

## *Independent Evaluation*



International  
Labour Office  
Geneva

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## List of abbreviations

ACT/EMP	The ILO's Bureau for Employers' Activities
AIPP	Asia Indigenous Peoples' Pact
CA	Constitutional Assembly
CAR	Central African Republic
CEACR	Committee of Experts on the Application of Conventions and Recommendations
DCWP	Decent Work Country Programme
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
ILO	International Labour Organization
IPO	Indigenous People's Organization
NGO	Non Governmental Organization
PNDP	National Participatory Development Programme in Cameroon (acronym adapted from French)
PRO169	Programme to Promote ILO Convention No. 169
PRSP	Poverty Reduction Strategy Paper
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNICEF	United Nations Children's Fund

## Executive summary

The *Programme to Promote ILO Convention No. 169 (PRO169)* of the ILO, based in the International Labour Standards Department, has been operating since 1996 with the aim of promoting the rights of indigenous peoples and improving their socio-economic situation in accordance with the principles of Convention No. 169. The PRO169 operates with project funds from a variety of external donors. This report presents the findings of an evaluation of the project *Promotion of indigenous and tribal peoples' rights through legal advice, capacity-building and dialogue*, implemented between September 15 2008, and July 14, 2011, with EUR830.000 in support from the European Commission under its European Instrument for Democracy and Human Rights (EIDHR).

Targeting 21 countries in Latin America, Central Africa and South Asia, the overall objective of the project was that 'Indigenous and tribal peoples' rights are respected, through the implementation of relevant ILO Conventions (Nos. 107, 111 and 169)'.

### **Main achievements**

The evaluation finds that the project has contributed significantly to making ILO Conventions on indigenous and tribal peoples' rights more 'visible' in the three regions, and thereby promoted their application, ratification and implementation. At the operational level, project activities have contextualized the rights enshrined in the Conventions into the national contexts of the main project countries, and thus supported operationalization of their implementation. More specifically, the main achievements of the project include:

**Opening of a space for dialogue with governments and other public actors:** Through information dissemination, training, capacity-building and continuous liaison with public servants at all levels, new forms of dialogue on the rights of indigenous peoples and the application of the principles enshrined in Convention No 169 have been established in several countries. In Bangladesh, a Parliamentary Caucus on indigenous issues, in which parliamentarians cooperate across party lines on the promotion of indigenous peoples' rights, has been established. This is considered a major political break-through in the country. In Nepal, a similar caucus has been formed in the context of the Constitutional Assembly. In several countries too, project coordinators have experienced an **increased demand for technical advice** on behalf of governments.

**Bridging the gap between local indigenous realities and the State administration:** In all regions, trainings of public servants as well as of indigenous organizations, have been organized at regional / 'decentral' level in order to deal directly with the context where indigenous peoples are affected in their everyday lives by the State's day-to-day administrative procedures. This has produced significant results in Africa, Latin America and Asia alike. It has resulted in both increased sensitivity towards indigenous peoples' realities and

needs on behalf of public servants who deal with rural-level administration (in some cases they were not even aware that there were indigenous peoples in their areas), and it has contributed to bringing some of these local-level issues into the policy- and administration-related debate at the national level too. In this way, the project has contributed significantly to contextualizing the rights enshrined in the Conventions into the reality in the given countries. From Bolivia and Ecuador, there are examples of public servants at rural levels starting to apply Convention No 169 in relation to educational administration (hiring indigenous teachers, etc.), and in the context of public health administration (informing doctors about local customs, etc.). There are very similar experiences from Cameroon and Bangladesh too, and in all regions, Project Coordinators stress that **the dialogue between indigenous peoples in rural areas and the State administration has improved as a result of dialogues started under the project.**

**Improvement of the knowledge base reg. indigenous peoples' rights as enshrined in ILO Conventions 169, 107, and 111:** Publication of a wide array of analysis, documentation and training materials targeting different audiences. Given the wide distribution and use of the overview and reference tools produced under the PRO 169's previous EU project,<sup>1</sup> these publications are likely to be used for years ahead, and thus contribute to the further promotion of indigenous peoples' rights much beyond the project period. In an effort to cultivate strong tools for promoting indigenous peoples' rights in countries that have not ratified Conventions No 107 and 169, it has been analysed and documented how the widely ratified Conventions No 111 on employment and occupation-related discrimination and No 29 on Forced Labour, can be applied to indigenous peoples' situation and thus be used as 'alternative channels' within the existing legal framework to promote and defend indigenous peoples' rights.

**Policy impacts – the principles of ILO Conventions 169 are increasingly reflected in national policies and strategies:** examples are many (please refer to section 2.3 *Policy impact in project countries* below). Worth highlighting is the ground-breaking Peruvian law on indigenous peoples' right to consultation ('Ley del Depeche a la Consulta Previa a los Pueblos Indígenas'), adopted in August, and promulgated by the President of Peru on September 6, 2011. In Africa, the Law on the Rights of Indigenous Peoples that was passed by the Senate and the National Assembly of the Republic of the Congo (Brazzaville) in December 2010, and came into effect in February 2011, deserves mentioning, and in Bangladesh the 2010 National Policy on Education, and the Small Ethnic Groups Cultural Institutes Act (also from 2010) respectively, contain provisions on indigenous peoples' rights that are fully in line with the rights enshrined in Convention No 169.

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<sup>1</sup> *Indigenous & Tribal People's Rights in Practice - A Guide to ILO Convention No. 169.* ILO: 2009. *OVERVIEW REPORT of the Research Project by the International Labour Organization and the African Commission on Human and Peoples' Rights on the constitutional and legislative protection of the rights of indigenous peoples in 24 African countries.* ILO and ACHPR: 2009

**Ratification of Convention No 169 in the Central African Republic (CAR) and Nicaragua**, following extensive training, capacity-building and legal advice provided by the ILO under this and the previous EC funded project as well as other activities. **Important steps towards ratification have been taken in at least two other project countries too:** in Bangladesh, ratification of Convention No 169 is a possible future scenario with the current 5-year plan as well as the PRSP specifically stating the intention to ratify Convention No 169, and the government of Panama has declared it a priority to ratify the Convention in 2011, and an inter-ministerial working group in charge of the process of ratification has been set up. Some observers see the adoption of the Law on the Rights of Indigenous Peoples in Congo Brazzaville as a very first step in a process towards ratification in that country too.

### ***Efficiency, cost and long-term impact***

External collaborators, the donor and staff alike talk about a strong cooperation in the global project team around strategic developments, management and implementation of activities. The staff's commitment to the cause is very visible, and the evaluation sees this as one of the key sources of the project's many achievements.

There have been challenges in the form of both heavy administrative burdens, and political constraints in certain project countries that have hindered some of the foreseen activities and results. Though these constraints lie beyond the control of the project, the reality they speak of must be considered in the development of new projects and working strategies: Most importantly, it must be analysed carefully how to proceed in the current political environment in Latin America, where tensions around extractive industries continue to be strong. Likewise in Nepal, where the outcome of the project's state restructuring process is not as significant as hoped for: Here it must be considered what can be done to move the implementation of Convention No. 169 further, given the limited actual use of the technical input given so far, and the growing resistance in the country towards the Convention.

Despite the obvious challenges in Latin America and Nepal, the project has produced significant achievements, as outline above. With the three-region coverage, and the quite impressive policy impact as well as the enhanced capacity to apply the Conventions that can be observed in all three regions, the evaluation finds that the cost effectiveness of the action has been very good: The project's achievements all constitute significant steps in the long-term process that the promotion of indigenous peoples' rights is, and there is no doubt that they will feed into other long-term developments in policy and practice in numerous ways.

## 1. Introduction

This report presents the findings of a desk-based evaluation of the project *Promotion of indigenous and tribal peoples' rights through legal advice, capacity-building and dialogue*, implemented by the International Labour Organization's Programme to Promote Convention No 169 (PRO169). With activities in 21 countries in Latin America, Africa and Asia, the project received a total of EUR830.000 in support from the European Commission's European Instrument for Democracy and Human Rights (EIDHR). Implementation of activities started on September 15 2008, and with two no-cost extensions, the project continued up to July 14, 2011.

**Overall objective** of the project:

Indigenous and tribal peoples' rights are respected, through the implementation of relevant ILO Conventions (Nos. 107, 111 and 169).

Specific objectives for the three regional components:

- Indigenous and government partners in **Latin America** have the capacity to promote and implement ILO Convention No. 169.
- Government, indigenous and tribal institutions in **Bangladesh, India, Nepal and Pakistan** have the capacity to implement key principles of relevant ILO Conventions (particularly Nos. 107, 111 & 169)
- Indigenous, government and civil society partners in **Central Africa** have enhanced their capacity for dialogue and implementation of key principles of relevant ILO Conventions (particularly Nos. 111 & 169)

The Project forms part of the project portfolio of the *Programme to Promote ILO Convention No. 169 (PRO169)*. Prior to this project, the PRO169 had carried out other EC-funded activities in many of the countries also covered here,<sup>2</sup> and the activities and resulting achievements presented in this report thus represent but the latest engagement of the PRO169 team in the processes described in each of the core project countries.

