

# **Report for Minority Rights Group on the Implementation of a project entitled ‘Strengthening the capacity of minorities and indigenous peoples to advocate for implementation of international standards’**

Mike Dottridge, 21 August 2008 (e-mail: [mikedottridge@btopenworld.com](mailto:mikedottridge@btopenworld.com))

## **1. Introduction**

This project was managed jointly by Minority Rights Group International (MRG), based in London (UK) and the International Centre for Ethnic Studies (ICES), based in Colombo (Sri Lanka). It set out to protect and promote the rights of minorities and indigenous peoples by improving the capacity of NGOs working with minorities and indigenous peoples, “to effectively use treaty bodies at an international level and improve their related advocacy initiatives at a national level”.<sup>1</sup>

The project sought to bring about change in four regions of the world:

1. the Caucasus/Central Asia (Azerbaijan, Georgia and Kyrgyzstan),
2. Central America (Costa Rica, Guatemala and Nicaragua),
3. South and South East Asia (Bangladesh, Cambodia and Philippines),
4. and West Africa (Cameroon, Côte d’Ivoire and Senegal).

The first two of these, the Caucasus and Central America, were managed by MRG and the last two, South/South East Asia and West Africa, by ICES.

While there are numerous treaty-monitoring bodies at international level, some established by UN treaties, some by other international organisations, such as the International Labour Organization (ILO), and some at regional level, the project’s planners intended to focus in particular on the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) and its treaty-monitoring body, the Committee on the Elimination of Racial Discrimination (CERD), and also the International Covenant on Civil and Political Rights (ICCPR) and its treaty-monitoring body, the Human Rights Committee (HRC). However, as not all the countries where NGOs wanted to lobby UN treaty-monitoring bodies were on the agenda of these two bodies during the project period, the Committee on Economic, Social and Cultural Rights (CESCR)<sup>2</sup> was also targeted.

My comments on the progress of the project are presented below. Section 3 summarises the efforts to undertake all the activities envisaged by the project. Section 4 summarises the project’s results. Section 5 reviews the project’s contribution to realising its goal. Section 6 contains some additional comments and suggestions. The Appendices include the terms of reference I was given by MRG, the principal sources of information I consulted and the evaluation instrument/questions I started out with at the beginning of the evaluation.

## **2. Methods used by the consultant**

I reviewed both project documentation (plans and implementation reports) and a wide range of other documents relating to the activities of UN treaty-monitoring bodies and other efforts to promote the rights of minorities or indigenous peoples in the countries concerned by this project. I participated at two sessions of treaty-monitoring bodies in Geneva (CERD and the CESCR) to observe alternative reports being presented on Kyrgyzstan (CERD) and Nicaragua (CESCR) and talked to the NGO representatives who had come to Geneva to brief committee members and others involved. I visited two countries in Central America, Guatemala and Costa Rica, where I interviewed representatives of organisations which had taken part in the project and others about the impact of their activities. I interviewed a variety of people by telephone and also received useful (sometimes substantial) information by e-mail.

I was able to use English, French and Spanish for these various communications, but felt my inability to speak or write Russian impeded by ability to communicate with project participants or others in Central Asia.

I was initially asked to undertake the evaluation in March 2007, by which time the project had achieved few results at the level of international treaty-monitoring bodies. I consequently prolonged the evaluation in order to be able to monitor the effects of several more presentations to treaty-monitoring bodies, as well as activities at national level. However, in mid-2007 ICES reportedly experienced a major internal crisis, resulting in their project manager moving to another NGO. After receiving some ICES project reports by e-mail, it proved impossible to obtain any further information from ICES, one of the project's two main implementing organisations, even though I was able to make contact in early 2008 with the former ICES staff member who had been project manager, Dhanya Ratnavale, who was by then employed by a different organisation. I did not receive any response from the ICES staff members whom I contacted by e-mail towards the end of the evaluation, suggesting a lack of accountability on their part.

The absence of information from ICES' staff (both information about the activities which it had administered and a lack of answers to a fairly long list of questions I sent in January 2008) had two distinct effects on this evaluation. First, it meant that I had to spend much more time than I expected making contact directly with ICES' project partners. While I was reasonably successful in doing so in West Africa, I completely failed in my attempts to do so in South East Asia. Not only had the relevant staff member at one of the NGOs which had helped organise a workshop in Cambodia left the NGO (Asia Human Rights Commission), but my repeated attempts to contact the only NGO which did organise a follow-up activity after the workshop (in the Philippines) also came to nothing. Having spent considerably more time trying to obtain basic evidence about the project's accomplishments than I think MRG expected, I was unable to invest as much time in interviewing people about the project's impacts as I had originally intended.

Secondly, I obtained more information about the project activities which were managed by MRG (in Central America and the Caucasus/Central Asia) than those managed by ICES (in South East Asia and West Africa).

My terms of reference focused on project activities, i.e., the effectiveness of the project and its activities, but did not require me to review the efficiency of the project.<sup>3</sup> However, much of my focus was on the activities organised after each of the regional workshops and which accounted for a relatively tiny proportion of the total project budget. These activities were, nevertheless, the crucial marginal extra investments which had the potential to make the substantial investment (in monetary terms) of preparing and running four regional workshops (and paying for MRG and ICES staff time and travel costs) generate some practical results and to lead to tangible improvements of human rights.

### **3. Observations on whether the project's activities were carried out**

The project was planned to have three sets of activities. The project logframe summarised these as follows.

<b>ACTIVITY 1 (contributes to Output 1)</b> 4 regional training workshops on treaty bodies mechanisms in 4 countries, each benefiting 30 representatives from the country and neighbouring countries
<b>ACTIVITY 2 (contributing to Outputs 2 &amp; 3)</b> Follow up: National networking, advocacy and dissemination initiatives, and preparation of input into treaty bodies
<b>ACTIVITY 3 (contributes to Output 4)</b> Facilitation of 12 representatives' access to attend the treaty body sessions in Geneva

## ***Consultant's observations***

### **Activity 1**

Regional training workshops
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The four regional training workshops were organised in chronological order as follows.

1. South East Asia in Phnom Penh (Cambodia) in November 2004. NGOs from Cambodia, Philippines and Bangladesh attended. Organised by ICES.
2. Central America in San José (Costa Rica) in 2005. NGOs from Costa Rica, Guatemala and Nicaragua attended. Organised by MRG.
3. Central Asia in Bishkek (Kyrgyzstan) in April 2006. NGOs from Azerbaijan, Georgia and Kyrgyzstan attended. Organised by MRG.
4. West Africa in Yaoundé (Cameroon) in July 2006. NGOs from Cameroon, Côte d'Ivoire and Senegal attended. Organised by ICES.

The numbers of participants varied somewhat from the 30 that were proposed for each workshop. For example, 32 participants (from Cambodia, Philippines and Bangladesh) took part in the Cambodia workshop and 23 (from Costa Rica, Nicaragua and Guatemala) in the Costa Rica workshop. The precise numbers do not seem to have been a significant factor, however, in the impact of the workshops or the effectiveness of the activities organised subsequently, whereas the selection of suitable participants undoubtedly was. Not surprisingly, quality proved to be more important than quantity.

A training manual was prepared for the workshops by ICES. This was reportedly used in organising the workshops in Kyrgyzstan and Cameroon (once the 97-page manual had been translated into a 168-page French version<sup>4</sup>), and probably also at the workshop in South East Asia. It was also translated into Spanish, although MRG staff modified some of the training methods to suit the audiences in Central America and the Caucasus/Central Asia. were unconvinced that the training methods it presented were particularly appropriate. It evidently took a substantial amount of time and effort to prepare and also to translate and represents a substantial resource which could be reused by either ICES or MRG or other organisations, should it be made available publicly on a web site. One of the organisers of the West Africa regional workshop described it as a "trainer of trainers", which she felt was too technical to distribute to other NGOs working with indigenous peoples or minorities in her country (Cameroon). However, in Senegal the organiser of a local workshop reported finding the manual useful ("not too theoretical at all"). I did not find out precisely who had received printed or electronic copies, either in English or French, or to what extent the training materials were being re-used in either the same or different formats.

***Comments on the workshops, including problems encountered, their effects and efforts to resolve them***

I obtained much more information about the workshop in San José (Costa Rica) than the other three, on account of my visit to Central America and interviews with NGO representatives from all three countries that attended. I talked to people who attended two of the other three regional workshops but did not interview anyone about the workshop in Cambodia.

One of the workshops, in West Africa, proved slow and difficult for ICES to organise, as ICES had no staff to communicate with French-speaking NGOs in West Africa. The location of the workshop was moved to Cameroon once a partner of ICES (EQUITAS, based in Canada) suggested one of its own partners in Cameroon that could act as host for the workshop (an NGO whose most substantial experience relates to conflict resolution, rather than human rights). The delays and difficulties in communication between West Africa and Sri Lanka had an effect on follow-up activities, none of which resulted in NGO representatives from West Africa travelling to Geneva or lobbying any regional inter-governmental organisation within Africa. The Cameroon-based coordinator told me this was also because no relevant treaty-monitoring bodies were scheduled to examine reports from the three countries involved (Cameroon, Côte d'Ivoire and Senegal). In my view it was also because there was an absence of advice (to those in the three countries) about opportunities to influence treaty-monitoring bodies at international or regional level and also because the follow-up activities were intended to be crammed into a relatively short period.<sup>5</sup> Finally the internal difficulties within ICES referred to earlier may well have had an impact, but in the absence of any hard evidence, it is difficult to draw firm conclusions.

