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| **Title:** |  ***Promotion and application of indigenous peoples’ rights***  |
| **TC Code** | INT/08/19/SPA [comprising: INT/08/95/SPA; NAM/08/50/SPA; RLA/08/50/SPA] |
| **Geographical scope** | Latin America (Argentina, Bolivia, Chile, Colombia, Ecuador, Guatemala, Honduras, México, Nicaragua, Panamá, Paraguay and Peru), Asia and Africa (with a special focus on Namibia). |
| **Donor****Budget** | Spanish Agency for International Development Cooperation (AECID)€4.5 million, of which €500,000 for Namibia component  |
| **Project start:** | 12 December 2008 |
| **Project end:** | 31 December 2012(Phase 1: 2008-10Phase 2: 2011-12)Further funding has been secured from Jan- December 2013 |
| **Implementing/ technical backstopping unit** | International Labour Standards Department (NORMES), PRO 169  |
| **Evaluation Team:** | Mr Jakob Kronik (Lead consultant)Dr Jennifer Hays (Africa component) |
| **Type of evaluation** | Independent final evaluation |
| **Date of evaluation**  | November/December 2012 |

**International Labour Organization**

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

**FINAL Terms of reference for**

 **Independent final evaluation of AECID-funded project**

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

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

In 2008, the Programme received funds from the Spanish Agency for International Development Cooperation (AECID) for implementation of a global project entitled “*Promoción y**aplicación de los derechos de los pueblos indígenas”* (*Promotion and application of indigenous peoples’ rights,*hereinafter “the Project”)*.* Started in 2009, the project is now approaching its original completion date, 31 December 2012. However, in the intervening period, additional project funding has been secured from AECID, under a renewed partnership agreement with the ILO which runs from January to December 2013. Thereafter, the Project’s funding prospects are unclear.

An independent final evaluation is being commissioned by the ILO, in order to assess the project’s performance and results achieved to date, and to propose recommendations to re-orient and strengthen the design and implementation of the project as it runs into its new phase.

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

2. **Background of the Project**

The project was designed for 4 years (December 2008 to December 2012) with an overall budget of 4,500,000 Euros made available to ILO by the AECID. It has a global scope, covering Asia, Africa and Latin America, with a geographical focus on selected countries in Latin America and on Namibia. The Project’s overall (development) objective is “*The rights of indigenous peoples in the framework of Convention No. 169 are applied in Latin America and reflected in public policies and development strategies in Asia and Africa, with a particular focus on Namibia”.*

The project is constituted of three components as follows:

1. Latin America : Promotion and application of Convention No. 169 in Latin America, covering Argentina, Bolivia, Chile, Colombia, Ecuador, Guatemala, Honduras, México, Nicaragua, Panamá, Paraguay and Perú;
2. Africa and Asia: Promotion and application of indigenous peoples’ rights in public policies and development strategies in Africa and Asia; and
3. Namibia: Participatory development of the San people in Namibia.

There is one overall project document. The Project’s Immediate Objectives and Outputs, corresponding to the three components, are presented in Table 1 (reproduced in Spanish, according to the original project document, no English translation is available). The budget for the Latin America component is decentralized to the ILO office in Lima. A separate project document was developed for the Namibia component, the budget for which is decentralized to the ILO Office in Pretoria. The residual global budget is held by PRO 169 in Geneva.

**TABLE 1. *Project Logframe***

**Objetivo general**

* Los derechos de los pueblos indígenas, en el marco del Convenio Núm. 169, son aplicados en América Latina, y en políticas públicas y estrategias de desarrollo en África y Asia, con un foco particular en Namibia.

 **Objetivos específicos**

* Estados y pueblos indígenas de América Latina promueven y aplican el Convenio núm. 169 en una forma más coordinada, sistemática y participativa.
* Representantes de instituciones públicas, pueblos indígenas y agencias de desarrollo de países de África y Asia promueven y aplican los derechos de los pueblos indígenas en políticas públicas y estrategias de desarrollo.
* Se ha reducido la pobreza del pueblo San de Namibia a través de la promoción de sus derechos y procesos de desarrollo socioeconómico participativos y coherentes.

