a limited reach of the training shows beyond the National Focal Points in many countries, according to project stakeholders;
- The financial resources are the Achilles heel of the project's sustainability in many countries. Challenges include the continued capacity building needs and national awareness-raising concerning the NTB platform once the UNCTAD project ends;
- The future funding of the NTB tool should only be a question of prioritization for the AU commission as funds appear to be available for the annual costs of US \$ 15.000 to maintain the platform.;
- The evaluation finds that project beneficiaries' changes in knowledge, capacities, and practice are overall positive.

³³ World Bank, 2020: The African Continental Free Trade Area. Economic and distributional aspects.

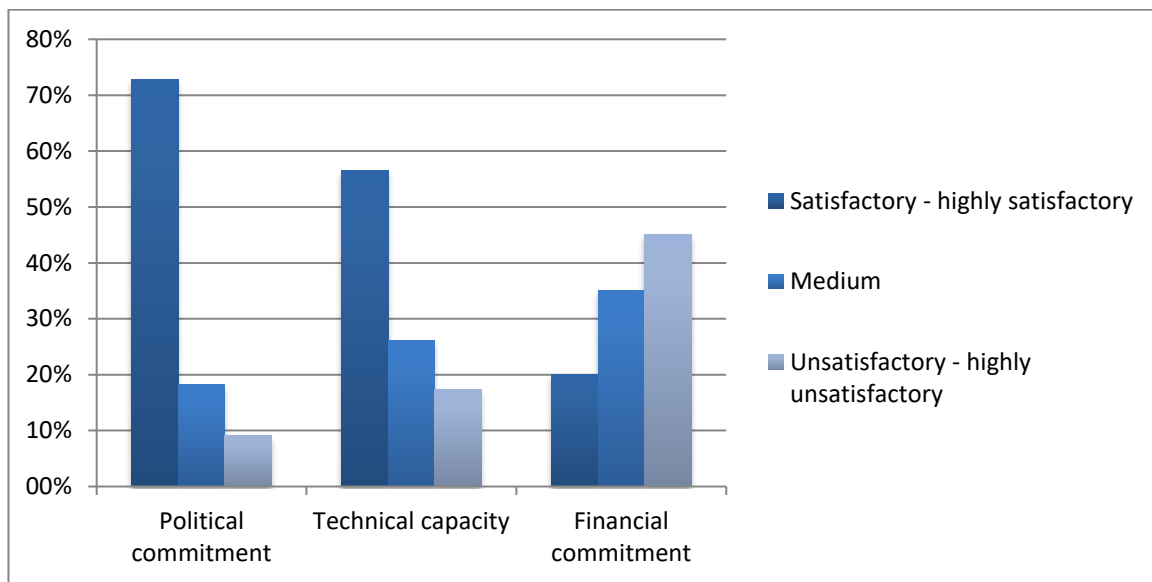


122. The evaluation finds that the sustainability of the project is given for most sub-criteria. However, the financial capacities of governments investing in the application of the NTB reporting tool seem less clear. The score for sustainability is "amber/green" (73 out of 100).

5.1 Partners' commitment

123. The evaluation survey enquired about the partner's commitment to implementing AfCFTA provisions on NTBs, SPS measures, and TBT. Significant differences show between the aggregated level of political commitment (73%), technical capacity (62%), and financial commitment (42%). Figure VII below contains the detailed ratings for the three sustainability sub-criteria, complementing the aggregated ratings which country stakeholder provided.

Figure 7. Country stakeholders' assessment of project's sustainability



Source: Evaluation Survey, A. Engelhardt, 2021, n= 20 (political), n = 23 (technical) and n=22 (financial)

124. The following sub-sections analyze the reasons behind those results further.



5.1.1 Governments' ownership

125. The commitment and ownership of heads of state to the AfCFTA is very high, as shown in the wide ratification of the agreement across Africa. Also, the commitment to the NTB complaint mechanism seems high, given the significant demand for project services for supporting negotiators and National Focal Points across AU member states. The results of the online survey presented above endorse this assessment.

126. For the NTM component, the evaluation found increasing demand from the AU Member States for further NTM data collection. Besides, the ownership of EAC Member governments is evident, as they demanded project support for the elaboration of national AfCFTA strategies to guide the implementation of the agreement at national level.

127. Over the project implementation period, AU Member States' negotiators used the IP component's capacity building and analytical support for the drafting of the AfCFTA Protocol on IP, with the aim to finalize the protocol by the end of 2021.



5.1.2 Institutional arrangements

128. The implementation arrangements of the project included the concept of National Focal Points and National Monitoring Committees. Evaluation interviews confirmed the appointment of National Focal Points across most AU member countries. National Monitoring Committees emerge as institutional arrangements to ensure institutional sustainability in countries such as Burkina Faso, The Gambia, Rwanda, or Zimbabwe.

129. For the IP component, the project team contributed to UNECA's flagship publication: "Assessing Regional Integration in Africa (ARIA)" in 2019. AU Member States' negotiators agreed to use this publication as an input for drafting the AfCFTA Protocol on IP.



5.1.3 Technical capacities

130. The project trained National Focal Points and other relevant staff in AU member states. National Focal Points acknowledged a better understanding of the NTB platform and related mechanisms created. However, several stakeholders mentioned the limited reach of the training beyond the National Focal Points in many countries.

131. One stakeholder mentioned the need for a training of trainers approach to significantly enhance the staff coverage in a ministry where 0,1% of staff were trained. While the project did not systematically roll out a training of trainers approach, in Togo, National Focal Points will facilitate a project-supported NTB training. As such, the National Focal Points are planned to take on a training of trainers approach.

132. Concerning training of private sector operators, the project managed to undertake awareness raising/training events for over 1000 persons.

133. The IP component provided capacity building to AU Member States' negotiators for the drafting and conclusion of the AfCFTA Protocol on IP in 2021.



5.1.4 Financial resources

134. The financial resources are the Achilles heel of the project's sustainability in many countries. It is clearly the AfCFTA Secretariat's responsibility to fund the maintenance of the NTB platform which the project developed. Many stakeholders raised the issues about insufficient resources to fund the continued capacity-building needs and national awareness-raising concerning the NTB platform once the UNCTAD project ends. However, the project team is confident and believe that this area is likely to receive above-average internal funding from AU Member States.

135. However, exceptions show in two AU member states participating in this evaluation where financial resources seem not a limitation. Governments' have allocated the required resources for AfCFTA implementation, including on-going awareness raising and capacity building, according to the technical officers.



5.2 Design and implementation to ensure maximum sustainability

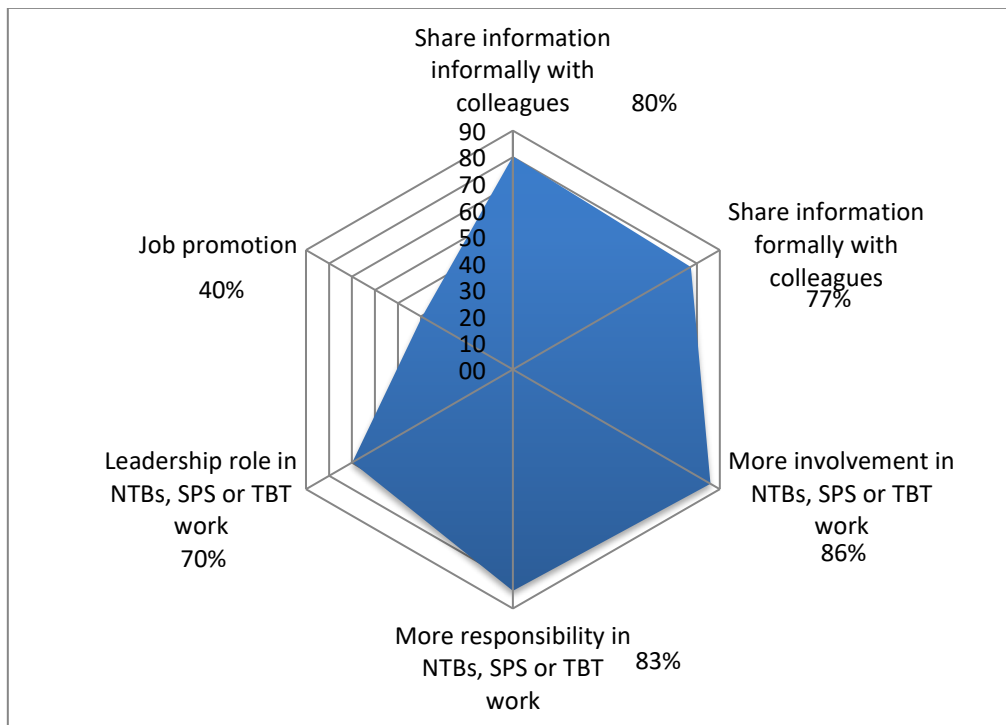
136. As mentioned above, the NTB tool's funding responds to the AfCFTA Secretariat. Interviews indicated that the future funding of the NTB tool should only be a question of prioritization for the AfCFTA Secretariat due to available budgets. The AfCFTA process has been handed over from the AUC to the AfCFTA Secretariat now. Recruiting is in progress and there will be a NTB Coordination Unit with several full-time staff, more than now at the AUC.
137. Furthermore, the budget needed to host and maintain the online tool is only about US\$ 15,000 per year. Given the high-level political buy-in of AU Member States, the likelihood of future funding for the NTB tool should be high. Certainly, a transitional period will need continued funding, but a full take-over is likely in the mid-term.
138. For the IP component, it is expected that once the AfCFTA Protocol on IP is agreed and adopted, it will guide the AfCFTA process until any future review and revision of the protocol is due. As such, the evaluation expects that the IP team's contributions will be lasting for the coming years.



5.3 Knowledge and capacities

139. The evaluator enquired about project beneficiaries' changes in knowledge, capacities, and practice, with up to 33 replies. Figure VIII summarizes the overall positive results below.