Some minorities which were invited to workshops reportedly opted not to attend, e.g. some Nicaraguans in the case of the workshop in Costa Rica and Vietnamese in the case of the workshop in Cambodia. There were various hypotheses to explain this. In Costa Rica, participants subsequently visited one NGO which could not attend, to provide them with information. Not all participants completed the pre-workshop community consultation, and of those that did, not all truly consulted their communities, opting to use information already at hand within their organisation.

Also in Costa Rica, the workshop very nearly stalled at the beginning because representatives of indigenous peoples' NGOs expected to start with a (religious) ceremony, while MRG staff had apparently not foreseen this, although it was and is usual practice at meetings involving representatives of indigenous peoples and their NGOs in the Americas (there also appears to have been a problem of miscommunication at a crucial moment at the opening of the workshop, when MRG understood incorrectly that representatives of indigenous peoples' NGOs did not wish to say anything, when in fact they did). As a result, the representatives of some indigenous peoples' NGOs from the three countries were reportedly ready to walk out in protest, but were eventually persuaded (by other NGO representatives) to stay. The incident had further impact afterwards in Costa Rica itself, where indigenous peoples' participants seem to have had some reservations about whether it was appropriate to continue working with MRG (and appeared unwilling to communicate with the evaluator).

This incident suggested that the MRG staff involved would have benefited from some prior exposure to the methods and organisational culture of indigenous peoples' workshops and meetings in the Americas region. Other evidence came to light in relation to Activity 2, that more preparation was required in the lead-up to the workshop in Costa Rica in order to identify areas of overlapping interest and concern of indigenous peoples' NGOs and those of Afro-descendants, to ensure that the two would be able to work together harmoniously, rather than seeing each other as a threat. One of the assumptions (and implied threats to the success of the project) identified in the project logframe was that "Civil society organisations are willing to network and undertake joint initiatives". This proved to be an obstacle in parts of Caucasus/Central Asia, as well as Costa Rica, suggesting that significantly more attention should be given to managing the process of bringing different organisations (and communities) together into a network or joint initiative.

Nevertheless, a Nicaraguan participant at the Costa Rica workshop compared it favourably with a similar training session organised by the Inter-American Institute for Human Rights, because, he said, there had been a strong emphasis of 'how to' (do things) advocacy in relation to certain international treaties, rather than just presentations of information about the rights of minorities and indigenous peoples under the terms of such treaties.

## **Activity 2**

National networking, advocacy and dissemination initiatives, and preparation of input into treaty bodies
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At the level of national activities and preparations of inputs to treaty-monitoring bodies in Geneva, there was a significant difference between the relatively successful and focused activities in Central America and Central Asia (focused, that is, on preparing alternative reports to take to Geneva in order to influence State policies and practice via a UN treaty-monitoring body) overseen by MRG and some less focused activities initiated by ICES, none of which resulted in an NGO representatives visiting Geneva or attempting to influence a treaty-monitoring body. Some of the activities organised after the workshop in West Africa were quite focused, but were not focused on achieving the same input into treaty bodies.

It was the South East Asia workshop (held in Cambodia) that ICES apparently found particularly difficult to follow-up with activities by NGOs that had attended the workshop. ICES reported receiving project proposals, for example from NGOs in Bangladesh, which it judged to be below the standard it considered adequate to support.<sup>6</sup> Whatever efforts ICES invested in assisting NGOs who had attended the South East Asia workshop were apparently insufficient to give a go-ahead to more than a single project in all three countries. In the case of the project which did start, in the Philippines, a project proposal was approved and project activities started (with the Filipino NGO submitting an enthusiastic report about its initial activities), but ICES reported subsequently that its relations had broken down with the NGO concerned.<sup>7</sup> ICES noted that, when it requested detailed financial documents

from the NGO which had already started work on the project, it did not receive a response that it considered adequate from the Filipino NGO. The consultant was unable to discover quite what had happened in this case (despite putting questions to staff of both ICES and the main Filipino NGO involved) and was likewise unable to find out why other attempts to initiate specific projects and activities in South East Asia had been unsuccessful, and why, in effect, the entire project ground to a halt as far as South East Asia was concerned. It is unclear to the consultant at this point whether any of the funding for this activity was unspent, was returned to donors or whether or how it was eventually spent.

There were a relatively large number of discrete interventions organised in three regions in relation to Activity 2, all with differing intervention logic and undertaken by NGOs whose expertise and capacity on indigenous and minority rights varied widely. In several countries organisations, which had attended a regional workshop together, were subsequently unwilling to develop joint collective campaigning activities,<sup>8</sup> again suggesting that extra preparation was needed earlier on to enable separate organisations to work together.

There were also activities which individuals who had participated in regional workshops organised themselves, without asking for funding from MRG or ICES. For example, the representative of an Afro-descendant women's organisation in Costa Rica reported initiating a human rights caucus within her organisation soon after attending the San José workshop, in order to pass on information to other women belonging to the same minority about the rights contained in the CERD Convention and to decide on ways in which they could lobby State institutions in their country to respect these rights.<sup>9</sup> Along with representatives of indigenous women's organisations, she subsequently participated in meetings of the government-backed institution for women's rights (INAMU – *Instituto Nacional de Mujeres*) to lobby for more attention to be given to indigenous and minority women. She commented that this institution had previously paid no attention to the particular situation of indigenous and minority women and found an opportunity to pass on information that she had obtained at the San José workshop to senior members of the institution. She did not think it had yet had a significant impact, but felt it would eventually have some benefit.

In several countries in West Africa, Activity 2 included 'national networking', but did not progress as far as the stage of 'advocacy and dissemination initiatives' or 'preparation of input into treaty bodies'. For example, in Senegal six of the seven NGOs which attended the regional workshop decided to set up a network, the *Collectif sénégalais pour les droits des minorités et des peuples autochtones*. As in other countries, the NGOs which had attended a regional workshop did not automatically find it easy to work together, and the one initially chosen as national coordinator or focal point was swiftly dislodged and played no subsequent role in the project.

The network in Senegal decided to focus on two particular ethnic groups (the Bassari and the Serer Nones) and to organise workshops in the areas of

origin of each of these, along with one other workshop in the area where the indigenous population has suffered most repression at the hands of government forces (Casamance). The aim of the workshops was to pass on information from the Yaoundé workshop to representatives of each of the communities concerned. A workshop in Kéné Dougou was reportedly held in December 2006 and attended by 35 people, of whom four fifths were said to belong to locally based ethnic groups.<sup>10</sup>

Two Dakar-based NGOs received small amounts of money to prepare 'research action' papers about the two ethnic groups. By September 2007 the first was ready (prepared by CAEDHU, the *Centre africain pour l'éducation aux droits humains*) about the Bassari people and the challenges they face. This paper confirmed that measures are needed to enable the Bassari to assert their identity and exercise their rights and was reportedly submitted to local officials. The second paper, about the Serer Nones, was not ready by March 2008 and seemed unlikely to see the light of day. I was told this was due to a lack of resources.<sup>11</sup> It is true that in Senegal, as in the other nine countries where activities were organised after regional workshops, the ambitions of local activities far outstripped the amounts of money available to finance their plans, so it was not surprising that some activities were not completed.

The absence of one of the two research papers that were awaited seems to have acted as a break on the *Collectif sénégalais pour les droits des minorités et des peuples autochtones* organising further activities. Advocacy activities had reportedly been planned to draw the attention of the authorities to the predicament of both the Bassari and the Serer Nones, but did not take place. By March 2008 it seemed that the Senegalese network existed in name only.

These obstacles were not entirely negative, however, for the CAEDHU reported that the reaction of the Bassari community to the lack of initiatives taken by NGOs based in Senegal's capital was to decide to organise an *Association Bassari pour la promotion de leurs droits* themselves, setting itself the initial objective of disseminating information to villages throughout the area inhabited by Bassari.<sup>12</sup>

The project proposal prepared in Senegal following the Yaoundé workshop noted the potential challenges to be faced in Senegal (as in other countries in the region) when lobbying on behalf of particular ethnic groups and using terms such as 'minorities' or 'indigenous peoples'.<sup>13</sup> A strategy was proposed to tackle this,<sup>14</sup> justifying the initiative in terms the authorities might sympathise with, but this strategy was reportedly used only at local level, to persuade local officials to attend workshops, rather than in any advocacy initiatives at national level.

In Côte d'Ivoire, a national coalition was formed after the regional workshop, but as CERD had examined a Côte d'Ivoire government report relatively recently, in 2003, a decision was made to focus attention on trying to get one of CERD's recommendations implemented, rather than to draft new information for CERD or other treaty-monitoring bodies. This was a



recommendation which reflected a general concern among human rights NGOs about a bias in a human rights commission established by the government, rather than a measure which related more specifically to the rights of minorities or indigenous peoples. The effect seems to have been to channel resources that were intended specifically to benefit minorities and indigenous peoples into a more mainstream human rights cause. However, this was not particularly surprising, as the Ivorian NGOs selected to attend the regional workshop in Cameroon was predominantly ones that focused on conflict resolution and human rights, not minority or indigenous rights.