Convention No. 169 on Indigenous and Tribal Peoples was adopted in 1989, and to date 22 countries have ratified (14 in Latin-American, 1 in the Caribbean Region, 4 in Europe, 1 in Africa, 1 in Asia, and 1 country in the Pacific Region). The Programme to Promote Convention No. 169 (PRO169) was established in 1996, in order to respond to a growing need for information related to the Convention. The PRO169 is based in the International Labour Standards Department in the ILO headquarters in Geneva. Over the years, the PRO169 has expanded its scope of work, and today regional programmes are implemented in Latin America, Africa and Asia with funding from a number of different donors. Activities range from information dissemination, capacity building / training,

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<sup>2</sup> Bangladesh, Nepal and India, Argentina, Bolivia, Guatemala, Honduras and Peru, Cameroon and Congo Brazzaville.

production of a broad range of legal analysis and documentation related to different aspects of the Convention, technical assistance to governments and indigenous peoples, to cooperation and coordination of activities with other UN agencies. More than half of the ratifications of the Convention have taken place after the establishment of PRO169.<sup>3</sup>

### **1.1 Context**

The international recognition of the special needs and priorities of indigenous peoples has been growing in recent years. Some of the milestones that illustrate the international developments include:

- 1994: launch of the *International Decade of the World's Indigenous Peoples*, which again resulted in
- 2001: establishment of the *UN Permanent Forum on Indigenous Issues* (first session in the UN Head Quarters in New York in May 2002).
- 2007: establishment of the UN Special Rapporteur Mechanism: *UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People*
- 2007: establishment of the *Expert Mechanism on the Rights of Indigenous Peoples* (EMRIP)
- 2007: adoption by UN General Assembly of the *Declaration on the Rights of Indigenous Peoples* (UNDRIP)

All these developments resonate very well with the letter and spirit of ILO Convention No. 169, which is still the only legally binding international instrument on indigenous peoples' rights (along with its predecessor, ILO Convention No. 107). The mandate of Conventions No. 107 and 169 have thus been reinforced by the developments in the UN Human Rights system over the past decade, and it is in this context that the project under evaluation here has been conceived and implemented.

### **1.2 Methodology**

This report presents the findings of a desk-based evaluation carried out in August-September 2011 upon completion of the project in mid-July 2011. As specified in the evaluation's terms of references (the TOR – attached here in Annex 4), and further elaborated on in the evaluator's Concept Note for the evaluation (submitted to the PRO169 team on July 11, 2011), the main purpose of the evaluation was to document the outcomes of the Project and assess the

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<sup>3</sup> <http://www.ilo.org/indigenous/Aboutus/HistoryofILOswor/work/lang--en/index.htm>



overall relevance of the strategy followed. Based on this, the evaluation should identify the key “lessons learned”, and further elaborate these into a set of recommendations for future action. The evaluator was requested to consider the standard evaluation criteria relating to: relevance, effectiveness, efficiency, impact and sustainability.

A total of 17 working days was allocated for the task:

- Desk review and questionnaire: 5 days
- Skype interviews of all project staff and other relevant collaborators and stakeholders: 3 days
- Preparation of draft report and power point for debriefing: 5 days
- Presentation of findings and complementary gathering of data at project headquarters in Geneva: 2 days
- Preparation of final draft report for submission: 2 days

The findings presented in this report should be seen in light of the conditions under which the evaluation was carried out: the time frame for generating data and compiling these into an evaluation report has been relatively short, and the evaluator has not been able to visit any of the regions / countries targeted and carry out broader observations on the project context and the situation of the various stakeholders. Making interviews via Skype took longer than anticipated too, given the complexity of organizing the work with time differences, frequent travels of the people involved, etc..

For these reasons, **the main focus of the report is on documenting the results and achievements produced by the project, and on analyzing the dynamics of the strategy employed with regard to design of activities and organization of work.**

## 2. Achievements and Outcomes

The project has contributed significantly to making ILO Conventions on indigenous and tribal peoples’ rights more ‘visible’ in the three regions, and thereby promoted their application, ratification and implementation. Important achievements have been made both with regards to enhancing the capacity of indigenous and state actors to apply the Conventions, and in the form of specific policy impacts. At the operational level too, project activities have contextualized the rights enshrined in the Conventions into the national contexts of the main project countries, and thus supported operationalization of their implementation in the context of local public administration and social service delivery.

## 2.1 Assessment in relation to expected results

	Expected results	Indicators	Status	Evaluator's assessment
Component 1  Latin America	Key indigenous and government partners in <b>Latin American countries</b> are trained to fully understand the implications of ratification and implementation of ILO Convention No. 169.	Action plans developed and implemented by participants	Action plans for implementation of specific provisions of Convention No.169 have been developed at local / regional level by civil servants in Bolivia and Ecuador.	More important than the action plans, but not captured by the action plan indicator, Nicaragua ratified Convention No. 169 in 2010, and Panama has taken important steps towards ratification too (more on this in section 2.3 below). In general, an increased debate around the implementation of the Convention is taking place. This shows a higher level of understanding – but also calls for continued technical assistance, as misunderstandings need to be clarified.
	Indigenous and government partners in Latin American countries have access to legal advice from the ILO in the processes of promotion, ratification and implementation of ILO Convention No. 169.	Requests for legal advice and responses by the ILO	No of requests for legal advice has increased significantly during the project period. Requests from the governments of Peru, Ecuador, Colombia, Panama, Guatemala. Also increasing no of requests for technical input and advice from indigenous organizations.	In Latin America, the debate concerning the implementation of Convention No. 169 has been intensified in recent years. At national levels, in specific conflicts between indigenous communities and natural resource extraction companies, AND within the ILO structure in the form of an increased no of comments on the implementation of the Convention on behalf of the supervisory bodies, as well as increased debate around these issues between the constituents. It is clear that this increased 'visibility' of the Convention has produced a growing no of requests on behalf of governments for technical input and support. Especially so in countries where supervisory body comments have triggered significant policy developments, as in the case of Peru and Guatemala (more on this in sections 2.3 and 2.4 below). The increasing no of requests for technical assistance on behalf of governments indicates both that the

				project has been successful in terms of promoting the application of the Convention – and also that there is a momentum right now for promoting the Convention and its implementation further.
<b>Component 2</b> <b>South Asia</b>	The capacity of government and indigenous institutions in <b>Bangladesh, India, Nepal and Pakistan</b> to address the issues of indigenous and tribal peoples within the framework of ratified ILO Conventions is enhanced through training.	Action plans developed and implemented by participants	The evaluation has not noted any specific action plans (except in Nepal, see below).	As described in sections 2.2, 2.3, and 2.4, the evaluation has recorded a large number of achievements that are not captured by the indicator ‘action plans developed’: Activities in India and Pakistan have been very limited for political reasons – but in India an important contribution to the promotion of indigenous peoples’ rights issues was made through the publication of the report <i>‘India and the Rights of Indigenous Peoples...’</i> . In Bangladesh, lots of examples of both policy impacts, and an enhanced capacity for addressing indigenous peoples’ issues have been recorded (please refer to sections 2.3 and 2.2 respectively).
	The principles of Convention No. 169 have been mainstreamed in the context of peace-building and restructuring of the state in Nepal.	National implementation plan for C169 in Nepal	A National Action Plan for Implementation of Convention No. 169 in Nepal was submitted to the Cabinet in 2009. It is not yet adopted.	In terms of developing the Action Plan, the project has delivered what it could. The fact that it has never been adopted is part of a general delay in the ongoing state restructuring process, caused by political factors that lie beyond the project’s control.
		Nepal constitution and legislation	At the time of writing this report, the new constitution has not yet been adopted.	A ‘contentious Issues Committee’ is working on reaching consensus on a number of outstanding issues. Some of the key issues of indigenous peoples are among these, for ex. the question of whether to name the provinces in the new federal state structure by indigenous historical names, and whether to provide for proportional representation of ethnic minorities in

				<p>the national parliament. The indigenous movement tried hard to include provision on indigenous peoples' rights in the section on Fundamental Rights – but did not succeed to do so. In light of the enormous potential for inclusion of indigenous rights issues in the state restructuring process that was perceived at the outset of the project, it is discouraging that clear results have not been achieved. But again, the limiting factors are of a political nature, and thus lie beyond the control of the project.</p>
<p><b>Component 3</b> <b>Central Africa</b></p>	<p>Indigenous, government and civil society partners in <b>Central Africa</b> have been trained to fully understand and promote the key principles of relevant ILO Conventions (particularly Nos. 111 &amp; 169).</p> <p>Indigenous, government and civil society partners in Central Africa have developed practical strategies to address the needs of indigenous people.</p>	<p>Action plans developed and implemented by participants</p>	<p>In Cameroon, action plans for public administration at the regional level are being developed in consultation with indigenous peoples. Likewise in a large national participatory development programme known as the PNDP, implemented by UNEP.</p>	<p>More importantly, but not captured by the Action Plan indicator, the Central African Republic ratified ILO Convention No. 169 in 2010, and Congo Brazzaville adopted a Law on Indigenous Peoples in 2010 (see section 2.3 below).</p> <p>Also not captured by the Action Plan indicator, the evaluator has noted important capacity building achievements in terms of an increased dialogue between public servants and representatives of indigenous communities (see section 2.2 below).</p>

## **2.2 Enhanced capacity to apply the Conventions**

Apart from general awareness-raising and capacity building on the international human rights framework for protection and promotion of indigenous people's rights, and promotion of ratification of Convention No. 169, the project design emphasizes **operationalization** of the rights and principles stipulated in Conventions No 107, 111 and 169, thereby supporting their implementation in a very direct way.

Project Coordinators in all regions report that **public debate on the rights of indigenous peoples, and more specifically also on Conventions No 107 and 169, is growing:**

In project countries in Asia and Africa, where the process of addressing and incorporating indigenous peoples' rights into national legislation has only recently begun, the Conventions are referred to more frequently by various actors (state and non-state), cooperation around the promotion of the rights enshrined in the Conventions is growing, and publications on the Conventions are in high demand. Many of these publications have been produced by the project; please find the complete list of publications produced under the project in Annex 1.

In Latin America, where indigenous peoples are numerically much stronger, and their rights more incorporated in national legislation and mainstream political discussions, conflicts around States' and private sector companies' respect for these rights have been prominent throughout the project period. Convention No 169 has been ratified by 14 countries in the region, and is frequently referred to in the public debate. Especially so in connection with large-scale natural resource extraction projects on lands traditionally owned and used by indigenous peoples. Here, the private sector is getting increasingly interested in dialogue on how to implement the provisions of the Convention: Conflicts with indigenous communities defending their traditional lands and their right to participation in decision-making and to consultation have been so strong, that companies have realized that only by making sure the Convention is being implemented, can they ensure their investments. This tendency is probably most prominent in Guatemala, where private companies are now exerting pressure on the government to operationalize their duty to implement the provisions of the Convention.

