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This evaluation has been conducted according to ILO's evaluation policies and procedures. It has been quality controlled by the ILO Evaluation Unit

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List of Acronyms and Abbreviations

ACHPR	African Commission on Human and Peoples Rights
AEA	Agricultural Employers Association
AECID	Spanish Agency for International Development Cooperation
CBO	Community Based Organization
C.111	ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
C.169	ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)
DRFN	Desert Research Foundation of Namibia
DSD	Division for San Development (formerly San Development Programme)
DWCP	Decent Work Country Programme
FPIC	Free Prior and Informed Consent
GRN	Government of the Republic of Namibia
HIPO	Hizetjitwa Indigenous Peoples Organization
HRDC	Human Rights Documentation Centre (of UNAM)
ILO	International Labour Organization/Office
ITC	International Training Centre Turin
LAC	Legal Assistance Centre
LEAD	Land Environment and Development Project
MET	Ministry of Environment and Tourism
NDAWU	Namibian Domestic and Allied Workers Union
NAU	Namibia Agricultural Union
NAFWU	Namibian Farmworkers' Union
NUNF	National Union of Namibian Workers
NEF	Namibian Employers' Federation
NGO	Non-Governmental Organization
NNDFN	Nyae Nyae Development Foundation of Namibia
NPC	National Project Coordinator
NUNW	National Union of Namibian Workers
OHCHR	Office of the High Commissioner for Human Rights
OPM	Office of the Prime Minister
PRO169	Programme to Promote ILO Convention No. 169
SSOAN	San Support Organisations' Association of Namibia
UNAM	University of Namibia
UNCT	United Nations Country Team
UNDRIP	United Nations Declaration of the Rights of Indigenous Peoples
UNDP	United Nations Development Programme
UNDAF	United Nations Development Assistance Framework
UNESCO	United Nations Educational Scientific and Development Organization
WGIP	Working Group on Indigenous Populations/Communities
WIMSA	Working Group of Indigenous Minorities in Southern Africa

Preface

This report was prepared by an external and independent evaluator, Jennifer Hays. The evaluation was managed by Caroline O'Reilly, senior specialist in the ILO Programme to promote the Declaration on Fundamental Principles and Rights at Work. This evaluation of the Namibia programme forms part of the overall evaluation of the Spanish-funded PRO169 project, *Promotion and Application of Indigenous Peoples' Rights*, led by Jakob Kronik, who also provided feedback for this evaluation (see also *Evaluación Externa e Independiente del programa de apoyo de la OIT: "Promoción y aplicación de los derechos de los pueblos indígenas"* by Jakob Kronik and Jennifer Hays).

The field work for this evaluation was carried out in November 2012. The findings were circulated in a first draft to relevant stakeholders, including national stakeholders and constituents and the ILO offices in Pretoria and Geneva. They were then presented during a video/telephone conference on January 17, 2013 from the ILO headquarters in Geneva, to participants at the ILO regional office in Pretoria, South Africa, and the national project office in Windhoek, Namibia. Written feedback was also received from several stakeholders. All comments received have been addressed in this final version of the report.

The evaluator would like to thank all interviewees for their time and generous sharing of information and perspectives. In particular, thanks go to the ILO National Project Coordinator in Windhoek, and to representatives of government bodies, indigenous organizations, donor representatives, and other stakeholders for their time and support during the field visit.

Special thanks also to the ILO staff, at regional level and headquarters of the ILO for their input, advice, and information for the report and for their participation in the January 2013 teleconference from Geneva.

The Namibia component of the AECID-funded project is the only one of the three components that has a single country as its focus, and it has received approximately 16% of the total project funding over the past four years. The project, in turn, has provided more than one third of the total budget available to the PRO169 programme for the past four years.

This evaluation does not address the other two components of the AECID-funded project (which are covered in the overall evaluation report), nor the overall PRO169 programme. Instead, this evaluation takes a detailed look at one country, which has played an important role in indigenous rights in the Africa region. While the evaluation's conclusions and recommendations are specific to Namibia, many of the issues and concerns raised are more broadly relevant at both regional and global levels.

Executive Summary

“Promoting & Implementing the Rights of the San Peoples of the Republic of Namibia” is one component of the ILO PRO169 project on *Promotion and Application of Indigenous Peoples’ Rights*, funded by the Spanish Agency for International Development Cooperation (AECID) under the AECID-ILO partnership programme (2008-2012). The project’s immediate objective for Namibia is to contribute to reducing poverty and to improve the socio-economic situation of the San peoples, through a rights-based approach. The three main strategies are *Capacity building*, *Awareness raising* and *Policy development* on indigenous peoples’ rights.

The main partners for the project are government ministries and departments, in particular the Division for San Development, in the Office of the Prime Minister; other key partners include non-governmental organizations and international agencies. The ultimate beneficiaries of the ILO project are indigenous peoples themselves, as communities and individuals, through the creation of an environment in which they are increasingly able to exercise their rights. The Namibia project has focused primarily on the San, who are widely considered to be indigenous peoples of Namibia. The project is designed to complement other national initiatives that focus on building the capacity of San organizations, improving the livelihoods, and promoting the rights of San peoples in Southern Africa.

Although funding was committed for the period 2008-2012, the project office in Namibia was opened only in mid-2010. This evaluation covers the entire funding period, focusing on the period since September 2010 when the National Project Coordinator (NPC) was recruited in Windhoek. The project is currently operating on a no-cost extension for 2013, and this evaluation makes recommendations both for this period and beyond it. It is generally recommended that the ILO both seek funding to carry forward the momentum it has begun, and also continue to work with other stakeholders to implement the recommendations outlined in Section 7 of the evaluation.

Achievements of the project in Namibia

The overall assessment of this evaluation is that, despite the lack of movement for the first 18 months, followed by an abrupt start in October 2010, the project has registered some important achievements in Namibia. In particular, successful elements of the project include the following:

- 1) Raising awareness of Indigenous peoples’ rights within government and civil society.
- 2) Capacity Building through training workshops and advanced courses about Indigenous peoples’ rights
- 3) Support for creation of regulatory framework on indigenous rights
- 4) Collaboration between the ILO and the Ombudsman’s office to launch Indigenous peoples’ rights guide booklet
- 5) Cooperation and synergy with other international indigenous peoples’ rights efforts
- 6) Contributing to a regional dialogue on indigenous peoples’ rights and a model that can be followed by other regional actors
- 7) Potential for ratification of C169 by Namibia and South Africa

One of the most important developments towards the recognition of indigenous rights in Namibia is the movement towards a regulatory policy framework for indigenous rights. The development of such a framework was a part of the original PRO169 technical cooperation agreement. In 2011, the Namibian government accepted the recommendation of the OHCHR Universal Periodic Review of Human Rights to create a White Paper on Indigenous peoples' rights. The support and networking of the project in this process to date has been important, and its support will remain important in the process of creating the policy framework. A National Dialogue around the creation of the framework is planned for early 2013, and the project should play an important role in this.

Highlights

This evaluation includes three boxed "highlights" that describe key elements of the project and the ways in which they corresponded with other international and national indigenous rights efforts: 1) *International instruments, Indigenous Rights and the Namibian government* describes Namibian government responses to international human rights recommendations, and effective strategies of the ILO PRO169 project to promote the ILO C169. 2) *A Namibian Regulatory Framework on Indigenous Peoples Rights* describes process leading toward the creation of such a policy, and the multiple influences at work in this process. 3) *The Ombudsman's office, the San Council, and the ILO PRO169 Project in Namibia* illustrates how the launch of a booklet on indigenous peoples' rights can promote indigenous rights awareness and capacity in multiple ways.

Obstacles and Lessons learned

The advances described above have been achieved in spite of several obstacles that stood in the way of progress. These were not insurmountable, but they have affected the project's strategy and the time needed to achieve its objectives. They include:

- 1) A lack of official discourse on "indigenous peoples" in Namibia
- 2) A lack of understanding among key stakeholders about ILO objectives and strategies
- 3) Difficult relations among key partners in government and civil society
- 4) Low profile of the PRO169 Project, as well as indigenous rights, within Namibia
- 5) Length of time required for government decision making processes
- 6) Lack of time in which to fully develop processes begun within the country (partially due to delay in starting project) and to respond to the challenges described here.

The short period of ILO activity in Namibia has seen the project through a steep learning curve when it comes to the promotion of indigenous rights in the country and the region. The lessons learned during this time have relevance not only for future progress in Namibia, but also have broader strategic implications – especially for Africa. In particular, close attention should be paid to the following areas:

- 1) Partnerships within government: On-going networking and the development of strategic partnerships within government are of critical importance.
- 2) Need for national policy: Equally important is working simultaneously to create permanent structures and policies.
- 3) There is a need for much better communication about the ILO's special role and approach, which are not always immediately understood.
- 4) Importance of awareness of political sensitivities within Namibia, as with any country.

- 5) Importance of understanding and balancing existing relations between stakeholders.
- 6) Need for higher profile of ILO to ensure that indigenous rights are understood by the public and the government as a human rights issue.
- 7) Need to recognize rights' implementation as part of a *process*.

Recommendations

The recommendations of this evaluation include both priority (immediate) and long-term recommendations necessary in order to achieve the goals of the ILO PRO169 project in Namibia. Although a great deal has already been achieved, much effort is still needed to build upon these advances. The project has now gained momentum and is increasingly developing positive relationships with a variety of stakeholders. The overarching recommendation is that the ILO programme should continue to nurture the processes it has started in Namibia, and to seek new and effective strategies for creating an environment in which indigenous peoples' rights can be mainstreamed into Namibian policy and development processes at all levels.

The project's overall efforts towards this aim should include the following:

- a) Continued support for the development of a national regulatory policy framework;
- b) Relationships with all stakeholders should be strengthened;
- c) Networking should be an on-going priority;
- d) Strengthen collaboration with existing efforts, in particular those having to do with livelihoods;
- e) Continue developing good regional networks on indigenous peoples' rights, first between South Africa and Namibia;
- f) Improve communications and information dissemination;
- g) The structure of current advisory/steering committees, and the potential to form others, should be reviewed;
- h) Capacity-building efforts like workshops should be continued, localized and targeted;
- i) Capacity-building of the San Council and San communities should, in particular, be prioritized;
- j) The profile of indigenous rights efforts in Namibia, including the ILO project, should be raised;
- k) Assessment of indigenous rights' understanding and capacity should be built into all project events, and project monitoring and evaluation should be improved;
- l) Support for, and conceptualization/implementation of, specific studies;
- m) Efforts must be made by ILO to secure additional funding for continuation of the processes initiated by the project, in order not to lose the momentum achieved thus far.

The following are the Priority Recommendations for 2013:

- **Improved Coordination and Networking:** Currently there is a lack of coordination among development efforts targeted at San communities. During 2013, the PRO 169 programme should seek to improve coordination in two areas in Namibia: indigenous peoples' rights and livelihoods. In addition, the Programme should continue to facilitate good regional networks on indigenous

peoples' rights, especially as South Africa becomes a stronger player in this field.

- **Information Dissemination:** The ILO office urgently needs to develop coherent strategies for the dissemination of information about indigenous peoples' rights in general, and also about the role of the ILO. Many stakeholders are seeking clarification and accurate information about indigenous peoples' rights issues.
- **Project Steering Committee:** It is recommended that the ILO PRO169 project broaden its steering committee to include other important partners, notably the Ombudsman and the Namibia San Council.
- **Profile of Indigenous Rights:** The ILO should lobby effectively on indigenous rights issues in Namibia. In particular, it is recommended that the project seeks to identify an individual that can act as an advisor or champion for indigenous rights in Namibia.
- **Workshops and Capacity-building:** In addition to the *Advanced Seminar on Indigenous Peoples' Rights in Namibia* already planned for 2013, other specific training workshops should be prioritized as listed in the report.
- **Evaluation and Monitoring:** There is a need to develop a clear Evaluation and Monitoring process for the ILO PRO 169 programme overall, and specifically for the project in Namibia. In particular, the impact of training workshops and capacity building efforts should be continuously assessed.

The following priority recommendations are directed to other stakeholders, in which the ILO should be involved to the extent possible:

- **The creation of a working group on indigenous rights:** This committee should be initiated and coordinated by the government.
- **Studies:** Suggestions for on-going or further study of indigenous peoples' rights in Namibia include some that should be led by the ILO, and others that the ILO could reasonably support. Those led by the ILO for 2013 should include: an analysis of media and other public portrayal of indigenous peoples' rights and the San in Namibia since independence; and studies to contribute to the formulation of a coherent indigenous peoples' rights regulatory policy framework.

Conclusion

It remains to be seen to what extent the indigenous peoples' rights movement in Namibia will become a coordinated effort and result in increased self-determination for the San and other indigenous communities. The ILO is currently the only body in Namibia that is playing engaging with a wide variety of stakeholders in an effort to create a social and political environment in which indigenous rights can be fulfilled.

Awareness about indigenous peoples' rights has clearly been raised since the ILO began its in-country operations in 2010, and capacity is being built. The movement towards the creation of a comprehensive policy framework is very promising. However, the time period thus far has been far too short to accomplish the goals set out by the ILO in 2008. More time is needed. The ILO should make every effort to find the necessary resources to continue its activities in Namibia, and to carry through the processes it has begun, until the national awareness, capacities, and policy are developed to a sustainable level. By building on the achievements to date, and by responding strategically to change, new challenges and opportunities, the PR0169 project has great potential to help shape the political and development landscape in ways that will improve indigenous peoples' rights implementation – and by definition, the living conditions of San communities in Namibia.

1. Introduction

During her tenure as Deputy Prime Minister of Namibia, Dr. Libertina Amathila, undertook national research on the situation of the San in Namibia. Her findings matched those of research conducted by civil society organizations and others in Namibia: San communities were extremely marginalized and faced severe shortages of food, basic shelter, access to water and sanitation; the majority of San children were not in school, and the San were severely marginalized and exploited by neighbouring groups – including cases which she labelled “criminal labour exploitation.”¹ As a result of her research, the Office of the Prime Minister (OPM) created a programme directed specifically towards improving the situation of San communities – the *San Development Programme*², initiated in 2005.

Around this time, the ILO’s PRO 169 Programme was moving towards increasing its field presence in Africa, with the aim of promoting the principles of ILO Convention No. 169 (the Indigenous and Tribal Peoples Convention, 1989), rather than simply trying to convince countries to ratify it. The first field-based country programme focusing on capacity building in indigenous peoples’ rights was started in Cameroon in 2006.³ Although focused on a single country, the aim was also to promote the application of C169 principles throughout the central African region. The Cameroon programme had good results, thus inspiring a similar effort for southern Africa.

The ILO understood the creation of the San Development Programme in Namibia as an indication that the Namibian government recognized the special needs of an indigenous group and was willing to create a targeted programme to address them. The Namibian government had already been playing an active role in African debates about indigenous peoples’ rights, leading the “Africa group” in discussions around endorsing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the UN General Assembly in 2007⁴. This recognition of indigenous issues, willingness to address them, and the desire to take a leading role, were seen as a promising base upon which to build a coordinated approach to indigenous peoples’ rights in Namibia, and the region, and the ILO’s Technical Cooperation agreement with Namibia was signed in 2008.

