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Promotion of Indigenous Peoples' Rights in the Constitution-making and State Reform Process in Nepal

(NEP/08/02/MUL) – PRO 169 Project

Independent Final Project Evaluation Report

September 2010



INTERNATIONAL LABOUR ORGANIZATION

Nepal

Prepared by:
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Project data

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The image used on the cover and throughout this report is from the author's photograph rattan stools made largely by indigenous workers in the Jhapa district of Nepal.

Glossary of abbreviations used frequently in this report

(others used only occasionally are spelled out in situ)

CSO	Civil society organization
DDC	District Development Committee
GON	Government of Nepal
ILO	International Labour Organization
IP	Indigenous peoples
IPO	Indigenous peoples' organization
LDO	Local Development Officer
MOLD	Ministry of Local Development
UN	United Nations
UNDP	United Nations Development Programme
VDC	Village Development Committee



Abstract

An independent final evaluation was conducted in September 2010, reviewing the implementation and achievements of the Government of Nepal and ILO's "Promotion of Indigenous Peoples Rights in the Constitution-Making and State Reform Process in Nepal" project. The evaluation focused on relevance and validity of the project design, achievements related to the immediate objectives, and emerging impact of the key activities implemented.

The evaluation team's approach was consultative and inclusive, with efforts made to facilitate learning where possible. Methods employed were primarily qualitative, relying on secondary data reviews, semi-structured interviews and focused group discussions with project partners and beneficiaries at the national level and in four districts of Nepal. UN evaluation norms, standards and ethical safeguards were followed. A workshop to present and seek clarifications on preliminary findings was conducted in Kathmandu prior to finalizing the evaluation report.

This report presents a "bird's eye" perspective of the project, considering diverse sources of information and opinion, as well as the consultants' professional judgment. Key project activities implemented are summarized, major findings are presented, and a total of 15 recommendations are offered for consideration in planning a second phase of this project, or for other projects with a similar focus.

In this project, there has been considerable attention to awareness raising, using a social dialogue approach, and this has been conducted primarily by local partners and consultants working at two levels: government bureaucrats; and local IPOs/leaders and people in strategic catalyst roles such as indigenous journalists, lawyers, youth/university students and educated indigenous women.

At the national level, the project facilitated relevant expert input to some Constitution-making activities, and supported key processes related to Convention 169 through development of a National Action Plan, the government report to the international community on implementation of the Convention, and through awareness-raising sessions with civil servants, IPO leaders and indigenous members of the Constituent Assembly. The Constitutional committees were briefed by indigenous experts with resources from this project, and indigenous rights issues are reportedly well addressed in the draft Constitution. At district level, awareness of the Convention has been raised through sessions run by the network of IPOs around the country.

The evaluation team concluded that the project focus remains critical to political stability, peace and the pursuant economic development of Nepal. The project has facilitated a greater awareness of the provisions of Convention 169 amongst indigenous peoples' leaders and organizations in Nepal. However, there is still low levels of understanding by government officials on how the provisions of the Convention will assist Nepal's "development" generally also indicate that the project has yet to significantly improve government and non-indigenous peoples' knowledge and address their concerns. The challenge of cultural-political resistance to



the Convention 169 amongst government cadres can be expected to endure, and particular strategies to address this are required.

The project has not succeeded as yet in developing or institutionalizing a mechanism for consultation and meaningful participation of indigenous peoples in state reform processes, and has only just begun to contribute to indigenous peoples' capacities through a targeted training course in Nepali.

In general, however, the project activities can be expected to have some lasting, general effect on a diverse selection of Nepali society (indigenous and non-indigenous), in terms of increasing their awareness of indigenous rights, strengthening the foundation for dialogue, and contributing to the contemporary discourse. The design did not include a strong gender focus. The financial and technical support provided to project partners and experts has boosted the existing indigenous rights movement, including indigenous women's organizations, and clearly contributing to its momentum and helping lay the foundation for improved inclusion of indigenous peoples' rights in national and local development (i.e. laying the way for implementation of Convention 169).

The project has missed some opportunities to link constructively with other UN and donor projects relevant to the promotion of indigenous peoples' rights in national reforms in Nepal. Nevertheless, during the course of implementation, indigenous rights issues have taken a more central place on development agencies' agendas.

There are 18 recommendations arising from the evaluation related to:

1. Finalising current activities - including disseminating studies and films in a way that ensures maximum use and impact from these project products, and developing a set of standard project presentation materials in English and Nepali;
2. Extended or future activities – including rationale for tailored communications and capacity development strategies, more structured and widespread use of the media, piloting a focus on most vulnerable or 'endangered' groups of indigenous peoples, and investigating ways to engage the private sector on indigenous rights issues in Nepal; and
3. Resources and management – including increased dedicated resources (experts) to serve the project and its partners on capacity building and communications aspects, effort to adjust ILO systems to accommodate small partner's needs and capacities, resources to support IPO partners' in project administration and finance, increased monitoring and documentation, and an indigenous internship system within the next phase of the project.

The evaluation team hopes that the findings and recommendations can be used constructively, for the benefit of all involved.



1 Brief background on the project context and objectives

Modern Nepal is characterized in part by its highly diverse population, with over 60 ethnic groups, more than 100 languages spoken, and 13 different scripts used. Indigenous peoples comprise a large portion of this population: in the 2001 census, 37% were noted as indigenous ('*adivasi janajati*'). Still, some scholars put the figure at over 50%, explaining that under-reporting of indigenous status is high, due to discrimination as well as misunderstandings of identity categories. The National Foundation for Development of Indigenous Nationalities Act (2001) identifies 59 groups, and a further 23 have been officially presented for recognition under this Act. World Bank, ADB and UN data consistently show indigenous peoples in Nepal as being marginal and disadvantaged in most human development indicators.

In this context, the activities of the Nepal's peoples movement (known as *Jana Aandolan II*), have contributed to significant political upheaval over the past 10 years, with resultant economic and social ramifications. "Events culminated in April 2006; during the course of this movement, the Nepali people expressed their aspirations to end all forms of autocracy, and to establish democracy. The Comprehensive Peace Agreement (CPA), signed between the government and the Communist Party of Nepal (Maoist) in November 2006, was historic milestone, again reflecting the people's desire for, as well as ability to bring about, peace. The *Adivasi Janajati* movement took an active and critical part in the *Jana Aandolan II*. Thereafter, its members continued to push for greater inclusion in the subsequent promulgation of the Interim Constitution in January 2007, as well as the elections to the Constituent Assembly in April 2008" (Lama, 2010).

One major turning point in the conflicts was the ratification of the ILO Convention 169 on Indigenous and Tribal Peoples. The Government of Nepal ratified the ILO Convention on 22 August 2007. On 14 September 2007 the ILO officially received notice and recognized the Nepali ascension to the Convention. The ratification of the Convention comes after several years of concerted efforts on the part of indigenous representatives in Nepal, key political allies and the ILO.

Convention No. 169 covers a wide range of topics relevant to the challenges Nepal is facing. Among the most important are indigenous peoples' rights in relation to (1) Land and Natural Resources; (2) Education, Language and Culture; (3) Traditional institutions, Customs, Customary Laws and access to justice; (4) Local governance and self management; and (5) Traditional Economies and Employment. The principles of Consultation and Participation are the cornerstone of the Convention.

The Promotion of Indigenous Peoples' rights in the Constitution-making and State Reform Process in Nepal project has as its long-term development goal, the "establishment of a democratic, just and equitable society by securing individual and collective rights of indigenous peoples in the constitution-making and state-reform process in Nepal" (Project Document, 2008).



The project's objectives are that:

1. Indigenous organizations/councils and communities are consulted and participate in a meaningful way in the constitution-making process; and
2. Key policy making institutions have the capacity to integrate ILO Convention No.169 in the state-reform process.

To attain these objectives, the Project has a two-pronged strategy to promote the implementation of the Convention: a practice-based approach at the local level, to document indigenous communities' claims and bring them into the constitution-making process; and capacity-building and awareness raising of national-level stakeholders (Project Document, 2008). For the majority of project activities involving indigenous peoples directly, ILO relied on partners with relevant networks and specialized understanding of the approaches required. The ILO worked directly with its government counterparts to plan and undertake activities targeting government officials, and also facilitated its non-government partners to support interactions with IP community leaders and persons at the district level, as well as with Constituent Assembly members and government authorities at the central level.

The project is organized for implementation directly through a project office within the ILO Nepal office, and staffed by a full-time national project manager, project assistant, a national monitoring and evaluation officer and assistant, two administration and finance personnel, and a driver. This team is supported by short term inputs from a small pool of international experts including three months initial start up input from an international Chief Technical Advisor. The project is implemented in conjunction with the Ministry of Local Development as the main government counterpart, and a range of implementing partners from civil society, including indigenous peoples' organizations and independent expert researchers and consultants (see Table 1 below). Organisational arrangements are discussed further in Sections 3 and 5 of this report.

Table 1. Project partner organizations and agencies

Name	Acronym
Association of Nepalese Indigenous Journalists	ANIJ
Centre for Ethnic and Alternative Development Studies	CEADS
Indigenous Film Archive	IFA
Lawyers Association for Human Rights of Nepalese Indigenous Nationalities	LAHURNIP
Ministry of Local Development	MOLD
National Foundation for Development of Indigenous Nationalities	NFDIN
Nepalese Federation of Indigenous Nationalities	NEFIN
NGO Federation of Nepalese Indigenous Nationalities	NGO-FONIN
Nepal Indigenous Womens' Foundation	NIWF
National Network of Indigenous Women	NNIW
Walung Student Society/Nepal Indigenous Student Society	NISS



Assessment of the activities and their emerging impacts or progress is provided ‘collectively’ under the heading ‘Progress and Effectiveness’ in Section 5.3 of this report.

The Project was financed for a two year period, with a portion of core funding from ILO (Project 169/NORMES) and main contributions from the Embassies of Norway and Denmark.

2 Purpose, scope and clients of the evaluation

In general the purpose the evaluation is to increase the shared accountability for achieving the ILO's strategic objectives. Evaluation focuses on the extent to which ILO performance is on track, where potential for improvement exists, and actions to be taken. Insights and lessons learned are fed back into the process of organizational learning and the planning and programming of future activities (ILO Guidelines for Planning and Managing Project Evaluations 2006; The ILO guidelines on considering Gender in Monitoring and Evaluation of Project, Sep 2007.).

For the “Promotion of Indigenous Peoples Rights in the Constitution-making and State Reform Process in Nepal” project, the evaluation Terms of Reference (TOR) specify that:

“The final evaluation should assess to what extent the project has responded to the recommendations of the midterm [review], assess the achievement related to the immediate objectives as well as emerging impact of the interventions”. The full TOR for the evaluation is provided as Annex 1.

During the course of the evaluation, the consultants and ILO project team agreed that the reporting should emphasize findings relevant to the effectiveness of project activities, with special attention to providing recommendations for the improvement of activities in a future phase of support. The evaluation report presents a “bird's eye” perspective of the project, considering diverse sources of information and opinion, as well as the consultants' professional judgment.

The principle audiences for this evaluation are the project team in Nepal, ILO Regional Office in New Delhi (India), which has the responsibility for backstopping the project and ensuring overall relevance and alignment with the Decent Work Country Program, as well as government partners responsible for overseeing the project's implementation. Other important clients of the evaluation include the project's partners, who are mostly Indigenous Peoples Organizations, representatives and experts working on indigenous rights in Nepal. Staff and donors, in particular the Embassies of Norway and Denmark in Nepal, and the ILO's Pro 169 team in Geneva are also audiences.



3 Approach and methods

The final project evaluation took place between 1–22 September 2010, and included a 15 day period of data gathering and joint analysis in Kathmandu and four project districts selected by ILO to provide a representative exposure to the project's activities. The districts visited were Banke, Bardiya, in the south-western part of Nepal, and Morang and Ilam, in the south-east. In all locations, the team met with project partners for focus group discussions and interviews, and in Biratnagar (Morang) project-supported consultation and training activities were observed in action. In Kathmandu, the evaluation team visited an immersion training course being implemented by a project partner, the Centre for Ethnic and Alternative Development Studies (CEADS), and participated in a dialogue with the course participants.

Methods used to collect and analyze data for the evaluation were:

- Review of secondary data (project document, mid-term review report, selected publications, training materials, progress reports, etc);
- Visits to field locations and focus group discussions in four (4) of the 15 districts where the project activities have been being implemented (Nepalganj/Banke, Bardiya, Biratnagar/Morang and Ilam);
- Interviews and focus group discussions with identified key persons in government including the Minister, Secretary, Joint Secretaries and IPOs involved in implementing, or benefitting from the project;
- Focused group discussion with Constituent Assembly members of the Indigenous Caucus;
- Semi-structured interviews and informal dialogues with project partners and donors, selected purposively;
- Integrative analyses, including snowballing and triangulation techniques; and
- A workshop for verification and reflection on provisional evaluation findings.

Numbers of persons consulted during the evaluation are provided per role or organization, and location, in Annex 2. A summary of the points made by groups in the consultation workshop is provided as Annex 3, along with the names of the participants in the workshop's group work session. Support for planning the evaluation process and finalizing this report were provided by the Evaluation Manager, Ms. Sutida Srinopnikom, and the administrative unit (Regional Programming Services Unit, ILO Regional Office for Asia and the Pacific).

UN evaluation norms, standards and ethical safeguards have been followed. The evaluation was approached as a collaborative exercise: the evaluation team's approach to the tasks was consultative and inclusive, with efforts made to facilitate learning where possible. For example, most participants were involved in group discussions, with questions asked in ways that encourage reflection and analysis of individuals' role in particular successes or problems encountered. The purpose of the evaluation and use of information gathered from respondents was clearly explained, along with information on how and when the results of the evaluation can be accessed. Attention to gender issues was paid throughout the evaluation activities, with special effort made to seek women participants' voices and perspectives.



For interviews and discussions with implementing partners, the evaluation team met independently of ILO team members, to ensure respondents could speak candidly of their experiences with the project. In district level consultations, conducted entirely in Nepali, the ILO team were present and served as translators as necessary.

In evaluating the project's overall performance, the main categories of analysis related to:

- Relevance and strategic fit
- Progress and effectiveness
- Effectiveness of management arrangements
- Validity of design
- Efficiency of resource use
- Sustainability

The evaluation terms of reference suggested numerous research questions, however to focus the work and simplify the reporting of findings, key questions for each of the categories above were identified. To avoid repetition, the questions are indicated directly in the report Section 5 on findings.

Constraints and potential bias

During the evaluation process, limited project data was provided. A complete list of project-related documents was not provided and gender disaggregated data was limited, thus affecting the extent to which the evaluators can report on aspects of the project, and suggesting a potential bias.

The field component of the evaluation was conducted in two periods of two days each, i.e. 4 days only in total. The consultations held in Nepalganj, Bardiya, Biratnagar and Ilam were of approximately the same duration as consultations held with partners and stakeholders at the national level (i.e. 1.5-2 hours each), but we were not able to meet with IPOs, local leaders or persons that are *not* involved in the project activities. The consultation with government agencies and civil servants working in policy and bureaucratic functions at the local level had little real involvement in the project, but from our discussions with them, we were still able to gauge their awareness and attitudes towards the issues the Convention and the project deal with.

The criteria for selecting the four districts to visit out of the 15 was not made clear to the evaluation team and we understand that there had been internal debate about the choice. The areas selected were the same areas that had been visited for the internal mid-term review, which the evaluation team suggested would give a less holistic picture of the project's activities and impacts. This is thus noted as a potential bias or skew in the findings possible through the evaluation process.

While the evaluation team endeavored to be as balanced and thorough as possible, it is the nature of such work that discussions are focused but brief. On certain issues therefore, the evaluation team could develop impressions only. Furthermore, the ideal of consulting indigenous peoples in their mother tongues was not feasible given the project budget. Best efforts have been made to comprehend and represent peoples' views, within these constraints.



Evaluation team

The evaluation was carried out by a team of one (1) national and one (1) international consultant, Mr. Uddhav Rai and Dr. Lucy Mitchell. Mr. Rai is an indigenous academic and development professional with over 20 years of experience in the sectors most relevant to the contemporary indigenous rights discourse in Nepal, including food security, social exclusion, and indigenous institutions. Dr. Mitchell is an anthropologist specialising in community development and capacity building. She has extensive experience working with indigenous communities, CSOs and government in many parts of the Asia-Pacific region, and has supported ILO and other United Nations (UN) agencies in a range of programme planning and review functions.