In Cameroon, two workshops were organized with specific peoples, the Mbororo in the northwest and people referred to during the project as “Pygmies” in the south (usually a reference to the Baka people), but subsequent activities are not reported to have involved network building.

***Comments on problems encountered in implementing activities in general, their effects and efforts to resolve them***

The project designers and manager within MRG apparently intended that workshop participants who all came from the same country would subsequently develop a proposal for a single follow-up activity, which would in turn lead to a single lobbying exercise at a UN treaty-monitoring body, where concerns could be raised about a common issue that affected all the minorities and indigenous peoples in that country. This was often impossible to bring about and, in some cases at least, probably inappropriate to press for.

The resources allocated for follow-up activities seem to have been sufficient to carry out several different activities in each country, but not to support an ongoing general network for long. Indeed, there was no intention to provide resources to sustain a permanent network. While some networks took on a life of their own, by securing new resources (for example in Guatemala), others, as in Senegal, now appear inactive. Two years after this one was established, there may still be some potential to revive it, but only with a new initiative and new resources from abroad. Otherwise, there is a danger that the experience of setting up a network which appeared to respond both to pressure/support from outside the country and to the needs of minorities within the country might actually reduce the likelihood of similar future initiatives being successful. The ‘shell’ of a network or coalition exists, and could be reactivated, but will also potentially be an obstacle to any new structure establishing itself. This appears to be an inherent risk in establishing networking structures as part of a fixed term project, when the money quickly runs out. I consider it to be a risk worth taking, although it would be desirable, when a moderately effective network has been established that has nevertheless run out of resources to continue functioning, for it to have access to further resources (or advice on how to obtain extra resources).

**Activity 3**

Attending treaty body sessions in Geneva
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The facilitation of as many as 12 representatives to travel to Geneva and brief treaty-monitoring bodies there (as envisaged by the project proposal) was evidently conditional on relevant states presenting their reports under relevant international conventions and on the relevant treaty-monitoring bodies holding hearings on these states during the time covered by the project – or, in practice, in the second half of the project, once alternative reports had been drafted as a result of Activity 2 (so, for example, the NGOs from Georgia which attended a workshop in Central Asia were reportedly unable to take advantage of a CERD hearing about Georgia in August 2005, as their alternative reports had not yet been prepared). The ‘assumptions’ specified in the project’s logframe were not explicit on this point, referring instead to “Fora keep access open” (i.e., the meetings of the UN treaty-monitoring bodies remained accessible) and “Logistics favourable (visas/security)” (i.e., it would be possible for individuals from certain countries to get Swiss visas to come to Geneva).

In practice, only half the intended representatives (six instead of 12) came to Geneva. This represented full implementation of this part of the project by MRG, but not attendance at Geneva meetings by NGOs from the two regions managed by ICES. By the end of 2007, the project had facilitated the following visits to Geneva and briefings of UN treaty-monitoring bodies.

- CERD (3) – Guatemala (March 2006), Costa Rica (August 2007), Kyrgyzstan (August 2007)
- CESCR (2) – Costa Rica (alternative report prepared but no representative is reported to have gone to Geneva), Nicaragua (November 2007, pre-sessional briefing)
- HRC (1) – Georgia (October 2007 – four separate reports submitted by four different NGOs from Georgia).

This meant that representatives from five countries went to Geneva instead of the intended 12 and, most significantly, no representatives from South East Asia or West Africa visited Geneva. It was notable that most of the individuals who came to Geneva were men: only in the case of Kyrgyzstan was it a woman who travelled to Geneva to take the lead role in presenting an alternative report (there was one other woman among the other NGO representative who came from Kyrgyzstan to lobby with her in Geneva, and she also spoke at the informal briefing, along with one male colleague).

It seems appropriate to list some comments here on the effectiveness of the NGO lobbying at treaty-monitoring bodies, even though it could be construed as a question related to the results rather than activities.

The first of the NGO representatives to prepare and present an alternative report (to CERD on Guatemala) were greatly assisted in their task by the fact that a Guatemalan member of the CERD (Committee), José Francisco Calí Tzay, was able to supplement the advice given by MRG on a range of practical (and important) issues, such as how long a briefing paper should be, how long speakers should talk for (when the maximum time available for a lunchtime briefing in between formal CERD morning and afternoon sessions

is one hour) and that they should not talk for too long, but allow ample time for the members of the treaty-monitoring body to ask questions.

The importance of the advice given by the Guatemalan member of the CERD was confirmed by an interview with a member of another treaty-monitoring body (HRC), who commented that NGO lobbyists frequently take too much time talking during briefing sessions, giving treaty-monitoring body members too little time to ask questions or to seek the facts about specific incidents involving violations of the treaty under consideration, which they, as treaty-monitoring body members, can subsequently cite when cross-questioning representatives of the State Party during a formal session. While MRG evidently tried to communicate these points to the NGO lobbyists that it brought to Geneva, it seemed that even more efforts need to be made to prepare them (and persuade them to follow the advice). In the Guatemalan case, the fact that the advice came from someone within their country seems to have increased the likelihood that the advice was heeded. In other cases, such as Kyrgyzstan, NGO representatives failed to adhere to standard Geneva protocol (they were initially unwilling to allow copies of the alternative report they had prepared to be given to representatives of the State Party, fearing unpleasant repercussions) or to the advice they had received from MRG. An undoubted complication, which had possibly not been anticipated, was that the NGO representatives who were supported by this project in going to Geneva sometimes had to share their lobbying time with other organisations, either others coming from their country (as in the case of Guatemala) or others based in Geneva (as in the case of Nicaragua<sup>15</sup>).

It is not surprising that NGO representatives who are in Geneva for the first time and attending a meeting (formal or informal) with members of a UN treaty-monitoring body for the first time should not adhere to the minutiae of the advice they have received during training sessions (or immediately beforehand). However, as precisely the minutiae of how they behave during a 60 minute informal briefing session can greatly influence their impact, it would be helpful for MRG and other international NGOs bringing national NGO representatives to Geneva (or other UN centres) for the first time to emphasise (explicitly, e.g. in a handbook or on a website) how they should conduct themselves, for how long they should talk, etc.

The fact that each of the treaty-monitoring bodies has slightly different procedures for allowing NGOs to present information certainly does not help, especially as the training provided by this project had centred on CERD and the HRS, but two NGOs ended up presenting information to the CDESCR, which has different pre-sessional procedures. However, it is evidently vital to take these specificities into account. The HRC member who was interviewed advised that NGOs should submit alternative information (if not an actual alternative report) at the earliest possible moment, in particular to treaty-monitoring bodies which prepare a list of issues concerning a particular country one or even two sessions before the actual examination of the State Party occurs. With the exception of Nicaragua, the other written briefings prepared in connection with this project were submitted relatively late on and NGO representatives came to Geneva at the time of the final hearing, rather

than earlier on. While it would be ideal, in the future, to be able to follow the advice given, to submit briefings well in advance, it is important to note that, despite not doing so, the NGO representatives that MRG brought to Geneva still had a major impact – the treaty-monitoring bodies concerned both listened to them and reflected their comments and suggestions in their concluding observations to States Parties.

***Comments on problems encountered lobbying treaty-monitoring bodies, their effects and efforts to resolve them***

In one case (Costa Rica), both an indigenous peoples' representative and a minority representative made separate trips to Geneva to lobby different treaty-monitoring bodies. Both initiatives stemmed from the regional workshop held in Costa Rica, although only one of the trips was financed by the project. In another case (Georgia), representatives of NGOs associated with different minorities went to Geneva to present different alternative reports – but, in an entirely arbitrary (and inappropriate) way, one managed to dominate the proceedings because it applied first to the secretariat of the Human Rights Committee to present its briefing and was consequently asked by the secretariat to act as convenor.

The main problems reported in Geneva concerned the coordination between different NGOs (or the lack of it) at informal briefings and the standing procedure followed by the CERD secretariat, to allow the first NGO that contacts them with an alternative report to coordinate the others (or, in practice, to dominate the proceedings).

It seems remarkable (and inappropriate) that the Geneva-based NGOs and other NGOs which have a long record of participating in lobbying activities there have not been able to agree more effective ways of coordinating their activities to bring others to lobby treaty-monitoring bodies, or of coordinating the contributions made by those they have supported once they arrive in Geneva. This failure does not appear to be in any single NGO's interests, and certainly not in the interests of the NGOs' intended beneficiaries. The representative of one Geneva-based NGO who was consulted noted that a possible objection to better coordination by NGOs in Geneva (which he noted could potentially be facilitated by either the International Service for Human Rights or CONGO) was that it might appear to others to be an attempt by international NGOs to act as gatekeepers and control the access to UN bodies by others.