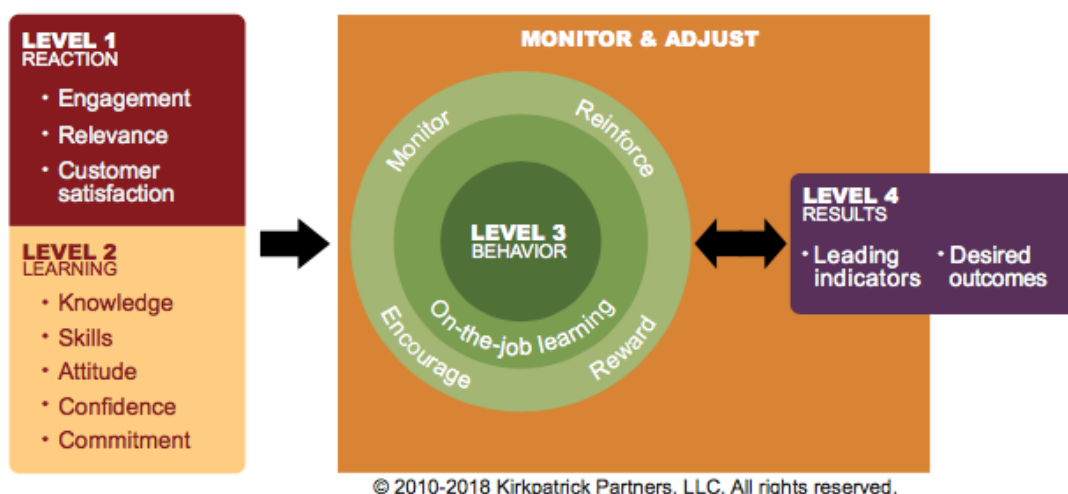
Figure 8. Changes in knowledge and capacities



Source: evaluation interviews and online survey

140. 86% of beneficiaries reported more involvement in NTB, SPS, or TBT work, often due to direct results of project-related capacity building or after the appointment as an NTB national focal point. Due to the same reasons, 83% of beneficiaries also experienced more responsibilities in NTB, SPS, or TBT work³⁴.
141. Concerning information sharing, 80% of beneficiaries reported informal sharing opportunities with colleagues, for example, in lunch breaks or after work. 77% of beneficiaries also shared information formally during official presentations, staff training, and other work-related processes.
142. A significant 70% of beneficiaries experienced exercising a leadership role in NTB, SPS, or TBT work due to engagement in the UNCTAD project, and 40% of beneficiaries reported job promotions. However, most of the promotions were unrelated to the UNCTAD project.
143. The evaluator used the Kirkpatrick New World Model³⁵ as a concept for systematically evaluating the project's capacity building. Though the project was not designed for the application of the Kirkpatrick model, the evaluator managed to use data from project's post-training evaluation surveys and stakeholder interviews.

Figure 9. Kirkpatrick model of evaluating capacity building



144. The Kirkpatrick New World Model consists of four levels, as shown in Figure IX. Level 1 (reaction), level 2 (learning), level 3 (behaviour) and level 4 (results). Levels 1 and 2 address the effectiveness of training and levels 3 and 4 training effectiveness.
145. For level 1 "reaction", project post-training evaluation surveys indicate positive results concerning the relevance of the training and customer satisfaction.
146. UNCTAD's continental workshop for NFPs trained 59 participants in 2019, including 41 countries formally nominated National Focal Points and representative from six RECs. 83% of trainees indicated that the workshop as "Excellent"/"Very good" for their own work.
147. The post-training survey of the "Capacity Building Workshop on the Framework for Transfer of Technology and Research and Development Partnership in Egypt" (IP component) showed also very good results for the relevance for the event (86% high to very high ratings) and customer satisfaction (79% high to very high ratings).

³⁴ The number of IP stakeholders interviewed was too limited undertake quantitative analysis of interview results.

³⁵ <https://www.kirkpatrickpartners.com/Our-Philosophy/The-New-World-Kirkpatrick-Model>


148. Level 2 “learning” shows results based again on the IP components’ workshop in Egypt and the training on the AfCFTA NTB mechanism (June 2020). Data is available for the criteria of knowledge and skills.
149. 81% of trainees reported an improved understanding of the AfCFTA NTB mechanism while 93% of trainees in the IP component’s event in Egypt were able to put learning into practice.
150. For level 3 “behaviour”, the evaluator managed to collect data for the NTB/NTM component. 77% of trainees reporting the formal sharing of learning acquired during project’s capacity building events (n=32). The application of learning is reinforced through increased involvement in NTB, SPS or TBT work (86%, n=32). Reinforcing elements are the appointment of trainees as NFPs and their engagement in National Monitoring Committees.
151. The evidence is less strong for changes at level 4, “results in accomplishing the project’s objectives in supporting the implementation of the AfCFTA agreement protocol on Trade in Goods”. As a proxy indication, 70% of trainees (n=29) reported holding a leadership role in NTB, SPS or TBT as a result of the training.

6. Gender and human rights

152. This section analyses the equity aspects of the project. The evaluator assessed two dimensions based on the ToR i) gender mainstreaming and ii) human rights. The main data sources used for producing this section are the document review and interviews.

Key findings: Gender mainstreaming and human rights are less visible in the project. Human rights aspects were not requirements for project planning and the internal approval process

- The UNCTAD project serves all traders, but differentiation by sex does emerge, informal female cross-border traders, being one example;
- Entry points for UNCTAD to address gender mainstreaming could include targeted awareness-raising of NFPs and negotiators, capacity building of joint border posts, the collection of disaggregated data, the promotion of the off-line NTB reporting tool for informal female traders and leaflets in border regions;
- UNECA shows interest to join forces with UNCTAD to address gender mainstreaming in the AfCFTA context;
- Human rights: though not explicitly included in the project design, the project fully addresses monitoring and evaluation of AfCFTA impacts with the NTB platform, which is a human rights dimension for AfCFTA implementation, according to recent research.
- Also, the project’s work on IP directly concerns human rights, especially the right to health, the right to food and the right to education. UNCTAD’s advice in the context of both AfCFTA and Egypt relates to striking an appropriate balance between these rights and the objective to promote technological innovation.

-  153. The evaluator has not rated this criterion, given that UNCTAD programming guidance did not include human rights for the development of project proposals.
154. In the evaluator’s inception report, concerns emerged about the evaluability of gender and human rights aspects. Human rights issues were not considered in the project document, apart from using human rights-based terminology for describing the IP component in the project proposal. Concerning gender, the project document does make few references only, for example, two progress indicators with sex-disaggregated data of workshop participants and NTM/NTB database users.

155. However, the evaluator found that the requirements for project planning, the internal approval process, and project evaluation in UNCTAD are inconsistent concerning the inclusion of human rights. This finding points towards systemic challenges in UNCTAD, and it affects UNCTAD's programmatic work beyond the control of the project team.

6.1 Gender mainstreaming

156. To address gender for the UNCTAD project in this evaluation, the evaluator used formative (forward-looking) evaluation questions during the interviews despite the limitations mentioned above. This allows identifying ways to introduce a gender perspective into future phases of the UNCTAD project.

157. The AfCFTA Agreement explicitly recognises the importance of gender equality. Article 3(e) specifies that the AfCFTA aims to “promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation”. Likewise, Article 27(d) of the AfCFTA Protocol on Trade in Services makes explicit reference to improving the export capacity of formal and informal service suppliers, with particular attention to micro, small and medium-sized operators and “women and youth service suppliers”.

158. During the primary data collection, stakeholders referred to specifically targeting female participants for projects events as a means to further promote gender in future phases of the project. Another entry point that stakeholders identified were female cross-border traders.

159. Many project stakeholders stated that the UNCTAD project serves all traders and is therefore gender neutral. However, the evaluation found that clear gender differentials in trade are evident. In many countries, for example, Senegal, women traders are particularly active in by cross-border trade. In other countries like Rwanda, traders are mostly male. Hence gender-specific effects of AfCFTA can be expected based on the evaluator's primary data collection.

160. The document review backs up this finding with the IISD's SDG Knowledge Hub³⁶ identifying the “Women account for the vast majority of informal cross-border traders. If governments can identify the priority needs of female informal cross-border traders, they can also devise gender-responsive trade facilitation measures that respond to those needs, and then assist them to enter the formal sector”.

161. The German International Cooperation (GIZ) research about gender in the AfCFTA provided more details and found that “female managed services firms struggle to export compared to their male counterparts, especially in Africa because of low access to networks, capital, and knowledge. Trade-related administrative procedures and red tape are particularly burdensome due to time poverty, poor access to infrastructure, and discriminatory practices at the border.”³⁷.

162. UK Aid/Work and Opportunities for Women (2019) reported that “non-tariff measures have grown in recent years, especially in relation to agricultural products from developing countries, particularly sanitary and phytosanitary (SPS) measures and technical barriers to trade (TBT). TBTs may be especially burdensome to women, given that the sectors where they are highest are areas

36 Bayat, N., 2020: Gender Mainstreaming in AfCFTA National Strategies: Why it Matters for the SDGs. IISD SDG Knowledge Hub

<https://sdg.iisd.org/commentary/guest-articles/gender-mainstreaming-in-afcfta-national-strategies-why-it-matters-for-the-sdgs/>

37 GIZ, undated: African Union: gender within the African Continental Free Trade Area

<https://gender-works.giz.de/competitions2020/african-union-gender-within-the-african-continental-free-trade-area/>

where women work. TBTs tend to affect Small- and Medium-sized Enterprises (SMEs) especially, where women are also concentrated”³⁸.

163. According to the ITC (2015), TBTs can be particularly burdensome for women-owned firms given the broader inequalities affecting women’s access to education, training and literacy that would help them to navigate trade regulations³⁹.
164. Intellectual property rights have been a subject of much debate in relation to trade, development and indigenous peoples and women’s rights. The Commonwealth Secretariat finds that IP and trade raises questions about who owns knowledge, especially traditional and indigenous knowledge or knowledge developed by marginalized groups; the ethics of patenting living organisms, and the gender and racial disparities which affect participation in science, technology, engineering and maths (STEM) fields; and industrial development and patenting (Williams 2003)⁴⁰. The privatization of biological materials and medicines can increase prices, particularly affecting indigenous groups, women and poorer consumers who are less able to afford increased costs (UN Development Programme, 2007)⁴¹.
165. Stakeholders identified the following entry points for UNCTAD to address gender mainstreaming for its work on NTMs/NTBs and Intellectual property in the AfCFTA context:
- Awareness-raising about gender and AfCFTA among NFPs and negotiators, also concerning IP rules.
 - Data collection, disaggregation by sex, demography, etc.
 - Practical action: leaflets informing about products where duty has to be paid or not
 - Capacity building of joint border points for better cooperation for both countries
 - Promotion of off-line tool, particularly to women (informal traders)
166. UNECA seems to be particularly interested in joining forces with the UNCTAD project to address gender issues due to donor interest in the topic.

6.2 Equitable development and human rights

167. As explained in the introductory paragraph of section 6 on gender and human rights, this UNCTAD project did not systematically consider human rights in its design, given the lack of relevant UNCTAD programming guidance.
168. However, this evaluation uses existing research on AfCFTA and human rights to shed light on the trade agreements from a human rights perspective to inform future phases of this project or similar UNCTAD interventions.
169. UNECA and Friedrich-Ebert Stiftung (EFS, 2017) find in a research paper that "trade agreements and economic integration do not necessarily lead to fair and sustainable outcomes. Assessing the distributional impacts of an agreement such as the CFTA is, therefore, crucial to ensure that human rights and trade are complementary."⁴².