4 Review of implementation

The “Promotion of Indigenous Rights in the Constitution-Making and State Reform Process in Nepal” Project was conceived as a formalization of the support on indigenous rights issues that ILO had already been providing to selected partners during the political crisis period of 2006-2007. Following the Nepal government’s ratification of ILO Convention 169 in September 2007, the ILO with its donor partners developed the project and began its implementation by engaging in discussions with government and indigenous peoples’ organizations (IPOs). The project used a social dialogue approach with its partners, with a view to addressing the Convention’s provisions for consultation and participation of indigenous peoples in all aspects of national life.

Although the years from 2007 onwards have been a period of improved peace for the people of Nepal, they have also been characterized by chronic political instability. The effective lack of government has meant the most fundamental of policy documents – the national Constitution – and most cascading laws and regulations have essentially been in limbo throughout the project’s duration. In an indefinite period of interim government, the project (like all parties), has faced challenges of distracted officials, frequent changes in post (transfers), as well as lack of clear instruction on issues related to Convention 169. These factors all impacted on the project’s implementation, particularly impeding several planned activities during the first year.

Despite these challenges, the project has been able to identify key opportunities to influence the Constitution-making process at the national level, and facilitate or support technical inputs by national and international experts, as planned. During the second year of implementation, the project has gained considerable momentum in activities with IPO partners, and at the time of evaluation (September 2010), approximately 70% of the planned project activities had been completed, and a further 20% were almost completed. Approximately 10% of the planned activities cannot be completed as yet, because they depend on government actions or decisions. There has been a lot of activity in the last 6 months, and it appears that several remaining activities can be completed in the next 6-8 weeks (for example, dissemination of various reports, completion of some film documentaries). The list of main project activity areas is as follows:



- Studies – policy and grassroots cases of issues in themes relevant to indigenous rights
- Supporting CA and government on National Action Plan (NAP)
- Supporting establishment of IPMCC (Indigenous Peoples Monitoring Coordination Committee) Facilitating establishment of a network of focal points in government
- Orientation sessions on Convention 169 – for Local Development Officers (government) and for IPO leaders and community members at district level
- Immersion training on indigenous peoples issues, rights and development – for young indigenous people (high-school and university graduates, in Kathmandu)
- Study tours – for comparison and learning from international experiences
- Film-making/documentaries – to present indigenous practices and issues to policy makers and wider audiences

The progress on project outputs and activities, as provided by the project team, is summarized in a table in Annex 4. The project's summary of Convention 169 training and orientation activities is provided in Annex 5. An overview of selected outputs from the project has been extracted from these documents and is shown in Table 2. Evaluative discussion of implementation is presented in Section 5 of this report. Annex 6 presents evaluators' notes on the project's logframe format progress report.

Table 2. Selected statistics of project implementation

ACTIVITY	NUMBER HELD	PEOPLE REACHED
Trainings/information sessions at national level (Kathmandu/Lalitpur)	at least 11	at least 1394
Trainings/information sessions elsewhere	at least 33	at least 1574
Dialogues between IPO reps and local government authorities	at least 14 times	-
Alliances/networks initiated or strengthened	at least 8	-
Journalists exposed to C169	-	14
NEFIN district leaders exposed	-	31
Grassroots film-makers trained	-	15
Indigenous women exposed to C169	-	969
Indigenous men exposed to C169	-	2011
Local development officers or govt exposed	-	181
Indigenous community leaders or reps exposed	-	496
Studies and policy analyses related to IPR/C169	at least 7	
International exposure / training for Nepali IPs	At least 7	17

4.1 Progress on the Mid-term Review recommendations

The project conducted a self-assessment in January 2010 to provide an overview of activities within the context of the wider indigenous peoples' movement, achievements/inputs to the CA process and how dialogue has been promoted between IP groups and the government. Part of the reviewer's mission was also to devise and implement a strategy to ensure widespread dissemination of the project's work and activities and information to the wider public on Convention 169; and to assess current state and needs with a view to devising a strategy of future project development.



The implementation context had not altered significantly between the mid-term review (MTR) and the final evaluation. Some changes to the project team structure had taken place, and there was reportedly more progress in implementing activities in the second half of the project life. The issues raised and reported from the mid-term review appear to be relatively unchanged, for example in terms of the challenges of government mindset towards the Convention, the centrality of the federalism debate, the gap between actors at the centre and the periphery, and a lack of meaningful consultation with grassroots peoples, including by elected representatives (CA members). As there was a high level of consistency between the issues discussed in the MTR and the final evaluation, this report aims not to repeat the analysis offered in the MTR report.

It has been difficult to assess the extent to which the MTR recommendations have been acted on as the project team and partners did not provide an overview of specific actions undertaken to address most of the MTR recommendations to the final evaluation team. Weaknesses in project documentation and management strategies appear to underlie this issue. It was suggested that the recommendations may not have been practical or implementable, but the final evaluation team disagrees – in fact, many of the final evaluation findings and recommendations re-emphasize points from the MTR, articulating them in different ways, but often addressing a similar issue or need.

5 Final project evaluation findings

5.1 Relevance and strategic fit

Does the programme continue to address a relevant need? Have new and/or more relevant needs emerged that the project should address? To what extent have the recipient stakeholders taken ownership of the project concept and approach since the inception phase? How does the project align with and support national and district development plans? How well does the programme complement and link to activities of UN and non-UN development partners at national level?

Indigenous rights issues remain critical to the national and local development agenda(s), particularly in terms of the preparation of the Constitution, and the key debate which is over state-restructuring. All people met and interviewed, including government officials, acknowledged the need for and relevance of the project. However, the levels of understanding on the use and benefits of the ILO Convention 169 vary widely.

Some elements of participation and consultation have been introduced through the project, but they are not well established or institutionalized as yet. There remains a clear need for consultation mechanisms, to create and ensure there is space for indigenous people of Nepal to have dialogue and influence on (government and donor) policies and programs.

The Constitution is not finalized as yet, so resultant policy revisions and changes in concrete programs or services have yet to materialize. In other words, the project's focus on building capacities to incorporate and address indigenous peoples' rights will remain extremely relevant to current needs. As the project has been of short duration, and the process of ensuring



indigenous rights in national development is still in its infancy, on-going effort of a similar nature is required to ensure the rights of indigenous peoples in Nepal are promoted in the coming stages of implementing the National Action Plan (on implementation of Convention 169), with policy revisions, and actual service delivery activities (i.e. to ensure provision for indigenous peoples' rights in practice).

The non-government partners (mostly IPOs and indigenous experts) value Convention 169 and the project activities, and see the project's activities as supporting their own goals, aspirations and needs. These groups are well organized and motivated, and the project has facilitated their engagement in the Constitution-making and state reform process.

A National Action Plan (NAP) for implementation of Convention 169 has been prepared with project support. The NAP, along with many proposals and submissions, is currently stuck as the Cabinet deals with its immediate interests of composition and electing a Prime Minister (at the time of the evaluation, the 6th and 7th rounds of inconclusive elections the CA were held).

Although they did not deny its relevance, government partners appear to have a fairly low commitment and interest in the project, and to Convention 169 more generally. This is due in part to their desire to maintain the status quo (currently in their favor, at least in terms of political and economic opportunity), but it is also due to their limited understanding of the Convention (see points about peace and nation-building earlier). It is also due to the absence of a clear policy or instructions to the civil service on how to address the provisions of the Convention – a situation which will change once the National Action Plan is approved by the Cabinet.

In terms of alignment with national and local development plans, government officers generally see that Convention 169 has been ratified in a hurry without adequate consideration and preparation. This is despite the fact that it was being debated and pursued for several years leading up to ratification (see Gurung, 2009). Many government officials at the central and district level see the Convention as something that has been imposed on them and they have no will, as well as limited capacities, to incorporate it into actual policies, plans and activities. Indeed, the project aims to support mechanisms to address this situation.

One exception is the allocation of 15% of VDC budget for 'social inclusion' or vulnerable groups, which includes indigenous people. There are some cases, in Ilam for example, of indigenous peoples being afforded a percentage allocation within this amount. However, it is not clear if the allocation for indigenous people (within a category of 'excluded groups') is an official requirement, and in any case, most of the target groups do not know about it or how to claim or access it. The government officials, particularly VDC secretaries, are reported to manipulate these allocated funds, for example, if they build a trail or school, they say all users are indigenous peoples and therefore that trail or school project has benefited fully to indigenous people. One example of such manipulation was revealed in Gulariya municipality, the capital of Bardiya district, where budget allocated for indigenous peoples was spent on town hall construction. On the other hand, the indigenous peoples' understanding is that the allocation is for them to determine and spend according to their own priorities. Dialogue and efforts to build capacities for consultation and planning between local government and indigenous peoples' groups is thus a relevant pursuit.



Support for monitoring and reporting on the implementation of Convention 169 in Nepal also responds to relevant needs, given the country's first effort to fulfill its international reporting requirements. Also anticipating the challenges of translating the Constitution into concrete national reforms, there will be quite some work involved in monitoring how the provisions of the Convention are met both in policy and in practice. Recent development of the Indigenous Peoples Monitoring and Coordination Committee (IPMCC) as an independent, non-government body to monitor these developments are also expected to support reporting efforts by the government.

The UNDAF and Decent Work Country Program both focus on the centrality of peace in building a new Nepal. Similarly, other UN agencies' projects and activities echo a focus on peace and democratization-related processes. The current ILO project is therefore well aligned or coherent with the overarching frameworks, and is relevant as a complement to other UN projects, probably more so than many actors realize. Although in other UN and donor activities in Nepal the prevailing discourse on 'social inclusion' appears quite strong, there may not be the general awareness of how large the proportion of the total population is indigenous, or of the particularities of their exclusion. This issue is further complicated because indigenous rights issues are sometime advocated, claimed and misused by small, semi-political (and in some cases, underground) parties for their petty interests, and donor/UN agency staff are (mis)briefed by their Nepali staff and advisors, most of whom are not indigenous peoples. Thus while the focus on social inclusion includes indigenous peoples' issues, there is a need to build greater awareness of indigenous peoples' specific vulnerabilities, particularly indigenous women, and for UN agencies to be more explicit about indigenous peoples within their programs and products.

ILO is involved with two recently formulated joint UN programs (currently seeking funding) which have included an indigenous peoples focus within their structures and activities. This also indicates increased awareness of the on-going relevance of these issues in Nepal.

Donors consulted during the evaluation considered the project of high relevance, but recognized that current implementation was facing some negativity due to some misinterpretations of the Convention and related actions by indigenous peoples, for example in two isolated cases of people extracting taxes for the exploitation of natural resource in their areas. The need for ongoing effort to address gaps in information and understanding, as well as for capacities to address indigenous rights in policy and practice is widely acknowledged.

A key need that has emerged along with project implementation is for more effort to educate non-indigenous persons about Convention 169, to address their fears and concerns, and build support for indigenous rights protection more widely within the civil service. For example, some officials believe that the ratification may instigate conflict between indigenous and non-indigenous peoples. As told by one of the interviewees, one of the country's prominent (non-indigenous) human rights activists publicly spoke against the Convention 169 in Pokhara, stating that the Convention "is violating the human rights of non-IPs in Nepal". These kinds of mis-perceptions need to be addressed, as part of a wider program to build understanding and support for the Convention amongst non-indigenous peoples. There is also a need for more



specific 'answers' to the questions arising about implementation of Convention 169, for example, government officials questions in information sessions.

Another need that has become increasingly apparent during the project's implementation is for better contextualization of Convention 169 in local development. This means making more use of the information generated by the project (and elsewhere) for policy revisions and for translation into concrete activities showing how the Convention is used to promote indigenous peoples' rights. While beyond the scope of this project, there is nevertheless also an acute need and demand for Convention 169-related information and activities to be expanded to the village level.

Finally, ratification of Convention 169 was critical in bringing a peace agreement in Nepal, just four years ago. A focus on using the Convention to ensure ongoing peace in Nepal, and for nation building more generally, is needed. Many people involved in the evaluation consultations expressed the view that if the Convention is not implemented properly, it has the potential to cause conflict, or a widespread reversal of the current peace prevailing around the country.

5.2 Validity of design

Are the planned programme objectives and outcomes relevant and realistic to the situation on the ground? Is the intervention logic coherent and realistic? What are the main strategic components of the programme? How do they contribute and logically link to the planned objectives? How strategic are partners in terms of mandate, influence, capacities and commitment? How do organizations of INDIGENOUS PEOPLES and marginalized participate and benefit from the programme? To what extent have gender-specific means of action been included?

The project's two-pronged strategy to work at the central and district levels seems to fit well with the need for national and local level actions. Similarly, the twin objectives of awareness-raising and capacity development are logical and appropriate to the situation on the ground.

The planned objectives and outcomes are realistically focused, although sustained effort to achieve them is needed. To link the project objectives and outcomes to actual, practical outcomes for indigenous peoples around Nepal, a wider set of objectives, outcomes and inputs would be needed. In other words, although many stakeholders have commented that this project has not delivered anything tangible in indigenous peoples' day-to-day lives, that was not the project's focus or scope as per the design.

The focus on advocacy and building tools for Convention 169 implementation has nevertheless been relevant and appropriate at national and district levels where indigenous groups and local government (DDCs, VDCs) are beginning to engage with each other about indigenous rights issues.

In the design, the information and analysis generated through the project activities is intended to be used to promote indigenous rights in key processes related to the Constitution-making and state reform, as well as to support the Government of Nepal in delivering and reporting on its commitments through Convention 169.



The project consultants and partners affiliations were strategic and appropriate the roles allocated to them were appropriate. The coverage of issues and interest within the diversity of indigenous society appears to have been well planned for, although a strategy for engaging them in the Constitution-making process was not clearly defined. The list of partners and organizations involved is included in Section 1 of this report.

Gender aspects were not strongly built into the project design, although partners representing indigenous women's issues and interests were involved in the project. Of the 8 IPOs involved in implementing the project, two (2) were women's organizations: NIWF and NNIW. Targeted inclusion of women participants in project activities such as study tours and the project's consultant team, for example, would have helped to ensure greater gender awareness and mainstreaming benefits to this project design and the presence of women in the group discussions and consultations was also consistently lower than men.

The risks and assumptions identified in the project document appear to have held true in the course of implementation. A further, implicit assumption was about partners' capacities. The program document noted that the indigenous peoples' movement is well organized but it did not well anticipate the issues of partners' limited financial and administrative capacity, or the resultant problems (delays, frustrations, etc) that relate to organizational weakness. This issue is not unique to indigenous rights projects, to government partners, or to Nepal, so drawing on past experience, the project would have benefitted from some planning for some activities to strengthen and support partners' capacity, so that they could engage with ILO as more equal partners. Similarly, anticipating these issues, the project could have envisaged that such a large number of partners (more than 10), may be hard to coordinate and support in such a short timeframe.

Similarly, the assumption that national IPO partners reach to the grassroots-level indigenous peoples was proven false because many of them appeared to have not collaborated with the district chapters of their own or other organizations (e.g. LAHURNIP, NEFIN). Even when they did, the activities were limited to district headquarters and did not percolate to the indigenous peoples at the village level, as some assumed would happen. It was also assumed that IPOs would know the best ways to consult and train their people on the issues at hand, but many participants reported that the methods used were not innovative or optimal.

Concrete monitoring and evaluation (M&E) plan against the project activities and milestones were not set. Although the project staff prepared 3 quarterly reports which tabled the quantitative outputs delivered to date, there were very few explanations on the under achievements. Field visits were often understood as monitoring by the project staff. A systematic M&E plan was not adopted to measure the progress on the project indicators.

Overall, the timeframe planned for this project was not realistic in terms of achieving the objectives, particularly in terms of capacity development. The evaluation team was not able to comment on the allocation of funds for different activities and partners, to assess the weighting and time frames in the project design.



5.3 Progress and effectiveness

What technical supports and capacity building undertaken at national, district level? What is the level and quality of realized/targeted project outputs? What type of products and new approaches has been developed, partnerships and networks have been established and maintained, and to what extent have Inter-linkages been established with other donor-funded projects. To what extent is the project reaching the target group, in particular women, youth of indigenous peoples? What are signs of emerging impact of the implemented activities?