One NGO representative who attended a CESCR session and met the two CESCR members responsible for drawing up conclusions on his country found one of the two to be a 'know all' and was surprised to receive no acknowledgement that he had travelled half way around the world to provide the Committee with information. Fortunately the other committee member made less of a poor impression. The implication is that treaty-monitoring body members, as well as NGO lobbyists, require more training, or at least reminding explicitly from time to time that it is sensible to be polite.

None of those who visited Geneva to brief treaty-monitoring bodies reported suffering any form of retaliation or reprisal from their governments subsequently. However, two of those that I heard about (only one of whom had been supported financially by MRG to travel to Geneva) appeared to suffer some negative consequences at the hands of their NGO colleagues (either those in the same NGO or those in allied NGOs). One was virtually excluded (or excluded himself) from the subsequent activities of the coordination structure which had prepared the alternative report. However, it was not possible for the evaluator to conclude why this happened or whether it was due in any way to their trips to Geneva and their performance there or to unrelated events.<sup>16</sup>

In one case (Guatemala), the NGOs involved concluded that their visit to Geneva had been so useful that it was appropriate to seek new funding to make a second trip. A team of three visited Geneva again in August 2007, after their government had submitted an ‘urgent’ update to CERD and at the time of a CERD session (but not one where the new Guatemala report was being considered), in order to hand over further information informally to some CERD members and to meet a number of relevant UN officials. This reportedly helped them plan their future lobbying strategy. Once again, CERD member José Francisco Calí Tzay reportedly played a role in organising this trip (and MRG was not informed about it).

In another case (Nicaragua), the NGO which had prepared an alternative report in 2007 for the CDESCR and travelled to Geneva to brief CDESCR members was able to use much the same text just a few months later, when Nicaragua’s report was reviewed by the CERD committee in March 2008, even though it was unable this time to secure financial support from this MRG project to make a return visit to Geneva.

#### **4. Observations on the project’s results**

The project logframe lists four planned outcomes or results. These were:

<p><b>OUTPUT 1</b></p> <p>Increased capacity of minority and indigenous peoples’ civil society organisations to understand available mechanisms, to demand their rights and to hold their governments to account through the mechanisms of treaty bodies and international legal standards.</p>
<p><b>OUTPUT 2</b></p> <p>Civil society organisations engage in increased and improved advocacy/lobbying activities at a national level</p>
<p><b>OUTPUT 3</b></p> <p>National civil society networks are developed and strengthened.</p>
<p><b>OUTPUT 4</b></p> <p>Minorities and indigenous peoples have a greater voice and increased profile at international level.</p>

In practice, the mini-projects which took place to achieve these outputs (perhaps more accurately termed 'outcomes' than outputs) often resulted in several of these outcomes and did not necessarily specify whether they were intended to result in Output 1, 2, 3 or 4. Furthermore, there was almost bound to be considerable overlaps between these outputs or outcomes.

### Output 1

Increased capacity of minority and indigenous peoples' civil society organisations to understand available mechanisms, to demand their rights and to hold their governments to account through the mechanisms of treaty bodies and international legal standards.

Virtually all the activities which occurred following workshops with a view to preparing alternative reports for UN treaty-monitoring bodies contributed to achieving Output 1. Some of these involved the NGOs involved developing new research skills, which seem likely to be put to further use in the future (e.g. in Kyrgyzstan).

In the case of Georgia, success in achieving Output 1 nevertheless meant that Output 3 was compromised. The support MRG gave to NGOs in national level activities (broadly working in two separate coalitions) reduced their inclination to work together and no national network resulted. There was evidently a calculated decision, based on a strong impression early on that NGOs linked to separate minority groups which had poor relations were extremely unlikely to start working together. By the time the CERD announced that it intended to review Georgia's report, however, the NGOs concerned had completed their in-country activities and all the resources allocated for use in Georgia, including at international level, had been used up. When representatives of several NGOs came to Geneva to present their briefings to CERD members, MRG was no longer able to provide financial support to them – or to use such support as leverage to persuade them to work together, rather than presenting separate report. The positive side of this is that it did not artificially camouflage the differences or enmities between separate minorities, even if also did little to reduce the conflicts between them.

After organising two workshops with specific minority groups and indigenous peoples, groups routinely referred to as 'marginalised populations' in Cameroon, the coordinating NGO in the country, the *École instrument de la paix* (EIP), concluded that there was a general need in the country for a manual about the rights of 'marginalised populations'. EIP felt that the substantial training manual prepared by ICES and translated into French for use at the regional workshop in Yaoundé in July 2006 was too long and detailed to fulfil this role (being more appropriate as "a trainer of trainers") and drafted a new manual or guidebook itself. By March 2008 this was not yet ready (in part, it was said, because financial transfers from ICES in Sri Lanka to Cameroon in the second half of 2008 took many months to arrive), but was expected to be ready by May 2008. The EIP's assessment that such a guide was needed indicates that it felt that 'marginalised populations' in Cameroon, with the possible exception of the Mbororo and Baka Pygmies, were not well

enough informed about their rights or about the practical ways in which they could get redress to embark on the more intensive lobbying and networking required for outputs 2, 3 and 4. Holding their governments to account, whether directly by action in their own country, or through the mechanisms of treaty bodies and international legal standards, might, therefore, be an appropriate step later on. However, this delay does not appear necessary as far as the Mbororo and Baka Pygmies are concerned, both of which have been involved in a variety of preceding initiatives concerning minority or indigenous peoples' rights. There are undoubtedly members of both communities who are well enough informed already about both internationally recognised human rights and the infringements of rights experienced by their peoples to benefit from having access to the 'how to' (undertake effective advocacy) which this project made available. As much as anything, this raises questions about the qualifications or qualities which an organisations required to perform the role of national coordinator and the extent to which it should have already had expertise on minority and indigenous peoples' rights in order to carry out its role adequately. The choice was evidently based on strategic assessments by MRG and ICES, in full knowledge that no choice was likely to be entirely successful.

## Output 2

Civil society organisations engage in increased and improved advocacy/lobbying activities at a national level
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In Central America, *Coordinadora Diriangen*, one of the Nicaraguan participant organisations, reported that it had prepared a draft law on indigenous peoples in the Central and Pacific regions, which they submitted to a parliamentary committee for consideration. They reported that what they had learnt about the provisions of the International Convention on Elimination of All forms of Racial Discrimination was invaluable in preparing this draft. *Coordinadora Diriangen* also successfully lobbied the National Assembly to adopt a reform to the Law on the Electrical Industry, whereby compensation will be paid to indigenous communities in Sébaco and Jinotega for the use of their lands for hydroelectric plants for the past 40 years.

When, due to a fuel crisis in Nicaragua, the central government rationed electricity, the rationing in the minority/indigenous coastal area was for 8 hours per day compared to 3 hours in the rest of the country. The organisation *Proyecto de Apoyo a la Promoción y Defensa de los Derechos de los Pueblos Indígenas y Afrodescendientes* reported that they used advocacy skills, including citing Nicaragua's obligations under ICERD, which they had heard about at the workshop in San José, as part of their successful lobbying campaign to counter this discriminatory practice.

In Georgia, NGOs that attended a training event in 2006 carried out several individual and group working meetings with the members of the relevant Government Commission in order to solve a problem related to the Meskhetian minority. As a result of meetings with officials, responsible for making decisions, it was possible to improve the content of the draft law on

the repatriation of Meskhetians in Georgia. It remains to be seen whether the law will pass in the current form

One of MRG's partners in Georgia reported to MRG that: "Media has played a very significant role especially in popularisation of our work and advocacy and has changed our authorities' attitude towards public life issues. As an example, several opinions were expressed by one of the Parliament members Beso Dzugieli, which had a fascist character towards citizens of Georgia. Through the media we approached this issue with our citizens. We had a huge response and as a result of this action he delivered his apology."

### Output 3

National civil society networks are developed and strengthened.
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Guatemala provides the example of most remarkable success in establishing a semi-permanent NGO coordinating structure (see section '5' below). Nevertheless, it was not clear whether the specific activities for which the project provided funding to the *Centro Pluricultural para la Democracia* (CPD) after Guatemala's Observatory (of NGOs) had submitted its alternative report CERD had been especially helpful. This is not surprising, as, in order to establish itself and to continue having an impact, the coordination structure was in need of core funding rather than funding for specific activities over only a limited period. However, the funding was part of a package which enabled the Observatory to make itself more of a permanent body and to hold regular coordination meetings involving NGOs whose representatives could travel relatively easily to meetings in Guatemala City or to Chimaltinango (all of whom met me together).

Kyrgyzstan also appeared to be a success story – in terms of a successful coordination of different minorities (whereas Guatemala essentially involved the coordination of separate Mayan groups), although at the end of the project it was unclear if it would be sustained.