³⁸ UK Aid/ Work and Opportunities for Women, 2019: Gender, inclusion and trade. Thematic brief. Integrating gender and inclusion into Prosperity Fund Trade programmes, page unnumbered.

³⁹ ITC, 2015, Unlocking Markets for Women to Trade

http://www.intracen.org/uploadedFiles/intracenorg/Content/Publications/women_in_trade_web.pdf

⁴⁰ Williams, M. (2003). Gender Mainstreaming in the Multilateral Trading System: A handbook for policy-makers and other stakeholders. Commonwealth Secretariat.

⁴¹ UNDP “Gender Dimensions Of Intellectual Property And Traditional Medicinal Knowledge” (2007)

<http://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/poverty/RBAP-PR-2007-Gender-IP-Traditional-Medicinal-Knowledge.pdf>

⁴² Friedrich-Ebert-Stiftung & UN Economic Commission for Africa, 2017: The Continental Free Trade Area (CFTA) in Africa - A Human Rights Perspective.

170. The evaluation finds that the UNECA and EFS's research ⁴³is one of the very few, but highly valuable, sources addressing the AfCFTA from a human rights perspective. The research paper lists several issues to ensure that the AfCFTA is equitable and addressing human rights. The UNCTAD project is directly addressing one of the issues that are important from a human rights perspective: The establishing of an NTB mechanism within the AfCFTA to facilitate the reporting, monitoring, and elimination of NTBs:

Monitoring and evaluation of AfCFTA impacts

171. Monitoring can help identify what adjustment, compensatory or ranking measures might be needed in case of adverse human rights impacts related to the AfCFTA. It is also important for accountability, which is a key human rights principle. Monitoring and evaluation should be accessible not only to economic operators and governmental entities but also to other interested parties.

172. Achieving the AfCFTA's objectives will require removing a long list of non-tariff barriers (NTBs) that create obstacles to intra-African trade. An NTB mechanism should be established within the AfCFTA to facilitate the reporting, monitoring, and elimination of NTBs. Such a mechanism would allow traders to report NTBs to national officials who must take action to remove the barriers and report on their removal"⁴⁴.

173. As stated above, the evaluation finds that the UNCTAD project fully addresses this last issue of the UNECA and FES research findings, the monitoring and evaluation of AfCFTA impacts with the NTB platform.

174. Also, the project's work on IP directly concerns human rights, especially the right to health, the right to food and the right to education. UNCTAD's advice in the context of both AfCFTA and Egypt relates to striking an appropriate balance between these rights and the objective to promote technological innovation.

⁴³ The evaluator summarizes in Annex 5 the UNECA/EFS dimensions for ensuring human rights in the context of the AfCFTA.

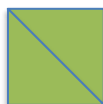
⁴⁴ Friedrich-Ebert-Stiftung & UN Economic Commission for Africa, 2017: The Continental Free Trade Area (CFTA) in Africa - A Human Rights Perspective, page 18

7. Partnerships

175. This section assesses the project's partnerships and synergies leveraged. Those partnerships include international organizations, regional development banks, national agencies, civil society, and the private sector. Data sources used are the document review, the online survey, and telephone interviews.

Key findings: The project was successful in establishing and leveraging partnerships

- The project design is partnership-based. Partnerships such as the one with the AU Commission or UNECA are instrumental to the project implementation;
- Benefits of partnerships are manifold, including catalysing internal communication and awareness-raising among national stakeholders through trusted channels;
- Apart from the AU Commission, the project was most successful in leveraging partnerships with Regional Economic Commissions (REC) such as COMESA, ECOWAS, and SADC (73% success rating);
- Less progress showed in partnering with civil society organisations (59% success rating).



176. The evaluation finds positive results for the project's partnership dimension based on i) partnership building and ii) the benefits of those partnerships. The score for this evaluation criterion is "green" (88 out of 100).

177. Partnerships are instrumental to the project implementation. The project design, including the de-facto secondment of project staff to the AU, underscores this partnership approach.

7.1 Benefits of partnerships



178. Stakeholders identified a range of examples of benefits of the project's partnership approach. The creation of National NTB Monitoring Committees in the AU Member States shows participants' improvements in the knowledge about the national landscape of agencies involved in NTB issues. The dialogue with other relevant ministries allows for a more holistic awareness about NTB and NTM-related documentation in one AU Member State.

"UNCTAD's engagement with our Chamber of Commerce was critical for us to implement our trade facilitation strategy. The project helped to collaborate with multiple stakeholders, such as the banking sector. Our members benefitted from sensitization about AfCFTA and its NTB platform."

Source: project stakeholder

179. At the level of National Focal Points, communication allows for confidence and relationship building. One private-sector interest group reported a wider reach of project-related information among its membership. Also, the UNCTAD project enhanced the cooperation between the Member States and Regional Economic Commissions.

180. To explore vaccine production in Africa, the project's IP component undertook a webinar engaging also International Finance Institutions. A concrete cooperation opportunity in vaccine production emerged between a German investor, the government of Ghana, the German International Cooperation (GIZ) team in Ghana and the UK's Foreign, Commonwealth, and Development Office.

"UNCTAD' is a premium organisation engaged in research on IP. Together with UNECA, it is the only other technical partner to AfCFTA, trusted by the AU."

Source: project stakeholder

181. On the NTM side of the project, the project team engaged in a cooperation with Kenya law, Kenya's National Council for Law Reporting on exchanging legal information on NTBs for increasing transparency. In fact, UNCTAD is in the possession of Kenyan legal information related to NTMs from other ministries which has not been published on the Kenya law information platform, yet.

7.2 Advancement of partnership building

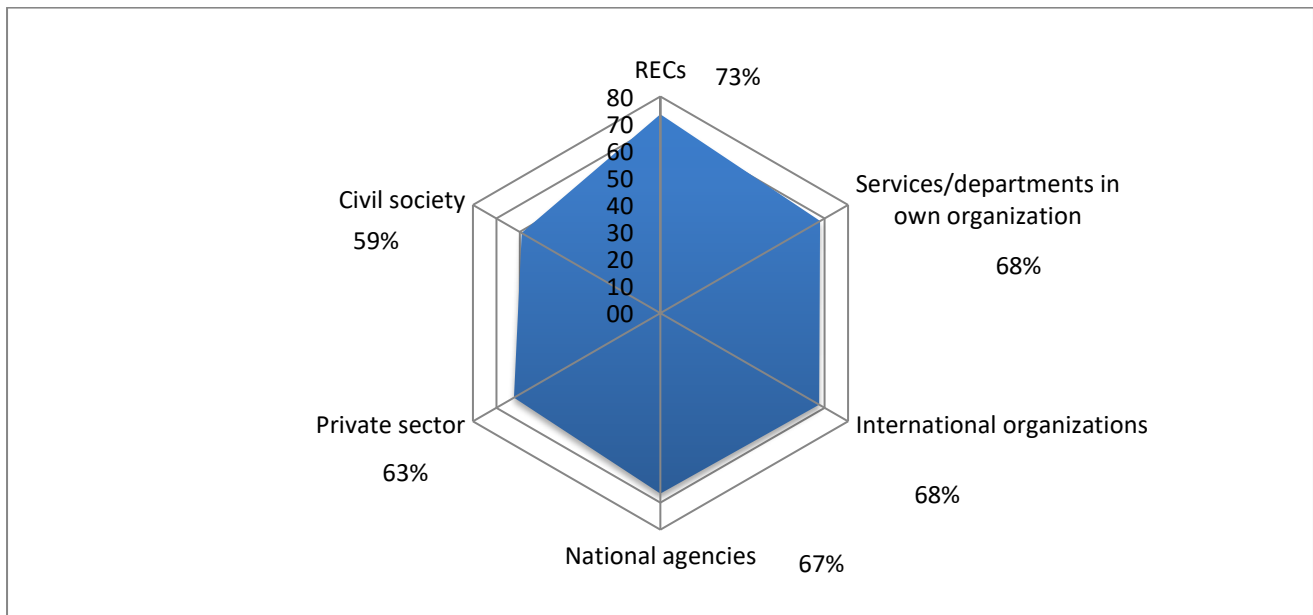


182. Figure 10 presents the advancement of partnership building based on evaluation survey results. Respondents rated the degree to which elements of partnership building have been successfully accomplished.

183. The evaluation survey shows that the project was most successful in leveraging partnerships with Regional Economic Commissions (REC) and stakeholders referred particularly to COMESA, ECOWAS, and SADC. Ratings of the maturity of partnerships with the REC's are high (73%) and the project worked well with those partners.

184. Similarly, high ratings show for the maturity of partnerships the project established within the operational units of project stakeholders such as National Focal Points (68%), International Organizations (68%), particularly UNECA, and other national agencies (67%). Engaging with the private sector and leveraging partnerships reached 63% of ratings, followed by 59% of ratings for civil society partnerships, where partnerships were less developed

Figure 10. Advancement of partnership building



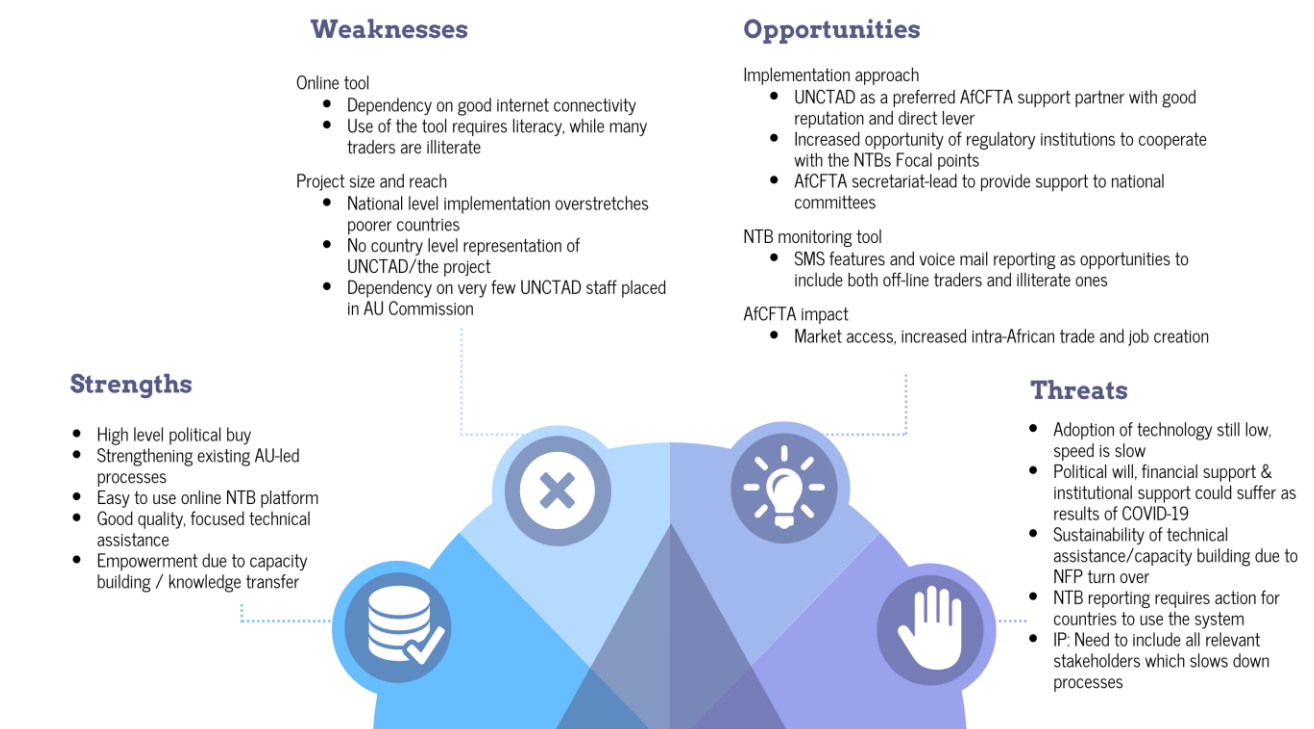
Source: Evaluation analysis, A. Engelhardt, 2021; n= 16 to 19

185. When asked about the shortcomings of making partnerships even more successful, most stakeholders referred to internal institutional constraints beyond the remit of UNCTAD. Those internal constraints include staff shortages, staff turnover, overlapping mandates of government agencies concerning NTBs, NTMs, or IP. However, some voices called for a larger project budget to widen and deepen capacity building using project staff based across the AU Member States.