In other contexts, the project has contributed to operationalizing the **implementation of indigenous peoples' rights at national and local levels:** Central and de-central units of the State administrations have been trained in understanding the scope of the Conventions, and supported in identifying local issues relevant for their application, and finding ways to deal with these in the State's administrative practice. Project staff shared interesting experiences on this from **Bolivia, Ecuador, Cameroon and Bangladesh**. In **Nepal**, the development of a National Action Plan for Implementation of Convention No. 169 was an important project activity, and one that could have played a crucial role

in putting the rights enshrined in the Convention into practice in the country. The final draft of the Action Plan was submitted to the Cabinet in 2009, but it has till date not been adopted.

Positive examples of an enhanced capacity to apply and implement indigenous peoples' rights at the national and local levels include:

**Cameroon's** National Participatory Development Programme (PNDP) has established a sub-programme on indigenous populations: Programme staff has been trained on indigenous peoples' issues and indigenous peoples' rights under the project, and the response was very positive. The Project Coordinator says that the trainings were highly appreciated, and that the staff highlighted that they had heard criticism before about not handling indigenous rights issues properly – but only now did they learn *how* to work with the country's indigenous population. They have since the trainings integrated many aspects of what they learnt in their own action plans, most importantly they have started consulting indigenous peoples before elaborating development action plans. Likewise, some Regional Councils (governing bodies of the regions) have been trained to involve indigenous peoples in their planning. The results of this are beginning to be seen, but more support is needed to sustain these new practices.

**In Bangladesh** the current Five Year Plan contains a sub-chapter on indigenous peoples. Importantly, the process leading to its adoption was different from previous processes, in that indigenous peoples were invited for consultation in a seminar in the Chittagong Hill Tracts (region where indigenous peoples have historically formed the majority). Here it was discussed how indigenous peoples wanted their issues reflected in the plan. The National Coordinator in Bangladesh comments that this happened after he had urged the government to undertake proper consultations. And he adds that the issues that arose in the consultation are very well reflected in the plan. Ratification of Convention No 169 is also part of Five Year Plan.

**In Bolivia and Ecuador**, trainings of public servants in rural areas with prominent indigenous populations have resulted in new ways of applying Convention No. 169 in relation to educational administration (hiring indigenous teachers, etc.), and in the context of public health administration (informing doctors about local customs, etc.).

**The most serious challenges with regard to implementation of the rights enshrined in Convention No 169 were experienced in connection with conflicts around natural resource extraction in Latin-American** during the project period. Conflicts around indigenous peoples' right to consultation and participation have been intense, and as pointed out to the evaluator by a broad range of actors, there is **a continued need for the ILO to engage in communication on the scope of these key provisions of the Convention, as well as for technical assistance to governments on the implementation of these rights.**

Interestingly, there seems to be a momentum for just that, in that Project Coordinators all reported a significant increase in **demands for technical advice** on behalf of governments, and also from NGOs and indigenous organizations.

### **2.3 Policy impact in project countries**

The evaluation notes several important developments with regard to recognition of indigenous peoples' rights in national policies, strategies and laws that have been adopted within the project period in the countries where activities have been implemented. The most important policy impacts recorded by the evaluation include:

**Ratification of Convention No. 169 in Nicaragua and the Central African Republic:** the Convention was ratified after processes of dialogue, high-level regional seminars, capacity-building of indigenous and civil society organizations, and direct technical assistance to the governments on behalf of ILO's experts.<sup>4</sup> In two other project countries too, important steps have been taken in a process towards ratification: In **Bangladesh**, ratification of Convention No 169 is a possible future scenario with the current 5-year plan as well as the Poverty Reduction Strategy Paper (PRSP) adopted in 2009 specifically stating the intention to do so. The government of **Panama** has declared it a priority to ratify the Convention in 2011, and an inter-ministerial working group in charge of the process of ratification has been set up.

**Law on consultation in Peru:** A new law on indigenous peoples' right to consultation (*Ley del Derecho a la Consulta Previa a los Pueblos Indígenas*) was developed in 2010, finally adopted in August 2011, and promulgated by the President of Peru on September 6, 2011. The elaboration of the law followed an observation from the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) in its 80<sup>th</sup> session in 2009, where it called on the government to take the necessary steps to bring national law and practice into line with ILO Convention No. 169. Following an expression of grave concern at the violent incidents that took place in Bagua in June 2009 in connection with a mining operation on indigenous land, the Committee 'called on the Government to establish mechanisms for dialogue as required by the Convention in order to ensure systematic and effective consultation and participation'. The significance of this new law is underlined by the fact that the Interamerican Commission on Human Rights welcomed the law in a statement issued merely a few days after its promulgation (September 12, 2011), and stressed that it constitutes a significant advancement in the defence of the rights

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<sup>4</sup> In both countries these processes of dialogue etc. were started in the context of other PRO169 projects, and the fact that the Convention was ratified within this project period is thus a result of a long-term ILO PRO169 engagement, of which this project forms part. Likewise, Nepal's ratification of Convention No. 169 in 2007 can be seen as an achievement of the continued PRO169 engagement there – supported by the EC among others.

of indigenous peoples in the country. The Law is the first law on consultation in the Latin-American region, and with the right to consultation being one of the corner stones of the Convention, its adoption constitutes a significant step in terms of operationalizing the overall implementation of the rights enshrined in the Convention. In Guatemala, Ecuador, Bolivia and Colombia too the first steps towards formulation of specific laws and regulations concerning indigenous peoples' right to consultation have been taken.

**Law on the Rights of Indigenous Peoples in Congo Brazzaville:** The law was adopted in late 2010, and gained presidential approval in February 2011. The process of elaborating the law started back in 2004, and the ILO contributed throughout the process: with technical advice, as well as promoting continued dialogue on the issue by inviting high-level government representatives in regional seminars in 2009 and 2010 at a point in time when it was rumoured that some political parties blocked its adoption even after the Council of Ministers had approved it. Some observers regard the adoption of the Law on the Rights of Indigenous Peoples in Congo Brazzaville as a very first step in a process towards ratification of Convention No. 169 too.

**Separate section on indigenous peoples in the national Poverty Reduction Strategy in Bangladesh:** The 2009 Bangladesh Poverty Reduction Strategy Paper (PRSP) contains a specific section on indigenous peoples, which is well aligned with the principles of Conventions No 107 and 169. The PRSP furthermore expresses the Government's intention to ratify Convention No 169 (Bangladesh has till date only ratified Convention No 107). In a similar development, **Cameroon's** National Participatory Development Programme (PNDP) has established a sub-programme on indigenous populations (more on this in section 2.5 (*Enhanced capacity to apply IPR and relevant legal framework*) below.

**The National Education Policy in Bangladesh:** A new education policy containing provisions on mother tongue education for all indigenous children was adopted in 2010 in Bangladesh. The policy furthermore stipulates that text books for mother tongue education are to be developed in consultation with indigenous peoples.

**Small Ethnic Groups Cultural Institutes Act, 2010 (Bangladesh):** A law that stipulates the establishment of six new cultural institutes in different regions of the country, mandated to work for the promotion and protection of indigenous peoples' cultures (the law defines small ethnic groups as indigenous peoples) – much in line with the provisions of Convention No. 169.

**Extensive debate on indigenous peoples' demands in the Constitution-drafting process in Nepal:** Whereas the final outcome of the Constitutional Assembly (CA) in Nepal is still unknown at the time of writing this report, as the deadline for adoption of a new constitution was extended for the third time on August 31, 2011, it is clear that indigenous peoples' rights and the fact that Nepal is a signatory to ILO Convention No. 169 (ratified in 2007) has played into the drafting process in a prominent way. The Indigenous Caucus formed across party lines in the CA with support from the project has played an important role in securing this. Among the contentious issues still to reach consensus on, are some



of the indigenous movement's key demands, namely the question of whether to name the new provinces with historical names used by the regions' indigenous peoples, and whether a new election mechanism should be based on proportional representation of the country's different ethnic groups (thus ensuring representation of the country's indigenous minority groups), or not. The new deadline for the final draft to be presented is November 30, 2011.

**Revised and amended list of recognized indigenous peoples in Nepal:** In 2010, the Council of Ministers submitted its report to amend the existing list of indigenous nationalities in Nepal from 59 recognized groups in the former list to 81 distinct peoples in the new official list. The revision is an outcome of the prominent place indigenous rights issues have taken on the political agenda in the country in the aftermath of ratification of Convention no 169 in 2007. The ILO provided technical assistance for the revision of the list, which has not yet been finally adopted.

**Study on indigenous peoples in Cameroon:** The Cameroon Government has for the first time accepted to use the term indigenous peoples instead of marginalized vulnerable communities, and the Ministry of Foreign Affairs is currently undertaking a study on indigenous peoples in the country. The ILO is providing technical assistance to this important process, and it is expected that the study will inform future policy development on indigenous peoples in the country.

Interestingly, Project Coordinators from both **Cameroon, Ecuador, Bolivia** and **Bangladesh** talk about how the practice-oriented support to operationalization and implementation of the Convention at the local level (discussed in section 2.2 above) has influenced on the national-level policy-making too: through trainings and other activities under the project, indigenous organizations have enhanced their capacity to express their issues and present them in the context of their internationally recognized human rights and the States' duty to protect and respect these rights, and thus become able to engage in policy-making in ways they would not have been able to before. One Project Coordinator explained how an important part of indigenous organizations' learning had been to simply acquire practice in the style of communication used in official meetings – settings they were not used to act in before.

## ***2.4 Contribution to response to ILO supervisory bodies***

In recent years, the number of supervisory body comments concerning the implementation of Convention No. 169 in law and practice in ratifying countries in Latin America has been growing, exposing the serious implementation gaps internationally.

After years of escalating conflicts around natural resource extraction in Guatemala and Peru, in 2009 the Committee of Experts urged the governments

of the two countries to suspend any further extractive activities on indigenous territories until measures for consultation and participation of the peoples concerned had been put in place.

Naturally this caused frustration on behalf of the companies concerned, and the pressure on the two countries' governments to solve the deadlock was – and is – high. In 2010, the Committee of Experts followed up on the 2009 comments by issuing a general observation on indigenous peoples' right to consultation and participation, as provided for under article 6 and 7 of Convention No. 169.