Expected outputs from the project are noted in bold below, along with evaluation findings on the progress in implementing, and effectiveness of activities toward these. The final sub-heading, 'national stakeholders' expectation of ILO' has been included to make space for this more general issue related to progress and effectiveness.

Awareness raising, training and capacity building on C.169 for legislators and indigenous councils/councils

There has been considerable attention to awareness raising, using a social dialogue approach, and this has been conducted primarily by local partners and consultants working at two levels: government bureaucrats; and local IPOs/leaders and people in strategic catalyst roles such as indigenous journalists, lawyers, youth/university students and educated indigenous women.

Solid progress has been made in terms of awareness-raising: Convention 169 is widely known and there are basic levels of understanding of the Convention amongst IPO leaders, in key roles (leaders, journalists, lawyers), and across a wide area (some activity in 52 districts, and more intensive activity in 13 districts). Project implementation summaries to August 2010 indicate that approximately 3000 indigenous peoples have been reached. A summary overview of some achievements is provided in Section 4 of this evaluation report.

The project has engaged with a large number of appropriate partners and experts in a range of disciplines and work areas. This has ensured good coverage of the activities undertaken. The quality of coverage has varied, as the project depended on partners to implement most activities. For example, in some districts, partners coordinated well and participants benefitted from more than one opportunity for training, but in other districts there were gaps or only one partners, which meant a reduced chance of materials and approaches satisfying many diverse needs.

The project consultants and partners affiliations were strategic and appropriate for influencing key functions and activities at the national level, such as the formulation of the National Action Plan, selected thematic committees (Fundamental Rights; Natural Resources; State Restructuring; Rights of Minorities) of Constituent Assembly members charged with drafting the Constitution, and the preparation of the Government's first report on implementation of Convention 169 in Nepal. A more definite plan for engagement with the committees, for example via other UN/donor projects working in close collaboration with the CA, may have ensured more opportunity for input by the project consultants.

The technical assistance provided with project support was generally reported to the evaluation



team to have been of good quality and timely. For example, the provision of expertise in international law by two consultants was welcomed by the CA members and other donor projects working on Constitution-making. These expert inputs and support on approaches to legal review, analysis and sharing of experience in Constitutional reform came at a strategic time when the indigenous caucus was preparing its responses to proposed versions and amendments on fundamental rights. Some IPO respondents in district areas expressed their disappointment that they did not have adequate access to the international indigenous rights experts and suggested that more time be made available for them to consult and share experience.

Consultative processes between CA members and indigenous communities on key issues (land and natural resources, governance structures, employment, education and cultural rights)

In the design, the information and analysis generated through the project activities are intended to be used to promote indigenous rights in key processes.

Some of the work by the project's national consultants included carrying out field research and conducted thematic reviews and making presentations to Constitutional committees. While presentations have been made, most of their reports are yet to be finalized and disseminated, with the hope that they will continue influence the state reform process. An example given as to how they will be used is through presentations and as references for the various ministries and sectoral agencies' revision key policies and laws affecting indigenous peoples (this revision is required as part of the National Action Plan/NAP).

Participatory video documentation and development of propositions that allow indigenous communities to present their issues to legislators

The film documentation of selected indigenous rights issues was still underway at the time of the final evaluation, and while it may not be timely for influencing the Constitution drafting, there are ongoing needs and opportunities to use this media for advocacy of indigenous rights in many arenas.

Enhancing coordination among government institutions and agencies

The project has initiated awareness and networks within government (e.g. training key persons and establishing focal points in each ministry of relevant concern), and has provided support when there were key opportunities to influence government process. Given the high turn-over amongst government officials, it is challenging to maintain networks for coordination amongst the institutions and agencies, and without project support it would probably not happen. Increasing support to the government's own IP-related agencies, NEFDIN, for example would make sense for this project, however politics between NEFDIN and the MOLD (the project's main government partner) appear to have hindered this potential.

Strengthening mechanisms for consultations with indigenous peoples at various levels of governance

No specific mechanisms for consultation with indigenous peoples have been initiated by this



project or others, such that most local IP's only means of access to governance is through their CA members (who most do not know how to contact), and through the local development committees. The evaluation team heard of some cases where project partners were actively seeking consultation at the VDC and DDC level, but this appears to have been at their own initiative and where successful, depended on local relationships and positive, receptive attitudes of key bureaucrats.

A major change reported over the course of the project has been the acceptance by development partners (donors, UN agency personnel) of indigenous peoples' issues as legitimate and 'safe' to address. While not necessarily attributed to the ILO project itself, the awareness-raising activities have taken root, so indigenous peoples' issues are becoming seen not so much as divisive but as part of a rights-based approach to development. This awareness still needs to be followed-up with tangible skills and capacities to successfully ensure improvement in indigenous peoples' human development indicators in Nepal.

Support to the establishment of inclusive and comprehensive mechanisms for monitoring the implementation of indigenous peoples' rights

Recently the project supported the development of the Indigenous Peoples Monitoring and Coordination Committee (IPMCC) as an independent, non-government body to monitor the implementation of Convention 169. The IPMCC is yet to begin functioning so it is not possible to comment on the extent to which it is effective, but it is intended to provide advice and direction to government, as well as supporting reporting efforts by the government.

Technical support to the review and reform of existing legislation, policies and programs to ensure compliance with C.169

In the design, the information and analysis generated through the project activities are intended to be used to promote indigenous rights in key processes.

The technical assistance provided with project support was generally reported to the evaluation team to have been of good quality and timely. For example, the provision of expertise in international law by two consultants was welcomed by the CA members and other donor projects working on Constitution-making. These expert inputs and support on approaches to legal review, analysis and sharing of experience in Constitutional reform came at a strategic time when the indigenous caucus was preparing its responses to proposed versions and amendments on fundamental rights. A more definite plan for engagement with the committees, for example via other UN/donor projects working in close collaboration with the CA, may have ensured more opportunity for input by the project consultants. Comments earlier in this section, about timeliness of the findings and presentation of project consultants' work also apply here.

Capacity development of government institutions, NDFIN, NEFIN, NIWF and other stakeholders facilitated for the successful implementation of Convention 169

Overall there has been inadequate attention to capacity development; in the project design it is not well-defined, with the result that the term has been used too loosely and capacity building



has not been comprehensively addressed, both in government and IPO/non-government ranks. The project's approach to capacity-development has not been holistic or long-term. Although a training needs assessment was conducted, the findings were not well-heeded. Different approaches to capacity development for government, CA members and IPOs, and indigenous people at the community level are needed.

Study tours to Bolivia and Guatemala were successfully undertaken (albeit with only male participants), and exposure to international practice was provided through a research activity and conferences in India, as well as training opportunities in Turin. The beneficiaries of these activities were mostly government bureaucrats, also some elected CA members and IP leaders were also involved. The expected follow-up from the visits was not clear and any tangible improvement of capacity would be difficult to assess.

There have been many obstacles and resistance to uptake and change within government. These include cultural barriers, for example in introducing concepts of equality and non-discrimination to high-caste Hindu, male bureaucrats. Institutional and political barriers are also significant and include the lack of a functioning government, frequent transfer of officials to different posts, senior officials being distracted by issues in the Constituent Assembly, and so forth. As one project stakeholder observed, "the resistance is profound".

The project has nevertheless made some progress in arranging, through the MoLD, a series of introductory sessions on indigenous peoples' development issues in Nepal and on Convention 169 for 4 regions, encompassing the LDOs and planning officers, along with selected other personnel from all 75 districts of Nepal. The sessions have been well attended and participant feedback was that they provided highly relevant and useful information. LDOs and government officials more generally have been in a vacuum, facing local indigenous peoples' demands but themselves having limited information and knowledge of Convention 169. Issues related to territory, individual and communal rights and rights of heterogeneous communities have until now been understood and interpreted as per individual understanding, thus creating further complexity. In this regard, the orientation sessions have been very effective.

While participants of the various 'training' and 'interaction programs' had clearly welcomed the opportunity to learn about Convention 169, many reported short-comings which suggest that on-going, and alternative, approaches are required. More specifically, it appears that the training/information materials on C169 and the constitution-making process used by some partners have not been optimal in terms of:

- type of materials produced (e.g., need more posters, audio/visual, simple language and indigenous language versions);
- applicable and easy to understand (e.g. need more concrete examples of how C169 translates to Nepali context – what laws need revising, how indigenous institutions can be recognized, what C169 provisions actually will come to mean in everyday life, etc – also need for government); and
- follow-up (most training has been short duration and one-off; it is not clear for participants what the next steps are, or what they can do as a result of the training).



An exception is the 10 week, part-time immersion course developed by one partner (CEADS) with support from the project. The course curriculum and materials have been designed as a comprehensive exposure to indigenous development challenges, allowing time and space for skills development that cannot typically be achieved through workshops or training sessions of a few days duration. The course aims to prepare indigenous people as academic cadres for future advocacy, training and research, but also has the potential to be offered to non-indigenous participants, to more comprehensively sensitise them to the issues and build greater commitment to meaningful participation of indigenous people in the new Nepal. The immersion course was still being implemented for the first time at the time of the project evaluation, so will be refined further based on this first round of experience.

Training of Trainers (ToT) supported by the project also aimed to build capacity for ongoing training of others in a range of professions and sections of society, however the evaluation team did not review any material or conduct detailed interview on the TOT, and is therefore unable to comment on the quality or potential of these activities.

National stakeholders' expectation of ILO

The issue of misuse of Convention 169 by some indigenous peoples, as well as by some government officials, was widely mentioned in relation to this project. There is fairly widespread concern that failure to raise awareness, build capacity and implement Convention 169 in concrete terms will see an increased potential for conflict. As such, the need for comprehensive, long-term support exists, but it also suggests a need for ILO to be more pro-active in responding to situations related to misinterpretations of the Convention.

Furthermore, ILO is seen as the 'host' agency for Convention 169, and is a name now widely known in Nepal. There appears to be a strong, general expectation that ILO will help to ensure implementation of the Convention. Although it is technically the responsibility of government, the government officials, politicians and civil society clearly expect and demand ongoing ILO support to bring about the changes envisaged through the provisions of the Convention.

5.4 Efficiency of resource use and effectiveness of management arrangements

What is the project's efficiency in terms of management and capacity building? How efficient has the project budget been used on outputs and activities in comparison with what has been laid out in the project document? How efficient has the project been managed, in terms of project information, communication, cooperation, coordination and financial arrangements within the project and with the national and district stakeholders, communication between the stakeholders of the project?

It took at least 6 months for the project to effectively start, primarily due to government reluctance to sign necessary documents enabling funds to be dispersed. The bureaucrats' resistance to Convention 169, coupled with the general limbo in government, are considered acceptable reasons for delay in launching and implementing several of the project activities. Arguably, there were more activities that could have been commenced during this initial period of hiatus, for example related to partner training.



IPO partners are very committed to the project as it deals with issues that are highly relevant to their interests and needs, yet some aspects of the project management arrangements have hindered them from carrying out activities on time and with a focus on quality. There were clearly issues in terms of partner administrative and financial reporting capacities, and none had previous experience with ILO and its contracting and accounting system. Although it took some time to address, ILO attempted to rectify issues that they and the partners were experiencing. Nevertheless, this happened at some cost to the project relationships, with both ILO and partners feeling serious frustration. The comments by one interviewee, that “the financial documentation requirements were cumbersome and responses were too slow, were generally echoed by others consulted during the evaluation.

Related to these issues, it appears that the ILO systems for setting up of contracts with IPOs needs to be more consultative and solutions-oriented, and the process of approving finances to partners could be reviewed. This is not to say that the systems do not work this way, but it is the way people work the systems that can make a difference. Inexperienced partners cannot be reasonably expected to know how to negotiate, so more responsibility falls to ILO in this regard. It was important for ILO to recognize that many partners in this project did not have the financial reserves to carry out project activities with small (20%) initial payment, and they could not help implement the project efficiently or effectively this way. While rules exist for a reason, the unique challenges of partnering with IPOs require senior ILO will and engagement to address. Other projects working with CBOs for example face similar issues, so ILO could draw on this experience to find ways to meet IPOs needs for alternative funds disbursement patterns.

Overall, the coordination and sharing of information with IPO partners seems to have been well managed at national level. As mentioned under ‘validity of design’, the project necessarily relied on partners to carry through with their district organizations and constituents. Some effort by ILO to facilitate the sharing of information between partners and the district level would have helped further achieve project objectives.

In theory there is potential for the project to build more comprehensively on the ‘comparative advantages’ of both ILO and MoLD, however this really depends on the will, capacity and resources allocated to facilitate greater understanding of where the opportunities to incorporate indigenous peoples’ interests and address rights in the other ILO and MoLD programs and activities.

Given the hurdles faced with developing government support for the project issues and activities, there is a need to seek an alternative strategy. Rethinking the role of government in the management structure, with a view to affording them greater responsibility for implementation (and budgets) would possibly increase their ownership and commitment in future.

During the evaluation, several interview respondents raised concerns about ILO ‘walking the talk’ in terms of employment of indigenous peoples. From a management perspective, it is imperative that Staff / team composition meets the project needs for skills, experience and professionalism. At the same time, international organizations must be vigilant about



perpetuating existing power structures. In the evaluation team's view, the project has done a good job of utilizing indigenous professionals, but should ensure high standards of management and supervision. ILO could make creative opportunities for indigenous interns in the organization generally as well as in the future phases of the project.

A main weakness in the project management has been in documentation and monitoring. These areas require greater resources and a higher level of responsibility, to ensure a more systematic approach and to enable the project to continuously learn from implementation experience. Given the large number of project partners, the project warranted senior and junior monitoring positions within its team.

The evaluation team did not conduct a detailed analysis of project budget and expenditure, however the general impression is that project achievements were reasonable for the amounts spent. The project was challenged in terms of delivering all project funds; this also reflects partly on the partners' capacities to implement agreed activities, but also on the project management generally.

5.5 Sustainability and lessons learned

How has the project started preparing for handover to legalized/operational National steering Committee (NSC)? What crucial issues from the project document remain to be addressed and what plans are in place for this? Is further capacity building of national and district stakeholders, incl. the social partners, required, and if so, what are the priorities to be addressed?

The project has included a focus on youth as a target group of indigenous peoples to educate about indigenous peoples' rights and issues. As a target groups, youth are fundamental for sustaining momentum and activity related to the project objectives. Nevertheless, the interventions have been of short duration and limited attention to building youth capacities, so more effort would be needed in order for the project to claim sustainability through youth involvement. Involvement of key professions such as journalism and lawyers also has a multiplying effect and supports sustained attention to indigenous issues.

For IPO partners in Kathmandu, the project work has brought learning (and therefore some implicit capacity development) that affects their other work. For government, there has not yet been a visible, meaningful impact from the project, but steps have been taken that can be expected to bring about a positive impact and contribute to a sustained promotion and protection of indigenous peoples' rights (for example, the support to the drafting of the Constitution, on preparation of NAP, and the report on Convention 169 implementation).

Mechanisms for consultation and participation still need to be developed and adopted for indigenous peoples, but also for the citizens of Nepal generally. Without attention to such mechanisms, there may not be a consistent or sustained interaction between indigenous peoples and their institutions (state, private sector), as Convention 169 requires.

Linkages with other donor-supported projects working on state-reform and democratization could be better established. For example, UNDP's Support to Participatory Constitution Building



in Nepal (SPCBN) project, is a key project that ILO 169 should be engaged with for shared strategies and complementary activities. Similarly, linkages with other projects directly related to indigenous peoples' issues and the provisions of Convention 169 could be developed, such as the DFID/EC project on Adivasi janajati Social Empowerment Project, and perhaps JICA and DFID/ESP's work on alternative community dispute resolution (in Terai plains area). At the least, the project should be in dialogue with these projects at key times.

To improve sustainability of the current types of activities the project is supporting, a strategic plan for better engagement of government and non-indigenous peoples is needed, to raise awareness of indigenous peoples' rights, address fears of dis-empowerment amongst these groups, and promote peace.

A serious threat to sustainability is the frequency at which government staff are transferred. To improve sustainability, the government could ensure that key persons involved in the project ideally spend at least 3 years in a post where they take up indigenous peoples' issues (steering committee, MOLD senior posts, focal points in related ministries). Given the high turn-over in the Nepali civil service at present, the project should develop or facilitate proper briefing hand-over mechanisms for its government contact persons, to help sustain efforts. Tracking the movement of indigenous rights focal points or contact persons within government, and maintaining contact with them may also create a bigger 'web' through which project activities can be targeted (at least in terms of information flow).