8. Factors affecting project performance

186. Towards the end of this evaluation report, this section summarizes the reasons for the project performance. Opportunities and threats for the project complement the section, as summarized in Figure XI.

Figure 11. Strengths, weaknesses, opportunities, and threats of the project



Source: Evaluation interviews and on-line survey, design, A. Engelhardt 03/2021

187. Stakeholders identified main project **strengths** which repeatedly emerged during the primary data collection, focusing on the following dimensions, which are explained in more detail in previous sections of the report:

- High-level political buy
- Strengthening existing processes, AU-led with comprehensive stakeholder representation and continental reach.
- Easy to use online NTB platform, meeting Member States needs.
- Good quality, focused technical assistance by impartial research.
- Empowerment due to capacity building/knowledge transfer.

188. The **main weaknesses** are more disperse and can be grouped around the online tool and the project size and reach.

Online tool:

- Dependency on good internet connectivity for the tool to work.
- The use of the tool, including the SMS component, requires literacy, while informal traders are often illiterate.

Project size and reach

- National-level implementation, including outreach to the private sector and the general public, not project financed, overstretches the poorer countries.
- No country-level representation of UNCTAD/the project
- Dependency on very few UNCTAD staff placed in AU Commission

189. Challenges with the project's reach beyond the NFP's are highlighted in the box below.

"The project facilitates communication and cooperation among government agencies. Our customs staff was less familiar with the AfCFTA and NTMs. In fact, many still lack the understanding about AfCFTA and NTMs effects on our trade".

Source: project stakeholder (NFP)

The main opportunities

190. The project's implementation approach's main opportunities emerge, the NTB monitoring tool's off-line components, and AfCFTA impact.

Implementation approach

- UNCTAD as a preferred AfCFTA support partner with a good reputation and direct lever into influencing negotiations, including on IP.
- Increased opportunity of regulatory institutions to cooperate with the NTBs Focal points in reporting and to resolve NTBs.
- AfCFTA secretariat-led to provide support to national committees

NTB monitoring tool.

- SMS features and voice mail reporting as opportunities to include both off-line traders and illiterate ones.

AfCFTA impact

- Market access, increased intra-African trade, and job creation.

The main threats

191. The main threats to the project concern technology, the effects of the COVID-19 pandemic, sustainability and implementation processes.

- Adoption of technology still low, speed is slow
- political will, financial support & institutional support could suffer as results of COVID-19
- Sustainability of technical assistance/capacity-building due to NFP turn over
- NTB reporting requires action for countries to use the system

IP:

- Need to include all relevant stakeholders for IP policy development, which is very time-consuming and challenging in the given project timeframe

SECTION III: CONCLUSIONS AND RECOMMENDATIONS

192. The following conclusions and recommendations emerge based on the main findings summarized at the beginning of the findings' sections for each evaluation criteria. Figure XII presents the logical flow from key findings to conclusions and recommendations.

Figure 12. Summary of key findings, conclusions, and recommendations

	Key findings	Conclusions	Recommendations		
Relevance	The 2016 Nairobi Maafikiano mandates the project for both components.	The UNCTAD project is entirely demand-driven and fits into AU processes and structures. UNCTAD is a preferred partner for the AU.	R1: The donor is encouraged to continue funding the project due to its high relevance and fully demand-driven nature. <i>Prioritization: very high: next 3- 6 months</i>		
	The relevance for the AU Member States needs is very high, given that the AfCFTA process is AU-owned				
	The project's Theory of Change is valid to the extent assumptions can be assessed before the full implementation of the NTB database.				
	UNCTAD's comparative advantage is very high, and project stakeholders' relevance reached 74% to 78% high to very high ratings.				
Effectiveness	Overall, the project shows progress in achieving outputs, outcomes, and goals. A more specific quantitative assessment of progress is not possible due to the absence of time-bound milestones or targets.	The evaluation mitigated the absence of specific time-bound milestones or targets in the UNCTAD project proposal template through stakeholder perception to assess the project's effectiveness with overall positive results at the output and outcome level.	R2: The Project team should conduct a baseline assessment, set milestones and targets at the inception stage and review the results framework at mid-point. <i>Prioritization: high: next 6 months</i>		
	Stakeholder perceptions of progress made are highest for enhancing the capacities to implement AfCFTA provisions on NTBs, SPS measures, and TBT (72%), followed by establishing the NTB elimination mechanism in AfCFTA (71%). The increase in transparency of regulations shows slightly lower progress (61%), based on stakeholder perceptions.				
	Overall, stakeholder satisfaction about the UNCTAD support in the AfCFTA progress on NTB and NTM reaches 75%.				
	The project's engagement in the IP component showed appreciation in Egypt. The 1st Technical Working Group (TWG) on IP Protocol of the AfCFTA endorsed UNCTAD's presentation during the meeting and its work under ARIA IX to serve as a reference document for IP negotiations under AfCFTA.				
	The project is likely to contribute to SDG 17.11.1 "Developing countries' and LDCs' share of global exports" and SDG 17.14.1 "No. of countries with mechanisms in place to enhance policy coherence".			The project's practical and demand-driven approach shows potential contributions to SDGs, which now depend on a more systematic use of the NTB reporting tool and action taken to address the reported NTBs.	R3: The Project team should provide "run clinics" in the logging of existing NTB complaints in the online reporting tool during practical sessions of its capacity-building events. An increasing number of complaints registered will motivate others to use the tool and enhances stakeholder expectations for governments to address those reported NTBs. <i>Prioritization: high: next 6 months</i>
	The main unintended positive effect of the project are significant cost savings due to the COVID-19 pandemic, resulting in the replacement of face-to-face meetings with virtual ones, enlarging the project's reach.				
Ef fic	Using the AU and the AfCFTA as a forum to implement the project is paramount for project implementation's adequacy.		R4: The Directors of the Division of International Trade and Commodities and the Division on		

	<p>The project monitoring follows the donor's annual progress reporting requirements, with room for improvement to accommodate results-based management principles.</p>	<p>The project is highly efficient by bringing together internal UNCTAD expertise and operating from within the AU Commission and its AfCFTA negotiation process, combining the technical capacity of two UNCTAD Divisions in one project.</p>	<p>Investment & Enterprise could showcase the AfCFTA support project as an example of: i) a fully demand-driven project; ii) its implementation mechanisms from inside the AU Commission; and iii) as an example of cooperation across UNCTAD. <i>Prioritization: medium: next 6 – 12 months</i></p>
	<p>The use of internal resources is very high. The project leverages many years of UNCTAD research and technical cooperation in the areas of NTB, NTM, and IP.</p>		
	<p>The leverage of external cooperation is very high, as the project operates from inside the AfCFTA unit in the AU Commission.</p>		
Sustainability	<p>Ownership by heads of state to the AfCFTA and its implementation is very high.</p>	<p>The project still benefits from the momentum of the highest policy makers' significant ownership across the AU.</p>	<p>See R1 on the continuation of project funding.</p>
	<p>National Focal Points and National Monitoring Committees' appointments are examples of governments' institutional arrangements to ensure the continued AfCFTA implementation, including NTB reporting.</p>	<p>The institutionalization of ownership is well advanced. Individual capacities of stakeholders such as NFPs are enhanced, and practices changed. However, the project's reach to create awareness and enhance capacities is still limited.</p>	<p>R5. The project team should review its experience with the Training of Trainers (ToT) approach taken in Togo and other countries and consider the systematic roll-out of such a ToT approach to significantly enhance the reach of its awareness-raising and capacity building. <i>Prioritization: very high: next 3- 6 months</i></p>
	<p>The project engaged mainly National Focal Points in technical capacity building with good results. All NFPs were reached with standardised training for NFP-specific tasks. However, a limited reach of the training shows beyond the National Focal Points in many countries, according to project stakeholders.</p>		
	<p>The evaluation finds that project beneficiaries' changes in knowledge, capacities, and practice are overall positive.</p>	<p>An exit strategy with explicit reference to the AU commission's/ AfCFTA Secretariat's role in funding the NTB reporting tool is currently missing in the project.</p>	<p>R6. The project team should develop an exit strategy jointly with the AU Commission and AfCFTA Secretariat as part of the implementation planning for the second project phase, clarifying the NTB reporting tool's future funding. <i>Prioritization: high: next 6 months</i></p>
<p>The NTB reporting tool's future funding should only be a question of prioritization for the AU commission due to available budgets, as funds appear to be available for the annual costs of US \$ 15.000 to maintain the platform. The financial resources are the Achilles heel of the project's sustainability in many countries. Challenges include the continued capacity building needs and national awareness-raising concerning the NTB platform once the UNCTAD project ends</p>			
Gender and	<p>The UNCTAD project serves all traders, but differentiation by sex emerges, informal female cross-border traders being one example.</p>	<p>Though not explicitly demanded in the UNCTAD project proposal template, the AfCFTA support project contains a human rights dimension.. Specific opportunities to further address gender more systematically emerge, with UNEAC</p>	<p>R7. The project team should review the entry points for strengthening the project's gender dimension identified in this evaluation and systematically address</p>
	<p>Entry points for UNCTAD to address gender mainstreaming could include targeted awareness-raising of NFPs and negotiators, capacity building of joint</p>		