**Resultados esperados**

Componente 1:

1. Al finalizar el proyecto, representantes de los pueblos indígenas y de los órganos legislativos, ejecutivos y judiciales han promovido el debate y acciones para la ratificación del Convenio Núm. 169 en Panamá, Nicaragua y Chile (fase 1) y otros países priorizados de la región (fase 2).
2. Al finalizar el proyecto, representantes de los pueblos indígenas y del Estado han desarrollado capacidades y procesos para la planificación concertada de la implementación del Convenio núm. 169, en Bolivia, Ecuador, Honduras y Perú (fase 1) y otros países priorizados de la región (fase 2).
3. Al finalizar el proyecto, representantes de los pueblos indígenas y del Estado han desarrollado capacidades y procesos para la elaboración de planes de cumplimiento de las observaciones hechas por los órganos de control de la OIT, en Argentina, Colombia, Paraguay y Guatemala (fase 1) y otros países priorizados de la región (fase 2).
4. Al finalizar el proyecto, representantes de los pueblos indígenas y los estados de los países que han ratificado el Convenio y de los que están en discusión han intercambiado buenas prácticas y han adquirido capacidades para mejorar la implementación de derechos indígenas, en particular el derecho de consulta y participación. Estos son: Argentina, Bolivia, Brasil, Colombia, Costa Rica, Chile, Dominica, Ecuador, Honduras, Guatemala, México, Nicaragua, Panamá, Paraguay y Perú y Venezuela.
5. Al finalizar el proyecto, se han incluido y transversalizado los derechos indígenas en la formación de funcionarios y profesionales.

Componente 2:

1. Al finalizar el proyecto, instituciones claves de gobiernos, pueblos indígenas y agencias de desarrollo de países del Sur de África tienen la capacidad para promover y aplicar los derechos de los pueblos indígenas en su ámbito de trabajo.
2. Al finalizar el proyecto, instituciones claves de gobiernos, pueblos indígenas y agencias de desarrollo de países de Asia tienen la capacidad de promover y aplicar los derechos de los pueblos indígenas en su ámbito de trabajo.
3. Al finalizar el proyecto, instituciones claves de África intercambian experiencias y buenas prácticas en el tema indígena.

Componente 3:

1. Al finalizar el proyecto, actores claves de ministerios y departamentos públicos tienen la capacidad para incluir los derechos del pueblo San en programas y actividades de desarrollo.
2. Al finalizar el proyecto, actores nacionales y agencias bi- y multilaterales de desarrollo tienen la capacidad para coordinar más eficientemente los programas y actividades de desarrollo del pueblo San.

The Project is implemented at global level by a team at HQ comprising 1 overall Coordinator, 1 technical staff and 1 administrative staff. The Latin America component has 1 regional coordinator based in Peru and 2 sub-regional coordinators based in Peru and Guatemala covering the Andean region and South America, and Central America respectively; and 1 national coordinator and 1 administrative assistant based in Windhoek covering the Namibia component.

The Project contributes to some of the following six main areas of work by PRO 169:

1. Contribution to international processes
2. In-house (ILO) mainstreaming of indigenous peoples’ issues
3. Dissemination of information about ILO activities on indigenous peoples
4. Capacity-building for indigenous, government and social partners
5. Support to regional initiatives on indigenous peoples
6. Support to national efforts to adopt legal frameworks, implement rights and improve the socio-economic situation of indigenous peoples. At present, PRO169 has national projects in Cambodia, Bangladesh, Nepal, Cameroon, Namibia, Central African Republic, Peru, Guatemala, Bolivia and Nicaragua.

The implementation of the project’s first phase has witnessed some key challenges and opportunities, according to Project management, including a renewed strategy based on separate agendas for each of the ILO’s constituents and indigenous peoples’ organizations in Latin America, new ratifications of ILO Convention No.169 and adoption of specific measures for better protection of indigenous peoples’ rights in several countries.

Some key milestones/achievements reported by the Project are:

* In Peru, adoption of the 2011 “Act regulating the right of indigenous and original peoples to prior consultation as recognized by ILO Convention No. 169”, and the subsequent implementing decree. Similarly, the Project has contributed to the triggering of legislative and policy reform processes, in a number of countries including Bolivia, Colombia, Guatemala and Ecuador.
* In Colombia, first regional workshops on indigenous peoples’ rights for representative of employers’ organizations;
* National Human Rights Plan with a specific section on indigenous peoples adopted by the Namibian Ombudsman;
* a first ever Guide to indigenous peoples in Namibia developed as handbook for civil servants and public institutions in collaboration with the Office of Ombudsman;
* Annual regional training course on indigenous peoples’ rights in collaboration with the centre for Human Rights of the University of Pretoria;
* Regional workshop on traditional livelihoods in collaboration with the Ministry of Rural Development of Cambodia promoting jointly Convention No. 111 and Convention No. 169.

