



**PROVISION FOR POST PROJECT EVALUATIONS FOR THE UNITED NATIONS
DEMOCRACY FUND
Contract NO.PD:C0110/10**

EVALUATION REPORT



UDF- MEX-10- 407 Strengthening Democratic Participation Among Indigenous Peoples of Oaxaca, Mexico

Date: 9 October 2014

Acknowledgments

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Disclaimer

The evaluators are solely responsible for the content of this publication, which in no case can be considered to reflect the views of UNDEF, Transtec, or any other institution and/or individual mentioned in the report.

Authors

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to defend and demand the full exercise of their human rights, as well as their rights as indigenous peoples.

The project strategy has thus been consistent with the needs of the beneficiary groups, as it has given impetus to the drafting of the Constitutional Reform proposal in the State of Oaxaca. The methodological approach, focused on community and regional capacity building, litigation, and improving the ability of indigenous peoples to lobby public authorities, was consistent with promoting, defending, and enforcing the rights of the beneficiary groups. Furthermore AMIO, REDDIM, and CEDIO, through its adoption of a gender approach, helped consolidate the process launched by SER Mixe and had a major impact on the lives of the beneficiaries as well as the development and improvement of institutional and democratic life in the State of Oaxaca.

The project was too ambitious (26 outputs were identified). However, overall, it was highly **effective**, a fact acknowledged not only by the direct stakeholders but those who had learned about it indirectly. While not entirely attributable to SER Mixe or the project, the indigenous and Afro-Mexican peoples contributed to the comparative diagnostic study of Federal and State legislation, ensuring that the basic document reflected the expectations and proposals of the indigenous and Afro-Mexican peoples. The participants in this process were stakeholders from civil society, academia, and Oaxaca state government agencies, coordinated by the Indigenous Affairs (SIAI). SER Mixe, CEDIO, AMIO, REDDMI, municipal and agricultural authorities, comuneros (community landowners/residents) and citizens, men and women alike ±all of them direct beneficiaries of the project ±made up the Consultative Board charged with submitting the Constitutional Reform proposal to the State Government, which in turn submitted it to Congress for consideration. This process was accompanied by a series of initiatives aimed at promoting harmonization of the Oaxaca national justice system and indigenous legal systems to guarantee respect for and enforcement of indigenous rights

II. Introduction and development context

sought to strengthen the autonomy and sovereignty of the Mixe people and other Indigenous people of Oaxaca, to improve the implementation of their rights, to enhance their participation in decision-making processes, and to strengthen the organizational processes of Indigenous people, especially Indigenous women, for democracy based on justice, equality and

(i) The project and evaluation objectives

The project was implemented by SERvicios del Pueblo Mixe A.C. (SER Mixe A.C.), from June 1, 2012 to May 31, 2014.¹ UNDEF provided a grant of US\$225,000, \$22,500 of which was retained for monitoring and evaluation purposes.

The project sought to empower indigenous people from the State of Oaxaca, Mexico, make their voices heard, and increase their participation in democracy

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(ii) Evaluation methodology

The evaluation was conducted by an international expert and a national expert hired under



With 15 of the 68 nationally recognized indigenous peoples,



Although indigenous peoples value the



project strengthened the capacity of the Oaxaca Council on Indigenous Rights (CEDIO), providing efficient assistance in the identification and defense of important cases involving violations of collective rights. At the same time, it created opportunities for analyzing and raising awareness about a range of problems that adversely impact or threaten these communities. However, the strategy implemented did not result in the legal establishment of the association of Mixe authorities or the association of Zapotec authorities in part because of the electoral situation and the endless turnover of officials. Something else that it did not accomplish was the participation of CEDIO representatives in international events and/or seminars.

Outcome 3 prioritized the gender approach, with particular attention to the needs and



xLobbying and participation in submitting the Reform proposal to the Constitutional Governor and Congress.

Resolution of 5 criminal cases arising from conflicting legal systems

x8 forums and UNDRIP awareness campaign.

xPublication and distribution of audiovisual materials to the

of issues (mining, genetically modified crops, wind farm projects, environmental policy, regulatory systems and legal framework that affect the rights of indigenous people, and Constitutional Reform);
xLegal advice to CEDIO counselors.
xLegal assistance to Mixe authorities for the preparation, submission, and follow-up of development projects and action to be taken with state and federal bodies in the municipalities and regions.
x3 meetings to draft the legal constitution of the association of Mixe authorities.