	<p>border posts, the collection of disaggregated data, the promotion of the NTB reporting tool's off-line component for informal female traders, and leaflets in border regions.</p> <p>UNECA shows interest in joining forces with UNCTAD to address gender mainstreaming in the AfCFTA context.</p> <p>Human rights: though not explicitly included in the project design, the project fully addresses the monitoring and evaluation of AfCFTA impacts with the NTB platform, which is a human rights dimension for AfCFTA implementation, according to recent research. Also, the project's work on IP directly concerns human rights, especially the right to health, the right to food and the right to education. UNCTAD's advice in the context of both AfCFTA and Egypt relates to striking an appropriate balance between these rights and the objective to promote technological innovation.</p>	<p>interested to cooperate with UNCTAD. For human rights, the project's explicit human rights orientation concerning AfCFTA implementation monitoring is currently underreported.</p>	<p>the most suitable entry points in the project's next phase.</p> <p><i>Prioritization: very high: next 3- 6 months</i></p> <p>R8. The project team should explicitly state its human rights orientation through AfCFTA monitoring when reporting to the donor and UNCTAD.</p> <p><i>Prioritization: medium: next 6 – 12 months</i></p>
Partnerships	<p>The project design is partnership-based. Partnerships such as the one with the AU Commission or UNECA are instrumental to the project implementation.</p> <p>The benefits of partnerships are manifold, including catalysing internal communication and awareness-raising among national stakeholders through trusted channels.</p> <p>Apart from the AU Commission, the project was most successful in leveraging partnerships with Regional Economic Commissions (REC) such as COMESA, ECOWAS, and SADC (73% success rating);</p> <p>Less progress showed in partnering with the private sector (63% success rating) and civil society organisations (59% success rating).</p>	<p>Partnerships are the cornerstone of the project and significantly facilitated project implementation. Room for improvement emerges in stronger engaging the private sector and civil society organizations.</p>	<p>R9: For capacity building and awareness-raising events, the project team should also target the private sector and civil society organizations, for example, through its representatives.</p> <p><i>Prioritization: very high: next 3- 6 months</i></p>

III.1. CONCLUSIONS

193. The following conclusions emerge, given the logical flow of the evaluation analysis presented in Figure XII.

Relevance

194. The UNCTAD project is entirely demand-driven, fits into AU processes and structures. UNCTAD is a preferred partner for the AU.

Effectiveness

195. The evaluation mitigated the absence of specific time-bound milestones or targets in the UNCTAD project proposal template through stakeholder perception to assess the project's effectiveness with overall positive results at the output and outcome level.

196. The project's practical and demand-driven approach shows potential contributions to SDGs, which now depend on a more systematic use of the NTB reporting tool and action taken to address the reported NTBs.

Efficiency

197. The project is highly efficient by bringing together internal UNCTAD expertise and operating from within the AU Commission and its AfCFTA negotiation process, combining the technical capacity of two UNCTAD Divisions in one project.

Sustainability

198. The project still benefits from a momentum of the highest policy makers' significant ownership across the AU.

199. The institutionalization of ownership is well advanced. Individual capacities of stakeholders such as NFPs are enhanced, and practices changed. However, the project's reach to create awareness and enhance capacities is still limited.

200. An exit strategy with explicit reference to the AU commission's/ AfCFTA Secretariat's role in funding the NTB reporting tool is currently missing in the project.

Gender and human rights

201. Though not explicitly demanded in the UNCTAD project proposal template, the AfCFTA support project contains a human rights dimension. Specific opportunities to further address gender more systematically emerge, with UNECA interested to cooperate with UNCTAD. For human rights, the project's explicit human rights orientation concerning AfCFTA implementation monitoring is currently underreported.

Partnerships

202. Partnerships are the cornerstone of the project and significantly facilitated project implementation. Room for improvement emerges in stronger engagement with the private sector and civil society organizations.

III.2. RECOMMENDATIONS

203. Based on the logical flow from evaluation key findings to conclusions presented in Figure XII, the following recommendations emerge. The recommendations are targeted, prioritized, actionable, and time-bound.

Relevance

R1: The donor is encouraged to continue funding the project due to its high relevance and fully demand-driven nature. Another project phase could significantly enhance the reach of the project, for example for awareness raising and capacity building for NTB reporting using a training of trainers approach.

Prioritization: very high: next 3- 6 months

Effectiveness

R2: The Project team should conduct a baseline assessment, set millstones and targets at the inception stage and review the results framework at mid-point. This could further enhance the project's results-based management practices.

Prioritization: high: next 6 months

R3: The Project team should "run clinics" in the logging of existing NTB complaints in the online reporting tool during practical sessions of its capacity-building events. An increasing number of complaints registered will motivate others to use the tool and enhances stakeholder expectations for governments to address those reported NTBs.

Prioritization: high: next 6 months

Efficiency

R4: The Director of the Division of International Trade and Commodities and the Division on Investment & Enterprise: Showcase the AfCFTA support project as an example of: i) a fully demand-driven project; ii) its implementation mechanisms from inside the AU Commission; and iii) as an example of cooperation across UNCTAD.

Prioritization: medium: next 6 – 12 months

Sustainability

R5. The project team should review its experience with the Training of Trainers (ToT) approach taken in Togo and consider the systematic roll-out of such a ToT approach to significantly enhance the reach of its awareness-raising and capacity building beyond National Focal Points and National Monitoring Committees.

Prioritization: very high: next 3- 6 months

R6. The project team should develop an exit strategy jointly with the AU Commission and AfCFTA Secretariat as part of the implementation planning for the second project phase, clarifying, for example, the future funding of the NTB reporting tool. This step seems necessary to manage expectations between the project partners on the one hand and to ensure the donor that the sustainability of the NTB reporting tool is explicitly addressed and assured on the other hand.

Prioritization: high: next 6 months

Gender and human rights

R7. The project team should review the entry points for strengthening the project's gender dimension identified in this evaluation and systematically address the most suitable entry points in the project's next phase. As such, the project team could ensure addressing the gender focus of the AfCFTA while at the same time providing a maximum contribution to UNCTAD's gender agenda.

Prioritization: very high: next 3- 6 months

R8. The project team should explicitly state its human rights orientation through AfCFTA monitoring when reporting to the donor and UNCTAD. For the NTB/NTM and IP components, human rights clearly play a role, as shown in the evaluation. The project's potential to contribute to the United Nation's human rights objectives should be fully exploited for the benefit of the donor and UNCTAD.

Prioritization: medium: next 6 – 12 months

Partnerships

R9: For capacity building and awareness-raising events, the project team should also target the private sector and civil society organizations, for example, through its representatives where feasible. The evaluation has shown evidence of how chambers of commerce, for example, can function to multiply project's messages to its membership. Civil society organizations can facilitate communication channels with vulnerable groups.

Prioritization: very high: next 3- 6 months

IV. LESSONS LEARNED AND GOOD PRACTICES

204. The main lessons learned and good practices are clustered around the project implementation mechanism and the NTB reporting tool.
205. The evaluation finds a good practice in the use of AU-owned processes while using at the same time established structures such as the AU Commission. The “secondment”-style support in those settings allowed the project to operate from within the AU Commission, with all its benefits, for example, leverage of the AU’s convening power.
206. A good practice was identified concerning the NTB reporting tool, which combined the online version with a Short Messaging Service (SMS) reporting element for places where internet access and connectivity are not so good.
207. Besides, capacity building is a long-term effort for development projects due to staff turnover, uneven levels of participants' capacities, and reach issues at the national level. As opted for by the project team for capacity building in Togo, a training of trainers approach⁴⁵ emerges as one option to enhance the project's reach at the national level.

⁴⁵ While the training-of-trainers approach is a well-established practice, its emerging utilization in this project serves as a lesson how to enhance the reach of capacity building in the project’s phase II.

ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

Independent Evaluation of UNCTAD Project

“African Continental Free Trade Area Agreement (AfCFTA) support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification”

1. Introduction and Purpose

This document outlines the Terms of Reference (TOR) for the final independent evaluation of the project entitled **“AfCFTA support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification”** funded by the Government of Germany.

This evaluation exercise is meant to ensure ownership, result-based orientation, cost-effectiveness and quality of UNCTAD assistance. By carrying out this evaluation, UNCTAD plans to assess its work, to learn lessons, to receive feedback, appraisal and recognition, as well as to mobilize resources by showing the possible attribution of achievements to the programme. The UNCTAD Evaluation Unit, in collaboration with the Division of International Trade and Commodities (DITC)/Trade Analysis Branch, and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit, will undertake this evaluation

The evaluation will systematically and objectively assess project design, project management, and project performance. The evaluation will provide assessments that are credible and useful, and also include practical and constructive recommendations, in order to enhance the work of UNCTAD in this area.

The evaluation will provide accountability to UNCTAD management, the Government of Germany, the African Union Commission, project stakeholders, as well as UNCTAD's member States with whom the final evaluation report will be shared.

2. Project Background

This project seeks to contribute to the following key objectives of the AfCFTA Protocol on Trade in Goods:

1. To support the implementation of AfCFTA Annexes on NTBs, sanitary and phytosanitary (SPS) measures and Technical Barriers to Trade (TBT), the project aims to increase the capacity of African policy makers with respect to the elimination of NTBs, regulatory transparency and collaboration. It seeks to bridge the existing gap between capacities across African RECs with focus on the EAC-COMESA-SADC Tripartite and ECOWAS as building blocks. It also puts in place required mechanisms and tools and supports the building of institutional infrastructure at the national level where needed.
2. To support economic diversification, regional value chain integration and upgrading of industrial capacity, the project aims to build capacity on intellectual property policies, licensing, technology transfer and other collaboration

The request to work towards these objectives comes directly from the African Union⁴⁶ as achieving the aim of “Creating One African Market” will critically depend on addressing non-tariff measures (NTM) and not only tariffs. The overall restrictiveness of NTMs is estimated to be three to four times higher than current tariffs. This importance has been reflected in the negotiations and the agreement as well as the Appendices on Non-Tariff

⁴⁶ A joint letter by AUC and UNCTAD was signed by the AUC Trade Commissioner and UNCTAD Secretary General in 2017 endorsing this support programme and requesting donor support.

Barriers (NTBs), Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT) set an ambitious agenda.

This is why the African Union Commission (AUC) together with the African Regional Economic Communities (RECs) and UNCTAD have implemented this project targeted at increasing the capacity of African policy makers to eliminate non-tariff barriers (NTBs), enhance regulatory transparency and collaboration, and promote industrial diversification to foster intra-African trade.

The project aimed to scale up the existing, UNCTAD-supported NTB reporting, monitoring and elimination mechanisms of the Tripartite and ECOWAS to the continental scale: an online tool that allows private sector operators to report trade barriers, which are then addressed and resolved in an intergovernmental mechanism. To that end, the project puts in place corresponding mechanisms and tools (*inter alia*, continent wide NTB reporting mechanism) and supports the building of institutional infrastructure at the national level. It also seeks to bridge the existing capacity gap between African RECs.