6 Conclusions

In a situation that perhaps mirrors the rather chaotic and ineffective state of affairs in Nepal, the evaluation team considers that the project may have made more progress toward its long-term development goal than toward the immediate project objectives.

The "establishment of a democratic, just and equitable society by securing individual and collective rights of indigenous peoples in the constitution-making and state-reform process in Nepal" is visionary; reflecting on this ideal, the project's focus on ensuring indigenous rights are known and addressed in state reform remains critical to political stability, peace and the pursuant economic development of Nepal.

The project has facilitated a greater awareness of the provisions of Convention 169 amongst indigenous peoples' leaders and organizations in Nepal. The project activities can be expected to have some lasting, general effect on a diverse selection of Nepali society (indigenous and non-indigenous), in terms of increasing their awareness of indigenous rights, strengthening the foundation for dialogue, and contributing to the contemporary discourse. These are clearly part of the project's long-term development goal. The financial and technical support provided to project partners and experts has boosted the existing indigenous rights movement, clearly contributing to its momentum and helping lay the foundation for improved inclusion of indigenous peoples' rights in national and local development, which is the essence of implementation of ILO Convention 169.



However, the project immediate objectives - that “Indigenous organizations/councils and communities are consulted and participate in a meaningful way in the constitution-making process”; and “key policy making institutions have the capacity to integrate ILO Convention No.169 in the state-reform process” – remain unfulfilled. There are still low levels of understanding by government officials on how the provisions of the Convention will assist Nepal’s “development” generally also indicate that the project has yet to significantly improve government and non-indigenous peoples’ knowledge and address their concerns.

The project has not succeeded as yet in developing or institutionalizing a mechanism for consultation and meaningful participation of indigenous peoples in state reform processes, and has only just begun to contribute to indigenous peoples’ capacities through a targeted training course in Nepali.

Several examples of misuse of the Convention may be considered unintended impact, but relate as much to the fact of ratification and pursuant demands, than to the project activities per se. Nevertheless, the project’s objective is to raise capacity (including awareness) about the Convention and this means addressing (and correcting where possible) the misunderstandings or mis-use, for the sake of peace and development, as well as to ‘protect’ ILO’s name and reputation. As such, more strategic project management and communications leadership are required.

The project has also missed opportunities to link constructively with other UN and donor projects relevant to the promotion of indigenous peoples’ rights in national reforms in Nepal. Nevertheless, during the course of implementation, indigenous rights issues have taken a more central place on development agencies’ agendas. At the same time, most development professionals in these agencies do not have a deep or practical understanding of Convention 169 or of indigenous peoples’ development issues. As such, within the other ILO project teams and in several of the other UN agencies, there is a clear need for internal mainstreaming, to maximize the leverage of other development projects and programmes to promote indigenous rights in Nepal.

Despite resistance amongst government, the project has achieved a positive working relationship with the project government partner, the Ministry of Local Development. Difficulty administering contracts with IPOs and inadequate monitoring are issues that need to be addressed internally and with partners. Nevertheless, IPO partners are engaged and committed to the long-haul journey to justice for Nepal’s indigenous peoples, and see ILO as an important partner. These conclusions relate not only to the achievement of objectives, but serve as consideration of how to deliver further and future support for these aspects of Nepal’s development.



7 Recommendations

The following recommendations relate to the current project approach, structure and activities. The recommendations have been prepared as suggestions reflecting on how these could be adjusted to 'work better' and contribute more toward achievement of the current project objectives. As a second phase of the project is currently being planned, these recommendations may also serve as input to the 'Phase 2' design, to be considered along with the specific consultation activities and project design analysis that are underway¹. In order to be as useful as possible, the recommendations have been formulated as detailed, practicable actions. Lessons learned and good practices are embedded in the recommendations. They are grouped: Finalizing Project Activities; Extended or Future Activities; and Resources and Management.

7.1 Finalizing Current Activities

1. It is recommended that the project manager develop a clear strategy for dissemination and use of the remaining project-supported materials before the end of the project.

Given the lag in completing several project activities, there is a need to ensure that the remaining information (reports, films etc) are still used to the best advantage. For this, a clear strategy for dissemination and use of the remaining project-supported materials is needed.

The dissemination strategy should be structured considering the following:

- the type of material to be disseminated;
- its intended objective;
- priority audiences;
- secondary audiences;
- critical timing to ensure the best use of materials (there may be more than one key timing / opportunity for a particular audience);
- format and number of copies to be provided;
- notes and/or presentation to accompany the materials, with suggested uses for the receiving audience.

The point of the accompanying notes is to make it as easy as possible for users to get value from the materials, and to facilitate them sharing them widely, for added value.

Rather than simply sending the reports and films to the intended audiences, it is recommended that the project seek appointments to 'launch' these materials, with a brief, professional presentation to cover:

- An overview of the study/documentary purpose,

¹ In other words, these recommendations are not intended as recommendations for the Phase 2 project per se – the design of Phase 2 is a separate activity to this evaluation.



- key findings,
- links between this, the C.169 and relevant state-reform activities (Constitution drafting, NAP implementation, revision of laws, etc, as appropriate
- suggested uses of the materials provided, including further dissemination

This kind of planning and effort is recommended to ensure that the project activities have maximal chance of being used to influence the mindsets and activities as intended (i.e. they do not get lost or hidden amongst all the other development and political hubris). Such efforts are also recommended so as to raise the profile of ILO and its partners as serving in the area of indigenous rights promotion, i.e. to make a statement and stand out positively in stakeholders' minds as having provided some relevant, useful, quality materials at an appropriate time.

2. It is recommended that a generic power-point presentation be prepared by the lead technical consultant immediately (or at the latest, in the period between project phases) for use with diverse audiences.

Using existing project presentation materials as a basis, it is recommended that a single presentation be put together in English, (with a separate Nepali version), structured with the following order:

- Introduction to the presentation's purpose
- Overview of objectives and content
- Background information on indigenous peoples in Nepal
- Data (statistics, development indicators) of IP in Nepal
- Overview of the C. 169 content and purpose
- Overview of the C.169 status in Nepal
- Wrap up with clear links to references (written/human)

Such a presentation should be coherent and attractive (with photographs, graphics etc) and prepared with supporting notes for a presenter to use in preparation, or to refer to as required. The presentation can then sit as a 'ready resource' to be used by all or any project personnel when briefing consultants, donors (BOG, for example), partners or other groups as required.

7.2 Extended or Future Activities

3. It is recommended that 'communications' be positioned at the centre of the project, with appropriate emphasis and resources allocated by ILO management for the next phase of the project. A project of this nature warrants a specific external communications strategy.

The recommended strategy should identify:

- Key issues and topics for communication
- Key stakeholders and audiences
- The respective information needs and desires of each group



- The preferred and/or optimal methods
- Key communications activities
- Processes for communications responses to emerging issues
- Main responsibilities for external communication

To develop, implement and adapt the project communications as necessary, it is recommended that the project have a dedicated resource – a communications professional, or person with relevant expertise (with social marketing experience, possibly from public relations or advertising perspective, or within the development professions or private sector, they would have experience in planning public consultation and disclosure plans, stakeholder engagement strategies etc).

This position could be easily justified to be on a full-time basis throughout the project, given the range of project stakeholders, the number of partners, the sensitivity of the issues being addressed and the challenges that the project (and indigenous rights promotion generally) faces in moving forward within the context of national reforms. If not dedicated on a full-time basis, this technical advisor could contribute through short term inputs on a regular basis with defined deliverables throughout the project.

4. Developing key messages is recommended as a priority component or activity within the communications strategy. The chief technical consultant should take the lead on developing the messages, with input from other ILO IP resource persons and local experts. This set of Nepal-specific ‘key messages’ about C169 and IP rights should be developed to help address misunderstanding and misuse of C169 by certain parties, and should be used consistently by all partners, including media.

Although some opportunities for this have already been missed, it is nevertheless recommended that the project team, consultants and ILO technical supporters (RO/Geneva) work together on this activity as a priority during the interim period between this and the subsequent Project phase. Ideally a communications professional would participate or review the messages.

One option would be for ILO to facilitate IP leaders and the government to develop the key messages together, thus also building shared understanding, rapport and commitment. Messages should be brief, focused, and targeted for specific audiences, at least tailored for each of the following: government; media; public.

5. It is recommended that during the period between this and the next phase of the project, the project team develop a list of Frequently Asked Questions about Convention 169 in Nepal with detailed, coherent responses.

These FAQ sheets should be approached as a general resource for project staff, consultants, other ILO office personnel and the focal points (in government and other partner organizations) to use. They should be provided some training on the content and use of the FAQs, to ensure consistent information and use.



ILO could develop a generic set at headquarter level, and then provide support to the projects to develop a sub-set of FAQs tailored to the local (Nepalese) situation.

6. It is recommended that the future phase project design, ILO and partners address the emerging need to focus on awareness raising about Convention 169 and indigenous rights issues amongst Nepal's non-indigenous population.

This requires a particular focus within the project structure and its communications strategy. One approach that is recommended for consideration is to foster a core team of non-indigenous supporters, to lead efforts in this area, and to help coordinate and support a range of targeted communications and advocacy activities. Based on a clear strategy, it is recommended to consider further how key non-IP supporters in government can work to address government officials as an audience, for example. So too for political parties and business ranks, a similar approach should be considered.

A range of approaches and activities should be planned, including the traditional (workshops, seminars etc) and the non-traditional (retreats, talk shows, advertisements in relevant media, etc, working with persons who are popular with a particular group, such as celebrities, film stars, former first ladies, etc – who are sympathetic and influential, etc). The situation surrounding C.169 in Nepal is quite extraordinary in many ways, and thus warrants some out-of-the ordinary response from ILO, its partners and supporters.

7. It is recommended that in the future phase of work, a technical specialist develop a structured, comprehensive capacity development approach to supporting the implementation of the National Action Plan, with tailored aspects to address the needs of different organizations and in particular, government. Part of planning the policy revision activities should entail proposing (or piloting) a clear consultation mechanism, and measurable indicators must be included.

The need for government officials to be supported in the implementation of the National Action Plan (NAP, for implementing C.169) has already been anticipated by the project team and its partners. Some of the main activities for government relate to policy revision, and the development of implementation guidelines for a range of sectoral policies.

Apart from technical expertise in legal revision and in the subject areas related to the various policies (energy, natural resources, education, etc, all paired with an indigenous rights perspective), it is recommended that the process is overseen by a professional with expertise in the art and science of capacity development (see also discussion under Management and Resources).

8. It is recommended that ILO also devote future project resources to supporting capacity building of indigenous peoples already initiated and underway from the current project. In particular, the building capacity of indigenous peoples through the CEADS course should be seriously considered for continued support.



9. **It is recommended that the ILO Country Director, project manager and technical team increase the effort to strengthen other UN/donor projects' attention to indigenous peoples' rights.** To ensure proper attention to this need, the activities need to be structured (although flexible), with measurable indicators for this effort.

Part of this process is continued awareness raising around C.169, its status and meaning – some of the key messages and FAQs recommended above would target UN and donor (and possibly INGO)'s knowledge of C.169 and incorporating indigenous people in a rights-based approach to development programming and projects. Another part of this process involves moving beyond the provision of information, to actually supporting the incorporation of indigenous rights in the design, implementation and reporting of projects from all sectors (health, education, etc) and perspectives (governance, gender, etc).

One option to be considered is to develop a training package for focal persons in key agencies and follow-up resources for them to use within the context of their work. Another, or complementary set of activities would be to provide an in-house (ILO office or project) resource to service other projects and organizations, providing expert input on request, as well as proactively identifying opportunities to offer input (at different stages of a range of projects' cycles). This task could be undertaken by a communications specialist or by a capacity development specialist (with support from a technical expert on the project team), or it could be written into the TOR of a programme specialist or consultant involved in the project on an ongoing basis.

10. **It is recommended that in future work, the ILO project team plan for extensive and strategic use of radio and TV media to be used to promote indigenous rights awareness and action. Within this, key messages and indigenous languages must be included.**

More extensive use of radio and TV media to promote indigenous rights awareness and action has also been identified as a legitimate need and appropriate strategy for expanding awareness. In this area, the use of key messages for different audiences should be taken into account, as well as the use of key messages in indigenous languages (for certain audiences) is recommended. As part of the overall communications strategy, use of radio and TV needs to be planned and targeted, to the point of who (from what group, what accent etc) delivers what messages for which audiences. Careful analysis of audience receptivity is part of this strategizing, and appropriate expertise should be sought.

11. **Introducing information on indigenous peoples' development and rights issues, including discussion of Convention 169, in to school level curriculums is recommended as part of future efforts in Nepal.** ILO would need to work with relevant agencies and experts to implement this recommendation.

In the standard education syllabus for Grade 8-9 in Nepal, information about the United Nations and Nepal's participation in international institutions is taught. Elaborating on Nepal's status and obligations from ratification could be included in this context.



12. It is recommended that in future phases, the project team plan or support a regular interactive program with an experienced facilitator, key expert, and visiting experts or spokespersons from different parts of society, around a schedule of themed discussions. Given some other forums already exist, it may be appropriate to ‘join forces’ or expand on those programmes. Some further research, careful planning and implementation, is recommended, in consultation with other UN and government agencies.

Such a program is also an opportunity to disseminate key messages in multiple languages, to raise awareness, develop understanding and acceptance of the provisions of C.169 and of state reform processes more generally.

13. It is recommended that ILO consider including a focus on “endangered groups”, to provide for increased attention to Nepal’s most vulnerable indigenous peoples in the next phase of the Project.

This responds also to calls for ILO (and government) to demonstrate tangible changes in grassroots indigenous peoples lives as a result of Convention 169 ratification. Rather than embarking on a widespread LED-approach for grassroots activities (as has been mentioned during evaluation consultations), it is recommended that the project pilot a limited number of cooperative projects to target small or marginal populations of indigenous peoples dependent on traditional economic activities, using indigenous languages etc.

One option that is recommended to be explored in further detail with potential partners is for the project to work in cooperation with capable district level IPOs as direct partners on the pilot ‘local empowerment initiatives’ (tentative title). For example, based on the existing project’s experience, the IPO in Ilam district (NEFIN as an umbrella, but other IPOs actively engaged therein) is perceived as relatively more capable than some others. For example, they have a strategic plan, have accessed government funding for some local activities, and are able to articulate a number of strategies and analysis of their activities in ways that are more coherent and sophisticated than many other similar organizations at the same level.

If agreed after initial consultation, the project could provide resources to this IPO to work with one or two local “endangered indigenous peoples”, such as the Lepcha, which they would then co-implement with those people. ILO’s role could be to oversee and advise if or as necessary. Such a ‘sub-project’ would need to provide ample flexibility and autonomy to the IPO, but also have steps in place for accountability (of process and funds) to ILO (and its donors).

A broader issue and opportunity related to such cooperation with IPOs is the provision of capacity development support for IPOs, including the facilitation of IPO-to-IPO learning, for example through excursions/study tours and exchange programs.

14. It is recommended that ILO consider hiring a consultant to develop a TOR for a investigative study into opportunities to engage private sector on indigenous rights issues. This could be done in the interim period between project phases, or as part of the second phase.



The TOR should cover:

- Mapping key actors and organizations;
- Mapping key policy and laws that affect private sector project development / authorization from government, i.e. to identify local realities and international best practice, emphasizing identify gaps and opportunities for ILO interventions; and
- Review of key sectors and/or existing major projects with potential to for massive impact on indigenous peoples' rights, i.e. to identify opportunities to pilot a focused project intervention.

7.3 Resources and Management

15. It is recommended that ILO employ at least one technical specialist to focus on developing and ensuring appropriate, periodic revision of strategies for project-related activities (e.g. deciding and justifying strategic re-direction etc) throughout the course of second phase project implementation.

Part of this involves coordinating with a wide range of actors, both inside and outside the project, to ensure that the project is responding, and positioning itself appropriately, in relation to other initiatives/projects etc on indigenous peoples' rights and development. This strategic element of project management needs to be a clear part of the TOR of a specialist within the project, but that is not to say they have to do it all on their own. Rather, they have responsibility for ensuring it happens, whatever the means. At least, this role requires high-level perspective of the issues, and ability to assess changing circumstances and advise the project management and partners accordingly.