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

The purpose of the evaluation is first, to assess the progress made by the Project since its inception, and the relevance of its underlying strategy and design, and second, to provide recommendations to strengthen its future implementation, based on the assessment of progress to date and identification of key lessons learned. The evaluation should also draw out, to the extent possible, more generic conclusions and recommendations of potential strategic value to the PRO 169 programme overall.

The evaluation, while involving two different consultants covering respectively Latin America/global and Namibia/Africa sub-regional components, is conceived as a single exercise. It will be important therefore, for the two consultants to work closely together so that the final evaluation report can be “more than the sum of its parts” i.e. it should bring out clearly the different contexts in which the project components were implemented, any similarities in approaches, challenges and achievements as well as lessons that the different components could learn from each other.

The ILO uses a results-based framework in project design, monitoring and evaluation, Therefore all evaluation concerns should be addressed in relation to the expected results set out in respective project documents – at overall objective, immediate objective and output levels, and against specific indicators and targets insofar as these have been identified.

The evaluation will examine the situation of the Project at global, regional, sub-regional and national levels, in order to:

* Assess the relevance of the strategy/project design
* Assess performance and the progress made towards achievement of the Project’s objectives;
* Examine the main obstacles and challenges faced by the Project and how these were tackled;
* Identify the external opportunities and factors which may have contributed to or facilitated achievement of the objectives of the project;
* Identify the main lessons learned which can inform future project design and implementation, as well as the future strategic direction of PRO169 overall;
* Assess the prospects for sustainability and long-term impact;
* Devise recommendations, as needed, to strengthen the future implementation of the project, within the broader context of initiatives at national or higher levels which are aimed at achieving similar or related objectives with respect to the rights and empowerment of indigenous peoples.

The evaluation will cover both project phases and all project components. It will integrate gender equality as a cross-cutting concern throughout its methodology and all deliverables, including the final report.

The main clients of the evaluation are:

* ILO Project management and staff (including in the field) of the International Labour Standards Department and the global PRO 169 team, and other concerned ILO departments and field offices
* AECID
* Partners of the PRO 169 programme in the field, including ILO’s national constituents and partners, and the Project’s ultimate beneficiaries

4. **Evaluation criteria and questions**

The evaluation will consider the Project against standard evaluation criteria relating to: relevance, effectiveness, efficiency, impact and sustainability. Given the timing of this review, particular attention will be given to extracting lessons learned so far, and their relevance for future project implementation, as well as broader strategic lessons learned for the PRO 169 programme.

In particular, it will aim to address the following evaluation questions:

 *1. Relevance and strategic fit of the Project*

* The extent to which the Project’s objectives, outputs and activities are consistent with and respond to indigenous and tribal peoples’ needs and priorities as well as to the needs expressed by ILO’s constituents, as reflected in the respective Decent Work Country Programmes agreed between ILO and national constituents, and the UNDAF;
* The extent to which the Project takes into account regional and/or country-specific needs and priorities as well as opportunities and challenges;
* The extent to which the Project is complementary to, and provides substantial input to, global, regional and national efforts for promoting the rights of indigenous and tribal peoples;
* The extent to which the Project draws upon the ILO’s comparative advantage in the field of indigenous and tribal peoples and establishes synergies with activities carried out in other ILO projects and those of development partners and other UN Agencies at the country level.
1. *Validity of intervention design*
* The extent to which the design is logical and coherent;
* The extent to which the indicators selected are SMART and capable of measuring progress towards the expected results;
* The extent to which the selection of the partners has been strategic and appropriate.
1. *Project progress and effectiveness*
* The extent to which the foreseen outputs and immediate objectives have been achieved;
* The extent to which discrimination and gender-specific concerns have been systematically addressed;
* An assessment of the obstacles encountered in achieving the foreseen outputs and objectives, and how effectively these were addressed;
* An assessment of the factors which have facilitated achievement of project objectives
* Identification of the most effective mechanisms used by the Project to promote the inclusion of indigenous issues in public policies and in the agendas of the ILO social partners and how project has supported national policies and plans on indigenous peoples;
* The extent to which the project has responded to concerns raised by the ILO’s supervisory bodies with respect to C.169 and other relevant ILO standards;
* The extent to which the project has raised awareness at national level of indigenous and associated legal issues among public officials and other key actors.
* The extent to which the project has contributed to National Decent Work Agendas and the ILO Decent Work Country Programmes where these exist.
* The extent to which the project is contributing to the MDGs and UNDAFs objectives.
* Identify linkages and complementarities with other ILO and non-ILO project interventions operating in the field of indigenous peoples, including those supported by the Spanish government and other donor agencies.