Furthermore, transparency about all non-tariff measures (NTMs), in particular regulatory and behind-the-border measures, is increased through comprehensive data collection and dissemination to the public and private sector. This information feeds into the Global Trade Helpdesk initiative by ITC, WTO and UNCTAD. For this project component, the project focuses on the EAC-COMESA-SADC Tripartite and ECOWAS as regional building blocks.

To support the AfCFTA objectives of economic diversification, integration of regional value chains and upgrading of industrial and productive capacity, and the second round of the AfCFTA negotiations, the project also supports the development of intellectual property (IP) frameworks and capacity on IP licensing, technology transfer and regional collaborations. Additional regulatory collaboration is also envisaged under the second phase of AfCFTA negotiations, covering investment, intellectual property (IP), and competition, which are important tools to meet the objectives of economic diversification, industrialization and regional value chains as laid down in the AfCFTA Protocol on Trade in Goods.

Some of the main outputs of the project are:

- Capacity building for NTB/NTM implementation of AfCFTA commitments
- NTB reporting, monitoring and eliminating tool IT development
- Capacity building on NTB monitoring and elimination
- Capacity building for NTM transparency
- NTM data collection and analysis
- Data collection and analysis of IP measures and regional trade
- Policy advice and capacity building in IP frameworks, IP licensing and technology transfer

Further information on activities, outcomes and indicators are presented in the project's results framework (annex 1)

The project seeks to contribute to the following **Sustainable Development Goals**:

- Goal 8: decent work and economic growth,
- Goal 9: industry, innovation and infrastructure,
- Goal 12: responsible consumption and production,
- Goal 17: partnership for the goals, targets on increasing exports, enhancing knowledge sharing and policy coherence and
- Goal 2: zero hunger

as well as contributes directly to the following **SDG Targets**:

- Target 17.11 Significantly increase the exports of developing countries, in particular doubling LDCs' share of global exports by 2020
- Target 17.6 Enhance [...] regional and international cooperation on and access to science, technology and innovation, and enhance knowledge sharing [...]
- Target 17.14 Enhance policy coherence for sustainable development

The project was implemented from Q4 2018 to Q4 2020 with a no-cost extension to 31 March 2021, and a total budget of EUR 1.6 million (or USD 1'882'352 in equivalence). Two divisions of UNCTAD collaborate in the implementation of this project: Division of International Trade and Commodities (DITC)/Trade Analysis Branch, and Division on Investment & Enterprise (DIAE)/Intellectual Property Unit.

UNCTAD's partners on this project are the African Union Commission and REC secretariats, who act as the main facilitators between continental, regional and national levels.

3. Scope of the Evaluation

The evaluation will cover the duration of the project from **1 December 2018 to 31 March 2021**.

The evaluation is expected to address the questions under the following criteria:

a) Relevance

- Did the project design, choice of activities and deliverables properly reflect and address the primary development needs of participating countries, taking into account UNCTAD's mandates?
- Were the actual activities and outputs of the project consistent with the overall goals and intended outcomes and how have the different activities complemented each other towards the intended results?
- What is UNCTAD's comparative advantage in this area and to what extent did this project optimize it?

b) Effectiveness

- Have the activities achieved, or are likely to achieve, planned objectives and outcomes as enunciated in the project document? In particular, the evaluation should provide assessments against the following indicators: Number of permanently registered members of the NTB tool; Number of reported NTB cases and how they were resolved.
- Are there indications of potential impact, including assessments against the SDG targets supported by the project?
- What are the lessons learned or best practices for similar future interventions?

c) Efficiency

- Have project implementation modalities, and internal monitoring and control been adequate in ensuring the achievement of the expected outcomes in a timely and cost-effective manner?
- Has the project leveraged in-house expertise, previous research and technical cooperation outcomes, existing databases, and other internal resources of UNCTAD and/or external collaboration from international development partners and mechanisms?

d) Sustainability

- Have the activities and outputs have been designed and implemented in such a way to ensure maximum sustainability of the project's results and possible scaling up of activities (phase 2)? Are the African Union and, as their supporter, UNCTAD, able to maintain the NTB tool on their own, in the long run?
- Have efforts been made to sustain the knowledge and capacity gained in the project for future similar interventions to be carried out by UNCTAD?

e) Gender and human rights

- To what extent the design and implementation of the project incorporated gender mainstreaming considerations, and can evidence be identified in this regard?
- To what extent does the project advance UNCTAD's efforts to promote equitable development?
- To what extent the project took into account the rights of all relevant stakeholders, including minority and disadvantaged groups, in its design, implementation and policy analysis?

f) Partnerships and synergies

- How has the project advanced partnerships amongst project participants with international organizations, regional development banks, national agencies, the civil society and the private sector?

4. Deliverables and Expected Outputs

The evaluation, on the basis of its findings and assessments made on the above criteria, should draw conclusions, make recommendations and identify lessons learned from the implementation of the project.

More specifically, the evaluation should:

- Highlight what has been successful and can be replicated elsewhere;
- Indicate shortcomings and constraints in the implementation of the project while, at the same time, identifying the remaining challenges, gaps and needs for future courses of action;
- Make pragmatic recommendations to suggest how UNCTAD's work in this area can be strengthened in order to deliver better results in addressing beneficiaries' needs and create synergies through collaboration with other UNCTAD divisions, international organizations and development partners, and other international forums;
- Draw lessons of wider application for the replication of the experience gained in this project in other projects/countries;

Three deliverables are expected out of this evaluation (following EMU templates):

- 1) An inception report⁴⁷;
- 2) A draft evaluation report; and
- 3) The final evaluation report⁴⁸

The inception report should summarize the desk review and specify the evaluation methodology, determining thereby the exact focus and scope of the exercise, including the evaluation questions, the sampling strategy and the data collection instruments.

The final report of the evaluation must be composed of the following key elements:

- 1) Executive summary;
- 2) Introduction of the evaluation, a brief description of the projects, the scope of the evaluation and a clear description of the methodology used;
- 3) Findings and assessments according to the criteria listed in Section 3 of this ToR, with a comparison table of planned and implemented project activities and outputs; and
- 4) Conclusions and recommendations drawn from the assessments.

All the evaluation assessments must be supported by facts and findings, direct or indirect evidence, and well-substantiated logic. It follows that proposed recommendations must be supported by the findings and be relevant, specific, practical, actionable, and time-bound recommendations.

5. Methodology

The evaluation will be led by an independent Evaluation Expert with the support of the UNCTAD Evaluation Unit.

⁴⁷ Quality of the inception report should meet those set out in UNEG Quality Checklist for Evaluation Terms of Reference and Inception Reports: http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=608

⁴⁸ Quality of the evaluation report should meet those set out in UNEG Quality Checklist for Evaluation Reports: <http://www.uneval.org/document/detail/607>

The evaluation will adopt a theory-driven, utilization-focused approach. It will be guided by the project-results framework and ensure a gender and human rights responsive evaluation. The evaluator is required to use a mixed-method approach, including qualitative as well as quantitative data gathering and analysis as the basis for a triangulation exercise of all available data to draw conclusions and findings.

In view of the current global pandemic situation, innovative methods for data collection are required. Hence, methods for data gathering for this evaluation will likely include, but should not be limited to, the following:

- Desk review of project documents and relevant materials;
- Desk review of AfCFTA negotiation reports that are relevant to the project (if de-classified);
- Collect and analyze relevant web and social media metrics related to the outputs of the project;
- Analyze usage statistics on the NTB online mechanism at tradebarriers.africa;
- Face-to-face, telephone or skype interviews with relevant UNCTAD staff and a balanced sample of project participants, project partners, the funding partner, and other relevant stakeholders, and follow-up interviews as may be necessary;
- Online surveys of beneficiaries of the project, and other stakeholders, as required*;; and
- Observe a sample of virtual meetings, webinars and other activities to be implemented by the project during October 2020-March 2021.

As part of the desk review, which will lead to an Inception Report, the evaluator will use the project document as well as additional documents such as mission reports; progress reports, financial reports, publications, studies - both produced under the project as well as received from national and regional counterparts. An exhaustive list of stakeholders involved in the project will be provided to the evaluator.

The evaluator will further elaborate on the evaluation methodology in an Inception Report, determining thereby the exact focus and approach for the exercise, including developing sub-questions and indicators, developing the sampling strategy, identifying the sources and methods for data collection, and developing tailor-made data collection instruments that target different stakeholders (based on a stakeholder analysis). The methodology should follow the UNCTAD Inception Report Guidelines.

The evaluator is required to submit a separate final list of those interviewed in the Annex of the evaluation report. The evaluator is to ensure a wide representation of stakeholders, bearing in mind the need to include those in a disadvantaged or minority position as appropriate.

6. Description of Duties

The evaluator reports to the Chief of the Evaluation Unit. S/he will undertake the evaluation exercise under the guidance of the Evaluation Unit and in coordination with the project team. The evaluator is responsible for the evaluation design, data collection, analysis and reporting as provided in this TOR. The evaluator will submit a copy-edited final report to UNCTAD.

The evaluator shall act independently, in line with United Nations Evaluation Group (UNEG) Ethical Guidelines and in her/his capacities and not as a representative of any government or organization that may present a conflict of interest. S/he will have no previous experience of working with the project or of working in any capacity linked with it.

The evaluator should observe the UNEG guidelines, standards⁴⁹, and norms⁵⁰ for evaluations in the UN system, as well as UNCTAD's Evaluation Policy⁵¹, in the conduct of this assignment. The evaluator needs to integrate human rights and gender equality in evaluations to the extent possible.⁵² The evaluator needs to ensure a complete, fair, engaging, unreserved, and unbiased assessment. In case of difficulties, uncertainties or concern in the conduct of the evaluation, the evaluator needs to report immediately to the Chief of Evaluation Unit to seek guidance or clarification.

The project team will support the evaluation, by providing desk review documents (following Evaluation Unit desk review documents guidelines), contact details of project stakeholders as well as any additional documents that the evaluator requests. It is the responsibility of the project team to ensure senior management engagement throughout the evaluation and timely feedback in the quality assurance and factual clarification process coordinated by the Evaluation Unit. The project team will review and provide comments on the inception, draft and final reports with a view on quality assurance and factual accuracies.

The Evaluation Unit acts as clearing entity during the main steps of this evaluation. It endorses the TOR and approves the selection of the proposed evaluator. The Evaluation Unit reviews the evaluation methodology, clears the draft report, performs quality assurance of the final report and participates in disseminating the final report to stakeholders within and outside of UNCTAD. The Evaluation Unit engages the project team throughout the evaluation process in supporting the evaluation and validating the reports.