It is also recommended that the project team include a dedicated resource to oversee and support the implementation of capacity development activities. The need for capacity development to be targeted for each group, and of suitably high standard, a coherent strategy and resources has also been discussed under previous recommendations.

Given the centrality of building capacities to implement Convention 169 (via the National Action Plan, policy revision and so forth), and given the project range of project stakeholders, the number of partners with diverse existing capacities and future needs, the project should have a comprehensive capacity development function .

The role of a dedicated resource for capacity development includes to oversee quality and consistency of training approaches and materials (to service ILO and partners). If not dedicated on a full-time basis, this technical advisor could contribute though short term inputs on a regular basis with defined deliverables throughout the project.

16. It is recommended that the project team conduct more stringent internal and external monitoring, with increased budget for these functions. The lead monitoring job



in a project with this number of partners (and breadth of future activities) should be upgraded in terms of ILO level, and supported by a second position.

More resources are required, to ensure that: a more scientific, formal and transparent M&E system with pre-trained human resource in ILO's own M&E approaches is in place; that the monitoring responsibility in the project is at an appropriate level (in terms of seniority and experience); that there is adequate person-power to cover field visits, training and support to partners (government and IPOs), and for documentation.

17. It is recommended that the project second phase designer allows sufficient resources for more comprehensive support to partners on the administrative aspects of their work, including to liaise, coach, train and provide necessarily ILO information in the Nepalese language. This essentially means ensuring there are enough project personnel to liaise closely with partners (i.e. frequently, also going to partners' offices to provide one-on-one assistance to partners at key reporting/invoicing times, etc).

One task related to addressing local partner administrative capacity is for ILO to proactively develop Nepalese language briefing materials and 'guides' on ILO administrative procedures. Similarly, it is recommended that initial briefings or subsequent trainings provided to partners are conducted in Nepalese language.

18. It is recommended that future ILO targeted indigenous peoples' projects include a strong internship programme for IP professionals to increase project and IP capacities and resources. The internship programme should have dedicated management resources and clear procedures.

It is understood that ILO, along with the UN country team in Nepal, is developing a program to increase the number and duration of internships offered. For a PRO 169 type of project however, it is recommended that the philosophy and structure specifically include mentoring and internship roles for indigenous peoples within the project itself. It is suggested that the interns have a minimum tertiary (university or equivalent) education and are regarded as integral to the team implementing the project (and not seen as a 'tack on'). As such, they carry part of the project workload and responsibility, and are compensated accordingly.

It is recommended that the project plan and budget for indigenous interns to pair with all project personnel (manager, administrators, finance and core project specialists/consultants/technical advisors). This will enable the project to engage indigenous peoples with a range of backgrounds and training, and ensures a diversity of exposure for the interns. This approach also demonstrates to tripartite partners that ILO is 'walking the talk' or practicing 'pro 169' policies itself.

To effectively manage and ensure benefits from such an internship system, it is recommended to have a dedicated intern coordinator. The role of the coordinator is to oversee recruitment of interns, manage relevant administrative aspects of each internship, ensure appropriate orientation, facilitate communication and job or task related issues if needed, and provide some



mentoring to the group of interns, for example by facilitating a monthly intern dialogue session/workshop.

References cited

Gurung, O 2009 "Should States Ratify Human Rights Conventions?" Paper presented in a seminar organized by the Centre of Advanced Studies, Oslo, Norway.

Lama, MS. 2010 "Adivasi Janajati Exclusion: Status and trend update (June 2005–May 2010)", Draft for GSEA

Annex 1. Terms of reference for the final evaluation – (shortened for inclusion here)



Final- Evaluation of the “Promotion of indigenous peoples' rights in the constitution making and state reform process” in Nepal – (NEP/08/02/MUL) – PRO 169 Project

Locations: Kathmandu and districts Nepal

Period: 30 August - 30 September, 2010

1. Background – omitted for brevity

2.2 Decent Country Work Programme:

The project is linked with national development Framework the three years Interim Plan which includes a section (8.3) on Indigenous peoples issues. The promotion of Indigenous peoples' right Pro 160 is also an important component of ILO's Decent Work Country Programme (DWCP) contributing to the ILO's goal in Nepal: Programmes developed and implemented to enforce the implementation of ratified Conventions (Milestone 4.4) and particularly to output 4.4.2: Fundamental rights and interests of Indigenous peoples promoted.

Link to National Development Frameworks

The promotion of Indigenous Peoples' rights figures prominently in Nepal's own development plan, the Three Year Interim Plan (TYIP), which includes a section on Indigenous Peoples issues (section 8.3). ILO has been working consistently to promote indigenous rights in the national development plans in Nepal specifically and internationally. In Nepal, ILO PRO 169 has carried out and published two studies of indigenous peoples' representation in the Tenth Plan and the TYIP respectively. The project builds on the analysis presented in these reports and from global experiences on indigenous peoples' rights. The project is highly relevant to the UNDAF for Nepal Outcome A: *Consolidating Peace* (See A.1), Outcome B: *Access to quality basic services* (See B.1, B.2, and B.3) and Outcome D: Human Rights, Gender Equality and Social Inclusion (See D.1, D.2. and D.3)

2.4 The Development Objective of the project: - omitted here [already included in body of the evaluation report]

2.6 Project expected Outputs

The outputs of the project are as follows:

1. Participatory video documentation and development of propositions that allow indigenous communities to present their issues to legislators
Consultative processes between CA members and indigenous communities on key issues (land and natural resources, governance structures, employment, education and cultural rights)
Awareness raising, training and capacity building on C.169 for legislators and indigenous councils/councils
2. Enhancing coordination among government institutions and agencies
Strengthening mechanisms for consultations with indigenous peoples at various levels of governance
Support to the establishment of inclusive and comprehensive mechanisms for monitoring the implementation of indigenous peoples' rights
Technical support to the review and reform of existing legislation, policies and programs to ensure

compliance with C.169

Capacity development of government institutions, NDFIN, NEFIN, NIWF and other stakeholders facilitated for the successful implementation of Convention 169

Project management arrangement: - omitted here for brevity

Brief Project Progress Summary: - omitted here for brevity

3. Purpose, Scope and Clients of the evaluation

3.1 Purposes:

The evaluation will assess whether the project has achieved its immediate objectives. It will include consideration of whether the means of action have made contributions toward achieving relevant Nepal DWCP outcomes and national development strategies. The focus should also be on assessing the emerging impact of the interventions (either positive or negative) and the sustainability of the project's benefit and the local partners' strategy and capacity to sustain them. It will also look at strengths and weaknesses, opportunities and challenges and any external factors that have affected the achievement of the immediate objectives and the delivery of the outputs. The final evaluation will also assess the extent to which the project has responded to the recommendations of the midterm evaluation.

3.2 Scope:

The final evaluation takes into account all interventions, geographical coverage, and the whole period of the project (1 October 2008 to the present date). The final evaluation will have to take into consideration the following benchmarks:

Project mid-term evaluation's recommendations

Nepal DWCP

Relevant, current country priorities and strategies to address social exclusion especially inclusion of indigenous people and their rights in line with Convention NO. 169.

The evaluation will revisit the programme design, examine the planning process and agreed implementation strategies and the adjustments made, the institutional arrangements and partnerships, sustainability - all this with due account of the constantly and rapidly changing national and local situations.

3.3 Clients: - omitted here for brevity

4. Analytical Framework (issues to be addressed)

The evaluation is guided by the ILO's Technical Cooperation Manual and the policies and procedures established therein (see particularly Chapter 7 of the manual and Page 17 for key guiding questions).

The evaluation should address the overall ILO evaluation criteria such as relevance and strategic fit of the project, validity of project design, project progress and effectiveness, efficiency of resource use, effectiveness of management arrangement and impact orientation and sustainability as defined in the ILO Guidelines for Planning and Managing Project Evaluations 2006. The evaluation shall also take into account the gender equality into the evaluation process as guided by The ILO guidelines on considering Gender in Monitoring and Evaluation of Project, Sep 2007. The evaluation shall adhere to the UN Evaluation Norms and Standards and OECD/DAC quality standards.

The evaluator should make conclusions, recommendations, and identify lessons learnt and good practices based on the below specific questions. In consultation with the evaluation manager, any other information and questions that the evaluator may wish to address may be included as the evaluator see fit. Based on development objectives, outputs and activities specified in the project document, the final evaluation will address the following issues:

Relevance and strategic fit

Does the programme continue to address a relevant need? Have new and/or more relevant needs emerged that the project should address?

To what extent have the recipient stakeholders taken ownership of the project concept and approach since the inception phase?

How does the project align with and support national and district development plans.

How does the programme align with and support ILO's strategies embedded in the DWCP (relevant documents listed in Annex I)

How well does the programme complement and fit with other ILO programmes in the country?

How well does the programme complement and link to activities of UN and non-UN development partners at national level?

How well does the project compliment the UNDAF?

Validity of design

What was the starting point of the programme at the beginning? How and how effective was the program phase carried out? To what extent were the interests and needs of Indigenous Peoples (IPs) met?

Are the planned programme objectives and outcomes relevant and realistic to the situation on the ground? Whether the program adapted to specific (local, sectoral etc.) needs or conditions?

Is the intervention logic coherent and realistic?

Do outputs causally link to the intended outcomes (immediate objectives) that link to broader impact (development objective)? How plausible are the underlying causal hypothesis?

What are the main strategic components of the programme? How do they contribute and logically link to the planned objectives? How well do they link to each other?

Who are the partners of the programme? How strategic are partners in terms of mandate, influence, capacities and commitment? How do organizations of IPs and marginalized participate and benefit from the programme?

What are the main means of action? Are they appropriate and effective to achieve the planned objectives? To what extent have gender-specific means of action been included? To what extent has social dialogue been included as a means of action?

On which risks and assumptions does the programme logic build? How crucial are they for the success of the programme? How realistic is it that they do or not take place? How far can the programme control them?

How appropriate and useful are the evolving rolling indicators of the logical framework in assessing the project's progress? Are the targeted indicator values realistic and can they be tracked? If necessary, how should they be modified to be more useful? Are indicators social inclusion and gender-sensitive? Are the means of verification for the indicators appropriate?

Effectiveness

As relevant to project progress to date:

Technical supports and capacity building undertaken at national, district level.

Level and quality of realized/targeted project outputs

What kind of the tools have been developed to help achieve the Project's targets

What type of products and new approaches has been developed, partnerships and networks have been established and maintained, and to what extent have Inter-linkages been established with other donor-funded projects.

To what extent is the project reaching the target group, in particular women, youth of IPs

How has a more "integrated approach" been used to create synergies between the immediate objectives and link different interventions by the project.

What are signs of emerging impact of the implemented activities?

What outputs have not been implemented and the implementation progress.

What products and approaches do not show (yet) signs of early impact

Are there any additional achievements of the project over and above what was foreseen in the project document? If so, do these achievements reflect the strategic areas of the project, or the strategic partnerships?

IV. Efficiency

As relevant to project progress to date:

What is the project's efficiency in terms of management and capacity building

How efficient has the project budget been used on outputs and activities in comparison with what has been laid out in the project document

How efficient has the project been managed, in terms of project information, communication, cooperation, coordination and financial arrangements within the project and with the national and district stakeholders, communication between the stakeholders of the project

To what extent have international and national consultants contributed to the technical support of the project, including the technical support for mainstreaming gender?

How has the project acted on the responsibility for implementation and project ownership to date?

Has the project created or used opportunities for more programme-based approaches and for harmonized management principles within other development partners?

Is the approach building on the comparative advantages of ILO and MLD and other partners?

Impact and Sustainability

How has the project started preparing for handover to legalized/operational National steering Committee (NSC)

What crucial issues from the project document remain to be addressed and what plans are in place for this?

Is further capacity building of national and district stakeholders, incl. the social partners, required, and if so, what are the priorities to be addressed?

Main Outputs of the Evaluation

The main outputs of the evaluation are:

Preliminary findings to be presented at the stakeholders workshop at the end of evaluation mission

First Draft of evaluation report

Final draft of evaluation report incorporating comments received

Evaluation summary (according to ILO standard template)

6. Methodology

ILO is engaging a team of two external consultants, one national and one international, to undertake the final independent evaluation. The consultants will report to the evaluation manager who is based at the ILO Regional Office for Asia and the Pacific. The final methodology and evaluation questions will be finalized by the evaluation team in consultation with the evaluation manager.

The evaluation team will consult with ILO Director, relevant ILO technical specialists (Geneva and DWT Delhi), project team, national technical specialists and key stakeholders to gather inputs for the evaluation. The evaluation will be conducted during the period 9 August- 7 September 2010.

The review will be carried out by examining key documents, and interviewing project staff and stakeholders in the field and in Kathmandu and elsewhere, as relevant. The evaluation will review the key issues listed above in Section 3.2. Furthermore, the review will make use of the ILO Evaluation Guidance document of April 2006 and address any other relevant questions contained therein.

The draft TOR will be shared with relevant stakeholders and the final TOR incorporates their inputs and suggestions.

The consultants will be recruited (the international consultant will travel to Nepal) to meet with the project team and consult with relevant staff of ILO Kathmandu, SRO Delhi, ILO ROAP and ILO technical Unit in Geneva, donors.

The consultants will review relevant documentations;

The consultant should propose the methods for data analysis. All data should be sex-disaggregated and different needs of women and men and marginalized groups should be considered throughout evaluation process

The consultants will travel to project sites and conduct interview/ focus group discussions with stakeholders

A stakeholder workshop will be organized to present the preliminary findings at the end of evaluation mission to all relevant and key project stakeholders. This allows the key findings and key recommendations to be verified by the key stakeholders

Draft evaluation report will be submitted to the evaluation manager who will later share with stakeholders for their comments and inputs

Annex 2. Numbers of people consulted during the final evaluation

- IPO members:
- Nepalganj/Banke (15), Bardiya (33), Biratnagar/Morang (14) and Ilam (16)
- Local government officials:
- Nepalganj/Banke (2), Bardiya (-), and Ilam (4)
- Interviews and focus group discussions with national government (8 people), implementing partners (14 people) and other resource persons (2) involved in the project;
- Focused group discussion with (6) Constituent Assembly members of the Indigenous Caucus;
- Semi-structured interview with donors (2 persons) and UN (5 persons);
- Integrative analyses and observations (2 training/orientation events); and
- A workshop for verification and reflection on provisional evaluation findings, with approximately 30 participants.

Annex 3. Consultation Workshop group work results - suggestions and participant names

Group 1 Question: What gaps exist, or corrections are needed, in terms of our findings on relevance and design?

- Focus on institutional strengthening of IPOs and DDCs
- Lack of coordination between related line ministries on C169 specifically among the lead ministries – MoLD, Agriculture, Forest, Water Resources
- Increase interaction and dialogue with political parties on C169
- Government should introduce definite timeframe to have necessary amendment in the national legislation
- Demonstrate practical outputs of C169 at local level
- Reach village level IPOs and non-IPOs
- Link gender sensitization program with C169
- There must be an agreement with the government on introducing a Free Prior Informed Consent clause
- 25% of ILO program must focus on endangered and highly marginalized IPs
- Enhance the capabilities of IPOs in accessing the services provided by the government in DDC and VDC

Team Members

1. Ms. Lucky Sherpa – Honorable CA member
2. Ms. Sudha Neupane – Under Secretary, MoLD
3. Mr. Angkaji Sherpa – General Secretary, NEFIN
4. Ms. Kabita Phuyal – Section Officer, MoLD
5. Ms. Chandrakala Gurung – President, NIWF

Group 2 Question: What gaps exist, or corrections are needed, in terms of our findings on effectiveness, efficiency and sustainability?

Effectiveness

- Lack of/limited coordination and transparency between project and government
- Lack of/limited capacity building of “working level” government staff and ILO staff
- Need for tailor-made communication strategies for - a) IPs and b) Non-IPs – (Central policy makers, implementers) and local government, civil society including private sectors

2. Efficiency

- Strong project management team (NPM with proven competence in program management) and team (Program Officers) with experiences and willingness to take responsibility for outputs/deliverables
- System implications e.g. “Semi-autonomous Status” for C169 (Phase 2)

3. Sustainability:

- Besides evaluators recommendations – focus on building non-IP “allies” / champions with non-IP individuals, organizations e.g. those working on GESI, HR etc. at central and local level
- Frequent formal and informal interactions between committed IPs/IPOs and non-IPs/IPOs

Team Members:

Mr. Parimal Jha – Consultant, HURDEC

Mr. Bharat B. Karki – Section Officer, MOLD

Mr. Bhim Prakash Oli – Invitee

Ms. Laxmi Gurung – ILO Monitoring Officer

Group 3 Question: What other recommendations (or needs) can be added in relation to promotion of IP rights to government and non-IPs? Why? How?