Dialogue and technical cooperation between the governments of Peru and Guatemala, and the ILO PRO169 team and regional and international Labour Standards specialists, has been quite intense since then, and the recent adoption of the law on consultation in Peru can be seen as an outcome of this process.

Interestingly, the effect of the Expert Committee's comments has been felt across the Latin-American region, with other countries' governments too approaching the PRO169 team for technical advice on matters relating to the implementation of indigenous peoples' rights. Indigenous organizations and NGOs in the region have also intensified the debate around how the principles of the Convention are being applied in practice. And the private sector companies (represented in the ILO structure as employers) are increasingly frustrated about the deadlock, and demand clear guidance from the ILO regarding the scope and application of the Convention.

The PRO169 team has responded to the situation by engaging in dialogue with all stakeholders, and making the Expert Committee's comments widely available.<sup>5</sup> Given the complexity of the ILO's official distribution channel for communications from the supervisory bodies, the ILOlex, the evaluation finds that the PRO169's dissemination of these important interpretations of the Convention is a very significant contribution to the transparency of the system, and to the general promotion of the Convention and its implementation.

### 3. Relevance: Strategy and intervention design

The project was designed to address indigenous peoples' marginalization, economic, social and cultural dispossession, and the disproportionate human rights abuses they suffer from, by promoting respect for their rights through implementation of ILO Conventions No. 107, 111, and 169. The strategy was built up around **cooperation with both indigenous peoples' organizations, and government institutions** holding a particular mandate to protect indigenous

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<sup>5</sup> *Monitoring Indigenous and Tribal Peoples' Rights through ILO Conventions - A compilation of ILO Supervisory Bodies' Comments 2009-2010*. ILO, Geneva: 2010. Available at: [http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS\\_126028/index.htm](http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS_126028/index.htm).

peoples' rights. Where indigenous organizations are particularly weak, or mainstream civil society organizations play a major role in promoting indigenous peoples' rights, these organizations were involved in cooperation too. Activity-wise, the intervention consisted of

- Training / capacity-building on ILO Conventions to governments and indigenous organizations, and in the last phase of the project also to the private sector and trade unions in Latin-American
- Dialogue meetings with governments, indigenous communities and other relevant partners
- Publication of training material targeting a variety of audiences, and made available in relevant languages and forms (text / highly illustrated booklets/ posters, etc.)
- Comparative legal studies on existing legislation and ILO Convention No. 169, documentation of implementation experiences, etc...
- Legal and technical advice in processes of ratification and implementation of Convention No. 169

Geographically, the project targeted three different regions with very varying degrees of recognition of indigenous peoples' rights, namely Latin America, Africa and Asia. A **regional approach to promoting the Conventions** was a central part of the project strategy, with a combination of regional trainings and national activities in all three regions. In Asia and Africa, a limited no of countries were targeted (India, Pakistan, Bangladesh and Nepal in South Asia, and Cameroon, the Central African Republic and Congo Brazzaville in Central Africa). The Latin American component was quite different, with a total of 14 countries targeted (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Venezuela). This reflects the regional differences with regard to the level of recognition of indigenous peoples' rights, with the far majority of ratifications of Convention No. 169 in Latin America, only one ratifying country in Asia (Nepal), and none in Africa at the outset of the project.

**The evaluation confirms that the strategy and project design has been both relevant and adequate:**

In terms of **relevance for EU policy objectives and priorities**, the project design and strategy are highly relevant for the policy on support to indigenous peoples, as established in the 1998 Council Resolution.<sup>6</sup> This policy, and the ILO's particular mandate to promote indigenous peoples' rights through supporting ratification and implementation of Conventions No. 169, 107 and 111 respectively, speaks for themselves about a partnership, where the EC and the ILO are mutually reinforcing each other's agendas with regards to indigenous peoples' rights.

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<sup>6</sup> EC COUNCIL RESOLUTION OF 30 NOVEMBER 1998: Indigenous peoples within the framework of the development cooperation of the Community and the Member States.

The backbone of the project is the promotion of rights enshrined in a Convention that continues to be the only international legally binding instrument that protects indigenous peoples' rights. With the continued over-representation of the World's estimated 370 million indigenous and tribal peoples in disadvantage- and human rights abuse-indexes,<sup>7</sup> there can be no doubt that promotion of the Convention is highly relevant. International recognition of indigenous peoples' particular situation and their rights as indigenous peoples has been growing remarkably over the past decades (see section 1.1), but nevertheless, implementation of the Convention remains poor in ratifying countries. In light of the growing recognition of indigenous peoples rights, there's a momentum right now for further promotion and support to operationalizing the implementation of these rights – and this is exactly what the project has been designed to do.

Effective implementation of human rights-related international Conventions remains the responsibility of States. In the case of indigenous peoples' rights, one of the well-known challenges for the effective implementation is the enormous distance between the State administrations and indigenous communities, with unexsiting or poor communication, and very limited mutual understanding. Therefore, the project design's strong focus on simultaneous cooperation with State actors and indigenous peoples' organizations, and capacity-building on both sides as well as creation of opportunities for the different actors to meet and engage in proper dialogue, is highly relevant. The evaluation confirms the adequacy of this approach. Indigenous peoples who have contributed to the evaluation highlight the need for the PRO169's presence as a link for them to the ILO system, given the ILO tripartite structure with no direct indigenous representation.

From Latin America, where tensions around the implementation of Convention No 169 have been particularly pronounced in recent years, an ILO specialist in Employers' Activities (ACT/EMP) criticized the fact that the PRO169 team in the region had been far too invisible until recently. Whereas this speaks about a possible shortcoming in the effectiveness in the implementation of the project, it illustrates the relevance of the project activities too: with the current challenges to the implementation of Convention No. 169, and the rising no. of supervisory body comments to States regarding lack of implementation of the Provisions of the Convention, continued promotion, dialogue, information dissemination etc., is highly relevant.

**Gender aspects** are considered in the project design by addressing indigenous women's particularly vulnerable situation through securing their representation in trainings and other activities. The intention is to promote indigenous women's long-term capacity-building in this way – which the evaluator finds is an adequate way of addressing gender aspects in a project like this. It should be mentioned too, that the PRO169 compliments this approach to strengthening

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<sup>7</sup> See eg. *The State of the World's Indigenous Peoples*, produced by the Secretariat of the United Nations Permanent Forum on Indigenous Issues in 2010 (available at: <http://www.un.org/esa/socdev/unpfii/en/sowip.html>).

indigenous women with other more strategic interventions, funded through other projects.<sup>8</sup>

**Human rights-related work is by nature long-term processes, anchored in an internationally established set of norms. The project design reflects this adequately in a number of ways:**

- Activities are designed to build upon or continue other PRO169 activities in each region, and the main project countries are targeted because specific opportunities for further promotion of indigenous peoples' rights have been identified (following the principle of progressive implementation)
- The project continues a strong PRO169 tradition of promoting indigenous peoples' rights by contributing to the general visibility and continued legal analysis of indigenous peoples' issues and rights through publications
- The project links indigenous and state actors across national borders in each of the three regions, promoting mutual cooperation and support in translating international principles into regionally / nationally relevant actions

## **4. Efficiency: Coordination, cooperation and resource use**

### **4.1 Organization of work**

The project was coordinated from the PRO169 Headquarters in Geneva, and implemented by a strong global team comprising regional Project Coordinators in all three regions, Sub-Regional Project Coordinators in Central- and South America respectively, and National Project Coordinators in Bangladesh and Nepal. Direct support and technical backstopping was delivered throughout the project period from the PRO169 team at Headquarters in Geneva. At the regional level, the ILO Labour Standards Specialists provided valuable technical input and backstopping too. Only a half-time overall project Coordinator from Headquarters in Geneva, and the Regional Coordinators in Latin America and South Asia respectively were directly paid by the project. Others have their salaries covered from other grants, but they have nevertheless played important roles in the implementation of this project too.

The evaluator talked to all core members of the project team, and noticed a **high level of personal commitment, motivation, and pride** of what had been achieved, as well as of the way in which activities are implemented in consultation and cooperation with indigenous organizations. Team members all expressed appreciation of the team spirit and mutual support they felt

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<sup>8</sup> A study on indigenous women is currently being produced in cooperation with the Gender Department of the ILO.

characterized the cooperation, and they were satisfied with the communication flow and mode of cooperation. Those who had been on board long enough to have been part of the project formulation phase, highlighted the fact that the project had been designed jointly by all partners involved, nurturing a sense of real joint ownership and strong commitment.

An external collaborator praised the team for its 'professionalism, commitment, and collegiality',<sup>9</sup> and the EIDHR as a project partner too stressed that 'the PRO 169 team is a very good team to work with', adding that both the practical and financial management had been very smooth.

The evaluation finds that the **regional and global cooperation on the project has been key to its success**: The ILO Conventions are international instruments by nature. Because of that, AND because of the growing international recognition of indigenous peoples' rights, and the current momentum for further promotion of these rights, global cooperation around these issues make a lot of sense. Being part of a global team reinforced each of the Project Coordinators significantly in his / her day-to-day work, which gave them a stronger foundation for their work and a stronger voice to speak with. Especially in the case of the national-level Project Coordinators, the fact that they were part of a global team made it easier for them to get heard both within the ILO hierarchical structure at the country offices, as well as in the national political context. One National Coordinator thus explained that the fact that it became well-known in his national political context that he was part of a network of international experts on indigenous peoples' issues, backed by ILO legal experts, improved his room for manoeuvre considerably, and gave his voice a weight he could not have acquired in other ways.

**Challenges in the coordination and organization of work** have mainly been centred around **heavy administrative procedures** that have weighed on all project coordinators, and a consequent **over-stretching of the human resources available in the team**. One Coordinator expressed that 'with all the paper work, we are tired when the activities start'. Others complained that they were generally frustrated about dedicating a very large proportion of their time to administrative procedures, rather than to applying their technical expertise and skills in promoting the cause they were originally hired to work for.

Probably this general over-load also explains the dynamics behind the sole frustration expressed by the EC-representative managing the grant and the cooperation with the team: delays in submission of extension requests, and invitations to events in the regions.