 *4. Adequacy and efficiency of resource use*:

* An assessment of the overall efficiency of project implementation mechanisms
* An assessment of whether project resources have been invested in a way that seeks to maximise results and impact ie do project results appear to be proportionate to the scale of financial investment, or could the same or similar results have been achieved with less resources, used differently?
* An assessment of the collaboration with other projects and the coordination with, and involvement of, relevant ILO specialists in the field and HQ.

5. *Effectiveness of management arrangements:*

* An assessment of the coordination and communication flows within the project (HQ, regions and sub-regions);
* An assessment of ILO’s organizational capacity to effectively support the implementation of the Project;
* An assessment of the support from national partners, including their level of involvement in Project implementation and decision-making;
* How effectively has the project management monitored project performance and results? Is a monitoring & evaluation system in place and how effective is it?

 *6. Impact and sustainability*:

* The extent to which the Project is contributing to broader long-term objectives of including the rights of indigenous and tribal peoples in national public policies and development strategies;
* The extent to which indigenous peoples, communities, and their representatives, government, ILO social partners and other partners take ownership of, and participate in, Project processes and outputs;
* The potential of the Project approaches to be replicated, up-scaled or mainstreamed (including any evidence of this happening already);
* The main lessons learned through Project implementation;
* Assessment of the technical and financial capacity of relevant national stakeholders to continue the work required to sustain project achievements.

The evaluators may adapt the evaluation framework above and include further questions as necessary, upon consultation and agreement between each other, and with the evaluation manager.

5. **Team composition and Evaluation Methodology**

The evaluation team will comprise an international expert who will act as lead evaluator and one consultant who will work on the Africa/Namibia component. The Team Leader (lead consultant) will be responsible for overseeing the entire evaluation, coordinating as necessary with the Africa evaluator for the Africa regional and Namibia components. The lead consultant will produce the first draft report, incorporate comments made by stakeholders, and present the final evaluation report. The Africa evaluator will provide inputs to the lead Consultant for preparation of the draft and final reports.

The evaluation will be conducted in a participatory manner involving PRO169 Team members at HQ and in the field, other ILO staff involved in the Project, AECID, representatives from ILO’s tripartite constituents and global and local partners, including representatives of indigenous peoples.

The methodology will consist of:

* + Desk review of project documents, progress reports, studies and publications, concept notes and final reports of main activities. Key documents will be provided to both consultants at the outset of the assignment; other documents may be provided during the field visits;
	+ Face-to-face or via phone or video conference interviews with project staff, AECID and partners;
	+ Field visits (to Namibia, Peru and Guatemala) to consult with all stakeholder groups. All data gathered and analyzed should be disaggregated by sex wherever possible. The schedule for the field visits will be agreed upon with the respective project offices in Windhoek and Lima/Guatemala City, which will provide all required logistical support, including arranging individual interviews or group discussions as necessary.
	+ Stakeholder workshop to be held in each field location
	+ Drafting of evaluation report covering all project components.
	+ Visit to Geneva for discussion with PRO 169 staff, and video-conferences to present overall draft findings to field partners and get initial feedback.
	+ Finalization of draft in light of stakeholder comments.

The evaluation will comply with UN and ILO Norms and Standards; the UNEG ethical guidelines shall be followed.

1. **Time frame and deliverables**

The evaluation will be carried out over a period of 2 months, from 1 November to 31 December 2012.

**Approximate time frame/days input is as follows:**

For lead consultant (LC)

The lead consultant will be hired for a total of 26 working days for the assignment, approximately broken down as follows:

* Desk review, phone discussions with Evaluation Manager (EM) and PRO 169 staff at HQ, coordination with Africa consultant and with regional coordinator in Lima re. schedule for field visit : 5 days
* Field visit to Peru and Guatemala: 10 days (including travel)
* Phone interviews with stakeholders and further document review (including of the input by the Africa consultant): 2 days
* Preparation of first draft report: 5 days
* Presentation of findings to stakeholders via video-conference (in Geneva) : 1 day
* Incorporate stakeholder comments and produce final report : 3 days

For Africa consultant (AC)