Although the underlying patterns are universal, in Africa, the recognition of the rights of indigenous peoples has taken a somewhat different course than in other regions of the world. The process has faced different challenges – as described in Section 4.1.1 below. Africa is often considered to be “lagging behind” in the process of recognizing indigenous peoples’ rights. In 2008, when the ILO PRO169 Technical Cooperation programme with Namibia was initiated, no African country had ratified the ILO Convention No. 169 on Indigenous and Tribal Peoples Rights (C169).⁵ Namibia was chosen because of its potential to provide a “stepping stone” to promote C169 at a regional level – in southern Africa and, potentially, in Africa as a whole.

¹ Shigwedha, Absalom, 2005 *San deserve their own land in communal areas: Amathila*. The Namibian 28 Nov.

² This was expanded and upgraded in 2010 to become the Division for San Development, still within the OPM.

³ The ILO PRO 169 programme was active in Cameroon from 2001 but prior to 2006 primarily focused on research and integration of indigenous issues into the poverty reduction strategy.

⁴ Namibia voted in favor of the adoption in 2007, along with 144 countries.

⁵ Central African Republic ratified the Convention in April 2010

A critical characteristic of the ILO PRO169 programme in general, and its approach in Namibia in particular, is that it strives to operate within the stated objectives of the government and to facilitate *capacity building, awareness-raising* and the *formulation of policy* in areas that have already been identified as priorities. It aims to promote legal reform, policies or the ratification of international conventions that have already been identified by Namibian government offices. The aim of the ILO PRO169 programme is thus not to impose outside values upon a sovereign state, but to support and facilitate processes already begun within the country. In keeping with this goal, the ILO PRO169 programme supports existing government and civil society organizations that are working towards the recognition and promotion of indigenous peoples' rights. This report evaluates the Namibia component of the AECID-funded PRO169 project on this basis.

One finding of this evaluation was that, despite important achievements, there are several misperceptions about the role and purpose of the ILO PRO169 programme in Namibia. It is thus important to briefly emphasize up front some fundamentals of the ILO:

- **The ILO is a UN organization**, it is not a donor agency, a non-government organization (NGO), or a bilateral development agency.
- **The ILO is a standard-setting organization**; the emphasis is on legal/policy reform, capacity building and awareness-raising.
- **The ILO PRO169 programme aims to be complementary** to other stakeholders and to fill a role that is not currently being filled by others, by working to create coherence in government interventions and to create a conducive environment in which the principles of C169 can be promoted.

The primary goal of the PRO169 project in Namibia is to create an environment in which the principles enshrined C169 can be upheld.

The protection of indigenous peoples' rights is a new and important human rights field. The subjects are among the most vulnerable peoples on the planet, and the legislative frameworks are in many countries weak and vulnerable to political shifts. Support for indigenous peoples' rights is needed from very many different angles. However, in a time of global economic crisis, funding for UN programmes in general is diminishing and indigenous peoples' rights are often perceived as of lower priority than other issues. The ILO's approach of working to support and encourage local and national processes, in a way that links poverty-reduction to indigenous peoples' rights, is filling a crucial gap.

2. Background of PRO 169 programme in Namibia

"Promoting & Implementing the Rights of the San Peoples of the Republic of Namibia" is one component of the ILO PRO169 project *Promotion and Application of Indigenous Peoples' Rights*, funded by the Spanish Agency for International Development Cooperation (AECID) under the AECID-ILO partnership programme (2008-2012). The Spanish Government committed funding for the programme following the ratification by Spain of ILO Convention 169 in 2007. The AECID-funded project has three main geographical components: 1) Latin America 2) A central component with regional activities in Africa and Asia 3) Namibia. The project in Namibia is financially and administratively

backstopped by the ILO Pretoria Office and technically backstopped by PRO169 programme staff at the ILO headquarters in Geneva. Although the project was conceptualized and funded from the end of 2008, a national office with a National Project Coordinator (NPC) was established in Windhoek in mid-2010, and it was then that the project became active in the country.

2.1 Project Description

The over-arching Project objective for Namibia is to contribute to reducing poverty levels and to improve the socio-economic situation of the San peoples, through a rights-based approach. In line with this, the expected long-term outcomes, as defined at the beginning of the project, are that “the Government of Namibia continues to develop participatory and enabling policies and practices for San development, and that San women, men and youth will have increased awareness of their rights and improved access to employment and income generation opportunities.”⁶

The ILO PRO169 project in Namibia is focused on three main strategies:

- **Awareness raising:** Improved awareness and recognition of indigenous peoples’ rights and C169 by public and private stakeholders
- **Capacity building:** Building the capacity of government ministries and departments, and relevant public and private sector stakeholders, to apply the principles of ILO Conventions 169 and 111⁷ in development programmes and activities with San communities across Namibia
- **Policy development** on indigenous rights, including the development of a regulatory policy framework and the mainstreaming of indigenous peoples’ rights.

The main partners for the project are government ministries and departments, in particular the Division for San Development (DSD), in the Office of the Prime Minister (OPM). Other key partners include non-governmental organizations and international agencies (including other UN agencies). It was envisaged that improved knowledge sharing and coordination would increase the impact and sustainability of on-going development efforts with San communities across Namibia. The PRO 169 project was designed to complement other national initiatives that focus on building the capacity of San organizations, improving livelihoods, and promoting of the rights of San peoples in Southern Africa.⁸

The ultimate beneficiaries of the ILO project are indigenous peoples themselves, as communities and individuals, through the creation of an environment in which they are increasingly able to exercise their rights. The Namibia project has focused primarily on the San, who are widely considered to be the indigenous peoples of Namibia. Although it is envisaged that other Namibian groups will also benefit from policies and approaches that recognise indigenous peoples’ rights – in particular the Ovatue, Ovatjimba, and other Himba sub-groups – it is the San who are generally acknowledged to be in most urgent need of attention.

⁶ AECID – ILO 2008. “Promoting & Implementing the Rights of the San Peoples of the Republic of Namibia” *Namibia component of the Indigenous Peoples Programme under the AECID-ILO partnership programme 2008/12.*

⁷ ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111)

⁸ AECID – ILO 2008.

The economic, social and political marginalization of San communities has been described at length in other documents, including a well-written summary in the ILO PRO169 Technical Cooperation agreement with Namibia. This report will not elaborate on this topic, other than to emphasise that, as former hunters and gatherers who have been steadily dispossessed over recent centuries, the San are by virtually all socio-economic measures the most disadvantaged group in Namibia. The San are also generally considered as indigenous peoples according to international definitions of Indigenous Peoples, including that of the African Commission on Human and Peoples Rights (ACHPR).⁹ The Namibia PRO169 project “...places key emphasis on building the capacities of national stakeholders to more appropriately include the San in development initiatives that affect their communities across Namibia.”¹⁰

2.2 Project start-up and trajectory

Spanish funding for the PRO169 programme was committed in 2008, and the Namibian government (in particular the San Development Programme) expressed interest in working with the ILO on indigenous peoples’ rights issues. However, the absence of an ILO office in Windhoek coupled with a period of changes in government – following national elections, and during a restructuring of the San Development Programme (which became the Division for San Development, in 2010) – meant that the activities stalled. The ILO office in Pretoria was able to commission three baseline study reports, conducted by the Legal Assistance Centre in early 2010.¹¹ According to all accounts, this was virtually the only activity of the project before August 2010.

When the current PRO169 programme coordinator in Geneva came into this position in mid-2010, he made the start-up of the Namibia project a priority; in August 2010, responsibility for the project was assigned to the newly-appointed Associate Expert in Pretoria, who was responsible for Decent Work Country Programmes in the sub-region. In September 2010, a National Project Coordinator (NPC) was recruited and the Windhoek project office was opened. In October 2010, the Sub-Regional Conference on the Rights of Marginalized/Indigenous Communities was held.¹²

An independent mid-term evaluation was completed in early 2011. At that point, the project had only been operating for several months, and the evaluation reported that: “two years into the implementation of the project, not much has been achieved...due largely to the rather slow take off of critical management interventions.”¹³ The 2011 evaluation provided eight recommendations; some are referred to in this evaluation (see Appendix B

⁹ African Commission on Human and Peoples’ Rights 2005. *Report of the African Commission’s Working Group on Indigenous Populations/Communities: Mission to the republic of Namibia, 26 July–5 August 2005*. ACHPR/IWGIA

¹⁰ Ibid.

¹¹ Jansen, Leslé, 2010a, *Review of the existing regulatory framework for the protection of San Rights in Namibia*; Jansen, Leslé, 2010b, *A study on the training needs of 11 Namibian Government Ministries*; Ute Dieckmann, 2010, *Review Report on Ongoing San Development Initiatives in Namibia*. All prepared for the ILO-ACEID project on promoting the implementation of the rights of San in Namibia. Legal Assistance Centre (LAC), Land, Environment and Development (LEAD) Project.

¹² ILO, 2011. *Report on the Sub-Regional and National Conference on the Rights of Indigenous Peoples / Marginalised Communities, 11-13 October 2010, Windhoek*. Co-sponsored by: Namibian Office of the Prime Minister, African Commission on Human and Peoples’ Rights; International Labour Organization.

¹³ Arowolo, Oladele, 2011, *Mid-Term Review of the project on ‘Promoting and Implementing the Rights of the San Peoples of the Republic of Namibia.’* International Labour Organization, p 4.

for a list of these recommendations, and comments on the extent to which they were followed up by the project).

The delay in starting the project has meant that the activities and outcomes defined for 4 years have been compressed into just over two years. The urgency with which the project was started in 2010 also meant that the ILO Office in Pretoria was trying to build the foundation and initiate activities at the same time. It was reported by staff that a real inception phase was not possible, and that this ultimately affected the quality of the Monitoring and Evaluation process, as well as project strategy. The project office in Windhoek started out primarily with *action* – including sponsoring studies, distributing information, and organizing conferences and workshops – and gradually developed its strategy over the following two years.

In 2011, a detailed logical framework was created, which was used as the work plan and as the basis for monitoring project progress. Perhaps because of the delay in starting up the project, the 2011 work plan was extremely ambitious, and not all the planned activities could be carried out. The 2012 logical framework had more focused objectives (these are outlined in the self-evaluation matrix, Appendix E).

The delayed start of the project was not necessarily in itself a problem, as it did allow for a strategic flexibility that has permitted the project to respond to shifts in the political climate. It has meant, however, that the ILO is behind schedule in terms of the initial design. The current report evaluates the overall performance of the project in Namibia, taking into consideration the delay, and makes recommendations for how it could build upon its achievements so far. As the project is currently running on a no-cost extension to the end of 2013, and funding is not secured beyond that date, the evaluation recommendations are prioritised according to what can reasonably be done this year, and what ideally should be done should more funding be secured.

3. Methodology of evaluation

Research for this evaluation included a desk study of relevant documents, and interviews with stakeholders in Namibia, Pretoria and Geneva. Documents reviewed included ILO documents describing the international and national projects, workshop/conference reports, operational plans, and studies sponsored by the ILO; international indigenous peoples' rights mechanisms; international reports on human rights in Namibia (see Appendix C *list of documents consulted*).

Five days of fieldwork were conducted in Namibia, during the week of 12-16 November 2012 (see Appendix A *list of interviewees*). With the exception of one interview (Ministry of Justice) and the ILO Steering Committee meeting, all interviews took place with individuals. All interviews were voice-recorded with the permission of the interviewees. Interviews with individuals not in Windhoek have been by skype or telephone, including stakeholders in Geneva and Pretoria. Workshop reports and participant lists, materials produced, and documented evidence of concrete steps toward policy decisions have also been analysed for this evaluation.

While evaluating the extent to which planned activities (such as workshops, materials production, and studies, for example) have been carried out is fairly straightforward, other aspects of project progress are more difficult to measure. Reaching the goals of the project depends upon a process in which shifts in peoples' perceptions and levels of understanding – about indigenous peoples and about what it means for their human rights to be respected – become reflected in legal norms. Until such norms are put in place, however, measuring progress towards this goal would require data about how perspectives and understanding have changed over time.

The project did not gather data describing stakeholders' perspectives before and after ILO activities and interventions. In the absence of such data, this evaluation draws upon self-assessments by national stakeholders of the extent to which their understanding of / capacity in indigenous rights principles have improved as a result of the project. It also describes advances in policy dialogue and the extent to which the project has been involved in these processes. It refers also, although not in detail, to media reports about indigenous peoples' rights and coverage of ILO activities.

4. Evaluation findings

4.1 Is the ILO PRO169 programme right for Namibia, and is Namibia right for PRO169? *Relevance and strategic fit of the Project*

The ILO PRO169 programme is designed to promote the principles enshrined in the ILO Convention 169 on indigenous and tribal peoples' rights, through awareness-raising, capacity-building and policy formation in response to indigenous peoples' needs and priorities, as they take shape in various places. As described in the introduction, the decision to start the PRO 169 project in Namibia was a strategic choice, based on considerations about the African region and Namibia itself. This section contextualizes Namibia within the southern African region and the continent; describes the different levels at which the ILO PRO169 project cooperates with other stakeholders to promote indigenous peoples' rights in Namibia, and ultimately the region; and identifies the ways in which the ILO's unique approach is used in Namibia – and also where this approach could be used to greater advantage.

4.1.1 Regional context and selection of country: Namibia, southern Africa, and the African continent

Africa has a particular relationship to the issue of indigenous peoples' rights. The colonial experience of the continent has resulted in several factors that present challenges to the indigenous rights movement and that must be taken into consideration. In most African countries, the predominant political view is that “all Africans are indigenous”, in relation to European colonists. The continent as a whole faces serious issues of poverty and governments have difficulty providing services to their entire population. Fear of promoting “tribalism” has created resistance to identifying a particular category of peoples as needing special attention; in post-apartheid southern Africa, politicians are particularly reluctant to single out particular ethnic groups for what might be seen as special treatment.

Furthermore, many African governments are increasingly resistant to the sense or impression that their affairs are being dictated externally. Efforts of a UN agency to address indigenous issues in a country therefore need to be strategically positioned, in order to promote the concept of indigenous peoples' rights as defined at the international level (in particular by the ACHPR) and to achieve the objectives of capacity building, awareness raising and policy reform, without creating the impression that external agendas or objectives are being imposed upon a self-governing country.

Namibia, while it shares these characteristics, is also a country with great potential to mainstream indigenous peoples' rights within national policy. The ILO correctly identified Namibia as a country in southern Africa with potential to uphold the principles of C169 and potentially to ratify the Convention; and also to mainstream indigenous issues into national policy. The Namibian Constitution provides for affirmative action and makes provisions for communal land and traditional authorities, the government recognizes the special circumstances of the San and initiated a specific programme to address them, and there are several active civil society organizations focusing on indigenous issues. According to the review of Namibian policy commissioned by the ILO in 2010¹⁴, although there are serious gaps, there is still space for addressing indigenous peoples' rights. The project was designed to use "national entry points"; to identify where there were openings to work towards indigenous peoples' rights, enter through these openings and work with government to build political will. This is the general approach of the project, and it was very appropriate to the African region and to Namibia in particular.

4.1.2 Levels of PRO 169 activity

As noted above, the ILO seeks to play a complementary role to other stakeholders, filling in the gaps and providing support for, and input into, efforts to promote the rights of indigenous and tribal peoples at global, regional and national levels. In the case of Namibia, there are several key stakeholders at each of these levels.