In the case of Côte d'Ivoire, a direct outcome of the regional workshop in Cameroon was the formation of a national network known as the *Groupe Ivoirien de Travail sur les droits des Minorités et des Peuples Autochtones* (GITMA), which held both a training session (about minority and indigenous peoples' rights) and a round table to which a government representative was invited. The GITMA's chosen objective was to press the Government to modify the terms of reference of the National Human Rights Commission (set up by the government), in which human rights NGOs were apparently refusing to participate because of its terms of reference. The justification given by the members of GITMA for making this demand in the context of a project related to UN treaty-monitoring bodies was a recommendation included in the CERD's 2003 concluding observations on Côte d'Ivoire.<sup>17</sup> Its methods involved a petition which reportedly secured 7,000 signatures<sup>18</sup> and the round table meeting. By early 2008 it had not achieved its objective, but had managed to make others aware of the shortcomings in the Government's approach to minority and indigenous peoples' rights, both of which are key to



the on-going conflict (armed and political) in the country about the status of people whose parents or remoter ancestors were born outside the borders of Côte d'Ivoire.<sup>19</sup> This relatively narrow focus (criticising the terms of reference of the National Commission and, rather less directly, the Government's attitude to minority and indigenous peoples' rights) was clearly relevant to the country's political agenda, possibly more so that any attempt to link up with UN treaty-monitoring bodies, given the UN's reported loss of legitimacy in the eyes of many people in Côte d'Ivoire on account of the UN's role there. All this represented success in achieving Outputs 1, 2 and 3, but not Output 4.

#### **Output 4**

Minorities and indigenous peoples have a greater voice and increased profile at international level.
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It seems only to have been when NGOs embarked for Geneva that they demonstrated that they were ready to assert themselves not only at international level, but also at regional level. So, for example, ACP in Costa Rica, which sent a representative to Geneva, also told me it was active in a regional NGO group lobbying the Organization for American States (OAS) about a new OAS convention.<sup>20</sup>

In contrast, there was no sign that NGOs which did not travel to Geneva gave serious consideration to lobbying regional inter-governmental bodies, such as the Africa Union or the African Commission on Human and Peoples' Rights in the case of Cameroon, Côte d'Ivoire and Senegal. Nor was it apparent that they had made contact with other organisations engaged in advocacy on behalf of minority or indigenous peoples' rights in Africa.

#### ***Comments on problems encountered in achieving outputs, their effects and efforts to resolve them***

The achievement of outputs, as well as results, was hampered by arguments or political differences among the national level constituencies which MRG or ICES had convened at the start-up regional workshops. In the case of Central America, the cleavage was also the natural division between NGOs lobbying for indigenous peoples' rights and those lobbying for Afro-descendants' rights. In the case of Georgia, in the Caucasus, the divisions reflected in part the differences between the majority community and minority groups which are closely related to the majority or dominant community in another country in the region.

It seems to the evaluator to be a short-coming of the project that the potential differences (or different interests) between groups participating in the project had not been identified early on and managed more explicitly, in the run-up to regional workshops as well as afterwards.

Two countries, Côte d'Ivoire and Senegal, reportedly decided initially to coordinate their activities closely, but there were no signs of this in the activities they organised subsequently. This may have been due in part to

ruptures within the group of Senegalese NGOs, which got rid of the person who initially played the role of national coordinator or focal point (who was not a Senegalese national).

## **5. Comments on the project's impact and likelihood that it will achieve its purpose**

The project's long-term goal, according to its initial logframe, was to, "To protect and promote the rights of minorities and indigenous peoples by contributing to the effective implementation of relevant international legal standards at a national level". The project also had a more specific goal, "To improve the capacity of minority and indigenous peoples' NGOs to effectively use treaty bodies at an international level and improve their related advocacy initiatives at a national level".

Undoubtedly the project contributed towards achieving the long-term goal. In Central America and Central Asia, the regions where activities were managed by MRG, it seems that the specific goal of enabling NGOs to use treaty-monitoring bodies effectively has been achieved. The project did not achieve this in the other two regions, managed by ICES, although it did lead to some significant advocacy activities in parts of West Africa.

In Guatemala the project has achieved more than its original goal, as the NGOs which participated in the preparation of an alternative report for CERD in 2005 have formed a semi-permanent coordinating body. Several NGOs whose staff and supporters were indigenous Maya were clear in stating to me that they did not work with one another before 2004 and that the MRG project had played a crucial role in bringing them together. This seems likely to ensure that the project will go on having further impact. The NGOs which participated in the preparation of an alternative report on Guatemala for CERD in 2005 (presenting themselves as the *Consejo de Organizaciones por la Observancia y Verificación de los Instrumentos contra la Discriminación y el Racismo en Guatemala*) went on to create a standing NGO body (the *Consejo de Organizaciones por la Observancia y Verificación de los Derechos de los Pueblos Indígenas en Guatemala* – which in practice now calls itself an 'Observatory'). This is the body which prepared a further report a year after its first alternative report to CERD and sent a delegation to Geneva in August 2007.

I was at first slightly concerned at the implications of the change in name (from being concerned about discrimination and racism to 'only' indigenous peoples), as by 2008 neither Xinca nor Garífuna representatives were participating in the renamed Council. However, I was told by several people that since the 1996 peace accords, not only Maya and Xinca have been considered indigenous to Guatemala, but also the Garífuna community, and that the amended title both includes all the minority groups which were initially involved and uses terminology which is more familiar to Guatemalans than the original title.

On the face of it, the creation of a common front of a number of different Maya-based NGOs, which prior to 2005 did not work together, should be significant in helping achieve the project's longer term goal. In practice, the complicated ethnic politics of the country and the persisting refusal of the dominant Ladino political class to allow other communities a foothold in the country's political life may prove an insurmountable barrier. In my interview with the coordinator of the Presidential Commission on Combating Racism (CODISRA), he made it clear that a strong NGO lobby could at times help move things along, but that he feared it might also upset whatever sensitive negotiations CODISRA members are involved in (with government members or others) to secure better respect for the rights of indigenous peoples. It was not possible to check whether this fear is well founded. There were signs that there was a reasonably well-functioning channel of communication between the NGO Observatory and the Presidential Commission and that it would be relatively easy for the two bodies to discuss questions of strategy. Once again, however, it is appropriate to point out that the project benefited from an exceptional circumstance which cannot easily be replicated elsewhere, in the form of a CERD member who was also a member of the Presidential Commission and was able to use his influence across the board to bring about progress.

In contrast to Guatemala, in Costa Rica the effects of the project have barely registered on the State's consciousness and do not appear to have led to any perceptible changes in policy or practice. This means that the project's activities may have contributed towards the project's long-term goal, but it will require more pressure before any progress (or reduction in discrimination) can be noticed. In the cases of both Costa Rica and Nicaragua, the presentation of alternative reports did influence the recommendations adopted by treaty monitoring bodies.<sup>21</sup> In Nicaragua there was also some evidence that the government was ready to respond to lobbying from indigenous organisations, enabling the organisations to influence the contents of a law on indigenous peoples' rights, which is reportedly still under consideration. However, in Costa Rica there was no evidence that the authorities were responding to pressure from either indigenous or Afro-descendant lobbies.

Likewise in Central Asia, the authorities in Georgia and Kyrgyzstan have noticed that NGOs are now lobbying abroad on issues of minority rights, although it is not clear that this feeds back into receptivity to consider change at domestic level (in other words, while NGO lobbying activities at national and international level may be coherent and coordinated, it is not clear that the government notices this!).

However, in both cases it is probably important to note that government authorities have not reacted negatively to pressure via treaty-monitoring bodies. More worrying, perhaps, is that the project in Georgia did not lead to any better relations between different minorities. Indeed, competition between different NGOs to be the one heard in Geneva by CERD members seemed, if anything, to increase divisions rather than reduce them.

The three countries in West Africa, along with most others in sub-Saharan Africa, face the same, relatively well known challenges in securing a hearing from the authorities and others on the issues of minority rights or the rights of indigenous peoples. Increasing their awareness about international conventions and treaty-monitoring bodies does not seem to have shown locally based human rights activists how to respond to this challenge more effectively, even though it gave them some resources to make a little progress on relevant issues. While the project appears a long way from achieving its intended results in these countries, in that no lobbying was organised at international level, it was one of several initiatives in recent years which has helped build up a little pressure on government authorities as far as the rights of minorities and indigenous peoples are concerned. Indeed, it would be a shame if the international NGOs organising the project do not follow it up with further advice and support, particularly in the case of Senegal. In the evaluator's view, however, this requires more strategic thought, both to enable locally based human rights NGOs to work out some long term strategy (which might include advocacy at international level, but should probably give priority to advocacy at national level<sup>22</sup>) and to enable them to initiate a series of activities over a period of three to five years, giving a chance for locally based networks to take root and flourish. In this context, good coordination is also required between a project such as this and similar initiatives organised by other organisations, both international NGOs based outside Africa and supporting the activities of African NGOs and by NGOs based in Africa.

## **6. Additional comments from the Consultant**

The apparent failure of the project to bring about any briefing or lobbying in Geneva concerning the two of the four regions where ICES set out to bring this about (South East Asia and West Africa) looks like a relatively major weakness. Furthermore, the consultant was not convinced that he had uncovered the reasons for the failure to develop project activities in South East Asia.