The Africa consultant, who reports to the LC, will be hired for a total of 14 working days for the assignment, approximately broken down as follows:

* Desk review, inception report preparation, phone discussions with PRO 169 and other ILO staff at HQ and Pretoria, coordination with lead consultant, and with national coordinator in Windhoek re. schedule for field visit: 3 days
* Local consultation in Namibia: 5 days
* Preparation of first draft report, in consultation with LC: 3 days
* Presentation of findings to stakeholders via video-conference (in Geneva) : 1 day
* Incorporate stakeholder comments and produce final draft (in December): 2 days

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| **Evaluation phase** | **Lead consultant days** | **Africa consultant days** |
| Desk review, inception report, preparation for field visit | 5 | 3 |
| Field visit | 10 | 5 |
| Follow up phone consultations | 2 |  |
| Preparation of first draft report | 5 | 3 |
| Presenting report to stakeholders | 1 | 1 |
| Reviewing and incorporating comments into final report | 3 | 2 |

**Deliverables are as stated below** All deliverables are to be submitted to the ILO Evaluation Manager (EM), unless otherwise specified.

For Africa consultant

1. A brief inception report outlining the proposed conceptual framework and methodology, indicating any changes to what is proposed in these ToR, within a week of the signature of the contract (submitted to LC, cc to EM)
2. A first draft report, containing main findings, conclusions and recommendations, (structure to be agreed with the lead Consultant), will be submitted to the LC and EM within 5 days of completion of the field visit.
3. A final report in English will be submitted to the lead Consultant within 5 days of receiving consolidated comments (from LC, EM and key stakeholders) on the draft report.

For lead consultant

1. The lead consultant will present an inception report – in English - outlining the proposed conceptual framework and methodology (including for the Africa component evaluation), the proposed outline of the evaluation report and a detailed time schedule for the evaluation process, within a week of the signature of the contract.

2. A first draft report in Spanish will be submitted within 8 days of completion of the Latin America field visit, incorporating key aspects of the draft report/findings of the AC

3. Video-conference(s) will be held with the Project team/main stakeholder representatives to present the main findings and recommendations, and gather feedback.

4. A final report in Spanish, including an executive summary (in English and Spanish) summarizing the main findings, lessons learned and recommendations will be submitted to the evaluation manager within 5 days of receiving comments on the draft report.

The key responsibilities of the EM, in consultation as necessary with Sector 1 evaluation focal point and PRO 169 manager, staff and administrative assistant, and project field staff, are:

* Select consultants, secure internal clearance
* Formulate ToR, secure internal approvals and budget allocation, and authorize issuance of contracts of consultants
* Facilitate consultants’ access to documentation, consultation with ILO HQ personnel, and planning of field visits with project field staff, including compiling list of persons to be interviewed/consulted
* Hold initial telephone/skype briefing with consultants
* Comment on/approve inception report submitted by LC
* Distribute draft report to stakeholders, including the donor AECID
* Arrange for discussion between consultants and donor if required
* Arrange, and participate in, “virtual” workshop to present and get feedback on overall evaluation findings from project staff and partners in respective field locations
* Receive and consolidate stakeholder comments received on 1st draft report; make comments from evaluation methodology/management perspective;
* Review final report and secure internal approvals (reverting to LC as necessary)
* Authorize payments to consultants.

The final report, to be drafted in clear Spanish, will contain the following sections:

* Cover page with key Project and evaluation data;
* Executive Summary (in English and Spanish);
* Brief background on the project and its logic;
* Purpose, scope and clients of evaluation;
* Evaluation methodology;
* Overview of project implementation;
* Presentation of findings according to the outline agreed at inception stage (which will be designed with a view to make the report a reader/user-friendly document) :
* Significant lessons from Phase 1 implementation;
* Conclusions and recommendations for future project design and implementation ;
* Annexes – to include at a minimum,
	+ schedule of persons/institutions interviewed,
	+ list of documents consulted,
	+ a tabular presentation showing evaluator assessment of project self-reported results according to the results-based/logical framework (by overall and immediate objectives, and outputs).

**Further information**

Please consult ILO evaluation policy and detailed guidelines at:

<http://www.ilo.org/eval/lang--en/index.htm>

While reviewing all the guidelines, please pay particular attention to Guidance Note 4 on Integrating gender equality in the monitoring and evaluation of projects, and Checklist 5: Preparing the evaluation report

Annex 1: UNEG ethical guidelines

<http://www.unevaluation.org/ethicalguidelines>