Global: The PRO169 project in Namibia has played an important supportive role to international efforts promoting indigenous peoples rights in the region and the country. The project took advantage of the recommendations of the 2011 Universal Periodic Review (UPR) of the UN Human Rights Council to re-visit and encourage the production of a white paper on indigenous issues. The PRO169 project has played an important role in ensuring that this important recommendation of the UPR is followed through, and that a Namibian policy on indigenous peoples is developed. While the ILO can neither take credit nor responsibility for the government's own decisions on matters of policy, the ILO can provide logistical and/or financial support for meetings and can commission studies, thus ensuring full and informed discussion and decision-making processes around the creation of the policy framework; it can also help to ensure that indigenous peoples are included in these processes. The ways in which the project has played a supportive role are described in boxed **Highlights** in this section. Overall, the project strategy in this area has been effective.

¹⁴ Jansen 2010a

HIGHLIGHT 1: International instruments, Indigenous Rights and the Namibian government: The UPR and C169

In January 2011, Namibia came up for review in the 4-year cycle of the UN Human Rights Council's Universal Periodic Review (UPR). Indigenous peoples' rights were covered in that review, in which Namibia was both commended for its work with San communities, and urged to go much further in both committing to and upholding indigenous peoples' rights. Almost all recommendations relevant to indigenous peoples' rights were immediately accepted by Namibia – the only one that was *not* adopted¹⁵ was subsequently accepted in the Namibian Government report of May 2011. This means that *the Namibian government accepted all of the UPR Working Group's recommendations on indigenous peoples and their rights*.

It is important to note here that, in its response to recommendations that it ratify several international conventions, the Namibian government reminded the UPR Working Group that it is a *monist* country, which means that any binding international agreement automatically becomes part of Namibian law. Although the response does not refer specifically to C169, it clearly states that the country must follow its own processes in the ratifying of international agreements:

*before any international instrument is signed, ratified, and/or acceded to, a thorough study of the international instruments to ensure that national laws are harmonized to meet the requirements of the international instruments. This approach shall be used for the consideration of all international instruments which Namibia has not yet ratified.*¹⁶

According to stakeholders interviewed during the consultation process, the Namibian government is in the process of considering ratification of the ILO Convention 169. However, it was also made clear that this process must take place through the correct channels within the Namibian government.

These examples of Namibian responses to the UPR, and the potential ratification of C169, illustrate some important points. The Namibian Government's positive response to indigenous issues in the UPR review demonstrates that the government is moving towards accepting indigenous peoples' rights – but it must proceed at its own pace. The most effective strategy is therefore to continue to build capacity within the country among a great number of different stakeholders; and to use the networks built during this process to support and promote the creation of a national regulatory framework, which is in line with Namibia's own stated objectives [see also Highlight 2]. The ratification of Convention 169 will follow the standard procedures within the country.

¹⁵ "Strengthen measures to end discrimination, exclusion and marginalization of Indigenous groups and minorities, in particular the San Community"

¹⁶ UN Human Rights Council, 2011. Report of the Working Group on the Universal Periodic Review. Namibia Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.

Very recently, in September 2012, the UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, visited Namibia. The ILO offices in Windhoek and in Pretoria played an important role in organizing this visit, in cooperation with the UN Resident Coordinator's office and other stakeholders in Windhoek.

The Office of the High Commissioner for Human Rights (OHCHR) has recently led human rights workshops in Namibia that included a focus on indigenous peoples; although there was no specific planning with ILO around indigenous peoples' rights training; these two efforts are complementary. The ILO could liaise more strategically with this body on Indigenous Peoples (IP) issues. The International Working Group on Indigenous Affairs (IWGIA) is also a key strategic partner for the ILO and has supported and sent representatives to ILO workshops.

Regional: The African Commission on Human and Peoples Rights (ACHPR) is a key partner for the Namibia PRO169 project, as the body that can provide a unique legitimacy for the indigenous peoples' rights movement on the continent. The African Commission, and in particular its Working Group on Indigenous Populations/Communities (WGIP) have been directly involved with the Namibia PRO169 project since the early stages of the project activities. They partnered with ILO for the back to back *National and Sub-Regional Conferences on the Rights of Indigenous Peoples / Marginalized Communities*, in October 2010, an occasion which also served as the launch of the ILO-sponsored "Overview Report of the Rights of Indigenous Peoples in 24 African Countries"¹⁷. The Human Rights courses in Pretoria, which have been one of the most important activities of the project, are conducted with the cooperation of the ACHPR, and materials produced by the ACHPR are regularly distributed at meetings and workshops.

Also at the regional level, the activities of the PRO169 project in Namibia have led to increased attention by the Pretoria office to similar movements in South Africa, and support for these processes is starting to play an important role in South African processes. Namibia has thus already begun to serve as a "stepping stone" for indigenous peoples' rights in the region. South Africa, in turn, is very influential on the continent, and their positive stance on indigenous peoples' rights – including plans for the creation of indigenous peoples' rights policy – will set a high standard for other African countries, including in Namibia.

National: The PRO169 project is designed to complement national efforts. As described above, the initial impetus for the project was the existence of the San Development Division, in the Office of the Prime Minister. Several civil society organizations are also very active in indigenous peoples' rights issues, including the Working Group for Indigenous Minorities in Southern Africa (WIMSA) – which also houses the San Council; the Legal Assistance Centre (LAC); the Nyae Nyae Development Foundation of Namibia (NNDNF) and the Desert Research Foundation of Namibia (DRFN); all of these have had regular communications with the ILO PRO169 office.

Also within the country the ILO PRO169 project collaborates with UN organizations on issues involving indigenous peoples' rights. These include the UNESCO Education office and other UNCT initiatives. There is potential for much greater cooperation with these

¹⁷ Jansen, 2010a.

HIGHLIGHT 2: A Namibian Regulatory Framework on Indigenous Peoples Rights

The aim of creating a *regulatory policy framework* for indigenous peoples' rights in Namibia has been on the ILO agenda since the beginning of the PRO169 project in Namibia. It was included in the 2008 technical cooperation agreement, and was discussed at the 2010 Workshop in Windhoek; the creation of a national policy on indigenous issues was announced as a result of that workshop.¹⁸ However, no further steps were taken that year.

In the January 2011 report of the UPR Working Group, one of the recommendations listed as “enjoying the support of Namibia” is the following:

Formulate a white paper in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and that recommendations from the Committee on the Elimination of Racial Discrimination, the International Labour Organization (ILO) and the African Commission's Working Group on Indigenous Populations/Communities are taken into consideration in this process (96.70; Norway)

As noted in Highlight 1, the Namibian Government eventually accepted all of the UPR recommendations, including that of developing a White Paper on Indigenous peoples' rights. This acceptance of a recommendation to create a policy document on indigenous peoples' rights was noted by several interviewees for the current evaluation, and was taken as a binding commitment on the part of the government.

However, the Office of the Prime Minister decided to first conduct a socio-economic study of the living conditions of the San,¹⁹ in order to identify the most important issues for the policy framework, as well an evaluation of the DSD programme.²⁰ Both of these studies have taken place with the financial and technical support of the ILO. At the time of writing, the DSD is awaiting approval by the Office of the Prime Minister of the results of the evaluation of their programme, in order to move forward with the regulatory framework.

A Human Rights Training Workshop on the Rights of Indigenous Peoples, requested by the Ombudsman, was sponsored by the ILO and held for staff of the Ombudsman's office and for line ministries in July/August 2012. The need for a regulatory framework was again strongly endorsed at this workshop.

Most of the stakeholders interviewed in Namibia in November 2012 talked about the process of creating a *Regulatory Framework* on indigenous issues (rather than a White Paper). This is all a part of the same process; the government will decide whether or not to start with a White Paper.

The ILO PRO169 Project has thus maintained a focus on the commitment to an indigenous peoples' rights policy among stakeholders, and ultimately created the space for government to move forward with these plans. The process is expected to begin early in 2013 with a National Consultative Conference.

¹⁸ Mongudhi, Tileni, 2010. Law on indigenous people's rights coming. The Namibian, 13 October.

¹⁹ Arowolo, Oladele. 2011, *The San in Namibia: A Socio-economic Study*. Prepared for the Office of the Prime Minister Division San Development, Windhoek, Namibia.

²⁰ Mayinoti, Sam. Division for San Development Progress Assessment – not yet released.

international bodies, in particular those that relate to livelihood. These include UN programmes focusing on sustainable tourism, and UNESCO-sponsored initiatives that target San communities, and in some cases San women, for training in specific skills.²¹

Arguably, the most important effort at the national level is the creation of a *regulatory policy framework* on indigenous peoples' rights. Such a policy would provide the legal framework and set the standards for the implementation of indigenous rights in Namibia. The ILO can support and encourage the creation of such a policy, but can take neither credit nor responsibility for this. The development of a regulatory policy framework on indigenous peoples' rights in Namibia will be the result of a confluence of efforts and the ultimate product of the government. Development of this policy has been a central focus of the ILO project, and the PRO169 project has played a pivotal role in moving towards the creation of this policy.

The regulatory policy framework is referred to throughout this evaluation and in the recommendations. **Highlight 2** describes the steps so far towards this goal, and the involvement of ILO in the process.

See Recommendation on *Networking*

4.1.3 Does the project build on ILO advantages?

The general approach of the ILO is to work to mainstream key approaches – in this case, indigenous rights mechanisms – into government processes. This, in turn, will “provide space for other actors to do what they are best-positioned to do” as one ILO interviewee put it. Policy and legal reform has to be done by the government, with input from civil society, but the ILO can work towards a facilitating environment for that reform. Many other organizations are better positioned to conduct community consultation, deliver services, or design and implement projects. However, there is no other organization with the express aim of facilitating the environment in which such efforts can be more successful. Furthermore, as an institution focusing on labour and livelihood, the ILO is also ideally positioned to bring together a focus on indigenous peoples' rights and economic development – which it rightly recognizes as two sides of the same coin. The ILO is thus playing a critical role, and one that it is ideally positioned to play.

The ILO usually works through its unique tripartite structure of government, employers' organizations and workers' unions.²² In Namibia, Indigenous Peoples issues are not high on the agenda of either workers' or employers' organizations, although both social partners have expressed concerns in the past, especially regarding the issue of child labour as it affects the San. As described in Section 4.2.1 below, the primary stakeholders of this project are the Namibian government, civil society organizations, UN organizations and international donors. Representatives of workers' unions, including the National Union of Namibian Workers (NUNF), and the Namibian Employers' Federation (NEF) have been invited to, and have participated in, project-sponsored training workshops and are thus being sensitized on indigenous peoples' issues along with government officials. According to the project office, some efforts were also made to engage union representatives more actively in the project, but this has not yet produced the desired results. Furthermore,

²¹ In particular the Community Skills Development Foundation (COSDEF) Centres focusing on San and sponsored by UNESCO.

²² See <http://www.ilo.org/global/about-the-ilo/who-we-are/tripartite-constituents/lang--en/index.htm>

according to several interviewees, other stakeholders are better positioned than trade unions to take up the issues of indigenous peoples' rights and policy matters. The general feedback from national stakeholders was that the unions, although recognizing the importance of indigenous issues, have neither the means nor the capacity to work specifically on indigenous peoples within their broader mandates.

It was not clear from this evaluation to what extent efforts were made to engage employers' representatives, or sector-specific unions, in the PRO169 project. Very many San work as farm labourers and domestic labourers. In theory, the tripartite structure of the ILO would provide an ideal platform within which to engage, for example, the National Farm Workers Union (NAFWU), and its affiliate the Namibian Domestic and Allied Workers Union (NDAWU), and the Namibia Agricultural Union (NAU, which includes the Agricultural Employers' Association, AEA). The same applies to tourism, another sector in which many San are employed. However, even within these fields, the San are a small minority of employees overall. This evaluation concludes that there is room for more cooperation between the project and workers' unions and employers – in particular around the question of involvement of San communities in farm labour, including child labour in agriculture, and domestic workers.

The strong focus of the project towards the creation of national policy on indigenous peoples' rights has not been misplaced, however. The ILO should now work towards developing and strengthening key partnerships in order to ensure that all of the relevant stakeholders are on board and contributing to the formation of strong, comprehensive and relevant policy on indigenous peoples' rights with a clear focus on sustainable livelihood options and consultation.

See Recommendations on *Networking, Workshops and Steering Committee*

4.2 Does the design of the project fit the circumstances? *Validity of intervention design*

The key elements of the design of the Namibian project have been noted already – the strategy of building capacity and raising awareness and of working to create an environment in which government and civil society bodies can work to improve socio-economic conditions for San communities and other indigenous peoples in Namibia.

As designed, the ILO project in Namibia is logical and coherent. Despite delays in the implementation process the project has been responsive to changes in the environment in which it was operating. Although recommendations are made in this report to improve the functioning of the project, the basic design and strategy are appropriate, as highlighted in this section. However, there are some unanticipated complications and shortcomings which make measuring the impact of the project difficult.

4.2.1 Strategic partnerships

The initial intervention design²³ describes two main strategic partnerships: with the Office of the Prime Minister as the main government counterpart, and with a range of stakeholders in civil society and the private sector, and a steering committee with a

²³ AECID – ILO 2008.

representative composition. Both of these key partnerships were appropriate. The partnership with the Office of the Prime Minister's Division for San Development is in accord with general UN strategy of partnering with a government body. It is a natural choice as the Division has been assigned the mandate of custodianship of indigenous / marginalized peoples' issues within Namibia. A further advantage of partnership with the Division is the fact that it is housed within the Office of the Prime Minister, instead of a line ministry. This gives them a "panoramic view" (as one interviewee described it) and provides an ideal platform from which to coordinate an integrated approach to San Development within Namibia's governmental structures. Furthermore, the Division expressed interest in receiving the assistance of the ILO in capacity building and coordinating.

The selection of civil society partners has also been entirely appropriate. The project office has worked closely from the beginning with the Legal Assistance Centre, commissioning several studies to be conducted by that office. They have also worked closely with WIMSA, in particular towards the capacity building of the San Council, and currently sit on the San Support Organisations' Association of Namibia (SSOAN). The indigenous peoples' rights / San development field is a growing one, with an increasing number of involved parties. The ILO project has both contributed to this development, and exploited the opportunity to develop relationships with new stakeholders. Much more could be done to strengthen this network in order to ensure the continued development of indigenous peoples' rights capacity.

The overwhelming perception of the people interviewed for this evaluation was that, although the San Development Division is theoretically the government office best positioned to take the lead role on indigenous rights issues in Namibia, this office is *not* currently filling that function.²⁴ Representatives of the Office of the Prime Minister also confirmed that their current approach is to prioritize the urgent need to deliver services, and the promotion of livelihood projects, over formulation of policy. In this climate, the relationship between the ILO Windhoek office and the DSD is not currently perceived by most stakeholders as effective or efficient; this undermines the effectiveness of the project. This should be understood as an assessment of the current situation, and does not mean the partnership was initially a bad choice, or that the relationship will not improve.

The ILO project has made a good choice in seeking other complementary partners. The mandate of the Office of the Ombudsman, for example, includes the promotion and protection human rights through independent and impartial investigation and resolution of complaints, and the raising of public awareness.²⁵ The Ombudsman's office has so far proven to be an enthusiastic partner within government; its relationship with the ILO and involvement in indigenous rights issues is described in **Highlight 3**.

By their own admission, however, the Ombudsman's office is currently not operating at full capacity and is limited in what they can currently do in the area of indigenous peoples' rights. Given their level of motivation and appreciation of the issues, however, their efforts to engage with indigenous peoples' rights should be encouraged and supported with financial or technical assistance wherever possible.