In two cases project staff in the regions have been replaced during the course of project implementation. One was replaced altogether due to too heavy delays in the overall work-flow, another had his contractual status changed from that of a

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<sup>9</sup> Statement from the Director of the United Nations Centre for Human Rights and Democracy in Central Africa, who has co-implemented various activities with the PRO169 team in the region, and also holds the position of Regional Representative for Central Africa of the United Nations High Commissioner for Human Rights

Coordinator, to an associated Consultant – with administrative tasks thus shifted to another person in the respective country office. This illustrates both the complexity of handling the tasks involved in implementing the project, and it confirms that the overall project management has been competent, serious and ambitious in its handling of the project. In the PRO169 Headquarters in Geneva too there has been a change of staff along the way, the evaluation has not noted any obstacles related to this.

#### **4.2 ILO expertise and synergies with other ILO and UN initiatives**

As mentioned numerous times throughout this report, the ILO's expertise on indigenous rights issues is broadly recognized in all countries where the PRO 169 has a strong presence. In all three regions, Project Coordinators cooperate with other ILO and UN initiatives:

In **Latin America**, the UN inter-agency collaboration on indigenous peoples is institutionalized in the sense that the inter agency group meets regularly and discusses issues of common interest. Working groups on indigenous peoples have been established in each cooperation country. The regional office reports on a substantial ILO contribution to these efforts, and a general interest in the PRO 169 team's work.

In **Cameroon and the Central African Region**, the **PRO169 team** frequently cooperates with the Office of the UN High Commissioner for Human Rights. On different occasions, the ILO PRO169 team has contributed with technical expertise to activities they have organized. There used to be a good cooperation with UNICEF too, but after a change of staff there it has been difficult to maintain the level of cooperation. As mentioned in section 2.2, there has been a significant contribution to the national participatory development programme too (known as PNDP).

In **Bangladesh**, synergy has been established with the ILO Decent Work Country Programme (DCWP), where indigenous peoples are targeted under a separate sub-outcome in the new phase. In the previous phase of the programme, indigenous peoples were hardly mentioned. Likewise, indigenous peoples' issues have been promoted in the UNDAF's section on human rights, where UN agencies have now committed themselves to prioritizing indigenous peoples' rights. The ILO is the focal agency for that. The UNDP's large-scale development programme in the largely tribal-inhabited Chittagong Hill Tracts region is also linking up with the PRO169 team. The plan is to join forces and compliment their more service-delivery oriented activities with rights promoting ones, implemented by the PRO169 team with funding from the UNDP. At the political level, the ILO Country Director is bringing up indigenous rights issues in his dialogue with the UN Resident Representative.

In **Nepal** the cooperation with the UN group has reportedly been good, not least because of a positive attitude on behalf of the Resident Representative. Lately, however, the government's apparent backtracking on indigenous peoples' rights

issues seem to have pervaded the UN bureaucracy too, according to the former Project Coordinator in Nepal.

### **4.3 Inter-linkage with other initiatives on indigenous peoples' rights**

All Project Coordinators mentioned in interviews that they are frequently **invited as resource persons** for all kinds of events, trainings, and seminars, which gives them opportunities for creating synergies between their own work and that of other organizations. The project team has also seized a number of opportunities at linking up their work with other ongoing initiatives on promoting indigenous peoples' rights. Examples of this include:

In the **South Asia Component** of the project, regional seminars were organized in cooperation with the Asia Indigenous Peoples' Pact (AIPP - Asian indigenous peoples' regional organization). This contributed to bringing more perspectives from other Asian countries into the South Asia-related discussions, and it contributed to stronger network-building across countries. AIPP was a partner too on the production of the study *India and the Rights of Indigenous Peoples*. Given the difficulties of working on indigenous issues in the Indian context, it seems like a wise decision to nurture the debate in the country through publishing thorough documentation on the issue. And partnering with the AIPP on this has been a strategic way to interlink indigenous issues in India with what is going on at the regional level.

In **Bangladesh** trainings were organized for indigenous peoples preparing to attend UN meetings on indigenous issues with funding from other sources (United Nations Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples, etc.).

In **Cameroon** cooperation was established with PLAN International on promoting indigenous participation in the Regional Council electoral system. Activities are financed by PLAN, and the PRO169 team is contributing with technical expertise.

The **Latin American component** of the project, the current strategy is to work more with NGOs engaged in promoting indigenous peoples' rights in order to make sure that the messages they carry across to indigenous organizations and other actors regarding Convention No 169 are in line with the Expert Committee's interpretation of the Conventions.

### **4.4 Cost efficiency**

With a total budget of EUR 1,037,599 (including the ILO contribution of EUR207, 599) the achievements of the project, as outlined in detail in section 2, have been impressive.

A bit more than half of the total budget was allocated to covering staff salaries, and as mentioned, this does not reflect the actual cost of project staff, since most



expenses for National and Sub-Regional Project Coordinators were paid with other grants.

Expenditure on the activity budget was pretty delayed, and a fairly large proportion of the budget was spent in the extension periods. One has to consider whether this indicates a lack of capacity to actually handle the project and implement the activities planned: In light of all factors surrounding the implementation delays - general political unrest and rising tension around indigenous issues, change of key project staff in one region, and a heavy administrative work load in general on all project staff - however, the evaluation concludes that the project management has been responsible and efficient, under the given circumstances.

The fact that more than half of the project budget covered human resources could be a cause for concern too. However, the highly technical nature of the work, and the strong focus on capacity-building, production of a knowledge-base that will feed into various actors' activities much beyond the project period (publications), on dialogue, liaison and inter-linkage with other initiatives and projects, etc., fully justifies this form of resource use. The very significant achievements of the project in the form of both actual policy impacts and a visibly enhanced capacity to apply and operationalize the provisions of the Conventions, leads the evaluation to conclude that **the project has maximised the output of the available resources, and thus been efficient in fulfilling its objectives.**

## **5. Effectiveness**

As shown in section 2 above, the activities implemented have resulted in **significant achievements both with regard to policy changes in the project countries, and in the form of capacity-enhancement** for further promotion and strengthening of indigenous peoples' rights. The evaluation concludes that the simultaneous targeting of indigenous peoples' organizations, and government and public administration, has been a powerful approach to promoting (and contributing to) long-term change. Likewise, the training / capacity-building, dialogue activities, publication of training materials and legal studies, and the more ad-hoc liaison and technical support to both governments and indigenous organizations, has proven to be **a highly complementary set of actions.**

With this particular focus and intervention strategy, **the ILO has realized the potential of its mandate to bring together different actors that otherwise do not have strong traditions of cooperation, and feed them with technical input, in a very strategic way.**

### ***5.1 Challenges and response to the actual situation in project countries***

The project period was extended twice due to delays in implementation of activities under the Latin America component. The 2<sup>nd</sup> progress report argues

that ‘The political situation in several of the targeted countries has not been very conducive for strengthening the dialogue between indigenous peoples and States concerning the application of C169’ – and describes some of the **political obstacles** encountered; the change of government and new position regarding ratification of Convention No 169 in Panama, the unstable political situation in Honduras, the rising tensions concerning extraction of natural resources in Guatemala, and the unstable political situation in Nepal.

Implementation of activities in Pakistan was given up soon after project start, given that ‘the deteriorating security situation, and the association of indigenous and tribal peoples’ issues with the troubled North West Frontier Province and other tribal regions has hindered dialogue with government on indigenous rights issues’ (quote from the 1<sup>st</sup> progress report). In India too, project activities were very limited as compared to what was foreseen in the Project Document. Here, the Indian Government’s reluctance to ‘engage in dialogue on issues of international standards on indigenous peoples’ is the reason (also a quote from the 1<sup>st</sup> progress report).

It is hard to really analyse the dynamics at play here in a desk-based evaluation – but some questions might be worthwhile reflecting on in the project team: **could some of the delays and cancellations have been avoided if the political situation in the project countries had been analysed more thoroughly from the outset?** Some political challenges are obviously unforeseeable – changes of government, rising tensions and continued instability in Nepal after high hopes of change in connection with the post-peace agreement transition period. But the sensitivity of indigenous issues in Pakistan and India, and the reluctance of the respective governments to engage in dialogue on these issues, are well-known, and might have been dealt with in more strategic ways in the planning of activities and selection of partners.

In the case of **Nepal**, the conservative backlash (described in section 6.1 below on the project’s contribution to long-term promotion of indigenous peoples’ rights) could not have been foreseen at the time the project was designed – but here **one could ask whether it would have been possible to adjust the intervention strategy more to the rising circumstances along the way, in order to secure clearer results?**

In the **Latin America** component, one of the basic features of the project design, namely the strong focus on regional seminars, suffered from the difficulties faced in getting the necessary authorizations from the ILO’s constituents (regional seminars organized and hosted by the ILO can only take place with authorization from the ILO governing body). This severely limited the project’s possibility to nurture the dialogue among all stakeholders that the tense situation around the implementation of the Convention during the project period actually required.

The immediate adjustment made when the regional seminars had to be given up, was to reallocate the funding into national-level activities. And even if this may transpire more in the present stage of implementation of the PRO169 activities in the Latin American region than it did in the last stage of the EC project we are evaluating here, it deserves to be mentioned too that the rethinking of the intervention strategy in Latin America that took place in early 2011 represents

an attempt towards dealing with the present challenges in a constructive way (the new strategy being to conduct separate workshops for the different ILO constituencies, cooperate more with NGOs, etc. - described in more detail in Section 6.1 below on long-term contribution to strengthening of indigenous peoples' rights).

With 14 countries targeted in Latin America, this regional component has been quite different from the other two. As examples throughout this report show, the project activities in the region have been both relevant and effective in terms of producing results. But **it might be worthwhile considering whether it would have been more strategic to narrow down the no of countries targeted in order to sustain a stronger presence in particular countries**, than to remain as open as to where to have a particular national focus as the case has been with the strong emphasis on regional activities in the original project design?

All this being said, the **in-built flexibility of the project design has allowed for constructive adjustments along the way**, and opportunities for creating spaces for dialogue have been seized where possible in Bangladesh, Central Africa and Latin America.