María Matamoros) completed and pending. Improved positioning of indigenous rights in the media with recommendations and pronouncements prepared jointly. Greater opportunities for lobbying and raising awareness among staff in the state

IV. Evaluation findings

(i) Relevance

The project intervened at a very timely moment and was highly relevant in terms of the national context, recent changes in the legal framework, and the needs and expectations voiced by citizens and social groups wishing to improve their capacity for organizing to enable them to participate and influence policymaking bodies. Concerning the legal framework, it should be noted that Mexico has just passed secondary laws for implementing the amendments to the Federal Constitution with respect to energy resources and fuel. Many social, indigenous, human rights, environmental, and academic organizations, as well as analysts and bar associations have debated the actual benefits of these amendments to the

FRXQWU\|V GHYHORSPHQW FedUp deriving knowledge people and O OLNH C campesinos of their lands and territories, with the consequent destruction of their cultures and way of life ± all of this under a new package of laws that creates a new form of disguised legal eviction from lands and territories that have gas and oil production and/or mining potential.¹³



In addition, these secondary laws provide no guarantees or mechanisms to ensure real exercise of the right of indigenous people or communities to information, consultation, and decision-making about matters involving their lands and territories. In fact, the general public was not duly

The evidence gathered by the evaluation team through interviews and statements by the actors they met with, as well as documentary information, confirms WKH SURMHFaW ¶ V UHO through its contribution to improving the institutional legal framework and assistance in drafting the Constitutional Reform proposal on indigenous rights in the State of Oaxaca.

The current situation of indigenous peoples and the imminent threat posed by the anticipated UHVXOWV DQG LPSDFW RI OH[LFR¶V)HGHUDO, SPV, F\ and bring indigenous peoples and communities together to defend and demand the full exercise of their human rights, as well as their rights as indigenous peoples.

Therefore, even in the precarious context of scarce material resources and limited definitions for institutional strengthening in the short, medium, and long term, SER Mixe ¶ V proposal through the UNDEF project has proven to be relevant, sound, and strategic; it therefore merits strengthening and consolidation. The project strategy promotes drafting of the Constitutional Reform proposal in the State of Oaxaca. Moreover, its training and community and regional organizing

initiatives, along with the strategies for litigation and political dialogue implemented thus far, are viewed very positively by the beneficiary groups and have yielded good results, even though they must be strengthened going forward.

At the same time, the current scenario paradoxically offers new rights enforcement and justiciability tools owing to the amendment of \$UWLFOH RI OH[LFR¶V)HGHUDO which on the one hand, redefines the Mexican legal system by making not only the Constitution, but the international human rights treaties ratified by Mexico and the rulings and jurisprudence of the Inter-American Court of Human Rights the standard for constitutionality. Under that amendment, not only judges, but ALL authorities of any order and at any level, \$6†• á à C must verify that their actions and resolutions adhere to the Federal Constitution and international human rights treaties ratified by Mexico (conventionality control). In cases of conflicting law, the pro persona principle must be respected, meaning that the law or decision that best guarantees respect for rights

In parallel with this process, the project supported a series of initiatives to guarantee respect for indigenous rights and their enforcement, promoting harmonization E H W Z H H Q 2 D [of indigenous national justice system and indigenous legal systems. Here, tangible results were achieved by training justice system personnel, informing them about the need to harmonize the indigenous and national legal systems (through forums, a UDRIP awareness campaign, roundtables, lobbying, assemblies with prominent elders, workshops, etc.) and by strengthening the capacity to handle petitions and cases involving indigenous rights violations.

A total of 51 dossiers were processed within the framework of the project. Five criminal cases and three agrarian conflicts were resolved. Forty-three were still pending at the time of the evaluation. SER Mixe is assuming responsibility for following through on these cases. The community members interviewed stated how important it was for them to have had good legal advice at no cost. The final adjudication of cases is often a lengthy process. There have already been eight or nine trials in the community of Santa María Matamorros, and five amparo petitions have been filed. Community authorities have already commented on the

Our community is highly marginalized and remote. Waiting for a case to be adjudicated is very onerous. Everything is expensive; we have to pay for travel to pursue the cases. Our children and families live in fear and insecurity. The support provided has been very important to us.

**Vidal Ramírez, Secretariat,
Community Property
Commissariat, Community of Santa
María Matamorros.**

international events.¹⁴ Although SER Mixe considers it extremely important to get to know and share experiences with other stakeholders committed to promoting indigenous rights, it received no invitation to participate in international events and thus made no effort to attend any ± probably due to the turnover in its Board of Directors and W K H W k D B s t v workload during the project execution period.

Finally, the project had good results in W K H L Q G L J H Q R X V Z R P H Q 1 V H P S R Z H U P H All the beneficiaries interviewed were very happy to have had the opportunity to participate in the meetings held by the project, whose



Directors held monthly meetings with the department heads and their respective assistants to monitor activities, analyze and solve problems, and plan each stage of the project.