²⁴ For example, The DSD did not meet with the Special Rapporteur James Anaya on his recent mission to Namibia 2012; see also ILO End of Year Progress Report 2011, page 10.

²⁵ <http://www.ombudsman.org.na/>

HIGHLIGHT 3: The Ombudsman's office, the San Council, and the ILO PRO169 Project in Namibia

The Ombudsman's office is a Human Rights accredited institution, and the office responsible for ensuring that human rights are upheld in Namibia. The office currently has 2 divisions, (support services, and investigations); they do not yet have a specific division dealing only with Human Rights. However, they are seeking funding to restructure and to add a Human Rights / advocacy division. This addition would provide added personnel and resources and increase capacity to deal with indigenous issues. The Ombudsman's office began dialogue with the ILO in late 2011. They immediately recognized the relevance of indigenous peoples' rights to their overall mandate, and accepted ILO offers for further training on the issue. The Ombudsman reported that their biggest lesson from engagement with the ILO has been in Free Prior and Informed Consent (FPIC), and the particular importance of this for indigenous communities.

The Ombudsman agreed to publish the Guide to Indigenous peoples' rights, the preparation and publication of which was supported by the ILO project, which was launched in August of 2012. The launch of this guide also provided the platform for a statement by the Namibian San Council chair, which was widely cited in Namibia's media. In this speech the San Council chair is quoted as saying:

*All we are asking is to be treated equal. It is our right and we are not asking for charity.*²⁶

This is a good example of ILO processes providing a forum for important statements such as this from key San individuals – also necessary for sustainability.

The Ombudsman's office reports that, following the launch, they have received multiple requests for the booklet from various parties including government and non-government organizations, including the Hizejijwa Indigenous Peoples Organization (HIPO), an organization working with Himba and related communities in Namibia and Angola. This is an indication of that awareness has been raised among both government and relevant civil society organisations. It also indicates the need for increasing the production of materials to meet the demand for information on indigenous rights.

Finally, it should also be noted that there is a high degree of mistrust between some government and civil society organizations within Namibia, in particular in regard to issues relating to the San. The root causes and details of this tension are beyond the scope of this report. However, one result is that the ILO office in Windhoek, which has the aim of facilitating cooperation, is sometimes perceived by each "side" as being aligned with the other. This has hindered some ILO efforts in Namibia. Although the ILO has consistently reaffirmed its position as a neutral body working to promote capacity for and awareness of indigenous peoples' rights in Namibia, this has not always been understood. The ILO should continue to clarify its position, to work in an inclusive way with stakeholders, to

²⁶ Nunumbe, Magreth. 2012. *Trapped on the bottom rung*. New Era, 20 August. See also Sasman, Catherine. 2012. *Indigenous rights still not secured in Namibia*. The Namibian, 17 August.

cement current relationships and to develop new working relationships with relevant government and civil society bodies.

See recommendations below on: *Networking and Steering Committee*

4.2.2.Indicators

In the environment in which the ILO PRO169 project is operating in Namibia, it is not always possible to determine whether a given change is due to ILO intervention. This is not necessarily a shortcoming; the idea that ILO should contribute to the processes already underway within the country and create a “synergistic effect” means that this ambiguity is also built into the design. However, two points are important. The first is that more could be done to measure and track changes that are brought about by activities and events that the ILO sponsors, such as training and capacity building workshops, information campaigns and publications. The second is that the ILO cannot measure success of the PRO169 project by activities and processes that were underway already when the project started. Both of these points are elaborated below.

The indicators²⁷ presented in the 2008 project document are as follows:

Immediate Objective 1 (Strengthen the San development planning and coordination capacity of policy makers in ministries and government departments):

- At least 75% of policy stakeholders targeted for capacity building show improved knowledge and capacity of IP rights Method: rigorous pre and post training assessments
- Existing plans of actions for San development in government programmes

Immediate Objective 2 (Generate greater coherence among development interventions in support of the San communities in Namibia through improved networking and knowledge sharing):

- At least 75% of stakeholders participating in knowledge sharing events report increased awareness and understanding of San development
- National working group on San rights and development meet regularly
- Number of opportunities for joint programming for San development identified and implemented
- More consistent messages on the UN’s role and activities in San development communicated to stakeholders
- Greater information flow between UN agencies on San development initiatives in Namibia

All indicators on this list came up during this evaluation and are “on the table” in terms of the national discourse on indigenous peoples’ rights, indicating that movement is happening in the direction described by these indicators and they are relevant to the overall goals. In “SMART”²⁸ terms, the indicators can thus be said to be *appropriate* and *realistic*. However, most of them are not *specific* enough to be used as reliable indicators; others are specific in ways that are impossible to *measure*. For example, it is extremely difficult to determine whether a specific percentage of any group has improved capacity or awareness in indigenous peoples’ rights, and virtually impossible in the absence of

²⁷ Although there was discussion around updating these indicators, this was never officially done; thus this evaluation refers to these from the original document.

²⁸ SMART = Specific, Measureable, Appropriate, Realistic and Time-Bound.

assessments of “policy stakeholders” targeted. As noted throughout the report, although they are *time-bound*, the shortened time period is problematic.

The second indicator under Objective one, “Existing plans of actions for San development in government programmes” is not a reasonable indicator. First, “plans of action” existed for San development in government programmes well before the arrival of the ILO PRO 169 project and is not an indicator of ILO successful intervention. Secondly, the mere “existence” of development programmes alone is not in itself a good indicator; the effectiveness, sustainability, and compatibility with community aspirations of such programmes would all need to be determined.

A similar concern appears in the case of the second indicator under objective 2, the creation of a national working group on indigenous peoples’ rights. There is currently a working group of civil society organizations, the San Support Organisations’ Association of Namibia (SSOAN) which focuses on the promotion of San rights and development; however, this was not a product of the ILO PRO169 project (see section 4.3.1, under Objective 2) and is thus not an indicator. At the same time, a strong recommendation by several interviewees was for the creation of a multi-sectoral working group composed of representatives from relevant line ministries (see concrete suggestions outlined in recommendations). ILO activity has contributed to this movement through its targeted workshops and information campaigns, although again, the impact of ILO’s intervention is difficult to measure.

The indicators on messages and communication around the UN and indigenous peoples’ rights, while generally relevant, are extremely vague. The lack of information about perceptions and communication at the start of ILO activities also makes this difficult to use as an indicator – especially as individuals within UN agencies change regularly, thus limiting institutional memory.

The third indicator under Objective 2, *number of opportunities for joint programming for San development identified and implemented*, is an example of an indicator that could be useful. Has there been an increase in joint programming for San development as a result of ILO activities? This is something that can be, and is documented, and changes could be registered (see section 4.3.1 below). Again, however – the mere existence of programmes is not enough. What is the extent to which indigenous peoples’ rights principles are reflected in programme design? This is the type of indicator that should be developed, along with a clear plan for evaluation.

See Recommendations on *Monitoring and Evaluation* and *Studies*

4.3. Has the project moved forward in achieving its goals? *Project progress and effectiveness*

The initial project document²⁹ outlines two immediate objectives and their related direct outcomes, and four long-term outcomes. The relevance of these and the extent to which

²⁹ International Labour Organization (ILO) *Promocion y Aplicacion de los Derechos de los Pueblos Indigenas: 2008-2012*. 2008. Programmea Para la Promocion del Convenio num 169 (PRO 169) PARA LA PROMOCIÓN DEL CONVENIO NÚM. 169 (PRO 169); Indigenous Peoples Local Economic Development (IP/LED).

they have been achieved is described in this section. As noted throughout this document, it should be kept in mind that these objectives and outcomes were described for a four-year period and the project has only been active for a little over two years.

4.3.1 Immediate objectives:

Two immediate objectives and their related direct outcomes are outlined in the initial project document as follows:

1. Strengthen the San development planning and coordination capacity of policy makers in ministries and government departments

Direct outcome 1: A first direct outcome of the project is increased coherence in the policy, regulatory and legal framework that constitutes the San development policy environment in Namibia, and with particular emphasis on sustainable participatory development. National policy makers and planners will have mainstreamed San peoples' rights in the context of ministerial programmes and activities.

2. Generate greater coherence among development interventions in support of the San communities in Namibia through improved networking and knowledge sharing

Direct outcome 2: a more effective coordination of the ongoing rights and livelihoods development and cross-sectoral programmes in support of the San that is undertaken by the various national and international actors, through the Government of Namibia, resulting in measurable synergies and scale effects.

Objective 1: Strengthen the San development planning and coordination capacity of policy makers in ministries and government departments.

Building capacity within government is a process, strongly linked to awareness-raising, political environments, and other external factors. One of the reports commissioned by the ILO, and undertaken by the LAC in 2010³⁰ was a general baseline study on the training needs of Namibian ministries in indigenous peoples' rights, and this report guided the training workshops for government officials in the following years. It is clear that over the two and a half years since that report, awareness about "indigenous peoples' rights" has been raised. However, there were no pre- and post-training assessments from ILO workshops, and there has been no comparative follow-up study among government officials to determine the level of awareness, or the capacity built. It is thus difficult to accurately assess: a) the level of awareness, b) how this translates into capacity to implement indigenous peoples' rights, or c) the extent to which the process is due to ILO intervention. The current evaluation is based upon self-reports by key interviewees about the extent to which they feel that the PRO169 project has contributed to raising their awareness and building capacity, and also on activity reports produced by the project.

The Office of the Prime Minister's San Development Programme was in existence before the ILO PRO169 project first began communication with them in 2008. However, the office does credit the ILO PRO169 Project with "kick-starting" its programme; and in particular with building capacity and creating documentation. Other government offices that strongly credit the ILO with their own increased capacity on indigenous issues are the Ombudsman's office and the Ministry of Justice. The strong positive responses from these government offices are indication that there exists fertile ground in Namibia for the cultivating indigenous peoples' rights principles through training, dissemination of information, and the promotion of studies.

³⁰ Jansen 2010b

The ILO-initiated and -funded 2010 report on indigenous peoples' rights in Namibia³¹ provides a baseline study for indigenous peoples' rights policies. Jansen concluded at that time (a little more than two years before the current evaluation) that, although there was potential for addressing indigenous issues, there were no current policies. The expected direct outcome of this objective – increased coherence in the policy, regulatory and legal framework and the mainstreaming San peoples' rights in the context of ministerial programmes and activities – has not yet been achieved. Today there is discussion of the creation of a regulatory framework on indigenous peoples' rights – this is a step forward (see section 4.3.2, Objective 3, and Highlight 2). This effort must be seen as a process, and although it may not fit within predicted timelines it is clear that there is movement in the direction of greater coherence within government.

Objective 2: Generate greater coherence among development interventions in support of the San communities in Namibia through improved networking and knowledge sharing:

Within Namibia over the past few years, there has been a movement both within government and civil society to create greater coherence among development interventions in San communities in Namibia. As a UN organization, the ILO has taken the approach of aligning primarily with government, through the OPM's Division for San Development. Also as described above, the ILO is working to build capacity and raise awareness among workers unions, who have attended the ILO courses in Namibia and Pretoria. Workers unions are not yet playing an active role in indigenous peoples' rights movements within Namibia. Currently, the ILO project works with relevant civil society organizations that address issues of indigenous peoples' rights and livelihood.

The San Support Organisations' Association of Namibia (SSOAN) is a voluntary civil-society organization that has been meeting since 2009; they launched their constitution in August 2012. Led by the Legal Assistance Centre (LAC), SSOAN members include UN institutions, NGOs (including international, national and CBOs), multilateral/bilateral donors, and research and training institutions (though not government institutions). The aim is for close collaboration among these members to "promote the rights of the San people in Namibia, to improve coordination of the various San support initiatives and to harmonize the approaches towards San development."³²

The SSOAN thus has goals that closely match those of the ILO PRO169 project, and the ILO has developed a relationship with both the SSOAN and the lead organization, the Legal Assistance Centre (LAC). As described above, the LAC was initially contracted by the ILO to produce three research reports in 2010³³ and this research also influenced the decisions of the LAC to conduct further research, and to strengthen the efforts of SSOAN. This indicates that the ILO has entered into an environment in Namibia in which indigenous peoples' rights are very much on the table, and that ILO activities within the country have had a synergistic effect. Although the ILO project is a member of the SSOAN, it does not financially support activities of the Network.

³¹ Jansen 2010a

³² SSOAN Constitution

³³ Jansen 2010a; 2010b; Dieckmann 2010.

Thus currently in Namibia there are three major bodies that aim to create better coordination for San development: the ILO PRO 169 project, the San Development Division of the OPM, and the San Support Organisations' Association of Namibia (SSOAN), led by the LAC. Although all three of these major stakeholders are represented in the ILO steering committee, and do meet in other forums, these three bodies themselves are not well coordinated. A fourth body, the San Council,³⁴ should also be playing a major role in coordinating efforts but is currently not well-represented on any of the steering committees, including that of the ILO project. Thus it could be said that greater coherence is needed *among those bodies seeking themselves to create greater coherence and coordination* among development interventions in support of the San communities in Namibia. The ILO is in a position to facilitate this development through promotion of a wider working group on indigenous peoples' rights, as suggested by several interviewees.

One key component of coordination of development activities is information dissemination. The lack of full access to information about the activities, projects, and outputs of organizations (government and non-, and international) appears to be a major blockage in coordination. The Division for San Development website would be the ideal base for the dissemination of studies, policy information, project reports, and other relevant data and literature. However, the current version of the website is very limited in function, is not regularly updated and does not serve as a repository / distribution site for data on indigenous peoples' rights or the San. A new web site is supposed to have been developed by the DSD with ILO support; however it is not yet up and running. The DSD claims that there are technical problems. This was an issue of great frustration expressed by involved stakeholders during this review.

See Recommendations on Networking, Working Group, Information Dissemination and Steering Committee.

4.3.2 Long Term Outcomes

The expected long-term outcomes of the project are described as follows:³⁵

1. The Namibian society will have a more positive perception of the San and their contribution to the rich cultural heritage of Namibia
2. The San will have developed stronger ties as equal citizens of the Namibian society
3. The Government of Namibia continues to develop participatory and enabling policies and practices for San development.
4. San women, men and youth will have improved access to employment and income generation opportunities

All of these long-term goals describe processes that take shape over time, and movement in a particular direction – towards greater participation of the San in Namibian public, social, political and economic arenas and greater voice in the decision-making processes of their own development. They are all ultimately about capacity-building and awareness raising among strategic sectors of society – Namibian society in general; San communities; the government and development (including both civil society organizations and government).

³⁴ The San Council is supported by WIMSA, and is represented on the ILO steering committee through them.

³⁵ ILO / ACEI Programa Para la Promocion del Convenio num 169 2008

In 2010 the ILO commissioned a baseline study in Namibian policy on indigenous peoples' rights, which can be used as a reference point for policy change, and a summary of training needs which provides an indication of capacity within government for indigenous peoples' rights, and good suggestions for improving it, but is not a baseline study.³⁶ In 2011, a socioeconomic desk study summarized existing literature.³⁷ The lack of political participation of the San, and their extreme marginalization, has been well described by various studies. The most comprehensive study is the current LAC livelihood survey, whose results will provide data that can serve as a baseline study for many initiatives.

What is currently lacking is data describing capacity for and awareness about indigenous peoples' rights prior to the ILO PRO169 project, among society in general or among particular sectors, including the San themselves. According to reports by some of the ILO's key partners, and to own-reporting by the ILO, there have been movements towards these goals as a direct result of ILO interventions. These are noted in this report where relevant.