## 6. Sustainability and long-term impact

The project achievements that are documented in the above sections all represent steps in long-term processes towards greater recognition and protection of the rights of indigenous peoples in national-level policy and practice. They are thus by nature achievements that cannot be seen in isolation (as sole outcomes of this particular project), neither are they confined to last for a specified amount of time. There is no doubt that their impact will reach well beyond the project period. Two important factors underline this:

- *They have been made within the ILO's institutional mandate in the field of indigenous peoples' rights*, wherefore the ILO will continue to stand behind them.
- *Ratifications of Convention No. 169 constitute legal commitments of the concerned countries to an international legal instrument*, including institutionalised mechanisms for supervision. Countries that have ratified the Convention within the project period and (partly) as a result of project activities, are thus legally bound to implement their duties under the Convention. The same goes for all other project countries that are signatories to either Convention No. 107 or Convention No. 169 - wherefore achievements with regard to implementation (legislation and practice) in these countries is not something that can be ignored in the future either.

That being said, what will determine the level of actual impact beyond project closing is the willingness of States, and the capacity of various actors, to apply the rights enshrined in the Conventions: the extent to which policy-makers

and public servants remain committed to their duty of respecting and promoting indigenous peoples' rights as spelled out in the Conventions on the one hand. And perhaps equally important: the extent to which indigenous organizations and other non-State actors remain vigilant and assertive in their demands for recognition and respect of the same rights. More on this in section 6.1 below:

### **6.1 Contribution to long-term promotion and strengthening of IPR**

As spelled out in some detail in sections 2.2 and 2.3 above, the evaluation has noted significant policy impacts, as well as a significant enhancement of both public servants' and indigenous organizations' capacity to apply the rights of indigenous peoples that are provided for in ILO Conventions No. 107 and 169. These achievements constitute important contributions to a long-term promotion and strengthening of indigenous peoples' rights.

In addition to that, observed **changes in attitude on behalf of governments and public administrations**<sup>10</sup> deserve to be mentioned in an assessment of the project's contribution to long-term promotion and strengthening of indigenous peoples' rights:

- **The terminology 'indigenous peoples' is used more widely** – In Cameroon where the Ministry of External Affairs is undertaking a study on indigenous peoples (more on this in section 2.3 above), in Bangladesh where a Parliamentary Caucus has promoted constitutional recognition of the country's indigenous peoples, and in Nepal where the official list of recognized indigenous nationalities is being amended.
- **There is an increased ability and willingness to approach indigenous peoples as rights holders that can speak for themselves** and have a right to influence government projects and programmes – increased focus on consultations and dialogue in Peru (with the new law), Ecuador, Bolivia, Guatemala, Cameroon, Bangladesh. Project Coordinators in all three regions believe that that ILO has played a major role in connecting indigenous peoples (local communities as well as representative organizations) with government officials.
- **State representatives celebrate the International Day of the World's Indigenous Peoples** (a UN day celebrated on August 9 every year) –

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<sup>10</sup> The TOR asks the evaluator to assess the governments' ownership of the project: since the project has been clearly driven by the ILO Project Coordinators (and nothing but that was the intention from the very beginning), rather than discussing government *ownership* as such, the evaluator has instead chosen to focus on the level of commitment / changes in attitude / capacity observable on behalf of governments in the project countries (also reflected in some detail in section 2.5 above).

regarded by indigenous peoples as an important occasion to celebrate and promote their distinct identities, culture and political status. States' cooperation in celebrations is thus symbolically very important. The evaluation recorded examples of this in Cameroon, Bangladesh and Nepal.

On a more negative note, **a deep-rooted negative attitude towards indigenous peoples and the social and political change that proper implementation of their rights would entail** have proven hard to deal with in the project context in **Nepal**: Here, the Project Coordinator experienced strong resistance towards changing administrative practices when dealing with indigenous peoples. As in other regions, capacity-building was organized for civil servants at the de-central, regional level – and here, he was frequently met by remarks along the lines of 'we don't have to follow all acts ratified by parliament – they were ratified during a transition period', or 'C169 is useless, it breaks the communal harmony'.

Capacity building of indigenous organizations has played a major role in the project implementation too, and training materials specifically targeting indigenous organizations have been developed. All with a view to long-term promotion and strengthening of indigenous peoples' rights. Project Coordinators report that they have observed an **increased articulation of rights issues on behalf of indigenous organizations** after the trainings, and that **they refer to the ILO Conventions more frequently in their advocacy work** too.<sup>11</sup>

From **Bangladesh**, the Project Coordinator comments that trainings, seminars and workshops organized under the project have served as occasions to bring together indigenous activists from different parts of the country, which has served to make them familiar with each other's struggles. This seem to have played an important role in consolidating the movement at the national level and bringing actors that used to speak up separately to raise a joint voice. From **Cameroon**, the Project Coordinator comments that when they first started targeting rural indigenous communities in their trainings, they often heard the remark that they 'did not know how to speak in meetings' – and local-level public servants, on their side, likewise commented that if they did invite indigenous peoples to participate in dialogues, they would be very inarticulate. It is therefore considered a great achievement that some indigenous leaders now have become vocal enough to present their issues in public meetings both in their own regions and at the national level.

**Training materials produced by the project are a clear contribution to the long-term promotion of indigenous peoples' rights.** As most activities under this project, they complement other publications produced by the PR0169 under the previous EC project as well as other funding arrangements. The evaluator

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<sup>11</sup> The TOR calls for an assessment of indigenous organizations' ownership of the project. In line with the above comment on governments' ownership, the evaluator found it more relevant to look at the extent to which indigenous organizations use the Conventions promoted by the project, than discussing ownership as such, since they have not been the driving force behind the project implementation.

observes, however, that their use has been uneven in the different regions, and this might be something to look into in a new phase of the project. In Bangladesh, the Project Coordinator reports that they are now widely used by NGOs and indigenous organizations in their own training programmes. In Africa it has been a challenge to use the same training materials across national borders, and in Latin America one Project Coordinator comments that a strategy for distribution of the training materials has been lacking, and their potential to be utilized broadly thus not fully realized.

**The recent change in strategy employed in the Latin American component of the project must be evaluated carefully in the near future:** The past years have been marked by intense conflicts in the region between indigenous peoples, private companies with interests in the natural resources found in their areas, and States responsible for upholding and protecting indigenous peoples' rights to their lands and resources. Heated conflicts in Peru and Guatemala have been addressed by the ILO supervisory system (more on this in section 2.6 above), which again led to fierce response from Employers' organizations, who on their part were frustrated about the deadlock. In order to deal with this tense situation, the PRO 169 Latin America programme convened in January 2011 in a strategy meeting, where different approaches to handling the situation were discussed, and it was agreed to target each of the tripartite ILO constituents, separately in trainings and seminars in order to create spaces for dialogue where sensitive issues can be discussed thoroughly and in good faith. Indigenous organizations are targeted by separate trainings and seminars too – and the intention is to eventually gather States, Employers Workers and indigenous peoples in a joint dialogue event. The evaluation finds that this is an interesting strategy, and encourages the project team to evaluate its outcome carefully towards the end of the year when more experiences with its implementation have been gained.

To sum up, the **capacity to continue action in the project countries** seem to have been established, or be underway in convincing ways. Continued engagement will obviously be required to sustain the continued technical assistance to this process.

As always with policy and human rights-related work, political circumstances in the project countries will determine what is possible in the end. **The developments in Nepal within this project period are a sad example of how a promising situation can turn into a deadlock in the matter of a couple of years.** When the EC project was started, the country had just embarked on a transition period where the State structure and constitution were to be revised after years of armed conflict and deeply rooted social and ethnical inequalities. In the context of the transition, Convention no. 169 was ratified in 2007, and it was against this backdrop that the EC project intended to support its implementation by, among other things, supporting the development of a National Action Plan of Implementation of the Convention, supporting indigenous peoples in the Constitution-drafting process, etc.. Convention No. 169 was high on the mainstream political agenda in the early years of transition, and indigenous peoples managed to get a strong voice in the state restructuring debate. Nevertheless, recent years have seen the emergence of a strong

conservative backlash spearheaded by the old high-caste elite. More and more political parties now see Convention NO. 169 as a threat – and the fact remains that the National Action Plan of Implementation has till date not been adopted, and the constitutional safeguards for indigenous peoples are not secured yet either, despite concerted efforts to this effect.

## 7. Lessons learned and recommendations

The ILO has a strong institutional mandate to engage in processes of ratification and implementation of Conventions protecting indigenous peoples' rights. The project *Promotion of indigenous and tribal peoples' rights through legal advice, capacity-building and dialogue* has strategically used this mandate to not only provide technical input and legal advice to States and indigenous peoples regarding implementation of the rights enshrined in the relevant Conventions, but also – and not least – to contribute to a foundation for long-term change: This has been done by enhancing the knowledge-base on indigenous peoples' rights, and making this knowledge widely accessible to a variety of audiences (from legal experts to grass-roots communities) through a multitude of publications, as well as by supporting the operationalization of indigenous peoples' rights as enshrined in the Conventions, by enhancing indigenous peoples' and States' capacities for cooperation around this.

There have been challenges along the way in the form of both heavy administrative burdens, and political constraints in certain project countries that have hindered some of the foreseen activities and results. Though these constraints lie beyond the control of the project, the reality they speak of must be considered in the development of new projects and working strategies: Most importantly, it must be analysed carefully how to proceed in the current political environment in Latin America, where tensions around extractive industries continue to be strong. Likewise in Nepal, where the outcome of the project's state restructuring process is not as significant as hoped for: Here it must be considered what can be done to move the implementation of Convention No. 169 further, given the limited actual use of the technical input given so far, and the growing resistance in the country towards the Convention.

The documentation and analysis of the process and the results obtained that is presented in this evaluation report points at a number of interesting lessons learned, that could be of relevance for future project development:

**Global cooperation around promotion of indigenous peoples' rights has a huge potential:** after all, international legal instruments are conceived at the global level, and only after ratification are they translated into national contexts in a complex cooperation between representatives of the State administration and policy-makers, legal experts, civil society actors and indigenous peoples. Experience shows that there is a lot to be gained in these national processes, when they are nurtured by input from other countries.