While the project respected the established timetable (meaning that a contract extension was not needed), several of the programmed activities got a late start. This was due in part to poor weather conditions (especially in 2013), which made access to the communities problematic and forced the project to postpone some of the training workshops, community assemblies, and meetings. Furthermore, the installation of SER Mixe \uparrow V Q \uparrow B \uparrow Z \uparrow rd of Directors and the hiring of new operational staff also affected the timetable of certain initiatives; notwithstanding, these were subsequently implemented and did not significantly affect overall project execution and outcomes. Other activities, however, could not be carried out, most importantly, legal establishment of the association of Mixe authorities and the association of Zapotec authorities. While this had its roots in the electoral process and was beyond the control of SER Mixe, these were specific outcomes directly related to the S U R M H F W \uparrow V T \uparrow R \uparrow M \uparrow C \uparrow F \uparrow W \uparrow H \uparrow Y situation, the NGO would probably have had to fine-tune its risk analysis of certain foreseeable events during the project formulation phase. As for the inability of SER Mixe to participate in international events to which it expected an invitation, a more proactive stance that included establishing institutional contacts with other key international and/or Latin American actors would probably have facilitated its participation.

Some problems were observed with the Narrative Reports, especially their consistency with the initial Project Document (PD).



in the initial budget allocated for this latter activity was ±with UNDEF approval ±reallocated for eight training workshops, only seven of which were held.

The most important lines of the executed budget were Meetings, forums, and training (US\$79.023,78) and Salaries (US\$43,292.00). The impact achieved through the forums, workshops, assemblies, and training seminars reveals a high degree of efficiency, due especially to capacity building in the organizations of the various stakeholders.

The cost/benefit analysis of the



Finally, it should be noted that these participatory forums have facilitated drafting of the Constitutional Reform proposal in Oaxaca. According to the head of the Secretariat for Indigenous Affairs (SAI), SER Mixe played a key strategic role, thanks in great part to the S U R M H F W T I M w a s K e n S R e d W this public agency that the experience in Oaxaca could be replicated for an eventual Federal reform proposal. Furthermore, the experience in



actively participate in conflict management and resolution, and have integrated what they have learned into their practices.

All these factors are good indicators of SER Mixe's technical sustainability. These components must be consolidated, however, and that will depend on the real capacity of the

Once the Constitutional Reform proposal is passed, it will be necessary to further efforts to inform the public about the law and how to assert their rights.
Marcelino Nicolás Sánchez, Executive Coordinator, SER Mixe

V. Conclusions

FHUWDLQ SRVLWLRQV LQ 2D[DFD¶V (individuals who had once belonged to SER Mixe or one of the organizations that it assisted (REDDMI, for example). This facilitated its participation and influence in activities VXFK DV 2D[DFD¶V & RQVWL Reform on indigenous rights through participation in the SAI Consultative Board. The evaluators also observed that these alliances with individuals in both the SAI and the Oaxaca Congress have the potential to facilitate collaboration and/or extend to other strategic public figures, build relationships, and create institutional agendas capable of lasting beyond the current administration. This conclusion follows from findings on relevance, effectiveness, and impact.

f **Need to identify alternative sources of funding.** The evaluation team observed that SER Mixe is currently in a difficult position, with financial problems that are making it hard to sustain its institutional program. This is compounded by the effects that this is having on its team because of their



VI. Recommendations

The SURMISEAS In meeting the initial objectives was generally satisfactory. The evaluation team is therefore confining itself to offering some guidelines that could help consolidate the organizational processes launched and maximize the influence of the actors and organizations mobilized.

f Further the legal and institutional recognition of indigenous rights in Oaxaca. While passage of the Constitutional Reform proposal for the State of Oaxaca would be very important in furthering the recognition of indigenous peoples, it would be good for SER Mixe to consider broadening and enriching its strategy to harmonize the indigenous and national legal systems through the recognition, implementation, and development of W K H) H G H U D O & R Q V W L W X W L R Q. Moreover, Zreko, PzDQ U L J K W V SER Mixe as one of the pioneers in the development of theory

ANNEXES

Annex 1: Evaluation questions:

DAC criterion	Evaluation Question	Related sub-questions
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Annex 2: Documents Reviewed

Project documents:

- (i) PO Note - UNDEF;
 - (ii) Initial project document,
 - (iii) Mid-term and Final narrative reports submitted by SERvicios del Pueblo Mixe A.C. (SER Mixe A.C.);
 - (iv) Milestone Verification Report, April 2013.
 - (v) Website: www.sermixe.org; <http://www.redindigena.net> and
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August 15, 2014	
Debriefing with the project management team and Javier Domínguez Fagustino	Executive Board of SER Mixe A.C. President, SER Mixe