It is also important to note that the time these outcomes were defined, it was expected that many would be achieved through the lead of the Office of the Prime Minister's San Development Programme. The role of the ILO – as described elsewhere in this report – was to create the environment for these outcomes to develop through awareness-raising and capacity building.

Long term outcome 1. The Namibian society will have a more positive perception of the San and their contribution to the rich cultural heritage of Namibia

Perceptions about the San within Namibian society are widely varied, and what constitutes a "more positive perception" also varies – this is thus a complicated outcome to assess. However, an effective strategy towards this goal includes targeted efforts with three general social groups: key individuals in government, the San leadership, and broader society. All of these general approaches and the role the ILO has played are described here.

Key individuals in government: Dr. Libertina Amathila is widely considered to have made important strides towards improving the visibility of San issues and concerns in the public discourse during her tenure as the Deputy Prime Minister. This example illustrates two important and closely linked strategies: 1) the important role that can be played by key individuals in promoting indigenous peoples' rights; and 2) the importance for a cause of having a champion within government.

The ILO is already strongly engaging in the first of these strategies through its workshops aimed at awareness-raising and capacity building of individuals in key positions in government, on the fundamental principles of indigenous peoples' rights (see Appendix D). Thus far, this approach has proved to be an effective strategy employed by the ILO to improve perception of the San. Dr. Amathila is no longer in the role of DPM, and although her efforts are often cited and she still occasionally speaks publicly on San issues, there is a need to fill the role she created. The issue of indigenous peoples' rights needs a strong champion within Namibian society (see also section 4.4).

³⁶ Jansen 2010a; 2010b

³⁷ Arowolo, Oladele. 2011, *The San in Namibia: A Socio-economic Study*. Prepared for the Office of the Prime Minister Division San Development, Windhoek, Namibia.

See Recommendations on: *Workshops, Networking and Communication*

San leadership: The underlying problem with the public discourse about San issues is that the voice of the San themselves is dramatically under-represented. A more positive perception by the Namibian society will be realized most effectively once the San themselves have a more positive perception of their communities and their own contributions to Namibia. The first long term goal is being facilitated by efforts of the ILO to raise awareness and build the capacity of the San communities and leaders themselves – in particular the San Council – on indigenous peoples’ rights issues.

Ideally, building the capacity of leaders to represent their communities on indigenous peoples’ rights issues will also contribute to the building of community capacity. However, especially given the nature of San egalitarian social structures and the challenges faced by San leaders, there is also a need to build the capacity of community members in indigenous peoples’ rights. The suggestion of extending indigenous peoples’ rights workshops in order to include communities was suggested by interviewees, with various possibilities.

Broader society: The ILO is also engaging in various strategies to promote a more positive image of San within Namibian society, including the creation of a “mobile museum” and information pamphlets, and engaging with museums to enlarge expositions and the creation of public-awareness posters; thus far these have been limited in scope and visibility; this approach could be greatly expanded upon with a “social marketing” approach as suggested by some interviewees.

See recommendations on *Capacity-building, Workshops and Information Dissemination*

Long term outcome 2. The San will have developed stronger ties as equal citizens of the Namibian society

There are currently no elected San representatives in the national government structures.³⁸ The need for government to facilitate the inclusion of San representatives is imperative. The ILO project cannot make this happen, but it has, for example, funded a San intern at the DSD. They can also continue to raise awareness about the constitutional mandate for affirmative action for previously disadvantaged groups. The ILO supports capacity building for San communities, through the training of San leadership (see section 4.3.1).

One of the major obstacles to San participation in Namibian society is the lack of ID documents³⁹ – without these one can neither claim benefits or access to services from the state nor participate in electoral processes. The Ombudsman’s office reported that they have the intention of spearheading a campaign to ensure that all San have their national ID documents. However, this process requires more than just providing the documents; it also requires training on their purpose, importance and storage. Their awareness of this issue

³⁸ Until 2010 there were two, but the former Member of Parliament did not get elected that year, and in 2012 the Regional Councilor for Tsumkwe District passed away.

³⁹ Legal Assistance Centre, Unpublished field reports from the *Study on Living Conditions of the San in Namibia*, 2011-2012.

was attributed to their increasing indigenous peoples' rights focus – which they attribute fully to the ILO project; they also hope for ILO support in the ID campaign and training.

The ILO project has engaged in these processes through its support for the Division for San Development and the Ombudsman; and through workshops conducted. The process of San developing “stronger ties as equal citizens” will be a natural result of other indigenous peoples' rights principles being met. Although there is still a long way to go, it is clear that the processes have begun and that ILO activities have contributed.

See Recommendations on: *Workshops; Policy*

Long-term outcome 3: The Government of Namibia continues to develop participatory and enabling policies and practices for San development.

According to several interviewees, the Division for San Development is currently operating through a *needs-based* approach to development, rather than a *rights-based* approach. Briefly defined, a *needs-based approach* (also referred to by some interviewees as a “social upliftment” perspective or a “business-as-usual approach”) reflects the perspective that the San are lacking something, and the government is doing them a service by responding to their immediate needs. A rights-based approach, on the other hand, views access by the San to land, education, employment, and housing as *rights* that the government has an obligation to fulfil – and furthermore, that the communities themselves have a right to define. A rights-based approach addresses structural – rather than only immediate – problems. A fundamental tenet of a rights-based approach is that of self-determination, which entails *full consultation* and community participation in decision-making processes about the implementation of projects.⁴⁰

As described elsewhere in this report, the Namibian government is in the process of developing a *regulatory framework* for indigenous / marginalized peoples' rights, following a National Dialogue and with the participation of the ILO and the Ombudsman. **This policy framework should reflect a rights-based – rather than needs-based – approach to development.**

Having accepted the UPR recommendation in 2011, the Namibian government committed to creation of the policy. The ILO has raised awareness about this commitment among stakeholders and created the space for government to move forward with these plans by sponsoring a Human Rights Training Workshop on the Rights of Indigenous Peoples. This workshop, requested by the Ombudsman, was held for their staff and for line ministries in July/August 2012. (See also Highlights 1 and 2)

Long-term outcome 4: San women, men and youth will have improved access to employment and income generation opportunities

Lack of employment and viable income-generation opportunities for San women, men and youth is still a major problem in Namibia and was noted as a serious concern by several

⁴⁰ For a concise and helpful description of a rights-based approach to development see the UNFPA website: <http://www.unfpa.org/rights/approaches.htm>. For a good comparison with needs-based approaches, see also Boesen Kirkemann, Jakob and Tomas Martin, *Applying a Rights-Based Approach: An inspirational guide for civil society*. Copenhagen: The Danish Institute for Human Rights (2007 – pdf available on line).

interviewees. The role of the ILO project is to develop an enabling environment and appropriate strategies to improve the San's access to employment and income-generating opportunities, rather than actually to "deliver" these opportunities. The Technical Cooperation Agreement with Namibia, points out that "[t]he promotion of self-employment in non-traditional service sectors is one avenue for the San to work their way out of poverty."⁴¹ The document goes on to provide suggestions for a range of potential non-traditional employment opportunities – most of which describe land-based approaches. Income generation for San communities has proven problematic throughout the southern African region, and land-based livelihood strategies, including those related to tourism and wildlife management have generally shown to have the highest potential.

The ILO's main implementing partner is the Division for San Development (DSD), which does have a major focus on income generation projects. However, many of those implemented by the DSD have proven not to be sustainable, and a reported lack of community consultation in the development of these projects came up repeatedly during the interviews. According to several interviewees, a shift is needed from the current approach of providing *income generation projects* to one of *promoting realistic livelihood strategies*. This, however, requires change in mentality and must include a strong emphasis on consultation (what kinds of livelihood opportunities do San communities see as realistic and meeting their aspirations?).

Gender-specific approaches: The entire PRO169 programme is designed to address deep-seated and systemic discrimination against a particular ethnic group. Although there has not yet been a concentrated focus on gender-specific concerns within the project, neither is the approach gender-neutral or gender-blind; for example, the socio-economic study commissioned by the ILO in 2011 included a chapter on gender. There is recognition that in some cases the needs of San men and women need explicit and separate attention. Virtually all of the ILO civil society partner organizations have programmes that include a focus on gender; for example WIMSA has gender-specific support and training programmes, and the extensive Legal Assistance Centre livelihood study has included gender as one of its primary categories of analysis. When this study is complete it will provide a good basis for the creation of gender-specific approaches where necessary.

There is much opportunity for the ILO to develop gender-specific approaches, and to work together with existing programmes – in particular when addressing issues of livelihood as described above. The UN country programme has gender-specific income generation programmes, and the ILO could and should develop closer cooperation with these. UNESCO in particular is working with San women, providing training courses on skills that can be used for income-generation. A notable effort is the Community Skills Development Foundation (COSDEF), which includes 3 UNESCO-supported programmes targeting San communities; one of these is a bricklaying course in Gobabis specifically for San women.

Livelihoods: The long-term objective of improving access to employment and income generation opportunities for San women, men and youth is a crucial one, especially considering the fundamental purpose of the ILO. A change in the wording of this objective to emphasize *livelihood*, however, rather than income-generation, would signal a shift in focus that matches indigenous-rights principles. Strengthening partnerships with existing

⁴¹ AECID – ILO 2008, p4.

livelihood support programmes specifically targeting San communities and/or specifically San women, would provide the opportunity to ensure that indigenous peoples' rights principles are incorporated into the design and functioning of such projects.

4.4 What has limited achievement of goals? *Main obstacles encountered*

Several obstacles were identified in achieving the **foreseen outputs and objectives**; these are inter-related:

- a) Lack of official discourse on indigenous peoples in the country (the government only talks about *marginalized* peoples).
- b) Lack of understanding among key stakeholders about ILO objectives and strategies
- c) Difficult relations among key partners in government and civil society
- d) Low profile of the ILO PRO169 Project, and indigenous rights, within Namibia
- e) Length of time required for government decision making processes / change perceptions.
- f) Lack of time in which to fully develop processes begun within the country (partially due to delay in starting project) and to respond to the challenges described here.

Although the design of the project is viable, these obstacles – which were not fully realized at the start of the project – created some challenges to the functioning of the ILO project in Namibia. The ILO has addressed these obstacles in different ways, some of which have been effective and some that have not yet been. The lack of official discourse about “indigenous peoples” has led to the use of the terms “indigenous / marginalized” by both government and the ILO when jointly creating materials or promoting events. Although this has worked, the lack of clear distinction between these terms masks some important aspects of the indigenous peoples' rights. Despite clear iteration of the ILO objectives and strategies in the Technical Cooperation agreement with government, and other documents, there are still several misunderstandings among key stakeholders as to the role and function of the ILO. Tense relations among key stakeholders have also impeded effective communication.

A recent and effective strategy that addresses all of the obstacles has been to cultivate effective relationships with other important partners. Most notably, relationships with the Ombudsman's office and with the Human Rights Documentation Centre (HRDC) at the University of Namibia (UNAM) have been positive and fruitful. These bodies have mandates to address human rights issues, from complementary angles, and both accept the term and concept of “indigenous” and associated rights.

The low profile of the ILO project office in Namibia, though identified as an obstacle, is in part a deliberate component of the strategy. The PRO169 programme does not seek to direct activities of either government or civil society organizations but rather to facilitate and support efforts already underway. However, the social transformation that the ILO seeks to bring about is one that requires a strong presence – even if its position is not on centre stage. Some interviewees felt that the housing of the ILO office within NGO offices contributed to misperceptions, and has decreased the effectiveness of ILO efforts.

Finally, and importantly, the time frame in which the project has had to achieve its objectives is seriously limited. The delay in start means that the project has been functional for only a little over two years at the time of the evaluation. This time period is

too short to expect to achieve many of the objectives set out – in particular those that have to do with changing peoples’ perceptions, and with government structures and policy. Both of these processes require substantial periods of time in order to either take root (in the case of perceptions) or go through the required processes (in the case of developing structures and policies). The expectation that these process-based objectives can be achieved within two years is unrealistic.

One suggested strategy to overcome many of the above obstacles is to identify an individual who could act as an advisor or champion for indigenous rights in Namibia, filling the role that Dr. Libertina Amathila previously played. This person should be someone who enjoys a high level of respect and prominence within the country and who is not politically controversial. The individual should have a good understanding of indigenous peoples’ issues and rights, and consider them as a priority for Namibia. As emphasised throughout this report, the processes (such as development of the regulatory framework) need to take place within government; the role of outside organisations is limited to that of “facilitator”. A strong advocate and/or a champion who is able to promote indigenous issues effectively within government circles and the media, would help ensure both that these processes move forward through the government channels, and are understood by the wider public.

4.5 What has helped to achieve the goals? *Facilitating factors*

Primary factors facilitating achievement of project objectives include the following:

- a) Correspondence with other national efforts (OPM; LAC)
- b) Good relationships that have been developed with certain key stakeholders
- c) A national environment open to dialogue on indigenous issues
- d) Correspondence with international human rights observer visits and other attention to IP rights within the country
- e) The country has endorsed the UNDRIP and ratified other Human Rights instruments
- f) Progressive constitution and policy environment

A major factor that has facilitated achievements is that the ILO project is operating in tandem with other national efforts. For example, as noted above, both the OPM and the LAC were moving in directions which paralleled those of the ILO PRO169 movement at the time when the programme identified Namibia in 2008, and both continue to share many common goals. Although the ILO project has not been able to exploit this opportunity fully, they have benefited from and contributed to the general direction within the country seeking greater understanding of and attention to indigenous peoples’ rights issues.

Although *lack of understanding* is listed in the section above as the primary general obstacle, the reverse is also true: The important successes of the ILO project are also based on good relationships and mutual understanding with some key partners. This has included, especially in the early stages, the OPM San Development Programme, the LAC and WIMSA; notable new partners include the Ombudsman’s office and the Human Rights Documentation Centre of the University of Namibia. A sense that the ILO shares common goals with key role-players has resulted in effective collaboration on capacity-building workshops – which all involved stakeholders interviewed agreed were extremely important, necessary, and successful.

The recent visits of international Human Rights observers, in particular the Universal Periodic Review in 2011 and the visit of the Special Rapporteur on Indigenous Issues (September 2012) have provided an ideal opportunity for the ILO to coordinate their activities to support and respond to concerns and recommendations raised by these observers. Finally, the country has endorsed several relevant international agreements, including UNDRIP, and their constitution and current policy environment leave clear space for the development of a regulatory framework on indigenous peoples rights.

4.6 What strategies have worked the best? *Effective Mechanisms*

By far the most effective mechanisms used by the PRO169 project to promote the inclusion of indigenous peoples' rights principles in Namibian policies and development agendas as reported by interviewees in this evaluation was the *workshops* that have been conducted both in Namibia and in Pretoria (See table of workshops, Appendix D).⁴² Additional capacity-building efforts targeted at key stakeholders such as the Ombudsman and the San Council were also identified as having greatly improved understanding of indigenous peoples' rights and how they could be used in Namibia.

The production of documents, such as the Handbook on Indigenous peoples' rights in Namibia – commissioned and published by the ILO, and released by the Ombudsman's Office – was also identified as a well-timed and well-received output. Often, these three mechanisms complement each other, as illustrated by the description of the launch of the Ombudsman's booklet, described in Highlight 3.