There were delays in implementing the project in West Africa, which were due to fairly mechanical (and avoidable) difficulties. It seems to have been extremely optimistic for ICES, an NGO with no experience of working in French, to have agreed to supervise the part of this project involving countries in West Africa in which French is the main official language. ICES had a French-speaking staff member at the time the project was planned, but this individual had left by the time ICES reached the point of organising activities in West Africa. ICES' dependence on a single French-speaking staff member was a risk to the project, which should have been explicitly identified earlier on (and, having been identified, could have been managed more effectively by ICES). Although ICES reported carrying out activities in West Africa satisfactorily once other organisations were found to undertake translations from English into French and visa versa, the consultant felt that the impediment to communication was a factor that contributed to no representatives from West Africa becoming involved in attending the meetings of treaty-monitoring bodies or lobbying them. Indeed, it meant that virtually no meaningful communication could occur on an ongoing basis between the

project manager in Sri Lanka and the regional or national coordinators in Africa.

On account of both its difficulties in communicating in French and its lack of familiarity with French-speaking countries in West Africa, ICES called on the services of a Canadian NGO with which it had worked previously, the International Centre for Human Rights Education (now known as Equitas). Equitas was able to recommend a Cameroonian NGO to act as regional coordinator, the *École instrument de la paix* (EIP). As its name suggests, the main fields of the EIP's expertise and experience are education and conflict resolution rather than human rights or minority rights. While EIP was carried out its coordination role at regional level effectively, in the Cameroonian context choosing an NGO which had no especially relevant experience meant that the project was not building on previous experience. The evaluator did not seek to obtain comments from Mbororo or Baka-based groups on whether it was appropriate for EIP to act as project coordinator, but in their place he would have resented being by-passed as if there had been no significant achievements on such issues in Cameroon. While there might be a justification in not involving them as coordinators of a regional initiative, on account of their lack of administrative capacity, introducing a different organisation into this role can probably only be justified if it consults closely with others and is guaranteed some continuity, i.e. is likely to persist in this role beyond the life of a project and contribute to building up the capacity of NGOs based in minority groups or indigenous peoples in Cameroon.

I encountered what I felt were surprisingly substantial difficulties in persuading some individuals who had taken part in the project (or, in the case of ICES, people who had been responsible for administering it) to talk to me or give me all the information I requested. In some cases this seemed to reflect some irritation with MRG or ICES on the part of individuals or organisations I contacted, while in others it was probably due to a feeling that this evaluation was not very important. However, in a few cases (relating to South East Asia and West Africa) I was given the impression that the obstacles were a rather more deliberate attempt not to reveal precisely what had happened.

### ***Comments on the structure of the project***

The flaws in the project caused by its structure and organisation at international level were reflected elsewhere in the project's decentralised organisation. On paper, the project's decentralised structure should have promoted local 'ownership' and empowered one or more NGOs at national level in all 12 countries involved. It was, after all, a project with two separate project managers, each of whom delegated responsibility to two regional coordinators, who liaised in turn with three country coordinators (or, in the case of West Africa, one regional coordinator), who were in contact with three or more (sometimes many more) national NGOs. This decentralised structure should also have ensured that the conventional top-down (neo-colonial) model of an NGO based in Europe or North America treating all the participating NGOs as clients which carry out its instructions, rather than equal stakeholders, was prevented.

In practice, however, there were two projects, one managed by ICES and the other by MRG, and the structure had quite different implications and results for its two halves.

In two regions managed by ICES, the result of the structure was that there was a lack of supervision and accountability within the project, along with a lack of support and advice for coordinators at regional and national level. The lack of accountability connected with the project's decentralised structure was most serious in West Africa, where ICES' coordinator in Sri Lanka was unable to coordinate easily even with the regional coordinator for West Africa.

I felt that it was in no way 'empowering' to leave national coordinators in West Africa to cope on their own, without having access to a regular source of advice, and that in this region (West Africa), this probably reduced the likelihood that national coordinators would adopt strategies to make the project sustainable. The regional coordinator in West Africa working with ICES commented that she felt disempowered because the project allocated no resources for her to visit the two other countries in her region to find out what was really going on there during the period when project activities were being implemented (or supposed to be implemented) following a regional workshop. I did not interpret this as a request for greater control by the regional coordinator, but rather a complaint that she was expected to be accountable (to ICES) without being able to obtain meaningful information about what was occurring at national level. She (rightly) suspected that organisations which had received money through the project had failed to meet their commitments, although she was not being provided with clear information by the coordinators at national level that made it clear what was happening.

In contrast, supervision and accountability were not a noticeable problem in Central America and Central Asia. In these cases, NGOs implementing specific activities appear to have felt under a greater obligation to provide MRG with reports on the activities being financed, possibly because there was someone in the MRG office who was in relatively regular contact with them and probably because many of the NGOs concerned felt it was in their own future interest to maintain good relations with MRG.

Reports from ICES on their progress were not always accurate and this impeded MRG's ability to effectively monitor the programme or to provide accurate reports on ICES' side of the work to donors.

I also feel that MRG's periodic reports to DfID underplayed some of the weaknesses which were apparent in the regions managed by ICES (although I realised that the extent of the weaknesses in South East Asia were not always apparent in the reports provided by ICES to MRG and there was no immediate reason why MRG should have suspected that things were not going well in ICES' half of the project).

In a project in which MRG is supposed to be an equal partner (rather than with overall managerial responsibility), this raises questions about what measures MRG should take both before embarking on a joint project (to

ensure that its partner has adequate capacity to carry out the project) and during the project (to ensure its partner is properly accountable, providing accurate information both to MRG and to the organisation's own donors). The lesson is that, even if donors require project proposals with matched funding that imply that MRG should work on an equal footing with another NGO, as part of its side of the project MRG should propose checks to ensure that it knows what the partner is doing and ask for funding to enable it to carry out these checks. While it would be desirable to carry out a pre-project preparatory visit to the potential co-managing NGO of a project, in order to assess its capacity, this might not be possible if the donor does not provide funding for project preparations (the evaluator recommends, of course, that donors should offer such funding). At a minimum, therefore, the project should include provision for a visit by MRG staff soon after the project starts, to ensure the co-managing NGO develops a sensible project implementation plan and a mid-term evaluation which would allow either MRG or an independent evaluator to check on the accuracy of the information provided in activity reports.

One short-coming I identified in MRG's own periodic reports is that, by following the structure of the original logframe rather closely, the reports concentrated on commenting on the risks identified explicitly in the original logframe, rather than other risks or weaknesses which had become apparent during the project's implementation, such as the various disputes among NGOs in particular countries (where the project anticipated them working together closely) or the departure of ICES' only French-speaking member of staff. It seems important that the right-hand column of a conventional logframe should be treated as a 'living' entity, so that any new risks or unexpected developments are mentioned, along with the steps taken in response.

One technique which could have helped reduce some of the weaknesses of the project would have been to involve an external reviewer throughout the life of the project, rather than introducing an external evaluator only near its end. This would not have involved an *ex ante* evaluation as such (although this would probably have identified some flaws in the project's logframe), but rather the periodic involvement of the same reviewer, for example for a few days each year during the life of the project, to review project implementation reports and to react to these, either by requesting further information or evidence, or by pointing out shortcomings which required addressing. Such a reviewer would, I think, have insisted on receiving more substantial reports from ICES or at least questioned the lack of evidence (about the lack of activities organised after the South East Asia regional workshop) in their implementation reports, and would not have been hampered by a fear that MRG's relations with ICES would be damaged as a result of asking uncomfortable questions.

The involvement of an independent reviewer might have helped overcome the apparent lack of accountability between MRG and ICES, which were presented in the original project proposal as equal partners, even though some of the donor funds were being channelled via MRG to ICES, meaning

that, in effect, ICES had a reporting obligation to MRG. ICES had additional, separate funding from Cordaid.

### ***Comments on the organisation of NGO lobbying activities in Geneva***

As the project shows, a huge investment of resources goes into bringing an NGO representative to Geneva to make an oral presentation at a formal or informal session with members of a treaty-monitoring body. It is therefore vital that they use the time available to them to communicate effectively with treaty-monitoring body members. At formal meetings, interpretation is arranged by the UN and is usually high quality. However, at informal sessions, the NGOs themselves (usually those sponsoring visitors, such as MRG) have to arrange interpretation – and the poor quality of interpreters regularly undermines the impact of a lobbyist. In the case observed by the evaluator, it was the Russian interpreter at an informal briefing for CERD whose performance was good, but less than perfect. I felt this was an impediment to the NGO representatives from Kyrgyzstan getting their message across clearly to CERD members. Undoubtedly all those who agree to act as interpreters try their best, but they can easily slow down communication and, in the worst cases, actually create problems of miscommunication.

It would probably be appropriate to include the cost of interpreters in the budget of future projects and to pay for professional interpreters whenever there is the need, rather than seeking the cheap or unpaid services of individuals who speak the right language, but are not professional interpreters.<sup>23</sup>

Although it is a minor detail, it would also be appropriate to go to even further lengths to ensure that NGO representatives travelling to Geneva take out travel insurance. In one case, where a lobbyist had his laptop computer stolen at a bus stop in Geneva, it was apparent that he had not arranged adequate insurance for himself – and also that his lack of familiarity with Geneva had led him to underestimate the risks to his property while he was there. Fortunately the computer was found later on. Like other international NGOs paying for NGO representatives to visit UN centres, MRG informs the NGO representatives that they should obtain travel insurance and that MRG will refund the cost. However, it appears common that they NGO representatives either feel this is unnecessary, or find it difficult to arrange, or have too much else to arrange in the run up to their trip. Unfortunately, it appears difficult (or expensive) to persuade insurers based in the UK (in the case of MRG) to arrange travel insurance for travellers who neither live in the UK, nor are travelling there. If it has not yet been attempted, it might be worth the international NGOs concerned approaching a Switzerland-based insurer as a collective group to explain the insurance need and see whether a standard arrangement could be made with a Swiss insurer to provide cover to individuals travelling to the UN in Geneva.

