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IMPROVING THE INTERNATIONAL MONITORING OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS – THE IBSA PROCEDURE AS A TOOL FOR MORE EFFECTIVE IMPLEMENTATION

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On July 6th the Friedrich-Ebert-Stiftung (FES) and the Académie de droit international humanitaire et de droits humains à Genève (ADH) convened a workshop with State Party representatives to discuss the IBSA procedure as a tool for more effective implementation of economic, social and cultural rights (ESCR). The initiator of the project, Eibe Riedel, Swiss Chair of ADH as well as member of the Committee on Economic, Social and Cultural Rights (CESCR), presented the IBSA method to the participants of the workshop. In addition the panel was composed of other experts

of IBSA who previously had been working on the procedure: Ms. Ana Maria Suarez-Franco from FIAN, Ms. Virginia Bras-Gomes who is also member of the CESCR, Ms. Sakiko Fukuda-Parr from the university *The New School*, New York and Mr. Nicolas Fasel who works at the Office of the High Commissioner for Human Rights (OHCHR).

The workshop aimed to inform and familiarize State Party representatives with this mechanism of international monitoring of ECSR. The practical applicability was to be discussed and doubts,

questions and difficulties expressed by states were to be heard.

The IBSA project

The acronym IBSA stands for Indicators Benchmarks Scoping and Assessment which reveals that the mechanism contains four elements. The project was launched with support of the German federal government at the University of Mannheim and in collaboration with the Non-Governmental Organization (NGO) FIAN in 2004. The very first task was to identify indicators for the right to food (Article 11 of the International Covenant on Economic, Social and Cultural Rights) which in the next step had to be practically validated in various countries. That IBSA only concentrates on the right to food is based on technical and practical facilitation, clearly the monitoring tool is not limited to only one right. After deciding upon 23 indicators of the right to food (e.g. percentage of undernourished population or population falling under the national poverty line) the validation process was conducted in three countries from three world regions: Columbia, Ghana and Spain. Once indicators that represent the core content of the right have been identified and validated, target points for the implementation of that right have to be set. This step is called Benchmarking. Based on the human rights indicators, the benchmarks are included in a country's periodic report and voluntarily set by the states on concerns that are of immediate importance at national level. Setting targets can also be based upon the CESCR's recommendation and view of realistic benchmarking in a specific country.

The scoping phase consists of a constructive dialogue between the state party and the CESCR. Here the Committee evaluates the proposed benchmarks and together with the state party discusses a modification of the target point if

necessary. During the last step of IBSA, the Assessment, the results at the national level are being examined.

After numerous seminars, workshops and conferences about IBSA and especially the indicators of the right to food, the discussion now focuses more on the core methodological elements of IBSA: benchmarking and scoping.

The potential of IBSA

The IBSA project as a module designed to improve state reporting as well as the implementation of ESCR implicates various advantages in different areas. Pre-condition to an effective use of IBSA is the collection of national data. However in numerous countries official statistical offices do not exist, states have difficulties developing statistics about their population or due to other reasons official data is missing. In overcoming the problem of official data collection, IBSA could attract potential donor countries to support the set up statistical offices that would facilitate the development of a national data collection in a respective country. Thus based on the data in the country's periodic report the already existing information could be used in a more focused dialogue concentrating on monitoring and evaluating the progressive realization of ESCR.

Usually the State Party and the members of the CESCR do not continue an intense dialogue during the period of non-reporting. IBSA represents a great opportunity for State Parties and the Committee to interact and communicate continuously in between the country's reports.

Designed as a monitoring tool of human rights progress, IBSA requires the active participation by a State Party itself. A country could benefit from the possibility to map itself in the way it would like to go, identifying immediate concerns and priori-

tizing existing issues, setting realistic country-based targets which it closely follows and tries to achieve. During the dialog with the Committee, following agreed priority areas, the composition of the state delegation would be easier to predetermine, as experts for the issues chosen could be sent instead of a huge delegation covering all areas. On a voluntary basis with the help of the CESCR a state could monitor its achievements and improve its national implementation of ESCR.

Furthermore the role of civil society organizations (CSO) could be decisively strengthened. Not only have CSO done great efforts in assisting the development of indicators, they have also played a great role in applying them. Where official data is missing, CSO could help setting up statistics. During the Assessment phase CSO could add their knowledge about a country. Furthermore CSO could have a high influence on states to use indicators, keep state parties alert if necessary and lead the way in achieving the set up target points.

Discussion and outcome of the workshop

After the invited State Party Representatives familiarized themselves with the IBSA mechanism, a discussion about the benchmarking and scoping phase arose. It was feared that a new procedure like IBSA could mean an even higher workload for the already busy CESCR. Since the Committee only meets two times a year, IBSA might require greater attention of the members of the CESCR - especially in the beginning of the project.

The process of benchmarking was discussed in detail. The prioritization of immediate concerns clearly represents a challenging task for countries. Once a benchmark is set, the Scoping between the State and the CESCR begins. Here the participants of the workshop were interested in particular in the potential situation of a disagree-

ment between the two parties. Since IBSA is a completely voluntary project of a country, the State can decide to go back to the original method at any point. If no compromise regarding the benchmark can be found, the constructive dialogue can either be continued or the IBSA exercise cancelled.

In order to reach the original goal of applying IBSA to all ESCR, the tables of human rights indicators prepared by OHCHR can be used. Nicolas Fasel reported on the efforts and accomplishments in identifying numerous indicators for several ESCR as well as civil and political rights. By translating universal human rights standards into indicators the OHCHR significantly contributes to the promotion and monitoring of human rights implementation as well as to strengthening the indivisibility and interdependence of human rights.

To underline the importance and reliability of indicators, Ms. Fukuda-Parr presented previous experience from the use of development indicators. Formerly working with the United Nations Development Programme (UNDP) as director of the Human Development Report and focusing on human development, democracy, cultural diversity and human rights, she strongly supported the importance of indicators for all ESCR. Based on her experience with the use of development indicators she showed the great benefit of indicators for States. Even countries that hesitated and doubted the use of indicators in the beginning, realized its significant positive influence on the design of development policies due to great insights gained from identifying and applying indicators.

Apart from questions and discussions on the technical and practical applicability of the mechanism, the IBSA tool seemed to be well received by

the State Party Representatives participating in the workshop. It also became clear that further discussions among the stakeholders – State Parties, Committee Members, NGOs – would still be needed.

The future of IBSA

The IBSA mechanism which measures progress in the implementation of ESCR aims to complement already existing report mechanism and improve the dialogue between State Parties and members of the CESCR. Starting with the development and validation of indicators for the right to food, the

following step consists of conducting the project in various countries. These preferably five piloting countries from different world regions would first set benchmarks based on the indicators of the right to food. After discussing the proposed target points with the CESCR the development of the respective country would be monitored as well as results examined. After a successful first round of IBSA testing, the procedure aims to use human rights-based indicators for all ESCR in all states willing to improve their international monitoring of these rights.

About the author:

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