**Combining global / regional activities with a strong presence at the national level has shown very effective** in the countries where the project has had the strongest presence: the interplay between national Project Coordinators who have in-depth knowledge of a given national context, and become personifications of the ILO's accessibility on indigenous rights issues through their continuous presence in their countries, and the larger, highly specialized global team of experts that represent the ILO's strong institutional mandate, is very powerful.

**It is possible to reach much beyond the ILO's own project portfolio through creation of synergies with other initiatives and programmes:** With good National Coordinators in place, lots of opportunities for creation of synergies with other initiatives and programmes are possible, and much can be achieved by sensitizing other actors to indigenous peoples' concerns and needs, and facilitating a direct dialogue between these other actors and indigenous peoples. This is a very cost-efficient way of securing an impact beyond the ILO's own programme.

**Specialized programme staff is needed** at both global, regional and national levels to secure continued promotion and technical advice around the Conventions on indigenous peoples' rights: indigenous peoples do not have their own representation in the ILO tripartite structure. Furthermore, Conventions No. 107 and 169 are not part of the body of core Conventions, wherefore there is a constant risk that their promotion slides down the priority agenda in country- and regional offices if no specialized programme staff is in place. For these reasons, there is a strong need for specialized programme staff to render visibility to these Conventions, and engage in public liaison and technical dialogue when needed. Indigenous peoples also find it very important to have their own entry point to the ILO structure through specialized programme staff, given the fact that their cooperation with Workers, as an ILO Constituent, is in most cases not very well established. **The lack of institutionalization of this expertise at the national level is therefore a weakness in the long run.**

**Momentum:** A general increase in the global recognition of indigenous peoples' rights, as expressed by international policy developments, as well as an increase in the no. of specialized UN bodies dealing specifically with indigenous peoples' rights, combined with an intensified engagement on behalf of ILO's supervisory bodies in the implementation of ILO Conventions protecting indigenous peoples' rights, AND an ever stronger indigenous movement engaged in defending and monitoring implementation of their rights, has created a strong current momentum for promoting indigenous peoples' rights further – and at the same time generated an enormous need for continued technical support to the implementation of these rights.

The lessons learned point at a few specific **recommendations for the future direction of PRO169 activities:**

1. Continue complementing global work with a strong focus on specific countries where opportunities arise – the interplay between regional / global cooperation and national-level engagement offers a great potential



for making a difference, and the ILO is needed given the special role it can play with its institutional mandate

2. Balance openness in project design with regard to how many countries a specific project will deal with, with the effect that the project can have, if a stronger presence is secured in fewer countries
3. Continue strong presence in the countries where this phase has created the most results (Bangladesh, Cameroon, Peru), and combine with a strategic choice of a few other primary target countries
4. Seize the momentum of high visibility of Convention No. 169 in Latin America to engage strongly in promoting the Committee of Experts' interpretation of the Convention, and continue wide-spread capacity-building among a broad range of actors
5. Emphasize *use* of publications already produced – a multitude of valuable resources have been created, maximize the effect of this by making sure they reach the right audiences effectively
6. Specialized programme staff is key, wherefore recruitment of highly qualified people must be a priority: identify people with technical expertise, as well as a good track-record in cooperation with indigenous peoples, and a proven ability to maneuver in a sensitive political landscape
7. Continue strong engagement in the process around the Peruvian law on consultation, and make sure the process and its results is documented and disseminated to relevant actors in other countries
8. Continue strategic cooperation with a broad range of actors in countries where ratification could be a possible scenario in the near future
9. Consider whether a stronger focus on capacity-enhancement for the use of ILO's supervisory mechanisms would be worthwhile pursuing in Africa and Asia too (regarding implementation of Convention No. 107 and 111, and where relevant, obviously also of Convention No. 169).

## **Annex 1: List of Publications and studies funded by the project**

### **General publications**

#### **Training tool kit<sup>12</sup>**

*An introduction to ILO Conventions No. 107 and 169 on indigenous and tribal peoples' rights and their application.*

Available at: [www.pro169.org](http://www.pro169.org)

#### **Monitoring indigenous and tribal peoples' rights through ILO Conventions. A compilation of ILO supervisory bodies' comments 2009-2010<sup>13</sup>**

*Contains all supervisory body comments on implementation of the conventions relevant to indigenous peoples (Conventions No. 111, 107 and 169), as well as an introduction to the ILO supervisory system.*

Available at: [http://www.ilo.org/indigenous/Resources/Publications/lang-en/docName--WCMS\\_126028/index.htm](http://www.ilo.org/indigenous/Resources/Publications/lang-en/docName--WCMS_126028/index.htm)

#### **Comisión de Expertos en Aplicación de Convenios y Recomendaciones (CEACR): Observación general sobre el Convenio núm. 169, 81<sup>a</sup> reunión, 2010<sup>14</sup>**

*A general observation by the ILO Committee of Experts, which conveys its interpretation of the provisions on consultation contained in ILO Convention No. 169.*

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<sup>12</sup> Partly funded by the project

<sup>13</sup> The first edition was published in English and Spanish with funding from Danita and Aecid, and the Spanish version of a 2nd updated version was partly funded by the project.

<sup>14</sup> The Spanish version is fully funded by the project. English and French versions will be published as well, with funding from other sources.

## **Latin America**

### **Experiencias de diálogo con Pueblos indígenas en el Perú<sup>15</sup>**

*Documentation of two processes of consultation with indigenous peoples undertaken by the Government of Peru. Includes an analysis of the extent to which each of the two processes reflect the principles enshrined in Convention No. 169, and of the results obtained.*

### **Proceso de incorporación constitucional de los derechos de los pueblos indígenas- El caso de Ecuador y Bolivia<sup>16</sup>**

*Documentation and analysis of the constitutional reform processes in Ecuador and Bolivia, that both resulted in incorporation of the rights enshrined in Convention No. 169 in the respective constitutions.*

### **Compilación de legislación y medidas administrativas relacionadas directa o indirectamente con un procedimiento de consulta en Latinoamérica<sup>17</sup>**

*Documentation of national legislation and administrative measures related to consultation.*

### **Estudio sobre Institucionalidad Estatal para Indígenas en Ecuador, Colombia, Perú, Bolivia, Chile y Paraguay<sup>18</sup>**

*- about national institutions dedicated to indigenous issues in each of the countries mentioned in the title.*

### **Análisis legal y compilación de leyes y regulaciones en materia indígena, Guatemala<sup>19</sup>**

Autor: Rolando López Godínez

### **Análisis legal y compilación de leyes y regulaciones en materia indígena, Nicaragua<sup>20</sup>**

Autora: Anexa Brendalee Alfred

### **Análisis legal y compilación de leyes y regulaciones en materia indígena, Panamá<sup>21</sup>**

Three **thematic posters** on self-defined development, Convention No. 169 and PRO169, Consultation and participation

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<sup>15</sup> Finalized but not yet published

<sup>16</sup> Finalized but not yet published

<sup>17</sup> Finalized but not yet published

<sup>18</sup> Finalized but not yet published

<sup>19</sup> The study is completed, but not yet published.

<sup>20</sup> The study is completed, but not yet published

<sup>21</sup> The final draft has been submitted, not yet approved.

## **Wall-calendar**

**Folder** on Convention No. 169 and PRO169

## **Africa**

### ***Training materials***

1. Le Role des Organisations Syndicales dans la Promotion et la Defense des Droits des Peuples Autochtones en Afrique Centrale
2. Procedures Pour Obtenir Un Acte D'Etat Civil Au Cameroun: Naissance, Mariage, Décès
3. Eliminer les pires formes de travail des enfants chez les enfants autochtones d'Afrique Centrale
4. Peuples autochtones et travail forcé en Afrique Centrale
5. Procedures Pour Obtenir Un Acte D'Etat Civil au Cameroun
6. Peuples Autochtones et Principes de Consultation et de Participation: ce Qu'il Faut Savoir
7. Peuples autochtones d'Afrique centrale et droit au développement
8. Peuples autochtones d'Afrique centrale et méthodes pratiques d'accès à la terre
9. La problématique des femmes autochtones en Afrique centrale

### ***Comic book***

Bakaméa : L'ultime combat

### ***Posters***

- sur le droit à la terre
- sur le droit à l'éducation
- sur le droit à la participation
- sur le droit au Développement
- sur les droits coutumiers

### ***Documentary (40 min)***

Sur la problématique des Peuples autochtones en Afrique centrale : le Cas du Cameroun

### ***Image box***

Deux Boîtes à image sur le droit à la citoyenneté (Carte nationale d'identité et Acte d'état civil)

## ***Study report***

Etude préliminaire sur l'identification des peuples autochtones au Cameroun

## ***Asia***

**India and the Rights of Indigenous Peoples: Constitutional, legislative and Administrative Provisions Concerning Indigenous and Tribal Peoples in India and the Relation to International Law on Indigenous Peoples**

**Inclusion of Indigenous Peoples' Rights in the New Constitution of Nepal**

Legal study. Unpublished, available online

([http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS\\_123847/index.htm](http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS_123847/index.htm))

**Relevant Constitutional Provisions in other Countries and Safeguards on Indigenous Peoples' Rights in other Laws**

Addendum to the legal study above. Unpublished, available online

([http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS\\_123851/index.htm](http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS_123851/index.htm))

**Brochure with the full text of Convention No. 169 in Nepali.**

**Nepali version of the Convention No. 169 Tool Kit**

**The ILO Convention on Indigenous and Tribal Populations, 1957 (No. C107) and The Laws of Bangladesh: A Comparative Review** (English version and Bengali translated version).