4.7 Have intended audiences received the ILO messages? *Awareness-raising*

The ILO was credited by key stakeholders with both awareness-raising and capacity-building on indigenous peoples' rights issues targeted at government officials, most notably: the Ombudsman's office, the San Council, and the Human Rights Documentation Centre at the University of Namibia UNAM. It should be noted that both the Ombudsman's office and the HRDC were not previously specifically addressing either indigenous peoples' rights or San issues, and they credit the ILO efforts with developing their focus on these issues. The San Council is perhaps the body within the country currently most in need of strengthening on indigenous peoples' rights issues. Sponsoring indigenous peoples' rights workshops specifically for the San Council was reported by stakeholders to be an important achievement of the ILO.

The ILO also collaborated with the Division for San Development to hold a *National Marginalised Community Information Day* for Parliament on 22 November 2011; for Indigenous Peoples day on 9 August 2012 the ILO ran an informative advertisement in Namibian newspapers. Plans for the publication of info-comics aimed at the general public are currently underway.

See Recommendations on *Information Dissemination and Workshops*

⁴² Although some stakeholders have also attended workshops in Turin, these were not noted specifically during this evaluation as having had a positive effect.

4.8 The PRO169 project and the other ILO projects/ UN agencies in Namibia

The Decent Work Country Programme for Namibia (DWCP), 2010-2014, provides the umbrella framework under which the ILO PRO169 project is operating. The Namibia DWCP was formalized in a MoU signed between the ILO and the Minister of Labour and Social Welfare in June 2010. The PRO 169 project (implicitly) falls under Priority 3 on *Social Dialogue*, and in particular output 7.2 “Capacity of labour administration and the constituents to comply with international labour standards and obligations is strengthened”, activity 7.2.1: “Public officials and the social partners on ILO Conventions sensitized”(sic).⁴³ Sensitization about indigenous issues is indeed one primary focus of the PRO169 project in Namibia. However, it is not the only aspect of the project, and the fact that there are no specific references to indigenous issues either here or elsewhere in the main body of the DWCP merits some discussion.

The DWCP was drawn up before the opening of the PRO169 Office in Windhoek (and thus without the participation of the PRO169 project staff). The only mention of indigenous peoples within the document is a brief description of the (then) San Development Programme (SDP), which is included at Annexure 2, under the heading “Response from development partners”. The DWCP Annex justifies ILO support for the government’s SDP based on the ILO Convention No. 169 which, it notes, “covers a range of issues including land rights, access to natural resources, health, education, vocational training, conditions of employment and contacts across borders...Most of these issues are, either directly or indirectly, central to the Decent Work Agenda.”⁴⁴

The DWCP for Namibia fails to explicitly include action to address indigenous peoples’ rights under any of its three country priorities, and ten associated outcomes. While this might appear as somewhat surprising to an outside commentator, it is consistent with the earlier assessment (section 4.1.3) that the project has not yet fully engaged the ILO’s social partners on “indigenous” issues. Furthermore, at the time of drafting the DWCP, between 2007 and 2009, it is the understanding of the evaluator that the ILO Constituents were receiving no, or at best very limited, support from ILO on indigenous issues. The fact that indigenous peoples and their issues were barely mentioned in the text is therefore perhaps understandable.

Nonetheless, the opinion of the evaluator is that this represents a missed opportunity for the ILO, for the government of Namibia and for the San peoples. These populations have been marginalized *largely because of their land-based subsistence strategies* – and are in need of *targeted livelihood support*. A critical aspect of indigenous peoples’ rights – and a major concern for the San and other indigenous peoples in Namibia – is access to appropriate livelihood strategies and fair working conditions. Such support could have been integrated within the DWCP framework. It is recommended that indigenous peoples’ concerns be fully integrated into the next Decent Work Country Programme for Namibia.

One notable exception to the lack of cooperation between the PRO169 project and other ILO projects/activities in Namibia is the collaboration between it and the Child Labour

⁴³ Namibia DWCP 2010-2014, page 20

⁴⁴ DWCP 2010-2014, page 33

Programme to produce a study on child labour among the San populations in Namibia. This study has been finalized and is with the Ministry of Labour, awaiting the endorsement of the government.⁴⁵ However, although important, this study does not represent any coherent approach to indigenous issues within the ILO framework in Namibia, and does not change the overall assessment: as it now stands, there appears to be something of a disconnect between the PRO169 project and the broader ILO engagement in Namibia.

A similar situation exists with the UN Development Assistance Framework. The Technical Cooperation Agreement with AECID notes UN Country Team initiatives with direct relevance for San communities, such as the Joint Gender and Development Programme and the Sustainable Cultural Tourism initiative. Although there has been some communication between the PRO169 project and the responsible UN Agencies in Namibia, according to both the ILO Pretoria and Windhoek offices, there has been little cooperation. The UN Country Team (UNCT) report for 2011 lists among its goals for 2012 the strengthening of human rights capacity.⁴⁶ The strengthening of indigenous peoples' rights capacity as described in this evaluation fits clearly within this goal. The 2011 report also indicates that the ILO began attending UNCT meetings, and expressed an interest in becoming a full member of the Country Team, and to have offices within the UN complex. However, the ILO is not a UN resident agency in Namibia.

There has thus been minimal cooperation between the PRO169 project and other ILO and UN initiatives; furthermore, "indigenous peoples' rights" has not been a focus of these other programmes and projects. Global experience shows, however, that without this specific focus, indigenous peoples' issues are *not* adequately addressed. This is thus a problematic omission within the DWCP, and more generally within the UN Country Programme in Namibia, that has hindered PRO169 project progress and impact.

In conclusion, there should be much greater cooperation with other ILO projects and other UN Agencies, and there is room for more cooperation with civil society development partners as well. In particular, collaboration could and should be strengthened around the facilitation of appropriate livelihood strategies for San communities, and the application of indigenous peoples' rights principles – in particular regarding consultation with communities – to projects addressing *livelihood*.

Ultimately, the PRO169 project will contribute to the Decent Work Country Programme by creating the space to address indigenous peoples' rights – many of which are directly related to the need for appropriate and relevant livelihood opportunities.

5. How was the project managed? *Adequacy and efficiency*

The initial project budget commitment to Namibia was 500,000 Euros; however by the time of the opening of the Windhoek office and the start of project activities, AECID had increased its total commitment to the project, and the amount for Namibia became US\$ 919,704 up to the end of December 2012. Of this, about US\$ 600,000 had been spent at the time of this evaluation and the project had been granted a no-cost extension for 2013, during which the remainder of the funds could be used.

⁴⁵ Child Labour and San Peoples in Namibia: An Overview Assessment, 2011

⁴⁶ UN Country Team report 2011

5.1 How were the funds spent? *Efficiency of resource use*

It was originally envisaged that funding for the project would be renewed for an additional 4-year period from 2013–2016. It was thus recognized from the start that the ILO PRO169 project was engaged in a process that could require up to 8 years to take root within the country – and the donor AECID was willing to see this process through. Unfortunately, the current financial crisis in Spain has limited its ability to do this. The unintended result is that the time and the funding to support the process that has begun have both been cut short. With the no-cost extension, the total period of project activity will be about 3½ years.

The expenditures thus far seem appropriate and project results appear to be proportionate to the scale of financial investment. The biggest single expenditure item is the salary of the national coordinator, which was clearly an essential expense for the project to be able to operate. It should be noted that the salary for two and a half years has amounted to only approximately 15% of the total budget.⁴⁷ Workshops are the second biggest expense, and have been identified in this evaluation as the most successful aspect of the project. There do not appear to have been any unnecessary project expenditures; on the contrary, it is careful budgeting by both the Pretoria and Windhoek offices that has allowed for the extension of the project in 2013 and for on-going support to the creation of the regulatory framework on indigenous peoples' rights. However, these funds are limited and the project activities will clearly be constrained if new sources of funding are not found. **The creation of a regulatory framework is a top priority, and it is recommended that available funds be directed towards this purpose where possible.**

5.2 Communication and Decision-Making: *Effectiveness of management arrangements*

ILO stakeholders in Geneva, Pretoria and Windhoek indicated that communication between the offices was positive and effective. Given the multiple levels involved, however, there are times when decision-making processes have been slow. The project currently receives support from national partners and input into decision-making through a steering committee chaired by the DSD, which meets at the OPM offices. This committee also includes representatives from the ILO, WIMSA (also representing the San Council), AECID, and the SSOAN (3 representatives). These meetings are widely seen as not being effective places for decision-making and strategic planning. The steering committee chair is also deputy mayor of Windhoek. As he and others reported, he sometimes needs to prioritize his duties for that position over that of the business of the ILO PRO169 steering committee. This is not ideal for the project, and the structure and composition the steering committee should be revisited (See recommendations). Support from other partners includes the Ombudsman, UNESCO, the HRDC, and the Ministry of Labour.

Until now, the project has not set up effective monitoring and evaluation systems in order to monitor project performance and results. There has been one mid-term review, but this was conducted only a few months after the programme had become active. Better on-going monitoring and evaluation procedures would facilitate communication and decision-making processes.

⁴⁷ Approximately US\$140,000 out of a total budget of US\$919,000.

6. What are the lasting achievements of the project? *Impact, sustainability and lessons learned*

An overarching aim of the PRO169 programme is to mainstream the rights of indigenous and tribal peoples in national public policies and development strategies. Ultimately, the Division for San Development is the stakeholder that is best positioned to ensure the sustainability of this effort. As described above, the DSD is not currently operating within a rights-based framework for development. However, as noted throughout this report these efforts are part of a process, and by working a variety of different stakeholders in various sectors of Namibian society, the ILO is increasing the likelihood that the changes they seek will become firmly rooted in Namibian institutions, policy, and public discourse. The relationship with the Ombudsman has been very effective (see also Highlight 3).

One of the most fundamental rights of indigenous peoples is that of self-determination – the ability of San communities and individuals to define for themselves their development and participation in national political and other institutions. Both the difficulty of measuring this goal, and an indication that it is being achieved, are both reflected in the following quote by the San Council chair:

Sometimes you will not really *see* what people have done – but the ILO has put a bit of light into our minds – they help us know how to speak for ourselves with the conventions that are there.

To the extent that the rights of indigenous and tribal peoples will be fully met when these peoples are advocating for their own rights, this quote is an important reminder that not all aspects of this long-term objective are easily measurable.

6.1 Main achievements of ILO PRO169 in Namibia

Despite the limitations described above (especially time limitations), according to many stakeholders the project has played a critical role in increasing awareness of indigenous peoples' rights in Namibia, and increasing the capacity of key stakeholders in that area. It appears that momentum in this area is building, and that the movement towards the development of a regulatory framework is in part a result of these increases.

In particular, successful elements of the project as reported during the evaluation fieldwork included the following (main strategy components in bold):

6.1.1 ***Raising awareness of “indigenous peoples’ rights” within both government and civil society.*** Although there is still much to be achieved in this area, and many misunderstandings to be overcome, over the past two years the concept of “indigenous peoples’ rights” has made its way into the national discourse. This is not due solely to the efforts of the ILO, but stakeholders report that the PRO169 efforts have played a central role. This also indicates that Namibia was an appropriate choice as a project site.

6.1.2 ***Capacity Building – Training workshops and advanced courses about Indigenous peoples’ rights:*** Again, capacity in indigenous rights is still low; however very many stakeholders emphasized the positive impacts of recent training workshops,

including those in Pretoria (September 2011/ October 2012) and in Windhoek (2010-2012). In particular, several stakeholders (including one San Council representative) reported that the capacity of the San Council leaders is beginning to be built, and expressed hope that training would continue (see Appendix).

- 6.1.3 **Policy** – *support for the creation of a regulatory framework on indigenous rights in Namibia*: As described above (especially in Highlight 2), this has been a very important aspect of the PRO169 project that is moving forward.
- 6.1.4 *Collaboration between the ILO and the Ombudsman's office to launch Indigenous peoples' rights guide booklet*: This launch has a synergistic effect (see Highlight 3) The Ombudsman's office is in the process of expanding its functions and in adding an advocacy component to its current work. The office is very positive about indigenous peoples' rights, and they credit the ILO with building their capacity in that field.
- 6.1.5 *Cooperation and synergy with other international indigenous peoples' rights efforts*: In particular with the Universal Periodic Review (see Highlight 1) and the Special Rapporteur on Indigenous Peoples' Rights.
- 6.1.6 *Contributing to a regional dialogue on indigenous peoples' rights and a model that can be followed by other regional actors*: The South African government has specifically requested support from the ILO on indigenous peoples' rights.
- 6.1.7 *Potential for ratification of C169*: According to government interviewees and the DSD website,⁴⁸ the process for the ratification of the ILO Convention 169 has been initiated and is taking shape within government channels.

6.2 Social Partnerships: *Participation and Ownership*

As noted above in section 4.1.3, the ILO usually works through its unique tripartite structure of government, employers' organizations and workers' unions. In Namibia, although unions are included in training, the primary civil society partnerships have been with non-government organizations specifically focusing on San livelihood, development and rights issues. Indigenous peoples themselves are the ultimate targets of the project; however as noted above there is a relative dearth of indigenous peoples in decision-making positions in Namibia. The approach of the ILO PRO169 project has been to create the space for community ownership, while other stakeholders are doing more work "on the ground". Thus there is currently very little "ownership" of the project by San communities or leaders; but any expectations that it would be otherwise at this point are not realistic. The ILO is working in the right direction by providing indigenous peoples' rights training for community leaders.

As noted above, both civil society organizations and government were already engaging in similar processes when the ILO project began; these organizations take ownership of their own processes and also participate in ILO decision-making processes through the Steering committee. In particular, the Ombudsman's office has taken full ownership of their

⁴⁸ <http://www.sanddevelopment.gov.na/foreword.htm>

responsibility to incorporate indigenous peoples' rights into their approach and is actively working to build their own capacity, with assistance of the ILO.

6.3 Can this project be replicated, up-scaled or mainstreamed?

Namibia was chosen for its potential to provide a model for promoting the principles of C169 in Africa. The basic design of the project – supporting local processes, building capacity, raising awareness and focusing on policy – is both far-sighted and flexible and could be replicated within southern Africa. Notably, the Namibia project has provided inspiration and a potential model for a South African approach, though this will take shape within the existing institutions in South Africa and according to their processes.

6.4 Is the project sustainable?

As noted throughout the report – the shortened time frame has not been long enough to bring the PRO169 project fully to a sustainable point. Currently there are no national stakeholders ready to fully take over the role that the ILO is playing. Neither the OPM nor the Ombudsman's office currently has the funding or the technical capacity to do so, by both their own assessment and that of others.

However, the ILO capacity-building process has achieved a great deal in the past two years and if the process is continued, improved and built upon, the national capacity should reach much more sustainable levels in the near future. Furthermore, the expected creation of a policy framework on indigenous issues (slated to begin in early 2013) will provide the necessary structure for a comprehensive national approach to indigenous peoples' rights, on the part of national stakeholders. Good regional relations, in particular with South Africa, should also provide a source of support and a mutually reinforcing partnership on indigenous issues with Namibia, adding to sustainability of the indigenous peoples' rights movement in Namibia.

See Recommendations on: *Networking and Workshops*

6.5 Lessons learned

The past two years of ILO PRO169 activity in Namibia have seen the project through the steep part of a learning curve. The lessons learned during this time have relevance for future project implementation in Namibia, and broader strategic implications for the overall PRO169 programme, particularly in Africa.