- More consultation with political parties
- Mobilization of political parties sister organizations related to IPs
- Strengthen/capacitate IPs law makers
- Launch projects in IPs settlements
- Revise policies, laws and regulations
- Provide frequent training and orientations to the Focal Points in all ministries
- Organize regular dialogues/interactions with non-IPs
- Mobilize private sectors on IPs issues
- Support to IPs media and media programs
- Support youths from IPs and non-IPs
- Support constitution making

Team Members:

1. Ms. Om Sari Gharti – Honorable CA member
2. Dr. Chaitanya Subba – IP Consultant
3. Mr. Kumar Yonjon – IP Consultant
4. Mr. Navin Onem – IPO Representative
5. Mr. Navin Subba – IPO Representative
6. Mr. Fatik Thapa – IP Consultant

Group 4 Question: What other recommendations (or needs) can be added in relation to promotion of IP rights to IPs and IPOs? Why? How?

- Promote, strengthen and revitalize traditional IPs institutions
- Facilitate customs, customary laws to govern IPOs
- Revitalize and strengthen customs, customary laws, indigenous judicial systems
- Promote coordination, collaboration and mutual understanding among IPOs
- Promote partnership between IPs and government
- Implement C169 at the community level
- Distinguish IPOs, NGOs and traditional institution for due recognition, their existence and function
- Maximize the role of ILO Country Office to provide technical assistance including monitoring and evaluation
- Develop technical expert mechanism to monitor the compliance of C169 and IPs rights within the country and disseminate them through media and publication
- Promote linguistics HR including developing IPs friendly education – changing current education policy to multi-lingual education (MLE)
- ILO office should maintain, promote collaboration with other UN agencies including NHRC
- Translate C169 in all mother-tongues
- Focus specially on women, youth and children

Team Members:

1. Mr. Amrit Yonjon – IP Consultant
2. Dr. Mukta Singh Tamang – ILO Consultant
3. Mr. Bijay Subba – IP Consultant
4. Mr. Mohan Singh Lama – IP Representative
5. Ms. Krishna Kumari Waiba – IP Representative
6. Mr. Sonam W. Sherpa – IP Representative
7. Mr. Shankar Limbu – IP Consultant

Annex 4. Table of project progress- outputs, activities and status

Output No.	Output and Activities	Target	Progress to date (as of 31 August , 2010)	To be done
OUTPUT 1.a Participatory video documentation and development of propositions that allow indigenous communities to present their issues to legislators				
1.a.1	Participatory action research and video documentation in 10 indigenous communities on local cases regarding natural resources, traditional institutions and traditional economies	10 Case studies	<ul style="list-style-type: none"> ❖ Districts and themes for PAR identified, ❖ 12 Community Research Facilitators trained, ❖ Information collection and community support underway. ❖ Research report is underway 	❖ Documentation of case studies finalisation and copying into DVD
1.a.2	Follow-up consultation processes in 5 areas	5 Areas		❖ To be done after completion of case studies
1.a.3	Capacity building training for traditional indigenous village institutions in 5 communities	10 communities	<ul style="list-style-type: none"> ❖ Training in 10 communities with total of 115 participants completed (20% female) ❖ Sindhuli, Sindhupalchowk and Dhading by NEFIN ❖ Mustang, Bardiya and Kailali by LAHURNIP ❖ Tapeljung, Jhapa and Shankhushabha By NGO FONIN ❖ Palpa by NIWF 	

1.a.4	Production of 5 short documentaries in video and/or text form that can be used as case studies and input to the national debate	5 documentaries	<ul style="list-style-type: none"> ❖ District and themes for video documentation identified ❖ 13 community film makers trained on filming and ILO C 169 ❖ Filming completed and editing underway 	<ul style="list-style-type: none"> ❖ Editing and production of video documentation
OUTPUT 1.b Consultative processes between CA members and indigenous communities on key issues (land and natural resources, governance structures, employment, education and cultural rights)				
1.b.1	National level studies of employment, access to land and natural resources, and customary rights situation of indigenous communities	5 Thematic reports	<ul style="list-style-type: none"> ❖ Five thematic issues identified <ol style="list-style-type: none"> 1) Land and natural resources 2) Customary law and access to justice. 3) Education, language and culture 4) Local governance and self management 5) Traditional economy and employment. ❖ Thematic experts produced preliminary report on the situation and under review 	<ul style="list-style-type: none"> ❖ Finalize and disseminate the report
1.b.2	Preparation of material for national consultations		<ul style="list-style-type: none"> ❖ International legal expert on IP rights report on assessment of CA committee reports and recommendations ❖ NEFIN suggestions for CA ❖ IP Caucus suggestions for CA thematic committees ❖ NEFIN Sauraha Declaration paper ❖ Laws and by laws reviewed by LAHURNIP 	<ul style="list-style-type: none"> ❖ Completed and to be added with other materials

1.b.3	In depth orientation for key legislators in the CA		<ul style="list-style-type: none"> ❖ 2 two-days training to 37 IP CA Women members on IP women's rights in Constitution (NNIW) ❖ 3 day training on self-determination and autonomy for 44 CA members (LAHURNIP) ❖ Consultations with key political parties (UCPN Moist, NC, CPNUML, Madheshi Jan Adhikar Forum and other small political parties) 	<ul style="list-style-type: none"> ❖ NEFIN/NNIW to conduct 2 trainings for 100 CA members
1.b.4	National consultations between members of the CA and indigenous representatives	5 consultation meetings	<ul style="list-style-type: none"> ❖ Three-day Consultation between CA members and indigenous political leaders with 53 participants (CEADS) on CA ❖ One day wider consultation between CA members and IP community and leaders with 709 participants (NEFIN) ❖ Two-day National consultation with IP and non-IP CA members on international law ❖ IP rights in new constitutions with 103 participants (ILO/CCD/UNDP) ❖ CA Committees included indigenous people's issues in their reports 	<ul style="list-style-type: none"> ❖ National Consultation to review First draft of Constitution and IP rights with NEFIN/NFDIN ❖ National Consultation on IP women's rights and constitution with NNIW/NIWF
OUTPUT 1.c Awareness raising, training and capacity building on C.169 for legislators and indigenous organizations/councils				
1.c.1	Orientation/interaction programs, study tours, exchange of experience and ongoing technical and legal advice to IP and non-IP legislators on indigenous peoples' rights and issues		<ul style="list-style-type: none"> ❖ Formation of IP CA informal caucus (Feb 2009) and held regular IP CA caucus meeting in CCD 100 CA members ❖ 15 people participated in Asia Regional Workshop on Best Practices on implementing ILO C 169 ❖ 4 IP CA members participated in study tour/exchange of experience in India (November 2009) ❖ 3 IP CA members participated in study tour/exchange of experience in Bolivia and Guatemala (March 2010) ❖ 1 IP Expert participating in IP Expert 	<ul style="list-style-type: none"> ❖ Completed ❖ On-going interaction in IP Caucus

			meeting at Geneva for Indicator setting for baseline and development of IP ❖ 1 IP Expert participated in Sub regional level IP expert meeting at Ranchi, India for sharing Nepal's experience on implementation of C 169	
1.c.2	Production of training and information material on indigenous peoples' rights, such as case studies on the challenges facing indigenous peoples in Nepal, information on legal instruments, and experiences from other countries	2000	<ul style="list-style-type: none"> ❖ Practice Guide for implementation of ILO C 169 published and disseminated ❖ ILO C 169 Nepali version reprinted and disseminated ❖ Comparison of national laws and ILO C 169 carried out (LAHURNIP) ❖ 4 volume of news letters published on situation of IPs (ANIJ) ❖ 27 Feature Article published by ANIJ ❖ 10,000 ILO C. 169 printed in Nepali ❖ 5000 pocket ILO C. 169 printed in Nepali by NEFIN ❖ 5000 pocket UNDRIP printed in Nepali by NEFIN ❖ 10,000 Pcs of translated nepali version of C 169 printed and partly distributed to stakeholders 	❖ Revised reprint of UNDRIP in Nepali final stage
1.c.3	Capacity building of local indigenous councils/organizations for involvement in the CA process	at least 100 VDCs	❖ Interaction programmes at 41 VDCs in 5 districts (Chitwan, Jhapa, Makwanpur, Sunsari and Saptari) conducted by NIWF, NGO-FONIN and NEFIN) with 820 participants.	❖ NEFIN, NIWF, NGO-FONIN and LAHRUNIP continue to organize the VDC level interaction for capacity building at local levels.

1.c.4	Interactive media programs for indigenous communities on the constitution drafting process and related issues such as local governance, land rights, etc.	8 Newsletter 64 Feature Articles 3 visits	<ul style="list-style-type: none"> ❖ District levels interactions and dialog with indigenous communities and CA members organized in 12 districts in Surkhet, Morang, Dolahka, Kaski, Kavare and Jhapa with 353 participants by ANIJ. ❖ Four issues of newsletter published ❖ News reports broadcasted in Nepal TV, Sagarmatha and ABC TV and 130 Ujyalo community radio network ❖ 6 interview publications are underway. ❖ 27 feature articles published in different national newspaper by ANIJ. 	<ul style="list-style-type: none"> ❖ Interaction and dialogue in 10 districts ❖ 37 feature articles and interviews to be disseminated ❖ Collection and dissemination of news and information in the different districts to local FM Radios, news papers, magazines and TVs
OUTPUT 2.a Enhancing coordination among government institutions and agencies				
2.a.1	Formation of high level steering committee and coordination committees at different levels	1	<ul style="list-style-type: none"> ❖ Task force for drafting of NAP 169 completed its task and MoLD submitted to Cabinet for review and approval 	<ul style="list-style-type: none"> ❖ High level Steering Committee for implementation of NAP to be formed
2.a.2	Establish and institutionalize focal points within duty holders and stakeholders' sectors (central/regional, local)		<ul style="list-style-type: none"> ❖ Focal points in different ministries established and interaction held on C 169 and its implementation ❖ Indigenous Nationalities Coordination Committees in DDC exist and working in close cooperation with NFDIN 	<ul style="list-style-type: none"> ❖ Thematic Consultants to support further institutionalization
2.a.3	Establish inter-agency support group on IP issues		<ul style="list-style-type: none"> ❖ Contributed in various UN and donor coordination groups on constitution ❖ Orientation on C 169 to BOG group (UN & Bi lateral donors) ❖ Working in collaboration with CCD/UNDP in supporting CA process 	<ul style="list-style-type: none"> ❖ Facilitation of Consultation workshops in regional levels on ILO C 169 with BOG/Donor Groups

2.a.4	Review study of institutional arrangements needed to implement Convention No. 169		<ul style="list-style-type: none"> ❖ Organized training workshop on ILO 169 and UNDRIP jointly with OHCHR ❖ Joint publication of UNDRIP with OHCHR/UNDP ❖ Contribution to BOG/Donor groups on ILO C 169 	
2.a.5	Mobilize technical and financial resources nationally and internationally to implement C. 169		<ul style="list-style-type: none"> ❖ MoLD and DDC, VDC, Municipality allocated separate fund @15 % for excluded groups development including IP ❖ Some DDCs allocating more funds for implementing IP issues from their regular and internal resources. ❖ Project Phase II developed and under review by GoN and Donors 	❖ Approval from GoN and Donors awaited
OUTPUT 2.b Strengthening mechanisms for consultations with indigenous peoples at various levels of governance				
2.b.1	Establish systems and processes for consultation and participation of IPs during program planning by NGOs at the central, sector and local body level		❖ Study and interaction for formulating system and process of consultation and participation of indigenous peoples by Thematic consultants together with concerned ministries is underway	❖ Finalize the study and propose the process
2.b.2	Training and awareness raising material prepared on consultations for specific target groups		❖ Thematic consultants carrying out study on consultation process	❖ To be incorporated in guidelines for government ministries and training guide to be prepared
2.b.3	Training of local government officials on C 169 , implementation with principles of consultation and participation		<ul style="list-style-type: none"> ❖ Conducted orientation/interaction workshops on ILO C 169 with representatives of different government ministries ❖ Training workshops on ILO C 169 for local government officials (DDC : LDO, Municipality EOs)in progress in 5 regions ❖ Nepalganj (on 22 nd August) completed ❖ Pokhra (on 30 August) completed 	❖ Training workshops to be held in 5 regions

			<ul style="list-style-type: none"> ❖ Biratnagar planned for 11 September ❖ Kathmandu planned for 17 September 	
2.b.4	Build capacity of IPO's to ensure their meaningful participation at all levels (national, local, legal bodies etc.)		<ul style="list-style-type: none"> ❖ 404 IP leaders trained in Kathmandu 33, Palpa 26, Jhapa 28, Ramechhap 37, Sindhupalchock, Kathmandu, Mustang, Palpa, Banke, Bardiya, Kailali and Kanchanpur by LAHURNIP. ❖ One day orientation and dialog between IPs and Local Government Authorities conducted in Jhapa, Ramechhap, Sindhupalchock, Kathmandu, Mustang, Palpa, Banke, Bardiya, Kailali and Kanchanpur by LAHURNIP. ❖ 3 days orientation conducted with 46 participants in Kantmandu by NGO FONIN. ❖ 194 IP leaders trained in 7 districts of Taplejung, Jhapa, Panchthar, Dahding, Okaldhunga, Kathmandu and Baglung by NGO FONIN. ❖ Orientation and Dialog conducted in 6 districts (Taplejung, Panchthar, Dhading, Jhapa, and Okaldhunga) by NGO FONIN. ❖ Orientation and Dialog conducted in 3 districts (Panchthar, Dhading, Okhaldhunga) with 89 participants by NGO FONIN ❖ District levels training conducted in Dhankuta with 23 IPO women leads by NIWF. 	NEFIN, LAHURNIP, NGO-FONIN and NIWF to 30 districts
2.b.5	Research on traditional organizations of IPs and opportunities for linking them to formal governance and judicial structures		<ul style="list-style-type: none"> ❖ Study of 5 Traditional organizations are being conducted (Raji, Tharu, Thakali, Magar, Yolmo, Newar, Dhimal and Majhi) by LAHURNIP 	<ul style="list-style-type: none"> ❖ Report to be finalized and disseminated

2.b.6	Preparation of legal proposal on recognition of traditional institutions		<ul style="list-style-type: none"> Legal proposal to be prepared after completion of study by LAHURNIP 	❖ To be prepared by LAHURNIP
OUTPUT 2.c Support to the establishment of inclusive and comprehensive mechanisms for monitoring the implementation of indigenous peoples' rights				
2.c.1	Technical support to preparation of draft Bill on Indigenous Peoples Commission		<ul style="list-style-type: none"> ❖ NFDIN prepared draft bill for IP Commission ❖ CA Committee recommended for establishment of Commission 	❖ Completed
2.c.2	Support enactment, publicity and implementation of the Bill			❖ NFDIN to initiate the task
2.c.3	Support mobilization of adequate resources for the Commission			❖ NFDIN to initiate the task
2.c.4	Support government establishment of centre for information, documentation research and training on issues related to IPs		<ul style="list-style-type: none"> ❖ Information collection task and website development is underway through ANIJ to support the establishment of information centre in NFDIN. 	❖ To be completed with ANIJ/NFDIN
2.c.5	Prepare for getting disaggregated data on IPs in the Census and other research studies		<ul style="list-style-type: none"> ❖ Expert on the data desegregation hired ❖ Study to assess the gaps in Census, NLSS, Labour survey and others underway ❖ Technical Advisory group for supporting Census 2011 is underway 	❖ Report to finalized and facilitate technical advisory groups
2.c.6	Support research/studies on the social, political, cultural and economic status endangered, highly marginalized, marginalized and other IP groups		<ul style="list-style-type: none"> ❖ LAHURNIP is doing research of Raji community. 2) NIWF is doing research of Bankariya and Darai community in Chitwan. ❖ Research is going on in the Chepang community about the traditional economy and land and territories in Chitwan. 	❖ Report compilation and dissemination