Based on the remarks at the end of section 3 above (about the lack of coordination with other international NGOs sponsoring NGO lobbyist to come



to Geneva), MRG could make contact with other international NGOs to assess whether a more effective system of coordination could be designed, without MRG and other NGOs appearing to want to control or limit the access of other NGOs to UN human rights bodies. In the context of broader attempts to rationalise the process of arranging NGO input into treaty-monitoring bodies, these NGOs should, together with the staff of the Office of the High Commissioner for Human Rights responsible for each treaty-monitoring body, explore the best mechanism for allowing the NGOs from a country to coordinate their contributions and whether there is a better option than the current 'first come, first serve' approach used by the secretariat responsible for CERD.

## Appendix 1. Terms of Reference for the evaluator

For terms in bold – refer to project logframe – in each case suggested indicators and means of verification were suggested on the logframe, although it will be necessary to prioritise as to which are readily available to assess at this point.

### Output level

Did we complete all of the **activities** as planned to a reasonably high quality. What problems were encountered at this level? How did they affect the activities and to what extent were they overcome?

### Output level

Where completed as planned, did the activities contribute to the planned **results**? Where this was so, refer to evidence. Where not so, what factors intervened and explain how they impacted. Suggest ways that the organisations tried to overcome any problems and how successful this was (or not). If there were any unplanned results (positive or negative) explain what these were and how they came about.

### Impact level

If at all possible, make an assessment as to whether the results achieved are likely, over the longer term to achieve or contribute to the achievement of the **purpose** of the project. If it is unlikely that all or part of the purpose will be achieved, why is this and is this something that could have been foreseen or overcome?

### Specific tasks of the evaluator

- Read all project materials, participant evaluation forms (or summaries/collations)
- Speak by phone to MRG project staff: Chris, Clive. (Possibly Kathryn)
- Meet with main partner ICES staff.
- Speak by phone (or meet) at least three trainees from each of the training events (i.e. 4 events, 12 people)
- Speak by phone to at least 3 partners involved in campaigns/shadow reports
- Visit at least one partner involved in a campaign or shadow report, speak to staff but also wider community members and ultimate beneficiaries.
- Write a report detailing your findings and assessments. Indicate areas of learning for project partners, for MRG and for donors.

## **Appendix 2. Sources of information**

### ***Interviews in Geneva***

Atyrkul Alisheva and other NGO representatives from Kyrgyzstan, 1 August 2007

Luis Valencia Rodriguez (CERD Rapporteur on Kyrgyzstan), 2 August

Rigoberto Mairena Ruíz (Coordinadora DIRIANGEN), 27 November 2007

### ***Interviews in Guatemala***

Ruben Hernandez (ex national coordinator), 17 January 2008

Nicolas Pelico and Gloria Marina Apén (CALAS), 18 January 2008

Virgina Ajxup, 19 January 2008

Mariana Leiva (by phone on 51 22 57 90), 19 January 2008

Members of the current Observatory, 21 January 2008: Ramiro Batzin Choj, coordinator of Observatory, SOTZ'IL, current address, 4to callejon Final Colonia San Rafael zona 2, Chimaltenango, tels: (502) 7839-4477); Rigoberto García Maldonado (CPD - Centro Pluricultural Para La Democracia, Quetzaltimango/Xela) + one other colleague; Gloria Marina Apén (for a second meeting, CALAS);

Romeo Tiú (coordinator of the State anti-racism commission, CODISRA), 21 January 2008

### ***Interviews in Costa Rica***

Carlos Minnott (APC), 22 and 23 January 2008

Edly Hall Reid (APC representative who travelled to Geneva to present alternative report), 22 January 2008

Laura Wilson (Puerto Limón), 23 January 2008 (and others attending a meeting, addressed by Carlos Minnott)

I did not manage to speak to anyone associated with the Mesa Indigena. I contacted unsuccessfully: Geyner Augusto Blanco, Odir Blanco-Cruz and Donaldro Rojas (Coordinador de la Mesa Nacional Indigena, tel.: 506-253-85-23).

### ***Other telephone interviews***

Nigel Rodley (HRC), December 2007

Catherine Moto Zeh (EIP Cameroon), 14 March 2008

Kabyr Ndiaye (focal point, Senegal), 20 March 2008

### ***Substantial information by e-mail***

Gisèle Raimundi (Senegal)

Peter Prove (Lutheran World Federation, Geneva)

### **Documents reviewed** (Incomplete listing)

#### ***General***

MRG & ICES. Strengthening the Capacity of Minority and Indigenous Peoples to Advocate for the Implementation of International Standards. Regional

Training Workshop and Associated Programme of Advocacy. Lake Issy-Kul, Kyrgyzstan, 25-29 April 2006. February 2005. 97 pages. Translated into French as : Projet sur le renforcement des capacités des minorités et peuples autochtones de plaider en faveur de la mise en oeuvre de normes internationales. Atelier régional de formation et programme de soutien associé. Yaoundé, Cameroun. 9 – 12 juillet 2006. 168 pages.

Concluding Observations and other texts of CERD and other treaty-monitoring bodies and relevant alternative reports prepared during or soon after this project.

MRG. Progress reports prepared for DfID: years 1 and 2 and final report (January 2008).

ICES. Progress reports:

ICES- MRG project on Treaty Bodies – progress report for the period April-October 2004

Phnom Penh, November 2004 workshop report. 40 pages

Phnom Penh, November 2004 workshop evaluation, based on evaluation forms filled in. 4 pages.

ICES- MRG project on Treaty Bodies – progress report for the period Jan to June 2005.

ICES- MRG project on Treaty Bodies – progress report (for CORDAID) for the period August 2005 to October 2006 with a supplement up to March 2007.

ICES- MRG project on Treaty Bodies – progress report for the period April 2006 - February 2007.

ICES. Final Narrative Report of the Project on Strengthening the Capacity of Minority and Indigenous People to Advocate for the Implementation of International Standards April 2004 to July 31, 2007.

### ***Central America***

Centro Pluricultural para la Democracia (CPD) (Guatemala). Project report (Proyecto: Socialización y Difusión de las Recomendaciones del Comité contra la discriminación racial. Informes: Descriptivo y Financiero, Anexos. Noviembre de 2007).

Consejo regional de pueblos indígenas de la región central, Coordinadora DIRIANGEN. Informe alternativo sobre el cumplimiento de la Convención Sobre La Eliminación de Todas las Formas de Discriminación Racial, por parte del Estado de Nicaragua. March 2007.

Mesa nacional indígena de Costa Rica. Informe alternativo presentado por los pueblos indígenas al informe presentado por el estado de Costa Rica al Comité contra la discriminación racial de la Convención internacional sobre la eliminación de todas las formas de discriminación racial en su 71 periodos de sesión del 30 de julio al 18 agosto de 2007.

### ***Central Asia***

Project proposals: Azerbaijan (2), Tolerance Public Union for protection of human rights and Association of Jewish Women of Azerbaijan; Georgia (2), Multi-ethnic Resource Centre for Civil Education of Georgia and Union “Public Movement Multinational Georgia” (PMMG); and Kyrgyzstan (1), Institute for Regional Studies.

PMMG. Draft Law of Georgia on the Protection of the Rights and Freedoms of Persons Belonging to National Minorities.

### ***South East Asia***

Lumah Ma Dilaut Center for Living Traditions, Incorporated, and Kahiusahan ng Mga Higaunon, Incorporated (Philippines). Human Rights Capacity Build-Up Preparatory Workshop: July 2005. 15-page text incorporated as Annex 1 in ICES' progress report (for CORDAID) for the period August 2005 to October 2006 with a supplement up to March 2007.

(My repeated attempts to contact a staff member at the Lumah Ma Dilaut Center, by e-mail and by telephone, unfortunately produced no response).

### ***West Africa***

Collectif sénégalais pour les droits des minorités et populations autochtones. Rapport d'activités Novembre – Décembre 2006. Présenté par: Monsieur Kabyr Ndiaye. (NB the title of the document suggests it concerned a period in 2007, when it reports on activities in late 2006).

Groupe Ivoirien de Travail sur les Minorités et peuples Autochtones (GITMA), Côte d'Ivoire, Rapport d'exécution 2ème tranche. 2007.

CAEDHU (Centre africain pour l'éducation aux droits humains). Senegal. Document Recherche /Action: Les Bassaris. 2007.

Projet de renforcement des capacités des acteurs locaux en vue du plaidoyer en faveur des minorités et populations autochtones au Sénégal (projet amende), août 2006.