- 6.5.1 *Partnerships within government:* On-going networking and developing of strategic partnerships is of critical importance. In particular, strategic partnerships with key individuals within government are important.
- 6.5.2 *Need for national Policy:* Equally important is simultaneously working to create permanent structures and policies that do not depend upon individuals.
- 6.5.3 *Clear communication:* The approach of the ILO is not always immediately understood, and there is a need for clear communication about its role and approach.

- 6.5.4 *Awareness of political sensitivities* within Namibia, as with any country, and the need to avoid misperceptions.
- 6.5.5 *Importance of understanding and balancing existing relations between stakeholders* while simultaneously cultivating a wide variety of relationships in order to work with the most strategic partners at particular points in time. It is important for the ILO to try to remain neutral in conflicts between stakeholders – though perceptions of alignment may be unavoidable.
- 6.5.6 *Need for higher profile* of ILO, and/or more effective lobbying, to ensure that indigenous rights are understood by the public and the government as a pressing human rights issue.
- 6.5.7 *Recognize that implementation is part of a process*, and thus needs a longer time investment. In particular, there is a need to allow time for ownership to take root both within government, and within civil society.

7. Recommendations

Interviewees provided a number of important recommendations during this evaluation, and several others became evident during analysis of the data. At the time of the evaluation, the possibility of securing additional funding to continue the project in 2013 and beyond was still under discussion, and so it was conducted with the perspective of also providing recommendations for a (possible) second phase of the project.

At the time of writing, additional project funding has not yet been secured. The recommendations below reflect what is considered as necessary by this evaluator, based on the input of stakeholders and analysis of the data, in order to achieve the objectives of PR0169 in Namibia. Ideally, all of the recommendations below should be acted upon; however, it is clearly not possible for the ILO PR0169 project to undertake all of them within the remaining time frame and budget (i.e. the no-cost extension to the end of 2013). Even if it were possible, however, this would not be sustainable. The purpose of the ILO project is to encourage an environment in which indigenous peoples' rights can be integrated into Namibian policy and the principles are understood and respected in society as a whole. For this to happen, many national stakeholders must be engaged and take on the responsibility themselves.

In light of the above, this section includes recommendations directed not only at the ILO, but also for other involved stakeholders. Some of the recommendations will be most appropriately taken up by the ILO project; those that would be better taken up by government, NGOs, or other donors are also identified. Section 7.1, General Recommendations, includes overarching recommendations that are not specifically time-bound, but define the overall approach that needs to be adopted. Sections 7.2 – 7.9 are organized topically, with sub-recommendations for each topic. Recommendations (or sub-recommendations) that should be prioritized for action in 2013 are marked **in bold**.

7.1. General Recommendations:

The ILO programme should continue to nurture the processes it has started in Namibia and to seek new and effective strategies for creating an environment in which indigenous peoples' rights – especially *consultation* in general – can be mainstreamed into Namibian policy and development processes at all levels. **The ILO project's overall efforts towards this aim should include the following:**

- a) Continued support for the development of a regulatory policy framework
- b) Relationships with all stakeholders should be strengthened
- c) Networking should be a continuous priority
- d) Strengthen collaboration with existing efforts, in particular those having to do with livelihood
- e) Continue developing good regional networks on indigenous peoples' rights – firstly between South Africa and Namibia
- f) Communications and information dissemination should be improved
- g) The structure of current advisory / steering committees, and the potential to form others, should be reviewed
- h) Capacity-building efforts like workshops should be continued, localized and targeted
- i) In particular – capacity building of San Council and San communities should be prioritized
- j) The profile of indigenous rights efforts in Namibia, including the ILO project, should be raised
- k) Assessment of changes in indigenous rights understanding and capacity should be incorporated into all ILO events, and overall monitoring and evaluation should be improved
- l) Support for, and conceptualization of, and carrying-out of relevant studies
- m) **It is imperative that efforts be made by ILO to secure additional funding for continuation of processes initiated by the project, in order not to lose the momentum achieved thus far.**

7.2. Improved Coordination and Networking – Priority for ILO 2013

There are a number of human/indigenous peoples' rights efforts taking shape in Namibia, both as a part of long-term efforts and on an ad-hoc basis. This is an indication of the increasing interest in the field of indigenous peoples' rights, and a more pressing need for good coordination in this field. *Currently there is a serious lack of coordination among various development efforts targeted at San communities.* The ILO is not in a position to take a leading role in forming new bodies (see 7.7 below). However, the ILO can and should seek to facilitate such coordination where possible.

During 2013, the PRO 169 programme should seek to improve coordination in two areas in Namibia – *indigenous peoples' rights* and *livelihoods*. In addition, the Programme should continue to facilitate good regional networks on indigenous peoples' rights, especially as South Africa becomes a stronger player in this field.

7.2.1: Indigenous peoples' rights

The ILO PRO169 programme should *not* seek to become “gate-keeper” on indigenous peoples' rights discussions. However, better coordination in the field of indigenous peoples' rights will ensure that efforts complement each other and are more efficient in

both time and resource use. The ILO should improve coordination particular with the following partners:

- a) SSOAN – on workshops conducted on human rights and on San Council training
- b) LAC – around studies conducted on relevant issues
- c) The OCHCR – around workshops on human / indigenous peoples' rights
- d) Other ILO programmes active in Namibia, in particular Child Labour; integrate indigenous issues into the next Decent Work Country Programme
- e) Other UN organizations working with San communities
- f) Labour Unions within Namibia

7.2.2 Livelihoods

A stronger focus on the connection between livelihood issues and indigenous peoples' rights would be in keeping with the overarching goals of the organization. A shift in emphasis from "income-generation projects" to community based sustainable livelihood options should be generally woven into the ILO approach.

Cooperation / networking with the following initiatives is suggested:

- a) Legal Assistance Centre livelihood study: promote dissemination of results – especially as a reference for project, programme and policy development
- b) Community Skills Development Centres (COSDEC/UNESCO)
- c) UNESCO skills development programmes
- d) MDG-F Community tourism initiatives

7.2.3 South Africa and the region

The ILO PRO169 office in Pretoria has already been very active in supporting the indigenous peoples' rights movement within Government in South Africa. Continuing to facilitate relationships between the relevant bodies in each country will be a source of mutual support; and the creation of international partnerships will increase the sustainability of the current ILO PRO169 efforts.

7.3. Information Dissemination – Priority for ILO 2013

The ILO office urgently needs to develop coherent strategies for the dissemination of information about indigenous peoples' rights in general, and also about the role of the ILO. The issue of indigenous peoples' rights is a topic of increasing interest internationally and within Namibia, and many stakeholders are seeking clarification and accurate information about indigenous peoples' rights issues. The ILO is well-positioned to support this communication and can do so in several ways. All of the below could realistically be done in 2013; the most urgent needs are highlighted.

- 7.3.1 **Encourage the new DSD website to become active as soon as possible.** If DSD website cannot be up and running very soon, the ILO PRO169 project should make *interim arrangements* to provide on-line access to a wide variety of indigenous peoples' rights documents; and/or to circulate the documents widely in other forms.
- 7.3.2 **Continue to provide support for public awareness campaigns**, including pamphlets, posters, info-comics, papers, exhibitions and so on that promote positive awareness about indigenous peoples' rights.
- 7.3.3 **Develop better communication channels with the UN Country Office** on indigenous peoples' rights and the way that they are relevant in particular areas

- 7.3.4 Continue to take advantage of a variety of venues to promote awareness of indigenous peoples' rights.
- 7.3.5 Explore new venues to promote indigenous rights, including "social marketing campaigns".
- 7.3.6 Diversify and localize workshops in partnership with other stakeholders, see below.

7.4. Project Steering Committee – Priority for ILO for 2013

It is recommended that the ILO PRO169 project broaden its steering committee. This was also a recommendation of the midterm report, and the Steering Committee was expanded to include the three sub-committees of the SSOAN. Including additional members is again advised. Suggestions from stakeholders included the following:

- 7.4.1 **The Steering Committee should be broadened** to include important new partners, such as the Ombudsman's office, and others.
- 7.4.2 The current director for the Division for San Development should be consulted as to whether this office wishes to continue to chair the Committee.

7.5. Profile of Indigenous Rights – Priority for ILO 2013

The social transformation that the ILO seeks to bring about is one that requires a strong presence – even if their position is not on centre stage. In general, many interviewees felt that in order to effectively work on the issue of indigenous peoples' rights, the ILO office should have a higher profile. This does not have to mean more direct visibility; the most important issue is to be able to lobby effectively. Specific suggestions for ways to improve profile / lobbying efforts included:

- 7.5.1 **Finding an individual that can act as an advisor or champion** for indigenous rights in Namibia. This should be someone who has an understanding of indigenous peoples' issues.
- 7.5.2 If funding for continued office operations is secured, the possibility of housing within the UN complex should be revisited.

7.6. Workshops and Capacity-building – Priority for 2013 and thereafter

As noted in the evaluation, the training workshops and courses received positive reports from all interviewees who attended. It is recommended that the following workshops be held as soon as possible, with the outputs recommended below.

NOTE: assessment of participants' indigenous rights awareness and capacity should be incorporated into all workshops (see 7.7.1, below).

7.6.1 *Advanced Seminar – Priority for ILO 2013 : Recommended Outputs*

The ILO has already planned to conduct an *Advanced Seminar on Indigenous Peoples' Rights in Namibia* in 2013, following the model of the course held in Pretoria in 2011 and 2012, though with a focus on Namibia-specific issues and targeting Namibian stakeholders. **This course should include the following as outputs:**

- a) **the identification of the appropriate structure and membership for an Advisory Committee on indigenous peoples' rights in Namibia, and ideally the formation of such a body (see 7.7 below).**
- b) **concrete steps for moving forward with the regulatory policy framework on indigenous issues.**

7.6.2 Recommended workshops and trainings – Multi-stakeholder

The ILO should partner with other relevant bodies to organize workshops / training on specific topics. **In particular work with the San Council and San communities should be prioritized.** Although it is not realistic for the ILO to coordinate all (or even most) of the following in 2013, they should find ways to support other stakeholders in doing so. Areas for consideration and potential partners include:

- a) Workshops for San communities on indigenous peoples' rights (Ombudsman, WIMSA, LAC)
- b) Workshops for San community representatives on ID documents (Ombudsman; as part of national document campaign)
- c) Free Prior and Informed Consent (Ombudsman, LAC, DSD)
- d) Education and livelihood rights (UNESCO, Ministry of Education, DSD)
- e) Exploitation in labour including Child Labour (Ministry of Labour; ILO; DSD; LAC)

7.7. Evaluation and Monitoring

There is an urgent need to develop a clear Evaluation and Monitoring process for the ILO PRO 169 programme overall, and specifically for the project in Namibia. Although the project is nearing its end, there are still opportunities to incorporate mechanisms of evaluation and monitoring into aspects of the project; notably workshops (7.7.1):

- 7.7.1 **Assess the impact of training workshops and capacity building on human / indigenous rights – *this should be incorporated into every training event.***
- 7.7.2 Develop comprehensive evaluation and monitoring mechanisms for the overall project
- 7.7.3 Develop surveys or other studies to track changes in perceptions on indigenous peoples' rights (see 7.9 Studies, below)

7.8. Studies – Priority for 2013 and Longer-Term

Throughout the evaluation period, there were several suggestions for on-going or further study of indigenous peoples' rights implementation in Namibia. These are grouped below to indicate those that are most realistic to conduct during the current extension of the project in 2013, and led by the ILO. Others would be more effectively led by other stakeholders, but they are relevant to indigenous rights issues and the ILO should support them to the extent possible.

7.8.1 Priority studies for ILO for 2013:

- a) **The ILO should support the current extensive and important LAC livelihood survey (scheduled for completion August 2013), including open sharing of data and information and the promotion of the results of the study to other ILO partners.**

- b) **Analysis of media and other public portrayal of indigenous peoples rights and the San in Namibia since independence**, to determine recent trends in public opinion and political will, and how to best build on / respond to these.
- c) **Commissioning of studies needed to contribute to the formulation of a coherent indigenous peoples' rights regulatory policy framework**. The upcoming Advanced Course should identify what is needed in order to develop a comprehensive and effective framework, including specific studies (see also 7.6)
- d) **Baseline study on FPIC**: The Ombudsman's office emphasized the need for a reference document on *Free Prior and Informed Consent* (FPIC) describing what regulations currently exist in Namibia, and what is recommended and internationally acceptable, and which could be used for the development of a policy on FPIC for indigenous peoples. This should be conducted in collaboration with the office of the Ombudsman.

7.8.2 Other studies recommended to be led by other stakeholders:

Other stakeholders should lead the following studies, which should be supported by ILO where possible. All of the following are relevant and important to indigenous rights issues and should be undertaken as soon as possible:

- a) **Revisit support for a San intern** at the Ombudsman's office to study the implementation of international indigenous peoples' rights mechanisms.
- b) **Development of mechanisms to track national awareness** of and sensitivity to indigenous peoples' rights issues, including surveys and/or media tracking studies
- c) **A study of San leadership traditions**, and current obstacles to the formation of a representative San leadership structure.
- d) **A collection of quantitative data** regarding the San according to language group. Census and other survey data from the Namibia Statistics Agency (NSA) is currently not disaggregated according to language group, and is thus difficult to use and leads to inaccurate generalizations.

7.9. Working Group / Technical Committee on indigenous rights issues General recommendation for all Stakeholders

This committee should be initiated and coordinated by the government – not by the ILO. However, because this general recommendation came up so frequently – and because it was one of the original objectives of the programme, it is included here. The ILO project should include discussion of this working group, and the form that it should take, in the objectives of upcoming planned workshops / courses. (See 7.6).

One of the original objectives included in the technical cooperation agreement was the creation of a national working group on indigenous issues – composed of civil society; international donors; government. The PRO169 midterm review also recommended that the ILO take the necessary steps “towards the establishment and functioning of a National Working Group on San Development.”

Currently both the Division for San Development and the SSOAN are mandated to play coordinating roles in Government and civil society, respectively. During the research period several interviewees recommended that a higher-level coordinating body for indigenous issues be set up. Stakeholders described the need for a coordinating body that extends further and in particular that includes various line ministries within the government. Suggestions took various forms and included the following:

- 7.9.1 An inter-ministerial “advisory committee” for indigenous peoples’ rights issues, set up by the government and with representatives from relevant line ministries.
- 7.9.2 A broader committee that includes representatives from: government, international organizations, and civil society and in particular the San Council.
- 7.9.3 Suggestions were also made for inter-ministerial and/or inter-sectoral working groups on particular indigenous peoples’ rights issues, such as education or land rights/resettlement; such committees could be the output from focused workshops
- 7.9.4 The existing inter-ministerial committee on Human Rights should be approached to determine possibilities for affiliation and cooperation with this body – this should be done through the Ministry of Justice (Legal Officer is the secretary for this committee)

8. Conclusion: Way Forward

The indigenous peoples’ rights issue is “moving” in Namibia. It still remains to be seen to what extent this movement will become a coordinated effort and result in increased self-determination for the San and other indigenous communities. For this coordination to occur, there have to be clear channels to help direct this movement towards the desired outcomes. The strategy of the ILO thus far has been to create channels for this movement through its three main approaches: 1) by building general awareness of the concept and principles of indigenous peoples’ rights generally within the country and correcting mis-perceptions; 2) by building the capacity of key individuals and simultaneously solidifying the structures within key institutions, to ensure that these principles are implemented and 3) through encouraging and facilitating an enabling policy environment to encourage the mainstreaming of indigenous peoples’ rights principles. *The ILO is currently the only body in Namibia that is playing this role* and engaging with a wide variety of stakeholders in an effort to create this environment.