In addition, this evaluation will ensure close consultation with key project stakeholders and partners, including the donor, the AU, AfCFTA Secretariat, RECs and national responsible ministries. A reference group consisting of a representative from UNCTAD, the donor and the AU Commission, will review and contribute inputs to key steps in this evaluation such as the TOR, inception report (including evaluation methodology and survey/interview questionnaires), and draft final report.

7. Timetable

The total duration of the evaluation is equivalent to 38 days of work (for the evaluator) and will take place from 01 November 2020 to 31 March 2021

8. Monitoring and Progress Control

The evaluator must keep the Evaluation Unit informed of the progress made in the evaluation on a regular basis.

The **evaluator** will submit the **inception report** by **15 November 2020**.

The **evaluator** will present the **draft report**, first to the Evaluation Unit and then to the project manager before the final submission, giving sufficient time for the verification of factual findings as well as its compliance with the ToR (approximately 2 weeks). To this end, a draft of the report must be presented to the Evaluation Unit by **01 February 2021**.

The deadline for submission of the **final report** will be **31 March 2021**.

⁴⁹ "Standards for Evaluation in the UN System" by UNEG, UNEG/FN/Standards (2005);

http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=22;

⁵⁰ "Norms for Evaluation in the UN System" by UNEG, UNEG/FN/Norms (2005);

http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=21;

⁵¹ "Evaluation Policy" of the United Nations Conference on Trade and Development (UNCTAD), December 2011. December 2011, http://unctad.org/Sections/edm_dir/docs/osg_EvaluationPolicy2011_en.pdf.

⁵² "Integrating human rights and gender equality in evaluations" by UNEG, UNEG Guidance Document (2014):

<http://www.unevaluation.org/document/detail/1616>. The UNEG Handbook on "Integrating human rights and gender equality in evaluations: Towards UNEG Guidance" by UNEG, UNEG Guidance Document (2011):

<http://www.uneval.org/document/detail/980>.

The contracts conclude, and payment issued, upon satisfactory receipt of the final report.

9. Evaluation communication and dissemination plan

The final evaluation report and key findings will be disseminated widely to all relevant stakeholders such as donors, the AUC, the RECs, UNECA, etc. through the following possible mediums:

- A workshop (possibly online or face-to-face if the stakeholders are in Geneva) with all relevant stakeholders to present the key findings, recommendations and lessons learned.
- A copy of the final evaluation report will be made available publicly on UNCTAD website.
- A brief summary of the key evaluation findings and lessons learned will be communicated to all UNCTAD staff through an UNCTAD internal newsletter.
- The brief summary can also be made available on social media platform through short messages or videos, with the assistance of the UNCTAD Communication and External Relations Unit.

10. Conditions of Service

The evaluator will serve under a consultancy contract as detailed in the applicable United Nations rules and regulations. The evaluator will not be considered as staff member or official of the United Nations but shall abide by the relevant standards of conduct. The United Nations is entitled to all intellectual property and other proprietary rights deriving from this exercise.

ANNEX II. DOCUMENTS REVIEWED

Bayat, N., 2020: Gender Mainstreaming in AfCFTA National Strategies: Why it Matters for the SDGs. IISD SDG Knowledge Hub <https://sdg.iisd.org/commentary/guest-articles/gender-mainstreaming-in-afcfta-national-strategies-why-it-matters-for-the-sdgs/>

Engelhardt, A., 2019: Independent evaluation "eTrade for all".

Engelhardt, A. 2018: Independent Project evaluation of the UN Development Account project "Strengthening the capacity of developing country policymakers, investment promotion officials and academia in two priority sectors to attract investment for sustainable and inclusive development."

Engelhardt, A. 2016: External Terminal Evaluation of UNCTAD's Development Account Project: Business schools for impact

GIZ, undated: African Union: gender within the African Continental Free Trade Area

IMF, 2019: *Is the African Continental Free Trade Area a Game Changer for the Continent?* IMF Regional Economic Outlook: Sub-Saharan Africa | April 2019

IMF, 2019, The African Continental Free Trade Area: Potential Economic Impact and Challenges

ITC, 2015, Unlocking Markets for Women to Trade

http://www.intracen.org/uploadedFiles/intracenorg/Content/Publications/women_in_trade_web.pdf

Keane, J et al., 2010: Impediments to Intra-Regional Trade in Sub-Saharan Africa

Nkomo, M, et al. 2020: The African Continental Free Trade Area. A significant role for IP. WIPO Magazine, December 2020.

Santeramo, F.G, and Lamonaca, E., 2018: On the impact of non-tariff measures on trade performances of African agri-food sector

https://mpra.ub.uni-muenchen.de/91206/1/MPRA_paper_91206.pdf

UK Aid/ Work and Opportunities for Women, 2019: Gender, inclusion and trade. Thematic brief. Integrating gender and inclusion into Prosperity Fund Trade programmes

UNCTAD, 2020: Terms of Reference (TOR)Independent Evaluation of UNCTAD Project "African Continental Free Trade Area Agreement (AfCFTA) support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification

UNCTAD, 2019: Proposed programme budget for 2020

https://unctad.org/system/files/official-document/a64d6section12_en.pdf

UNCTAD, 2018: Project proposal: AfCFTA support programme to eliminate non-tariff barriers, increase regulatory transparency and promote industrial diversification

UNCTAD, 2016: Nairobi Maafikiano. From decision to action: Moving towards an inclusive and equitable global economic environment for trade and development

UNDP "Gender Dimensions Of Intellectual Property And Traditional Medicinal Knowledge" (2007)

<http://www.undp.org/content/dam/rbap/docs/Research%20&%20Publications/poverty/RBAP-PR-2007-Gender-IP-Traditional-Medicinal-Knowledge.pdf>

UNECA, 2019: Assessing Regional Integration in Africa (ARIA) IX: Next steps for the African Continental Free Trade Area

<https://www.uneca.org/assessing-regional-integration-africa-aria-ix-0>

UNECA/Friedrich-Ebert Stiftung (2017): The Continental Free Trade Area in Africa – a human rights perspective
<https://www.uneca.org/archive/publications/continental-free-trade-area-cfta-africa---human-rights-perspective>

Williams, M. (2003). Gender Mainstreaming in the Multilateral Trading System: A handbook for policy-makers and other stakeholders. Commonwealth Secretariat.

World Bank, 2020: The African Continental Free Trade Area. Economic and distributional aspects.

Internet sources:

Kirkpatrick Partners: <https://www.kirkpatrickpartners.com/Our-Philosophy/The-New-World-Kirkpatrick-Model>

United Kingdom Independent Commission for Aid Impact: <http://icai.independent.gov.uk/wp-content/uploads/ICAI-Review-UK-aids-contribution-to-tackling-tax-avoidance-and-evasion.pdf>

University of Wisconsin: www.uwex.edu/ces/pdande/evaluation/evallogicmodel.html

ANNEX III. LIST OF STAKEHOLDERS INTERVIEWED

The evaluator collected data from 51 external stakeholders. The list of 20 stakeholders interviewed by telephone is kept on record with UNCTAD's Evaluation Unit but will not be published with this report to safeguard the participants' anonymity. The 31 stakeholders responding to the online survey did so anonymously.

ANNEX IV. DATA COLLECTION TOOLS

I. SEMI-STRUCTURED EVALUATION INTERVIEW QUESTIONS FOR: UNCTAD PROJECT TEAM, PRIMARY PARTNERS AND STAKEHOLDERS

(A) Relevance

1. In the context of AfCFTA, what are your institution's needs concerning

- Non-Tariff Barriers (NTBs)
- Sanitary and Phytosanitary Measures (SPS)
- Technical Barriers to Trade (TBT) and
- Intellectual Property (IP)

2 a. Have you worked with any other international organisation/development partner on the subject of NTMs/NTBs, SPS, TBT or IP?

2b. What distinguishes UNCTAD's expertise, role and contributions on this subject from the other agencies engaged in similar or related areas?

2c. Compared with the other UN agencies and development partners, how do you perceive your partnership with UNCTAD? Please rate the relevance of the partnership with UNCTAD on a 1 to 10 scale, 10 showing highest relevance.

3. Overall, how relevant is the UNCTAD project for addressing your institutions needs in NTMs/NTBs, SPS or IP? (very high, high, medium, low, very low)

(B) Efficiency: appropriate use of resources

4. How has the UNCTAD project enhanced cooperation with national, regional and/or international partners?

5. How would you assess the level of cooperation achieved? (very high, high, medium, low, very low)

(Questions for project team only):

5b. To what extent have project implementation modalities and internal monitoring and control been adequate in ensuring the achievement of the expected outcomes in a timely and cost-effective manner?

5c. To what extent has the UNCTAD intervention leveraged in-house expertise, previous research and technical cooperation outcomes, existing databases, and other internal resources of UNCTAD? Why was this possible/not possible?

(C) Effectiveness: the achievement of project results

6a. To what extent has the UNCTAD project achieved the planned results and objectives?

Achievement of planned results and objectives	Very high	High	Medium	Low	Very low	Don't know
NTB component						
Increased capacity to implement AfCFTA provisions on NTBs, SPS measures, and TBT						

Increased number of reported NTBs in regional and continental online tools						
NTB elimination mechanism is established in the AfCFTA, and the capacity of policymakers to monitor and resolve NTB complaints is increased						
Increased transparency of regulations and improved capacity in the design of technical regulations, good regulatory practice, and regulatory cooperation						
IP component						
Increased understanding of the role of IP in economic diversification, regional value chain integration, and industrialisation.						
Increased capacity to negotiate IP rights under free trade agreement and IP licensing /technology transfer						

6b. Why were those specific results achieved?

7a. To what extent has the UNCTAD project contributed to or is likely to contribute to changes in the following areas:

Contribution to change						
NTB component						
Reduction of NTBs trade costs						
Increase intra-African trade and job creation						
Adoption of international standards and regional regulatory cooperation measures						
IP component						
Development of substantive norms, policies, or strategies on IP and regional integration						
Active preparation of IP transactions						
Increased IP transactions and collaboration among private sector and research centres						

7b. How has the project contributed/is likely to contribute to those changes ?

8. Are there any unintended project results?

9. Which project processes are results did you find particularly valuable and worth replicating?

10. Overall, how satisfied are you with the results achievements of the projects (very much, much, medium, little, very little)

(D) Sustainability: are project results lasting?

11. To what extent do you think you have the technical capacity, necessary resources and support to be able to continue the efforts initiated by UNCTAD after the completion of this project?

12. What plans do you have to ensure the continuity of the efforts (e.g. institutional changes, funding, technical capacity)?

13. At this moment, to what extent do you think the benefits of UNCTAD support will be (or have been) sustained after its completion? (What are any other supporting/ impeding factors?)