[http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS\\_114385/index.htm](http://www.ilo.org/indigenous/Resources/Publications/lang--en/docName--WCMS_114385/index.htm)

**ILO Convention on Indigenous and Tribal Peoples, 1989 (No. C169)- Bengali translated version**

**Case Study on Indigenous Peoples Practices of Shifting Cultivation in Bangladesh** (not published)

**Package of Training Materials for 2 days training for Government Officers on "Indigenous and Tribal Peoples: Rights and Development"** (in Bengali)

## **Annex 2: Sources of information for the evaluation**

### **Documents reviewed:**

- Project Document
- Progress reports submitted to the EC
- Audited accounts from February 2010 and expenditure sheets up to project closing
- Training material, studies, and other publications produced as part of the project
- Comments and observations by ILO's supervisory bodies regarding implementation of Conventions No 107 and 169

### **People interviewed:**

Regional / Sub-regional and national project coordinators

Manuel García, Latin America Coordinator

Liliam Landeo, Sub-regional Coordinator for South America

Carlos Lacán, Sub-regional Coordinator for Central America

Serge Boupda, Regional Coordinator for Central Africa and National Coordinator for Cameroon

Sarah Webster, former South Asia Coordinator

Abhilash Tripura, National Coordinator for Bangladesh

Mukta Lama, National Coordinator for Nepal during most of the project period

Labour Standards Specialist, Tania Caron, Central America

Project staff at headquarters in Geneva

Stefania Enrico, Coordinator for Latin America and Cambodia

Albert Barume, PRO 169 Coordinator and Senior Specialist on Indigenous and Tribal Peoples' Issues

Birgitte Feiring, former PRO169 Coordinator and Chief Technical Advisor

EC representative

Martha Méndez, European Commission DEVCO-D1 Governance, Democracy, Gender and Human Rights

OHCHR's Regional Representative for Central Africa, Maarit Kohonen Sheriff

ACT/EMP Specialist for Latin America and the Caribbean, Luis González Gómez de Aranda

Representatives of indigenous organizations / institutions

Sanjeeb Drong, Bangladesh Indigenous Peoples' Forum

Carlos Mamani, former member of the UN Permanent Forum on indigenous Issues (from Bolivia)

## **Annex 3: Terms of Reference**



# **International Labour Organization**

## **PROGRAMME TO PROMOTE ILO CONVENTION NO. 169 (PRO 169)**

### **Terms of reference**

#### **Final evaluation EC-funded project**

#### ***Promotion of indigenous and tribal peoples' rights through legal advice, capacity-building and dialogue***

### **1. Introduction and rationale for the evaluation**

The *Programme to Promote ILO Convention No. 169 (PRO169)* of the ILO, based in the International Labour Standards Department, has been operating since 1996 with the aim of promoting the rights of indigenous peoples and improving their socio-economic situation in accordance with the principles of Convention No. 169.

In 2008, the Programme received funds from the European Initiative for Democracy and Human Rights (hereinafter EIDHR) of the European Commission to start a global Project (hereinafter the Project) building on the results achieved through previous support from the EIDHR and complementing on-going activities of the Programme. The project document or the EU Grant Application Form is attached as Annex A.

A final evaluation of this Project is being undertaken, in collaboration with the EC and other stakeholders, in order to assess the results achieved so far and gather recommendations to strengthen future action by the Programme and inform the new proposed phase of the Project.



The evaluation will be carried out in compliance with the ILO Evaluation Policy and Strategy, the UN Evaluation Norms and Standards and OECD/DAC Evaluation Quality Standards.

## **2. Background of the Project**

The project was originally designed for 24 months (September 2008 to September 2010) with an overall budget of 830,000 Euros, and subsequently extended to 34 months (until July 2011). It has a global scope, covering Asia, Africa and Latin America, with the general objective that *“indigenous and tribal peoples’ rights are respected, through the implementation of relevant ILO Conventions (Nos. 107, 111 and 169)”*.

The project is constituted of three components:

- 1) Latin America: Indigenous and government partners in Latin America have the capacity to promote and implement ILO Convention No. 169;
- 2) Asia: Government, indigenous and tribal institutions in Bangladesh, India and Nepal have the capacity to implement key principles of relevant ILO Conventions (particularly Nos. 107, 111 and 169); and
- 3) Africa: Indigenous, government and civil society partners in Central Africa have enhanced their capacity for dialogue and implementation of key principles of relevant ILO Conventions (particularly Nos. 111 and 169).

SEE ANNEX B. *Project Logframe*

## **3. Purpose and scope of the evaluation**

The main purpose of the evaluation is to assess the achievements of the Project and the overall relevance of its underlying strategy as well as to provide recommendations to strengthen future action, based on the identification of a number of “lessons learned”.

The evaluation will look at the three components of the Project (Latin America, Asia and Africa) from the project’s start until the time of the evaluation. It will examine the situation of the Project at global, regional, sub-regional and national levels, when applicable, with a view, in particular, to:

- Assessing the relevance of the strategy adopted and the progress made;
- Assessing the prospects of sustainability and long-term impact;
- Examining the main obstacles as well as the opportunities and factors which can delay, impede or help achieve the objectives of the project at the different levels;
- Identifying main lesson learned for future action;
- Drawing a set of recommendations to strengthen the Programme.

The main audience of the evaluation will be

- Management and staff (including field specialists) of the International Labour Standards Department and the global PRO 169 team
- The EC
- Partners of the PRO 169 programme and ILO's national constituents and partners

#### **4. Suggested analytical framework and main outputs**

The evaluation will consider the standard evaluation criteria relating to: relevance, effectiveness, efficiency, impact and sustainability.

In particular, it will aim to answer the following questions:

##### *1. Relevance and strategic fit of the programme:*

- The extent to which the objectives, outputs and activities are consistent with and responding to indigenous and tribal peoples' needs and priorities as well as to the needs for capacity-building and sensitization expressed by ILO's constituents and reflected in the respective Decent Work Country Programme and UNDAF;
- The extent to which the programme adequately takes into account regional and/or country-specific needs and priorities as well as opportunities and challenges;
- The extent to which the programme is complementary and provides substantial input to global, regional and national efforts for promoting the rights of indigenous and tribal peoples, including through partnership with other actors;
- The extent to which the programme uses the ILO's comparative advantage in the field of indigenous and tribal peoples and establishes synergies with activities carried out in other ILO projects or those of development partners and other UN agencies at the country level.

##### *2. Validity of intervention design*

- The extent to which the design is logical and coherent;
- The extent to which the indicators selected are SMART and capable of measuring progress towards the expected results;
- The extent to which the selection of the partners has been strategic;
- An assessment of the collaboration with other projects and the coordination with the work-plan of relevant specialists.

##### *3. Project progress and effectiveness:*

- The extent to which the foreseen outputs and immediate objectives have been achieved;
- The extent to which discrimination and gender-specific concerns have been systematically addressed;
- An assessment of the obstacles and weaknesses encountered in achieving the foreseen outputs and objectives;
- An assessment of the conducive factors and lessons learned concerning the achieved results.
- The identification of the most effective mechanisms used by the Project to promote the inclusion of indigenous issues in public policies and in the agendas of the social partners;
- The extent to which the project has contributed to respond to the concerns raised by the ILO's supervisory bodies;
- The extent to which the project has contributed to raise awareness of indigenous issues and the relevant legal framework among public officials and other key actors;
- The extent to which the project is contributing to National Decent Work Agendas and the ILO Decent Work Country Programmes where these exist;
- The extent to which the project is contributing to the MDGs and UNDAFs' objectives.

#### *4. Adequacy and efficiency of resource use:*

- An assessment of the cost-efficiency of the various activities, related to results.
- An assessment of the cost-efficiency of staff and management arrangements.

#### *5. Effectiveness of management arrangements:*

- An assessment of the existing coordination and communication flows within the project (HQ, regions and sub-regions);
- An assessment of ILO's organizational capacity to effectively support the implementation of the project and its components;
- An assessment of the support from national partners;
- An assessment of the collaboration with other relevant projects and initiatives, inside and outside the ILO

#### *6. Impact and sustainability:*

- The extent to which the project contributes to broader long-term objectives of promoting and strengthening the respect and application of indigenous and tribal peoples;
- The extent to which indigenous, government, social partners and other partners take ownership of programme outputs;
- The potential of the approaches to be replicated, up scaled or mainstreamed;

- Assessment of the level of interest and participation of government, social partners and indigenous peoples;
- Assessment of the technical and financial capacity of relevant stakeholders to continue action required to sustain project achievements.

The evaluator may adapt the analytical framework above and integrate it with further questions, upon consultation and agreement with the evaluation manager. The evaluator is requested to present an inception report outlining, in particular, any changes suggested to the methodology presented below a week after the signature of the contract. Subsequently, a first draft report will be submitted and a debriefing session will be held with the Project team to present the main findings and recommendations in line with the schedule arranged. A final report and an executive summary in conformity with ILO templates accompanied with a powerpoint presentation summarizing the main findings, lessons learned and recommendations will then be submitted after receiving comments and inputs on the first draft from all concerned parties.

The final report will contain the following sections:

- Cover page with key intervention and evaluation data;
- Abstract (English and Spanish);
- Brief background on the project and its logic;
- Purpose, scope and clients of evaluation;
- Methodology;
- Review of implementation;
- Presentation of findings regarding project performance;
- Conclusions;
- Recommendations;
- Lessons learned;
- Annexes

## **5. Team composition and Methodology to be followed**

The evaluation will be carried out by an independent consultant in a participatory manner, involving PRO169 Team, EC, representatives from ILO's constituents and global and local partners. It will consist of:

- Desk review of project documents, progress reports, studies and publications, concept notes and final reports of main activities. All documents will be provided to the consultant for analysis prior to his/her travelling to Geneva.
- Face-to-face or via video conference interviews with project staff, EC and partners at HQ and in the field ;

## **6. Time frame**

The evaluation will be carried out from 10 July 2011 to 30 August 2011.

- Desk review : 5 working days
- Interviews : 4 days in Geneva
- Presentation first draft to PRO 169 HQ team: 3 days
- Incorporate comments and producing final draft 5 days for TL

The evaluator is requested to present an inception report outlining, in particular, any changes suggested to the methodology presented below a week after the signature of the contract.

The Team Leader will be hired for a total of 17 days.

5 working days will be allocated between the presentation of the first draft report and its finalization to allow all concerned parties to provide comments on the first draft before the report is finalized.