Rapport final de l'atelier de Ziguinchor sur la place des droits des minorités et des populations autochtones dans le processus de paix en Casamance. Ziguinchor, les 5 et 6 juillet 2007.

## **Appendix 3. Evaluator's Questions**

I drafted the following questions to guide the evaluation. As the evaluation progressed, the questions I pursued became more specific and deviated from this initial list, in particular because it seemed that no-one from ICES was available to respond.

### **1. Questions for MRG & ICES**

1. What have been main achievements of the project as a whole?
2. What have been the main disappointments?
3. What are the strengths and weaknesses in the way the project has been implemented?
4. Have any tools or other technical instruments been produced during the project which you expect to go on being used – by your organisation or others?
5. Are there major administrative or management issues which have come up?
6. Have any unexpected risks or external factors had an impact on the project's progress?
7. Did you use the project's indicators to monitor its progress? (Have you reported in terms of measuring the indicators or commented on progress towards completing activities or achieving outcomes)?
8. (ICES) How did the financial reporting procedures work out?
9. What lessons have been learned since the project started, which you would apply in the future?

## **2. Questions for sub-contracting partners (including ICES for SE Asia)**

1. What have been main achievements of the project?
2. What have been the main disappointments?
3. What are the strengths and weaknesses in the way the project has been implemented?
  - Key achievements per country & per objective.
4. Have you commissioned or received any evaluations of these activities? What evidence have you received to confirm they were carried out or understand what their impact has been?
5. How easy or difficult was it for your organisation to coordinate with the other organisations that attended the workshop?
6. How easy or difficult was it to coordinate with the other organisations that proposed projects?
7. How easy or difficult has it been to coordinate with the organisations that implemented projects and to get full reports from them on the activities they have carried out and on the way they have spent the money allocated to them?
8. Were joint activities carried out by more than one NGO? If so, how well did the separate organisations coordinate with each other?
9. How easy or difficult was it for you to communicate & coordinate with MRG (or ICES)?
10. How effective has the project been at promoting the participation of the members of the minority groups concerned?
11. Have any unexpected risks or external factors had an impact on the project's progress?
12. Did the project have any unexpected or unplanned results (positive or negative)? If so, what were these?

13. Are there major administrative or management issues which have come up?
14. How did the financial reporting procedures work out?
15. What lessons have been learned since the project started, which you would apply in the future?

### **3. Questions for NGOs attending workshops and implementing projects afterwards**

1. What were main achievements of the project?
2. What were the main disappointments?
3. What progress did the project make towards meeting its intended objectives?
4. Is any evidence available about the impact of the project (in terms of its stated aims)?
5. Has there been any impact on government policies and practices?
6. Have you noticed any reduction in the use of negative language by the authorities or the media when talking about minorities?
7. How effective has the project been at promoting the participation of members of the minority groups concerned?
8. What were the factors that your organisation took into account when you decided to propose this particular project? [Did you feel there was an obvious and pressing need for it?]
9. What are the strengths and weaknesses in the way the project has been implemented?
10. Did the project have any unexpected or unplanned results (positive or negative)? If so, what were these?
11. To what extent have there been synergies between the project and other initiatives in your country?
12. Have any unexpected risks or external factors had an impact on the project's progress?
13. What lessons have been learned since the project started, which you would apply in the future?

### **Endnotes**

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- <sup>1</sup> The quote refers to the project's goal as listed in the project logframe.
  - <sup>2</sup> Established by the International Covenant on Economic, Social and Cultural Rights.
  - <sup>3</sup> The DAC Glossary defines 'efficiency' as, "A measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results". It defines 'effectiveness' as, "The extent to which the development intervention's objectives were achieved, or are expected to be achieved, taking into account their relative importance". (OECD Development Assistance Committee (DAC) Working Party on Aid Evaluation, Evaluation and Effectiveness. *Glossary Of Key Terms In Evaluation And Results Based Management*. 2002)
  - <sup>4</sup> *Projet sur le renforcement des capacités des minorités et peuples autochtones de plaider en faveur de la mise en oeuvre de normes internationales*. Atelier régional de formation et programme de soutien associé. Yaoundé, Cameroun. 9 – 12 juillet 2006. 168 pages.

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<sup>5</sup> Phone interview with Catherine Moto Zeh at EIP. For example, in December 2006 Senegalese NGOs were apparently expecting to complete their research and lobbying activities within just a few months.

<sup>6</sup> Regarding Bangladesh and Cambodia, ICES reported, “*With regard to Cambodia, ICES commented on the project [proposal] and sought certain revisions but had no response after that. ICES subsequently wrote to two lead organizations in Cambodia seeking their collaboration, but once again were not successful. We received three proposals from Bangladesh, sought revisions as the project was not in keeping with the overall project goals*”.

<sup>7</sup> The Lumah Ma Dilaut Center for Living Traditions.

<sup>8</sup> MRG reported to DfID that, “it has been harder than expected to encourage joint activities. However, there are exceptions, such as Guatemala, where almost all participants have proposed a joint project.”

<sup>9</sup> Laura Wilson, interview, Puerto Limón (Costa Rica), 23 January 2008.

<sup>10</sup> The Bassari, Bedick and Djalanké. The Collective’s activity report at the end of 2006 contains details on the Bedick people.

<sup>11</sup> E-mail from Djibril Gueye, 3 April 2008.

<sup>12</sup> E-mails from Gisèle Raimundi, CAEDHU, March 2008.

<sup>13</sup> The proposal noted that, “Les autorités étatiques font preuve de méfiance vis-à-vis de cette question sensible des minorités et ‘peuples autochtones’”.

<sup>14</sup> “Rencontrer les autorités étatiques pour les informer sur le caractère républicain du projet, le souci de ses promoteurs de respecter la constitution, notamment dans ses dispositions sur la laïcité de l’Etat et l’égalité de tous les citoyens en dignité et en droit”.

<sup>15</sup> Although it was apparent to me observing the CDESCR preparatory session that the committee members seemed more interested by comments made by NGOs which had come to Geneva especially than those which are based in Geneva or in industrialised countries and which habitually attend briefings to raise rather similar points on all countries, some of which they seemed to find repetitive.

<sup>16</sup> MRG’s final project implementation report to DfID (January 2008) alluded to the reasons cited by the person who had travelled to Geneva to brief CERD members about Guatemala. However, I did not confirm that the specific reasons he cited were the genuine or only reason why he had been excluded from the body which was coordination NGO lobbying on indigenous peoples’ issues.

<sup>17</sup> “The Committee recommends that the State party continue its efforts to adopt legislation or regulations which define the respective spheres of competence of the National Human Rights Commission and the Ombudsman’s Office, spell out the procedure for bringing cases before them and determine whether their decisions are binding. More specifically, the Committee invites the State party to strengthen the guarantees of independence of these bodies so that their activities will be effective and credible, particularly for the purposes of mediation. To this end, the State party should take the appropriate measures to inform the public of the remedies available to the victims of acts of discrimination or xenophobia”. Paragraph 18, UN doc. CERD/C/62/CO/1 (NB not C/69/CO/1 as misquoted in the GITMA activity report).

<sup>18</sup> I was not able to obtain a copy of the text or to find out what had been done with the petition.

<sup>19</sup> In its 2003 concluding observations on Côte d’Ivoire, CERD noted that, “The Committee also notes that the misuse for xenophobic purposes of the concept of “*ivoirité*”, which does not appear in the Constitution, has been a key factor in the current crisis” (UN doc. CERD/C/62/CO/1).

<sup>20</sup> Specifically, the Grupo de Trabajo Encargado de Elaborar el Proyecto de Declaración Americana sobre los Derechos de los Pueblos Indígenas.

<sup>21</sup> For example, in the case of Nicaragua, the representative of the Coordinadora Diriangen who gave a briefing to the CDESCR in November 2007 argued that the rights of indigenous peoples in the centre and north of the country received negligible attention from the Government, while the rights of indigenous peoples and Afri-descendants along the Caribbean coast received more attention. Coordinadora Diriangen repeated the same concerns and recommendations in a text submitted before the CERD’s review of Nicaragua three months later. This was reflected directly in one of CERD’s recommendations adopted in March 2008 (Observaciones finales del Comité para la Eliminación de la Discriminación Racial Nicaragua, UN doc. CERD/C/NIC/CO/14): “...al Comité le preocupa que los pueblos indígenas de la zona del Pacífico, Centro y Norte de Nicaragua no gocen de una ley específica que reconozca y proteja sus derechos.(art.2) ... El Comité exhorta al Estado parte a que acelere el proceso de adopción de la Ley General de los Pueblos Indígenas del Pacífico, Centro y Norte de Nicaragua así como la creación de una Procuraduría especial para los Pueblos Indígenas del Pacífico, Centro y Norte de Nicaragua” (paragraph 15).



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<sup>22</sup> As, at regional level, the African Commission on Human and Peoples' Rights had already adopted (in 2004) a resolution on 'the Rights of Indigenous Peoples/Populations in Africa' at its 28<sup>th</sup> session, mainly as a result of an initiative by the International Work Group on Indigenous Affairs (IWGIA), but this appears to have had no significant impact at national level.

<sup>23</sup> There was no explication allocation for interpretation costs in Geneva in the original budget.