Awareness about indigenous rights has clearly been raised since the ILO began country operations in 2010, and capacity is being built. The movement towards the creation of a comprehensive policy framework is very promising. However the time period thus far has been far too short to accomplish the goals set out by the ILO in 2008. More time is needed. The ILO should make every effort to find the resources to continue its activities in Namibia, and carry through the processes it has begun, until the national awareness, capacities, and policy are developed to a sustainable level. By building on the achievements so far, and by responding strategically to changes, new challenges and opportunities, the ILO PR0169 project has great potential to help shape the political and development landscape in ways that will improve indigenous peoples’ rights implementation – and by definition, the living conditions of San communities – in Namibia.

Appendix A – List of Organizations Consulted and Interviewees

A.1 List of Organizations Consulted

- International Labour Organization – Geneva, Pretoria and Windhoek

- Division for San Development, Office of the Prime Minister
- Legal Assistance Centre (LAC)
- San Support Organisations' Association of Namibia (SSOAN)
- Working Group of Indigenous Minorities in Southern Africa (WIMSA)
- Spanish Agency for International Development Cooperation (AECID)
- Human Rights Documentation Centre (HRDC - UNAM)
- Ombudsman's office, Windhoek
- UNESCO Education Office, Windhoek
- Ministry of Justice, Namibia
- Namibian San Council
- South African Department of Traditional Authorities

A.2 List of Interviewees

- Mr. Albert Barume, ILO Geneva: (via skype)
- Mr. Karl Pfeffer, ILO Pretoria (via skype)
- Mr. Gerson Kamatuka, Director, Division for San Development, OPM
- Mr. Bryan Gaomab, ILO Windhoek
- Dr. Ute Dieckmann, Legal Assistance Centre (LAC); chair of San Support Organisations' Association of Namibia (SSOAN)
- Mr. Rhingo Mutambo, Communications, Division for San Development, OPM
- Dr. John Nakuta – Human Rights Documentation Centre (HRDC - UNAM)
- Ms. Eva Weitz, Director, Working Group of Indigenous Minorities in Southern Africa (WIMSA)
- Ms. Olga Martin, Spanish Agency for International Development Cooperation (AECID)
- Ms. Eileen Rakow, Ombudsman's office
- Ms. Cecilia Barbeiri, UNESCO Director of Education
- Mr. Basilius Dyakhuga, Chief Legal Officer, Ministry of Justice
- Mr. Christian Harris, Legal Officer, Ministry of Justice
- Mr. Sam Mayinoti, Consultant for OPM Division for San Development evaluation
- Mr. Petrus Doeseb, Chair of the Namibian San Council (by phone)
- Mr. Masenjane Sibandze, Deputy Director General, Department of Traditional Affairs, South Africa (by skype)
- Ms. Birgitte Feiring, former Head of ILO PRO169 (by skype)
- Mr. Joni Musabayana, Deputy Director, ILO Pretoria Office (by teleconference)
- Ms. Cleopatra Cleopatra Doumbia-Henry, Director, NORMES, ILO Geneva

Meetings Attended

- Steering Committee Meeting of the ILO PRO169 project in Namibia
- Video/telephone conference with project stakeholders in Pretoria and Windhoek, 17 January 2013

Appendix B: Mid-term evaluation recommendations

From: Arowolo, Oladele, 2011, Mid-Term Review of the project on 'Promoting and Implementing the Rights of the San Peoples of the Republic of Namibia.' Commissioned by the ILO, page 31:

6.3 Main recommendations (*with final evaluation comments in italics*)

- a) It is important that ODPM honors its pledge in the signed Project Document by providing office space (and possibly infrastructure) for the smooth operation of the project. *Recommendation to OPM, not ILO; not done.*
- b) The project management should consider a review of the Steering Committee in order to more effective by broadening its membership. *SSO added to steering committee (see section 5.2 and also recommendation 7.4).*
- c) Project management should prepare the required project monitoring reports on a regular basis in accordance with the ILO practices. *2011 – 2012 frameworks were used by steering committee as basis for monitoring; evaluation did not receive other reports (see section 2.2).*
- d) In support of sustainability and effective policy and programme management, the project should take the necessary steps towards the establishment and sustained functioning of a National Working Group on San Development and the San Council in Namibia. *Discussions about the appropriate form of a National Working Group were ongoing at time of final evaluation (see recommendation 7.7).*
- e) In order to facilitate policy and planning formulation and implementation, the project should support a small-scale socio-economic study of San peoples to produce a profile of the San peoples, showing the dynamics of their population and associated social, demographic and economic indicators in comparison with the national averages available. *Study conducted, see Arowolo 2011b (Appendix C).*
- f) Project management should consider a re-evaluation of the structure of the project's Logical Framework and include for the remaining two years (or so) of the project cycle project specific output indicators, together with their corresponding baselines and targets. *2011 and 2012 Logical Frameworks contain specific output indicators and corresponding baselines and targets.*
- g) The project should facilitate linkages between Government and potential donors to support the implementation of specific development projects in San communities by local CBOs and NGOs. *No significant follow-up; ILO PRO169 in Namibia was not focused on development projects.*
- h) To the extent possible, the project should collaborate with relevant UN agencies, particularly in Joint Programmes that are of interest to the ILO, under the current UNDAF for Namibia in order to achieve synergy. *Some efforts to follow up; did not become a priority (See section 4.8)*

Appendix C: Documents Consulted

ILO PR0169 Documents

AECID – ILO, 2008, Document of Technical Cooperation: “Promoting & Implementing the Rights of the San Peoples of the Republic of Namibia” *Namibia component of the Indigenous Peoples Programme under the AECID-ILO partnership programme 2008/12.*

Arowolo, Oladele, 2011a, Mid-Term Review of the project on ‘Promoting and Implementing the Rights of the San Peoples of the Republic of Namibia.’ Commissioned by the ILO.

Arowolo, Oladele. 2011b, *The San in Namibia: A Socio-economic Study*. Prepared for the Office of the Prime Minister Division San Development, Windhoek, Namibia.

Dieckmann, Ute, 2010, *Review Report on Ongoing San Development Initiatives in Namibia*. Prepared for the ILO-ACEID project on promoting the implementation of the rights of San in Namibia. Legal Assistance Centre (LAC), Land, Environment and Development (LEAD) Project.

Division for San Development, 2011, Official communication with ILO Windhoek office regarding the *Regulatory Frame and Socio-Economic Study on the Marginalized Communities in Namibia* (May 16).

ILO, 2010. Namibia Decent Work Country Programme (DWCP) 2010 - 2014

ILO, 2011, Report on the Sub-Regional and National Conference on the Rights of Indigenous Peoples / Marginalised Communities, 11-13 October 2010, Windhoek. Co-sponsored by: Namibian Office of the Prime Minister, African Commission on Human and Peoples Rights; International Labour Organization.

ILO / ACHPR, 2011. Country 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: Namibia

ILO/ACHPR, 2011. 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, 2011. *Promoting and implementing the Rights of Indigenous Peoples in Africa: The case of Namibia*. Information pamphlet.

ILO, 2011. *Promoting and implementing the Rights of Indigenous Peoples in Namibia*. End of Year Progress Report.

ILO, 2011, 2012. *Promoting and implementing the Rights of Indigenous Peoples Namibia*. Operational Plans (logical frameworks).

ILO, 2012. Child Labour and San Peoples in Namibia: An Overview Assessment.

Jansen, Leslé, 2010a, *Review of the existing regulatory framework for the protection of San Rights in Namibia*, and 2010b. *A study on the training needs of 11 Namibian Government Ministries*. Both prepared for the ILO-AECID project on promoting the implementation of the rights of San in Namibia. Legal Assistance Centre (LAC) Land, Environment and Development (LEAD) Project.

ILO-Supported Publications

Ombudsman, 2012. Guide to Indigenous Peoples' Rights in Namibia.

Other International Agency Documents

African Commission on Human and Peoples Rights, 2005. *Report of the African Commission's Working Group on Indigenous Populations/Communities: Mission to the republic of Namibia, 26 July–5 August 2005*. ACHPR/IWGIA

African Commission on Human and Peoples Rights, 2006. *Indigenous Peoples in Africa – the Forgotten Peoples? The African Commission's Work for Indigenous Peoples in Africa*. ACHPR/IWGIA

UN Development Group, 2011 Resident Coordinator Annual Report Namibia

UN Human Rights Council, 2011. Report of the Working Group on the Universal Periodic Review. Namibia Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.

Media sources

Dentlinger, Lindsay. 2005. Urgent action needed on San, says Deputy PM. *The Namibian*, 26 July.

Nunumbe, Magreth. 2012. *Trapped on the bottom rung*. *New Era*, 20 August.

Sasman, Catherine. 2012. *Indigenous rights still not secured in Namibia*. *The Namibian*, 17 August.

Shigwedha, Absalom, 2005 *San deserve their own land in communal areas: Amathila*. *The Namibian* 28 Nov.

Other Sources

Suzman, James, 2001. *Regional Assessment of the Status of the San in Southern Africa: An Introduction* (Windhoek: Legal Assistance Centre, 2001)

San Support Organisations' Association of Namibia, 2012. Constitution.

Appendix D: Workshops conducted by the ILO PRO169 Project in Namibia 2010 – 2012

Workshops 2012

Activity/ Workshop	Civil	Civic	Total Participants
Human Rights centre, University of Pretoria an advanced Human Rights Course on IPs rights (2012)	Government line ministries	Human Rights and Advocacy organisations	15
Series of Workshops on Institutional strengthening and capacity building for Namibian San Council		3 x 15 Namibian San Council	15
Human Rights Training for Ombudsman staff and line ministries on rights of IP's(30 July – 1 August 2012)	Ombudsman staff and line ministries	Human Rights advocacy organisations	40

Workshops 2011

Activity/ Workshop	Civil	Civic	Total Participants
Project Management Workshop	32 x Regional Council and OPM/DSD	25 x San Council and members	57
Workshop on Rights of international instruments and reporting held on 4-5 April 2011,	7x OPM-DSD 13x Line Ministries 10 x Regional Councils	12x San Chiefs 5x Kyramachan Trust 2x tertiary institutions 3x Unions and research	52
CERD in Pretoria (22- 24 June 2011).	2x OPM-DSD		2
Human Rights centre, University of Pretoria	7XOPM-DSD	2x Tertiary and education institutions	15

an advanced Human Rights Course on Ips rights (12-16 September 2011)		1x Union 5x San Council	
Quality control system workshop for the monitoring and evaluation of the impact of government supported San Development	20 x OPM-DSD & Regional Councils		20
Employment Policy Workshop (18-21 June 2011)	Government line ministries	Human Rights and Advocacy organisations	70
Consultative Workshop for Namibian San Council(2011)		San Council and members from Namibia and guest from Botswana	45

Workshops 2010

Activity/ Workshop	Civil	Civic	Total Participants
Workshop on Rights of Marginalize Communities and launch of booklet on 24 African countries	20 x Regional Council and OPM/DSD 15 x Line Ministries	25 x San Council and members 3x Unions 2x Tertiary and research institutions 6 x NGO's	71
National Workshop on the Rights of indigeneous communities in Namibia	Government line ministries	International Human Rights advocacy organisations	80
National Workshop on Consultation and participation	5x OPM-DSD 9x Line Ministries 7 x Regional Councils	12x San Chiefs and members	33
Stakeholder consultation and mapping workshop.	20 x OPM-DSD and Line ministries		20

Appendix E: Self-Evaluation Matrix, Namibia

Self-Evaluation Matrix - Namibia				
Specific Objectives	Results	Indicators	Results Achieved Some Highlights from 2010-2012	Evaluation Comments
Contribute to reducing poverty levels and to improve the socio-economic situation of the San peoples through a rights-based approach (from Technical Cooperation Agreement)	<p>Key actors of government ministries and departments have the capacity to include indigenous peoples' rights of in programmes and activities San development.</p> <p>National actors and bi-and multilateral development agencies have the ability to more effectively coordinate programmes and development activities of the San people.</p>	<p>Plans for development for San people included in the government programmes</p> <p>National working group for San Development meets regularly</p>	<p>2010- Launch of the Overview Report on Indigenous peoples Rights in 27 African Countries</p> <p>2011- capacity building of over 150 staff on Convention 169 and Indigenous Peoples Rights</p> <p>2012- The programme contributed substantially (through the provision of research data) to the special chapter on Human Rights and Indigenous peoples in the baseline study on Human Rights and Indigenous peoples, prepared by the Office of the Ombudsman</p> <p>2011-2012 The programme supported and developed a Guide to Indigenous peoples Rights in Namibia published and launched by the office of the Ombudsman</p> <p>2012 Various project management workshops for OPM staff.</p> <p>2010-2011: targeted studies on Indigenous peoples</p>	<p>This was combined with the Sub-Regional and National Conference on the Rights of Indigenous Peoples / Marginalised Communities and is frequently referenced by stakeholders; it is a "landmark" event in indigenous peoples' rights in Namibia.</p> <p>These workshops are frequently cited by stakeholders as having raised their awareness and increased capacity (see Report section 4.6)</p> <p>This has yet to be released, but Ombudsman confirmed that ILO Windhoek office played a critical role in obtaining IP rights information.</p> <p>The Ombudsman's office reports that this booklet has had very positive response (see report, Section)</p> <p>The launch of this Guide served as an important opportunity for general indigenous-rights awareness raising and media attention (see report, Highlight 3).</p> <p>The OPM office (and other government representatives interviewed) report that the ILO workshops have raised their awareness and greatly increased their capacity.</p> <p>These include:</p>

			<p>rights from the perspective of: social-economic condition, legal framework, analysis of ongoing initiatives on San Development, Child Labour</p> <p>2011- The Programme assisted the Office of the Prime Minister in celebrating its first day on the issue of indigenous peoples/marginalized communities in 2011, with the presence of the Prime Minister, Deputy prime Minister, cabinet and MPs of Namibia</p> <p>2011 The programme assisted the OPM in designing a website on San Development in Namibia (www.sandevdevelopment.gov.na)</p> <p>2012 The programme initiated a series of capacity building events for the San Council (2 to date) in order to strengthen vision development of the San Council as well as organizational strengthening</p> <p>2011-2012 various awareness raising materials were developed (mobile museum, posters, folders, policy brief)</p>	<ul style="list-style-type: none"> • Reports of Jansen 2010a and 2010b printed, serve as important references. • Desk Study of socio-economic conditions was also completed; was accurate though did not offer new data or insights. • Child Labour Report completed, with government awaiting approval. • Analysis of ongoing initiatives with San Development – probably referring to the evaluation of the DSD. This is still awaiting approval from the Prime Minister. <p>This event is often cited by government stakeholders as an important awareness-raising event.</p> <p>This website is very limited in function, is not regularly updated and does not serve as a repository / distribution site for data on indigenous peoples' rights or the San. A new web site is supposed to have been developed by the DSD with ILO support; however it is not up and running. The DSD claims that there are technical problems. Stakeholders are frustrated about this (see report section 4.3.1)</p> <p>This has been reported by involved stakeholders to have had initial success so far. This process should be carefully monitored and evaluated.</p> <p>The mobile museum is a series of large posters with a very little information; they are at the DSD offices and sometimes brought to relevant conferences. Overall these materials are not as elaborate or as visible as they could be.</p>
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