



Evaluation Summaries

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

Quick Facts

Countries: *Latin America (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Venezuela), Asia (Bangladesh, India, Nepal and Pakistan) and Africa (Cameroon, Central African Republic, and Congo Brazzaville)*

Final Evaluation: *Aug-Sep 2011*

Mode of Evaluation: *Independent, desk-based (with Skype interviews of key stakeholders)*

Technical Area: *Indigenous Peoples, ILO Convention No. 169*

Evaluation Management: *International Labour Standards Department, PRO 169*

Evaluation Team: *Sille Stidsen, Independent Consultant*

Project Start: *15 September 2008*

Project End: *14 September 2010 (no-cost extension until 14 July 2011)*

Project Code: *INT/08/15/EEC*

Donor: *EC/ European Initiative for Democracy and Human Rights, EUR830,000*

Keywords: *Promotion and implementation of ILO Convention No. 169. Dialogue, technical advice and capacity building of indigenous, government and civil society partners*

Background & Context

Summary of the project purpose, logic and structure

Overall objective of the project:

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

Specific objectives for the three regional components:

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

In all three regions, dialogue seminars and trainings with government, indigenous organizations and civil society formed the backbone of the project. The project produced various training materials in local languages, as well as documentation and analysis on the scope and use of Conventions No 107, 111 and 169. Additional to this, Project Coordinators and national/regional ILO teams engaged in technical support to governments, for which

the demand was increasing over the course of the project.

The Geneva-based PRO 169 team managed the project. Regional (and a few National) Project Coordinators were responsible for implementation of activities in the regions, with technical and managerial support from country offices as well as from the PRO 169 Team in Geneva.

Purpose, scope and clients of the evaluation

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

The main audience of the evaluation will be

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

Methodology of evaluation

A total of 17 working days was allocated for the desk-based evaluation:

- Desk review of all relevant project documents (progress reports, publications produced, workshop plans, etc.) and questionnaire: 5 days
- Skype interviews of project staff, collaborators and stakeholders: 3 days
- Preparation of draft report and power point for debriefing: 5 days
- Presentation of findings and complementary gathering of data at project headquarters in Geneva: 2 days

- Preparation of final draft report for submission: 2 days

Given the short time frame, a questionnaire covering all aspects of the evaluation was sent to Project Coordinators in the three regions. Questionnaire findings were elaborated upon through interviews, both with project staff and with other stakeholders.

The main limitation in the data collection relates to the relatively short time frame for generating data and compiling these into an evaluation report, and the fact that the evaluation was purely desk-based (no country visits). Conducting interviews via Skype took longer than anticipated too, given the complexity of organizing the work with time differences, frequent travel of the people involved, etc.

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

Main Findings & Conclusions

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

A general increase in the global recognition of indigenous peoples’ rights has provided a good momentum for implementation of the planned

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

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

Recommendations & Lessons Learned

Main recommendations and follow-up

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

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

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

supervisory mechanisms would be worthwhile pursuing in Africa and Asia too (regarding implementation of Convention No. 107 and 111, and where relevant, obviously also of Convention No. 169).

Important lessons learned

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

- Global cooperation around promotion of indigenous peoples' rights has a huge potential
- Combining global / regional activities with a strong presence at the national level has shown very effective
- It is possible to reach much beyond the ILO's own project portfolio through creation of synergies with other initiatives and programmes
- Specialized programme staff is needed at both global, regional and national levels to secure continued promotion and technical advice around the

Conventions on indigenous peoples' rights - and

- The lack of institutionalization of this expertise at the national level (with PRO 169 staff being dependent on project funding) is therefore a weakness in the long run.
- Momentum: with an increased global recognition of indigenous peoples' rights, and an intensified engagement on behalf of ILO's supervisory bodies in the implementation of ILO Conventions protecting indigenous peoples' rights, there is a clear need for continued technical support to the implementation of these rights.