OUTPUT 2.d Technical support to the review and reform of existing legislation, policies and programs to ensure compliance with C.169				
2.d.1	Technical support to revision of NFDIN Act		❖ NFDIN to draft revision based on the revise list of Indigenous nationalities	
2.d.2	Support the identification of all IP groups and update the official list		❖ High level Task force to revise the official list of indigenous nationalities provided training support through study visit to India ❖ Six members of High level Task Force and an expert culture participated in India study visit (November 2009)	❖ The report submitted to Cabinet/parliament for approval
2.d.3	Carry out comparative studies of the interim constitution and upcoming (federal/autonomous) constitution prepared by the constitution assembly to identify compatible, conflicting, contradictory and missing (lapses and/gaps) provisions and make recommendation for compatibility with ILO C 169		❖ Comparative report on interim constitution is completed by LAHURNIP	Completed
2.d.4	Carry out scrotal comparative studies of laws/by-laws and policies to identify compatible conflicting, contradictory and missing (lapses/gaps) provision implementation status; and make recommendation for compatibility with ILO 169		❖ Comparative study National laws/by laws and ILO C 169 carried out by LAHURNIP	❖ Finalization of report and dissemination workshop to be organized
2.d.5	Technical support to the preparation of the first comprehensive report on C. 169 implementation		❖ Expert on IP issues hired as consultant to support government for preparation of report ❖ Report send by MoLD to ILO and other stakeholders for review and comments	❖ Finalization of the report and consultation with IPOs ❖ submission to ILO after comments
OUTPUT 2.e Capacity development of government institutions, NFDIN, NEFIN, NIWF and other stakeholders facilitated for the successful implementation of C. 169				

2.e.1	Prepare curriculum and training packages on indigenous rights for orientations, short-term and long-term immersion courses		<ul style="list-style-type: none"> ❖ Training needs assessment on IP rights and development conducted ❖ Training package on ILO C 169 developed by CEADS and NIWF ❖ Training Curriculum for long-term immersion course on IP rights developed by CEADS 	❖ Completed
2.e.2	Training of trainers		<ul style="list-style-type: none"> ❖ 4 TOT for Trainers at central and regional level for 110 trainers completed by CEADS ❖ 1 TOT for 33 participants on ILO C 169 completed by NEFIN ❖ 3 TOT for 89 trainers on ILO C 169 completed by NIWF ❖ 1 TOT for 21 Trainers on ILO C 169 completed by NFDIN 	<ul style="list-style-type: none"> ❖ 2 Regional levels TOT in Western and Midwestern part of Nepal by CEADS ❖ 5 regional levels TOT by NFDIN in 5 region ❖ Emersion course for 30 participants by CEADS.
2.e.3	Conduct need-based training programs, seminars/workshops and others on C. 169 for all stakeholders		<ul style="list-style-type: none"> ❖ Orientation and dialog conducted in 3 districts (Panchthar , Dhading and Okhadhunga) with 89 participants by NGO FONIN. ❖ Trained 89 members of NIWF members of it network organizations. ❖ Consultation meeting conducted in Biratnagar, Dhankuta, Nepaljung and Bardiya 	❖ NEFIN, LAHURNIP, NIWF and NGO-FONIN to conduct district level interaction and dialogue in 10 districts each.

2.e.4	Organize and conduct study tours to learn about experiences in implementing C. 169		<ul style="list-style-type: none"> ❖ Two IPO leaders participated in AIPP forum on indigenous rights and ILO C 169 held in Malaysia. ❖ Four representatives (3 high level Government Officials, one CA member) participated in the UNPFII New York 2009. ❖ Three members (high level government official, IP expert and a CA member) participated in training on IP rights and development including ILO C 169 in ILO Training Centre Turin. ❖ An IP expert on data desegregation participated in International technical workshop on indicators relevant to IPs in Nairobi, Kenya. ❖ An IP expert participating in Expert meeting at Geneva for indicators setting on baseline and progress of IPs. ❖ An IP expert participated in Sub Regional workshop on IPs for sharing Nepal's Experience on Implementation of C 169 ❖ Mr Carlos Mamani, President UNPFII is visiting Nepal during 18-23 September, 10 	<p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Planned for 21-23 September</p> <p>Completed</p> <p>Planned for 18-23 September, 10</p>
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Annex 5. Summary of Training and Orientation Activities Carried Out – to July 2010

S. NO.	Partner	Out put No.	Activities completed	No of program	Venue	Date	No of Participants			Remarks
							Male	Female	Total	
1	ANIJ	Output no. 1	Interaction and dialogue (with indigenous communities, media, local authorities and CA members of relevant districts) in 22 districts with 50 participants each interaction	1	Socket	13-Nov-09	45	14	59	
				1	Moran	23-Nov-09	42	9	51	
				1	Olathe	23-Nov-09	38	8	46	
				1	Kaki	27-Nov-09	71	19	90	
				1	Calare	28-Nov-09	39	13	52	
				1	Jape	12-Feb-10	42	13	55	
		Output 2	TOT to Journalist	1	Katmandu	13-15 Nov 09	14	0	14	
		Output 2.2	Exposure visit for journalists	1	Kavare	20-21 Nov 2009	13	0	13	
			Sub Total	8			304	76	380	
2	NEFIN	Output 3.1	TOT to Trainers	1	Kathmandu	5-9 Dec 2009	20	11	31	
		Output 4.1	Action research training	1	Sindhuplanchowk Chautara	25-26 Dec 2009	5	5	10	
		Output 4.1	Action research training	1	Sindhuli	20-21 Dec 2009	9	14	23	
		Output 4.1	Action research training	1	Dharding	18-19 Dec 2009	3	7	10	
		Output 2.2	National consultation and Participation Workshop(Aadibasi Janjati Brahat Bhela)	1	Lalitpur	21-Nov-09	534	175	709	
		Output 2.1	CACUS meeting	1	Kathmandu	18-Jul-09	279	60	339	
			Sub Total	6			850	272	1122	
3	LAHURNIP	Output 2.1.1	Orientation to IPOs representatives on traditional institutions and customary laws	1	Kathmandu		34	21	55	
		Output 3.3	Orientation and dialogue & interaction programme on meaningful participations between IPOs leaders & responsible authority (political leaders, civil servant, development workers, media with IPOs leaders)	1	Kathmandu		39	17	56	
		Output 2.2	Indigenous leaders trained- 5 communities 25 person	1	Kathmandu	16-20 Jan 2010	24	9	33	
		Output 2.2	Indigenous leaders trained- 5 communities 25 person	1	Palpa	8-12March 2010	21	5	26	
		Output 2.2	Indigenous leaders trained- 5 communities 25 person	1	Jhapa	2-6 Dec 2010	22	6	28	
		Output 2.2	Indigenous leaders trained- 5 communities 25 person	1	Ramechhap	17-21 feb 2010	19	18	37	
				1						
		Output 4.5	Form advocacy alliance/ network of indigenous peoples organizations in three	1	Mustang		12	9	21	

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Annex 6. Progress and Evaluators' Notes on Outputs of Logical Framework

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
Outputs 1.a	Participatory video documentation and development of propositions that allow indigenous communities to present their issues to legislators			
1.a.1	Participatory action research and video documentation in 10 indigenous communities on local cases regarding natural resources, traditional institutions and traditional economies	10 Case studies	<ul style="list-style-type: none"> ❖ Districts and themes for PAR identified, ❖ 12 Community Research Facilitators trained, ❖ Information collection and community support underway 	❖ Out of 5 documentaries 3 were completed and field works of remaining 2 were completed, editing on progress. All case studies 3 by NGO FONIN and 2 by NEFIN were completed.
1.a.2	Follow-up consultation processes in 5 areas	5 Areas		❖ The cases are planned to disseminate after finalization of the studies.
1.a.3	Capacity building training for traditional indigenous village institutions in 5 communities	10 communities	<ul style="list-style-type: none"> ❖ Training in 6 communities with total of 136 participants completed (20% female) ❖ Sindhuli, Sindhupalchowk and Dhading by NEFIN ❖ Mustang, Bardiya and Kailali by LAHURNIP 	❖ NEFIN trainings in 4 communities yet to be complete.
1.a.4	Production of 5 short documentaries in video and/or text form that can be used as case studies and input to the national debate	5 documentaries	<ul style="list-style-type: none"> ❖ District and themes for video documentation identified ❖ 13 community film makers trained on filming and ILO C 169 ❖ Filming underway 	❖ Three documentaries were produced and rest of the two are also completed and planned to be screened at the presence of UN Permanent Forum of IPs Chair Carlos Memani's visit scheduled at the end of September 2010.
OUTPUT 1.b	Consultative processes between CA members and indigenous communities on key issues (land and natural resources, governance structures, employment, education and cultural rights)			

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
1.b.1	National level studies of employment, access to land and natural resources, and customary rights situation of indigenous communities	5 Thematic reports	<ul style="list-style-type: none"> ❖ Five thematic issues identified 6) Land and natural resources 7) Customary law and access to justice. 8) Education, language and culture 9) Local governance and self management 10) e) Traditional economy and employment. ❖ Thematic experts produced preliminary report on the situation 	<ul style="list-style-type: none"> ❖ Met and interviewed all 5 thematic consultants. All have submitted draft reports to the ILO. All consultants worked together and reports are cross referenced as per need. The consultants opined that their reports were useful to disseminate at the national forums as well as in the grassroots. ❖ The consultants also opined that more focus should be towards non-IPs and government staff as almost all of them comprise of non-IPs group.
1.b.2	Preparation of material for national consultations		<ul style="list-style-type: none"> ❖ International legal expert on IP rights report on assessment of CA committee reports and recommendations ❖ NEFIN suggestions for CA ❖ IP Caucus suggestions for CA thematic committees 	<ul style="list-style-type: none"> ❖ Project staff told that the materials were prepared and circulated widely.
1.b.3	In depth orientation for key legislators in the CA		<ul style="list-style-type: none"> ❖ 2 two-days training to 37 IP CA Women members on IP women's rights in Constitution (NNIW) ❖ 3 day training on self-determination and autonomy for 44 CA members (LAHURNIP) ❖ 	<ul style="list-style-type: none"> ❖ NEFIN/NNIW to conduct 2 trainings for 100 CA members were planned.
1.b.4	National consultations between members of the CA and indigenous representatives	5 consultation meetings	<ul style="list-style-type: none"> ❖ Three-day Consultation between CA members and indigenous political leaders with 53 participants (CEADS) on CA ❖ One day wider consultation between CA members and IP community and leaders with 709 participants (NEFIN) ❖ Two-day National consultation with IP and non-IP CA members on 	<ul style="list-style-type: none"> ❖ As the project reported that the consultation meetings were conducted but in the interview of 6 CA members, most of them were not aware of the details such as the contents, organizers and future plan of action.

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
			international law and IP rights in new constitutions with 103 participants (ILO/CCD/UNDP) ❖ CA Committees included indigenous people's issues in their reports	
OUTPUT 1.c	Awareness raising, training and capacity building on C.169 for legislators and indigenous organizations/councils			
1.c.1	Orientation/interaction programs, study tours, exchange of experience and ongoing technical and legal advice to IP and non-IP legislators on indigenous peoples' rights and issues		<ul style="list-style-type: none"> ❖ Formation of IP CA informal caucus (Feb 2009) and held regular IP CA caucus meeting in CCD 100 CA members ❖ 15 people participated in Asia Regional Workshop on Best Practices on implementing ILO C 169 ❖ 4 IP CA members participated in study tour/exchange of experience in India (November 2009) ❖ 3 IP CA members participated in study tour/exchange of experience in Bolivia and Guatemala (March 2010) 	<ul style="list-style-type: none"> ❖ IP caucus is formed and functioning well to ensure rights of IPs in the new constitution. The CA members opined that they learned to include IPs rights in the new constitution. ❖ The CA members appeared confident and committed to include IPs issues in the new constitution. They even said they have more than required number of CA members (2/3) so they have right to accept or reject any constitutional proposition.
1.c.2	Production of training and information material on indigenous peoples' rights, such as case studies on the challenges facing indigenous peoples in Nepal, information on legal instruments, and experiences from other countries		<ul style="list-style-type: none"> ❖ Practice Guide for implementation of ILO C 169 published and disseminated ❖ ILO C 169 Nepali version reprinted and disseminated ❖ Comparison of national laws and ILO C 169 carried out (LAHURNIP) ❖ News letters published on situation of IPs (ANIJ) 	<ul style="list-style-type: none"> ❖ The C169 was translated in Nepali and printed. The evaluators saw its wider distribution in districts visited. Most of the interviewees were aware about it.
1.c.3	Capacity building of local indigenous councils/organizations for involvement in the CA process	at least 100 VDCs	<ul style="list-style-type: none"> ❖ Interaction programmes at 41 VDCs in 5 districts (Chitwan, Jhapa, Makwanpur, Sunsari and Saptari) conducted by NIWF, NGO-FONIN and NEFIN) with 820 participants. 	<ul style="list-style-type: none"> ❖ No comments. The evaluators did not visit the listed districts.

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
1.c.4	Interactive media programs for indigenous communities on the constitution drafting process and related issues such as local governance, land rights, etc.		<ul style="list-style-type: none"> ❖ District levels interactions and dialog with indigenous communities and CA members organized in 6 districts in Surkhet, Morang, Dolahka, Kaski, Kavare and Jhapa with 353 participants by ANIJ. ❖ Two issues of newsletter published ❖ News reports broadcasted in Nepal TV, Sagarmatha and ABC TV and 130 Ujyalo community radio network ❖ 6 interview publication is underway. ❖ 10 feature articles published in different national newspaper by ANIJ. 	<ul style="list-style-type: none"> ❖ As reported, ANIJ has widely published the IP issues through 4 newsletters, with many feature articles. This also has conducted interaction programs in 22 districts and trained IP journalists in the IPs issues in the 5 districts. ❖ Also organized 2 field trips to IP journalists for reporting. ❖ Collection and dissemination of news and information in the different districts to local FM Radios, news papers, magazines and TVs on-going ❖ More information is archived in www.jananati.com
OUTPUT 2.a	Enhancing coordination among government institutions and agencies			
2.a.1	Formation of high level steering committee and coordination committees at different levels		<ul style="list-style-type: none"> ❖ Task force for drafting of NAP 169 completed its task 	<ul style="list-style-type: none"> ❖ The NAP is tabled in the house and yet to be approved by the parliament. A national consultant assisted to prepare progress report on the C169 and submitted to the ILO, Geneva.
2.a.2	Establish and institutionalize focal points within duty holders and stakeholders' sectors (central/regional, local)		<ul style="list-style-type: none"> ❖ Focal points in different ministries established and interaction held ❖ Indigenous Nationalities Coordination Committees in DDC exist and working in close cooperation with NFDIN 	<ul style="list-style-type: none"> ❖ The focal points in each related ministry have been identified and assigned. However, during the interviews it was opined that the focal persons were not much enthusiastic to act on the issue and many were inactive due to unclear ToR, co-ordination and lack of training.
2.a.3	Establish inter-agency support group on IP issues		<ul style="list-style-type: none"> ❖ Contributed in various UN and donor coordination groups on constitution ❖ Working in collaboration with CCD/UNDP in supporting CA process 	<ul style="list-style-type: none"> ❖ Workshops were conducted in regional levels on C169 with BOG/Donor Groups. However, UN agencies in the meeting enforced more coordination and cooperation including ILO in future.

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
2.a.4	Review study of institutional arrangements needed to implement Convention No. 169		<ul style="list-style-type: none"> ❖ Organized training workshop on ILO 169 and UNDRIP jointly with OHCHR ❖ Joint publication of UNDRIP with OHCHR/UNDP ❖ Contribution to BOG/Donor groups on ILO C 169 	<ul style="list-style-type: none"> ❖ No joint programs with OHCHR conducted thus far, though there were ad-hoc meetings between the projects reported. OHCHR has produced UNDRIP in 12 IP languages including Nepali. Inter agency IP network could initiate more cooperation and coordination in future.
2.a.5	Mobilize technical and financial resources nationally and internationally to implement C. 169			<ul style="list-style-type: none"> ❖ No comments
OUTPUT 2.b	Strengthening mechanisms for consultations with indigenous peoples at various levels of governance			
2.b.1	Establish systems and processes for consultation and participation of IPs during program planning by NGOs at the central, sector and local body level		<ul style="list-style-type: none"> ❖ Study and interaction for formulating system and process of consultation and participation of indigenous peoples by Thematic consultants together with concerned ministries is underway 	<ul style="list-style-type: none"> ❖ The prepared thematic reports have includee specific recommendations for future course of action. As the consultants opined, there are some resistance in the Nepali bureaucracy and takes time to fully convince them.
2.b.2	Training and awareness raising material prepared on consultations for specific target groups		<ul style="list-style-type: none"> ❖ Thematic consultants carrying out study on consultation process 	<ul style="list-style-type: none"> ❖ Training package not yet developed.
2.b.3	Training of local government officials on principles of consultation and participation		<ul style="list-style-type: none"> ❖ Conducted orientation/interaction workshops on ILO C 169 with representatives of different government ministries ❖ Training workshops on ILO C 169 for local government officials planned in 5 regions 	<ul style="list-style-type: none"> ❖ A one day training on C169 provided to all Local Development Officers (LDOs), Planning Officers and Chief Executives of municipalities. This was tailored with their Annual Review held in all regions of Nepal. The government officials enthusiastically took part and critically evaluated its implementation.

