



Evaluation Summaries

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

Quick Facts

Countries: *Nepal*

Final Evaluation: *September 2010*

Mode of Evaluation: *independent*

Technical Area: *Indigenous Peoples Rights, Convention 169*

Evaluation Management: *ILO Regional Office for Asia and the Pacific (RO-Bangkok)*

Evaluation Team: *Lucy Mitchell, Uddhav Rai*

Project Start: *October 2008*

Project End: *October 2010*

Project Code: *NEP/ 08/ 02/ MUL*

Donors: *Norway and Denmark (US\$1.2 million)*

Key Words: *Convention 169, indigenous rights, ratification, indigenous peoples' organisations*

Background & Context

Summary of the project purpose, logic and structure

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

The project's objectives are that:

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

To attain these objectives, the Project has a two-pronged strategy to promote the implementation of the Convention: a practice-based approach at the local level, to document indigenous communities' claims and bring them into the constitution-making process; and capacity-building and awareness raising of national-level stakeholders (Project Document, 2008).

The project is organized for implementation directly through a project office within the ILO Nepal office, and staffed by a full-time national project manager, project assistant, a national monitoring and evaluation officer and assistant, two administration and finance personnel, and a driver. This team is supported by short term inputs from a small pool of international experts. The project is implemented in conjunction with the Ministry of Local Development as the main government counterpart, and a range of implementing partners from civil society, including indigenous peoples' organizations and independent expert researchers and consultants. For the majority of project activities involving indigenous peoples directly, ILO relied on local indigenous partner organisations with

relevant networks and specialized understanding of the approaches required.

Present situation of project

The project experienced a slow start up and based on mid-term review recommendations, a no-cost extension was determined, through to October 2010. The project team is thus in the process of completing the implementation of project activities, reporting and administration. A second phase of the project is foreseen and consultations have commenced, to inform its design.

Purpose, scope and objectives of the evaluation

The main evaluation objective was to independently assess the extent to which project objectives and outcomes had been fulfilled. During the course of the evaluation, the consultants and ILO project team agreed that the reporting should emphasize findings relevant to the effectiveness of project activities, with special attention to providing recommendations for the improvement of activities in a future phase of support.

Methodology of evaluation

The evaluation included a 15 day period of data gathering and joint analysis in Kathmandu and four project districts selected by ILO to provide a representative exposure to the project's activities. The districts visited were Banke, Bardiya, in the south-western part of Nepal, and Morang and Ilam, in the south-east. In all locations, the team met with project partners for focus group discussions and interview. In some locations, project activities were observed directly.

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

present and seek clarifications on preliminary findings was conducted in Kathmandu prior to finalizing the evaluation report. Attention to gender issues was paid throughout the evaluation activities, with special effort made to seek women participants' voices and perspectives.

Main Findings & Conclusions

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

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

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

improved inclusion of indigenous peoples' rights in national and local development (i.e. laying the way for implementation of Convention 169).

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

Recommendations & Lessons Learned

The evaluators provided 18 recommendations with detailed discussion of how to go about implementing the recommended actions and approaches. Some lessons learned are implicit in these recommendations and it was agreed not to provide them separately. The recommendations were grouped: Finalizing Project Activities; Extended or Future Activities; and Resources and Management. The full list follows.

1. It is recommended that the project manager develop a clear strategy for dissemination and use of the remaining project-supported materials before the end of the project.
2. It is recommended that a generic power-point presentation be prepared by the lead technical consultant immediately (or at the latest, in the period between project phases) for use with diverse audiences.
3. It is recommended that 'communications' be positioned at the centre of the project, with appropriate emphasis and resources allocated by ILO management for the next phase of the project. A project of this nature warrants a specific external communications strategy.
4. Developing key messages is recommended as a priority component or activity within the communications strategy. The chief technical consultant should take the lead on developing the messages, with input from other ILO IP resource persons and local experts. This set of Nepal-specific 'key

messages' about C169 and IP rights should be developed to help address misunderstanding and misuse of C169 by certain parties, and should be used consistently by all partners, including media

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

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

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

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

9. It is recommended that the ILO Country Director, project manager and technical team increase the effort to strengthen other UN/donor projects' attention to indigenous peoples' rights.

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

11. Introducing information on indigenous peoples' development and rights issues, including discussion of Convention 169, in to school level curriculums is recommended as

part of future efforts in Nepal. ILO would need to work with relevant agencies and experts to implement this recommendation.

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

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

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

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

16. It is recommended that the project team conduct more stringent internal and external monitoring, with increased budget for these functions. The lead monitoring job in a project with this number of partners (and breadth of future activities) should be upgraded in terms of ILO level, and supported by a second position.

17. It is recommended that the project second phase designer allow sufficient resources for more comprehensive support to partners on the administrative aspects of their work, including to liaise, coach, train and provide necessarily ILO information in the Nepalese language.

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