14. How would you assess changes in your capacities following support by the UNCTAD project?

Changes in your capacities	Very high	High	Medium	Low	Very low	Don't know
Ability to share learning informally with colleagues						
Ability to share learning formally with colleagues						
(More) involvement in NTB or IP work at the workplace						
More responsibility in NTB or IP -related work at the workplace						
Leadership role in NTB or IP -related work at the workplace						
New position in the workplace (promotion)						

(E) Gender and Human Rights: are results equitable?

The AfCFTA explicitly recognises the importance of gender equality. Article 3(e) specifies that the AfCFTA aims to “promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation”.

15a. How is this implemented in practice?

15b. How can UNCTAD contribute to supporting these objectives in the areas of NTMs/NTBs and Intellectual property?

15c. In your view, has the project contributed to reducing the underlying causes of inequality in the trading system for African countries?

(F) Partnerships

16a. How has the project advanced partnerships with your organization and other international organizations, regional development banks, national agencies, the civil society, and the private sector?

16b. How have these partnerships helped your ministry/institution?

17. To summarize, what are the main strengths, weaknesses, opportunities, and threats for the UNCTAD project?

18. What are the lessons learned or best practices for similar future interventions?

EVALUATION QUESTIONNAIRE FOR ONLINE SURVEY: SECONDARY PARTNERS AND STAKEHOLDERS.

Name	Position	Organization	Date

(A) Relevance

1. What are your institution's needs concerning the following:

NTB component	Very high	High	Medium	Low	Very low	Don't know
Capacity building on:						
Elimination of NTBs						
Regulatory transparency						
Collaboration						

IP component	Very high	High	Medium	Low	Very low	Don't know
Capacity building on:						
Intellectual property policies						
Licensing						
Technology transfer						
Other collaboration						

2. Compared with the other UN agencies and development partners, what is UNCTAD's comparative advantage in this technical area (NTB or IP)?

(B) Effectiveness: the achievement of project results

3. To what extent do you feel that you are better able to support your ministry/institution to implement AfCFTA provisions on NTBs, SPS measures, TBT and IP?

Achievement of planned results and objectives	Very high	High	Medium	Low	Very low	Don't know
NTB component						
Increased capacity to implement AfCFTA provisions on NTBs, SPS measures, and TBT						
Increased number of reported NTBs in regional and continental online tools						
NTB elimination mechanism is established in AfCFTA, and the capacity of policymakers to monitor and resolve NTB complaints is increased						
Increased transparency of regulations and improved capacity in the design of technical regulations, good regulatory practice, and regulatory cooperation						

IP component						
Increased understanding of the role of IP in economic diversification, regional value chain integration, and industrialisation.						
Increased capacity to negotiate IP rights under free trade agreement and IP licensing /technology transfer						

4. To what extent has the UNCTAD project contributed to changes in the following areas:

Contribution to change						
NTB component						
Reduction of NTBs trade costs						
Increase intra-African trade and job creation						
Adoption of international standards and regional regulatory cooperation measures						
IP component						
Development of substantive norms, policies, or strategies on IP and regional integration						
Active preparation of IP transactions						
Increased IP transactions and collaboration among private sector and research centres						

Please explain with examples:

5. Which project processes and results did you find particularly valuable and worth replicating?

6. Are there any project processes that you are not satisfied with and why?

(C) Sustainability: are project results lasting?

7. How would you assess your institution's future commitment to engage in the following topics:	Very high	High	Medium	Low	Very low	Don't know
Implementation of AfCFTA provisions on NTBs, SPS measures, and TBT						
• Political commitment						
• Technical capacity						
• Financial commitment						
Role of IP in economic diversification, regional value chain integration, and industrialisation.						
• Political commitment						
• Technical capacity						
• Financial commitment						

8. Please explain to what extent the UNCTAD project supported your institution’s ownership of NTBs, SPS measures, TBT and IP in the context of AfCFTA?

(D) Gender: are results equitable?

The AfCFTA explicitly recognises the importance of gender equality. Article 3(e) specifies that the AfCFTA aims to “promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation”.

9. How would you assess the gender dimensions of the UNCTAD project?	Very high	High	Medium	Low	Very low	Don't know
○ To what extent does gender mainstreaming figure in the implementation of the UNCTAD project						
○ To what extent has the project contributed to reducing the underlying causes of inequality in the trading system for African countries?						

How is this implemented in practice? How can UNCTAD contribute to supporting these objectives in the areas of NTMs/NTBs and Intellectual property

(E) Partnerships

10. How has the project advanced partnerships with:	Very much	Much	Medium	Little	Very little	Don't know
○ International organizations (International Trade Centre, WTO, etc.)						
○ Regional development banks or organizations (EAC, ECOWAS COMESA, SADC, African Development Bank, etc.)						
○ National agencies						
○ Civil society						
○ Private sector						
○ Other services/departments within your own organization						

ANNEX V. EVALUATION MATRIX

	Evaluation questions/issues	Indicators	Proposed evaluation tools	Data source
1. Relevance: Is the project doing the right thing?	1.1 Did the project design, choice of activities and deliverables properly reflect and address the organizational needs of partners, taking into account UNCTAD's mandates?	Evidence that project responds to specific elements in the Programmes and budgets of key partners (AUC, RECs, donor Germany) Evidence that project responds to specific elements in UNCTAD mandates	Document review Interviews with UNCTAD staff and stakeholders (questions 1, 2, and 3) Theory of change validation meeting	Project and other relevant documentation; project stakeholders.
	1.2 Were the project's actual activities and outputs consistent with the overall goals and intended outcomes and how have the different activities complemented each other towards the intended results?	Validation of the project's theory of change	Online survey (for questions 1.3)	
	1.3 What is UNCTAD's comparative advantage in this area, and to what extent did this project optimize it?	Evidence from partner's feedback		
2. Effectiveness: were project results achieved, and how?	2.1 Have the activities achieved, or are likely to achieve, planned objectives and outcomes as enunciated in the project document?	Evidence against Logframe indicators: goal level 1 to 7, outcome level 1 to 7; outputs 1 to 7	Document review Interviews with UNCTAD staff and stakeholders (question 2.1, 2.2, 2.3)	Project documentation; project stakeholders.
	2.2 Is there evidence of any positive and negative changes produced by the project, directly or indirectly, intended or unintended? Are there indications of potential impact, assessed against the SDG targets supported by the project?	Evidence that project is likely to make a contribution to: SDG 17.11.1 Developing countries' and LDCs' share of global exports SDG 17.14.1 No. of countries with mechanisms in place to enhance policy coherence SDG 17.16.1 Number of science and/or technology cooperation agreements	Online-survey (question 2.1, 2.3)	

	Evaluation questions/issues	Indicators	Proposed evaluation tools	Data source
		and programmes between countries, by type of cooperation Evidence of other changes produced by the project		
	2.3 What are the lessons learned or best practices for similar future interventions?	—		
3. Efficiency: Were resources used appropriately to achieve results?	3.1 Have project implementation modalities and internal monitoring and control been adequate in ensuring the achievement of the expected outcomes in a timely and cost-effective manner?	Financial utilisation across years and in aggregate Time and budget extensions and reasons thereof Extent to which the management of the financial and human resources of the project was based on results, including the existence of an RBM policy Extent to which the management structures of the project facilitated the implementation, including evidence of actions taken to improve implementation	Document review Interviews with UNCTAD staff Interviews with stakeholders (for question 3.2) Interviews with project team (question 3.1 and 3.2)	Project documentation; project stakeholders.
	3.2 Has the UNCTAD intervention leveraged in-house expertise, previous research and technical cooperation outcomes, existing databases, and other internal resources of UNCTAD and/or external collaboration from national or international development partners and mechanisms?	Extent to which internal resources and cross-division collaboration were used for the project Extent to which external collaboration was used for the project		
4. Sustainability: Are results lasting?				
	4.1 Is there evidence that partners are committed to continuing working towards the UNCTAD project's objectives beyond the project's end? How strong is the ownership?	Evidence from stakeholders that they have initiated/taken actions such as allocating dedicated staff and resources towards: - Adopting international standards and regional regulatory cooperation measures	Document review Interviews with UNCTAD staff and stakeholders (question 4.1, 4.2, 4.3)	Project documentation; project stakeholders; commented by expert opinion

	Evaluation questions/issues	Indicators	Proposed evaluation tools	Data source
		<p>(such as harmonization and mutual recognition) ;</p> <ul style="list-style-type: none"> - Development of substantive norms, policies, or strategies on IP and regional integration <p>Extent to which partners have identified linkages with other related interventions or funding to support NTM data collection beyond the support from the project</p> <p>Extent to which partners will continue to use the NTB online tool and IP analysis</p>	Online-survey (question 4.1)	
	4.2 Have the activities and outputs have been designed and implemented in such a way to ensure maximum sustainability of the project's results?	Outputs 1 to 7, particularly to sustainability of capacity building (e.g. through training of trainers approaches).		
	4.3 Have efforts been made to sustain the knowledge and capacity gained in the project for future similar interventions to be carried out by UNCTAD?	Evidence of continued use of knowledge and capacities, for example, through linkages with other UNCTAD activities, and/or a strategy for knowledge management		
5. Gender and human rights: are results equitable?				
	5.1 To what extent the design and implementation of the project incorporated gender mainstreaming considerations, and can evidence be identified in this regard?	<p>Evidence of gender aspects in the project</p> <p>Evidence of the consideration of gender issues during the design and implementation, e.g., the existence of a gender analysis that identified the gender dimensions that could be addressed by the project</p> <p>Evidence of any contributions towards gender equality objectives within UNCTAD's mandate</p>	<p>Document review</p> <p>Interviews with UNCTAD staff and stakeholders (question 5.1, 5.2)</p> <p>Online-survey (question 5.1)</p>	<p>Project documentation; project stakeholders; commented by expert opinion</p>
	5.2 To what extent does the project advance UNCTAD's efforts to promote equitable development? Was monitoring and/or research data collected and disaggregated according to relevant criteria such as gender, age, ethnicity,	<p>Extent to which the project supports actions to bridge the commerce divide among countries in the African Union.</p> <p>Extent to which the intervention contributes to reducing the underlying causes of inequality?</p>		

	Evaluation questions/issues	Indicators	Proposed evaluation tools	Data source
	location or income?"	Evidence that monitoring and/or research data was collected and disaggregated according to relevant criteria (gender, age, ethnicity, location, income) Extent that regional, national and local organizations were involved in different aspects of the intervention implementation?		
6. Partnerships and synergies				
	6.1 How has the project advanced partnerships with international organizations, regional development banks, national agencies, the civil society, and the private sector?	Evidence of partnership arrangements and their contributions towards project results Extent to which the partnership collaboration were realised during implementation	Document review Interviews with UNCTAD staff and stakeholders (question 6.1) Online-survey (question 6.1)	Project documentation; project stakeholders; commented by expert opinion