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
2.b.4	Build capacity of IPO's to ensure their meaningful participation at all levels (national, local, legal bodies etc.)		<ul style="list-style-type: none"> ❖ 124 IP leaders trained in Kathmandu 33, Palpa 26, Jhapa 28, Ramechhap 37 by LAHURNIP ❖ 3 days orientation conducted with 46 participants in Kantmandu by NGO FONIN. ❖ 194 IP leaders trained in 7 districts of Taplejung, Jhapa, Panchthar, Dahding, Okaldhunga, Kathmandu and Baglung by NGO FONIN. ❖ Orientation and Dialog conducted in 6 districts (Taplejung, Panchthar, Dhading, Jhapa, Okaldhunga) by NGO FONIN. ❖ Orientation and Dialog conducted in 3 districts (Panchthar, Dhading, Okhaldhunga) with 89 participants by NGO FONIN ❖ District levels training conducted in Dhankuta with 23 IPO women leades by NIWF. 	<ul style="list-style-type: none"> ❖ Participants of the program in the visited districts found satisfied with the awareness and level of the delivery. However, most of them opined that this has to be further taken to the villages and grassroots so that people can claim their rights as need arises. Most of the District Chapters of NEFIN were further orienting IPs in the villages but none of them had planned systematically.
2.b.5	Research on traditional organizations of IPs and opportunities for linking them to formal governance and judicial structures		<ul style="list-style-type: none"> ❖ Study of 5 Traditional organizations are being conducted (Raji, Tharu, Thakali, Magar, Yolmo, Newar, Dhimal and Majhi) by LAHURNIP 	<ul style="list-style-type: none"> ❖ Participatory action research and study on customary law were concluded and reports were due to be finalized and disseminated.
2.b.6	Preparation of legal proposal on recognition of traditional institutions		Legal proposal to be prepared after completion of study by LAHURNIP	❖
OUTPUT 2.c	Support to the establishment of inclusive and comprehensive mechanisms for monitoring the implementation of indigenous peoples' rights			

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
2.c.1	Technical support to preparation of draft Bill on Indigenous Peoples Commission		<ul style="list-style-type: none"> ❖ NFDIN prepared draft bill for IP Commission ❖ CA Committee recommended for establishment of Commission 	❖ Out of 93, 10 CA members are in NFDIN governing council so putting forward it vigorously. Hopefully this will be passed soon after a stable government is in place.
2.c.2	Support enactment, publicity and implementation of the Bill			❖ No comments
2.c.3	Support mobilization of adequate resources for the Commission			❖ No comments
2.c.4	Support government establishment of center for information, documentation research and training on issues related to IPs		❖ Information collection task and website development is underway through ANIJ to support the establishment of information center in NFDIN.	❖ ANIJ has planned to take lead role.
2.c.5	Prepare for getting disaggregated data on IPs in the Census and other research studies		<ul style="list-style-type: none"> ❖ Expert on the data desegregation hired ❖ Study to assess the gaps in Census, NLSS, Labour survey and others underway ❖ Technical Advisory group for supporting Census 2011 is underway 	❖ No comments
2.c.6	Support research/studies on the social, political, cultural and economic status endangered, highly marginalized, marginalized and other IP groups		<ul style="list-style-type: none"> ❖ LAHRUNIP is doing research of Raji community. 2) NIWF is doing research of Bankariya and Darai community in Chitwan. ❖ Research is going on in the Chepang community about the traditional economy and land and territories in Chitwan. 	❖ Draft report were prepared.
OUTPUT 2.d	Technical support to the review and reform of existing legislation, policies and programs to ensure compliance with C.169			
2.d.1	Technical support to revision of NFDIN Act		❖ NFDIN to draft revision based on the revise list of Indigenous nationalities	❖ No comment

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
2.d.2	Support the identification of all IP groups and update the official list		<ul style="list-style-type: none"> ❖ High level Task force to revise the official list of indigenous nationalities provided training support through study visit to India ❖ Six members of High level Task Force and an expert culture participated in India study visit (November 2009) 	❖ The task force has completed its job and has submitted its recommendation to the cabinet for approval.
2.d.3	Carry out comparative studies of the interim constitution and upcoming (federal/autonomous) constitution prepared by the constitution assembly to identify compatible, conflicting, contradictory and missing (lapses and/gaps) provisions and make recommendation for compatibility with ILO C169		❖ Comparative report on interim constitution is completed by LAHURNIP	❖ Task completed.
2.d.4	Carry out scrotal comparative studies of laws/by-laws and policies to identify compatible conflicting, contradictory and missing (lapses/gaps) provision implementation status; and make recommendation for compatibility with ILO C169		❖ Comparative study National laws/by laws and ILO C 169 carried out by LAHURNIP	❖ Report finalized.
2.d.5	Technical support to the preparation of the first comprehensive report on C169 implementation		<ul style="list-style-type: none"> ❖ Expert on IP issues hired as consultant to support government for preparation of report ❖ report compilation is underway 	❖ Report finalized by the consultant and submitted to the project.
OUTPUT 2.e	Capacity development of government institutions, NFDIN, NEFIN, NIWF and other stakeholders facilitated for the successful implementation of C169			

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
2.e.1	Prepare curriculum and training packages on indigenous rights for orientations, short-term and long-term immersion courses		<ul style="list-style-type: none"> ❖ Training needs assessment on IP rights and development conducted ❖ Training package on ILO C 169 developed by CEADs and NIWF ❖ Training Curriculum for long-term immersion course on IP rights developed by CEADs 	<ul style="list-style-type: none"> ❖ Curriculum was prepared and course was running in the time of evaluation and due to complete in the third week of September. ❖ Participants were enthusiastic about the outputs of the course.
2.e.2	Training of trainers		<ul style="list-style-type: none"> ❖ 4 TOT for Trainers at central and regional level for 110 trainers completed by CEADs ❖ 1 TOT for 33 participants on ILO C 169 completed by NEFIN ❖ 3 TOT for 89 trainers on ILO C 169 completed by NIWF ❖ 1 TOT for 21 Trainers on ILO C 169 completed by NFDIN 	<ul style="list-style-type: none"> ❖ All 5 TOTs on IPs issues were completed by CEADs ❖ TOT by NFDIN were under way in 5 regions ❖ Emersion course was running by CEADs
2.e.3	Conduct need-based training programs, seminars/workshops and others on C169 for all stakeholders		<ul style="list-style-type: none"> ❖ Orientation and dialog conducted in 3 districts (Panchthar, Dhading and Okhadhunga) with 89 participants by NGO FONIN. ❖ Trained 89 members of NIWF members of it network organizations. 	❖ No comments since the evaluators did not visit the stated districts.
2.e.4	Organize and conduct study tours to learn about experiences in implementing C169		<ul style="list-style-type: none"> ❖ Two IPO leaders participated in AIPP forum on indigenous rights and ILO C 169 held in Malaysia. ❖ Four representative (3 high level Government Officials, one CA member) participated in the UNPFII New York 2009. ❖ Three members (high level government official, IP expert and a CA member) participated in training on IP rights and development including ILo C 169 in ILO Training Center Turin. ❖ An IP expert on data desegregation participated in 	❖ No comments

Activity #	Outputs and Activities	Target	Progress made by April 2010 (As per ILO records)	Evaluators' comments (based on the interviews and review)
			International technical workshop on indicators relevant to IPs in Nairobi, Kenya.	

Annex 7. Mid-Term Review Objectives and Recommendations – Summary

The MTR terms provide the following specific objectives:

1. Carry out an internal mid-term review, which will include an overview of activities within the context of the wider indigenous peoples movement, achievements/inputs to the CA process and how dialogue has been promoted between IP groups and the government
2. Organize a series of interface dialogue meetings with relevant stakeholders, including with Tharuwan and Limbuwan, donors, government officials (possibly in collaboration with UNDP and OHCHR) – according to current needs and priorities.
3. Devise and implement a strategy, in conjunction with ANIJ, which will ensure widespread dissemination of the project's work and activities and information to the wider public on C.169.
4. To assess current state and needs with a view to devising a strategy of future project development. This will initially take the form of a concept paper.

The MTR recommendations were as follows:

Indigenous peoples participation in the Constituent Assembly process

- Work with stakeholders in the CA process to support meaningful consultations with indigenous peoples. The need for meaningful consultations with indigenous representatives has been stressed repeatedly by indigenous organizations, political fronts, as well as by the Special Rapporteur, the Carter Center and other international observers. The 5 national consultations specified in the project can contribute to this process. However, they need to be part of a larger effort including support from the government, the main political parties, the CA secretariat and other stakeholders in the process. The project should initiate discussions with the Constitution Building Support Program and the CA secretariat and political parties to support national consultations with indigenous peoples on the draft constitution. It is clear that the project – with its limited mandate, budget and staff – cannot supervise this process, but it can contribute to explaining the need for consultations and to supporting the process through its own activities. Such consultations could serve to strengthen dialogue with the indigenous fronts and organizations that currently are protesting the CA process. It might be useful to consider whether it would be possible to conduct national consultations in venues outside of Kathmandu, and thereby involve district level capacities in the process also. It is important to bring together the diverse stakeholders within and outside the CA process – i.e. the indigenous fronts, the Brihat Morcha, IP Caucus, leaders of the political parties and indigenous organizations working on the issues involved.
- Inclusive federal states. The consultation process should also work with the players at the federal level to explore the potential for using 169 to guarantee minority/indigenous rights in federal states. This could be done by supporting NEFINs district committees and member organizations to conduct workshops in the planned federal areas, along the lines of the workshops that the NEFIN has supported in Morang.
- Encourage and support the indigenous women's caucus to work with the women's caucus and the indigenous caucus to further common agendas. One of the key concerns is how to ensure that proportional representation and inclusiveness is developed within larger categories such as indigenous people or women, so that indigenous women are represented and given opportunities with these groups. The indigenous women's caucus has an opportunity here to turn its marginal position into a bridge building position if it could bring together the indigenous movement and women's movement on key issues.
- Formal and informal dialogue with party leaders, esp. from Congress and UML. There is a need to reach out to the skeptics on indigenous rights and encourage meaningful dialogue and progress on implementing indigenous rights. Requests could be made to the ILO director in Nepal and Embassies to see if they would be interested in assisting in this process.

Government policies on indigenous peoples

- Proceed with hiring of the 5 *thematic consultants* as soon as possible and ensure close monitoring and support of their input. The hiring of the thematic consultants has been delayed for months due to a lengthy budget revision process. The consultants can play an important role in promoting the reforms specified in the NAP169 in relation to specific ministries, indigenous organizations and donors working within a specific theme such as education or natural

resources. Given the limited time left in the project and the important role to be played by the consultants, the project staff should follow the consultants closely:

- Carrying out regular meetings and follow up with the consultants on their work through one-on-one discussions to ensure quality and coherence in their work
- Ensuring that each consultant has prepared a realistic work plan and is producing regular progress according to the plan
- Ensuring that the inputs and approach is useful by following up with the stakeholders – government officials, indigenous groups and donors.
- Support with MLD to *prepare the Country Report on 169* as soon as possible in cooperation with relevant ministries and indigenous representatives. This process could be tied together with the work of the thematic consultants.
- Use *documentation of local level issues, campaigns and good practices* to inform the reform process. The work carried out locally demonstrates the need and relevance for government action – and has in some cases already stimulated interventions (for example restrictions on resource exports to India came about after locally campaigns). Examples from indigenous peoples involvement in local governance, for example, can provide important input to ministries, indigenous representatives and donors working on
- *Focus on consultation and participation within specific projects and processes*. The project should focus its activities on the rights to consultation and participation. These are the fundamentals of the Convention and could provide a reference point in the current central areas of conflict – the CA process, participation in local governance, natural resource use such as hydropower, participation in development programs, etc. This does not mean that other rights in the Convention can be ignored, but making Consultation and Participation the entry point has the advantage of simplicity and encouraging dialogue.
- Cooperate with other stakeholders to organize a *national consultation meeting between donors, IP groups and government*. (see concept note)
 - A central outcome of the process could be to produce guidelines for consultation and participation of indigenous peoples in development projects
 - Based on interaction between donors, government and IP fronts
 - Find partner, such as BOG, OHCHR or UNDP to support the process
- Consultation and participation in hydropower projects
 - Approach hydropower groups and suggest joint effort to develop consultation and participation guidelines. This could be done through the relevant thematic consultant or separate consultant
- Information materials
 - Production of simple pamphlets for village use
 - 1 page information sheets on different themes/sectors
 - Positive case studies in media

Training activities

The training activities under the project should focus on ensuring a high-quality output that can be used by various stakeholders afterwards.

- The management should upgrade one of the Monitoring and Liaison Assistant to a Training Officer and give him/her responsibility for overseeing the training activities
- Review and follow up on the recommendations from the Training Assessment
- Improve quality and cohesion in training – selection of participants, FU plan, connection between different trainings and indigenous communities local concerns
- Focus the training on applying rights to consultation and participation to a few specific processes, such as involvement in local government, natural resources and hydropower projects.
- To ensure that the experiences and material developed in the project are brought together, the ILO project team should itself develop 2 or 3 high-quality training packages by project end, including materials (films, case studies, etc) and trainers. The packages should be designed so that they can be used by other organizations to support consultation and participation in specific areas with specific target groups. The design of the package would thus be a specific input to implementing rights in areas such as local governance, hydropower projects, and/or traditional institutions. The trainers that emerge from these comprehensive ILO trainings could be used by other organizations together with the training packages. The ILO trainings should ensure a high quality and include careful participant

selection and a follow up element, so that trainers are trained, given practical experience in the field and then given follow up.

Participatory documentation

The participatory documentation activities are only just getting started and are expected to provide input to the CA process, policy discussions, training programs and local campaigns in the areas where they have been collected.

- Consider hiring a consultant to provide input to support the partners involved in the documentation locally or ensure that project staff have time to provide input
- Develop guidelines and formats keeping in mind the planned end use of the documentation process. There may be a number of different formats for the consultation process with the CA, work with local government officials, and use in training and awareness raising, etc.
- Arrange a seminar as soon as possible for key staff and local research coordinators to guide their work

Project management

- *Project Extension.* The project is set to end in April, it will be hard to complete the activities in time and ensure a high quality output. The ILO should submit a request for a 6 month no-cost extension until October 2010. Given the delays in hiring project staff and signing agreements with implementing partners, such an extension should not have implications for staffing costs in the ILO or with the partners. As part of the extension period, the staff structure in the project should be reviewed to ensure that the team can adequately prioritise to provide the needed technical input to the project activities.
- *Improved workflow in the project team* – a status worksheet should be maintained showing the status of different partnerships, contracts and planned activities. Weekly review meetings and short daily morning meetings should be instituted to ensure timely follow up on the activities and encourage better team work.
- *Better cooperation between project and administration section* in the office. Discussions should be held between the project team and the administration section to see how processing time can be reduced.
- *Better coordination with donors* – regular update on developments within the indigenous movement prepared for the donors and other interested parties. A follow meeting should be planned to discuss the review and other more regular meetings could be discussed here.
- *Regular monthly coordination with implementing partners* should be carried out, as has originally been planned. Half-day seminars could be an opportunity for experience sharing and developing collaboration between different parties.
- *Start development of new phase of the project early.* (see separate concept note)
 - Need is there: Massive awareness and expectations from IP groups – not going away, potential increased conflict
 - Build on phase 1: focus dialogue, consultation and participation in a rights framework – local governance, development
 - Working with all stakeholders
 - 3 year program to ensure time for set-up and to follow processes over time