

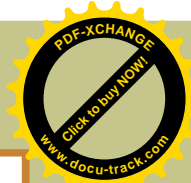


Winter Residential School on
**Socio Economic and
Development Rights,
and Good Governance**



Kathmandu School of Law

Bhaktapur, Nepal



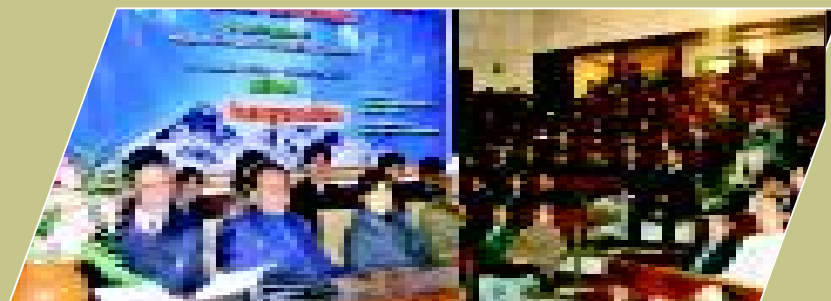
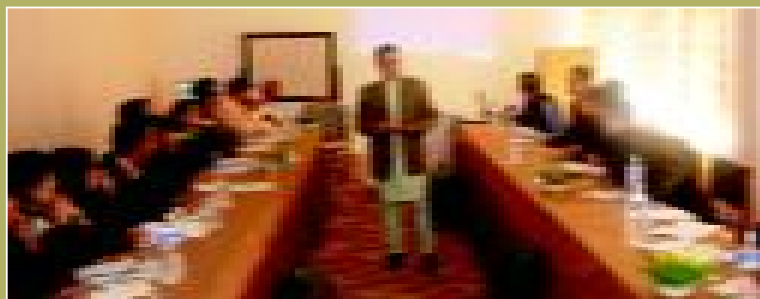
Winter Residential School on Socio Economic and Development Rights, and Good Governance

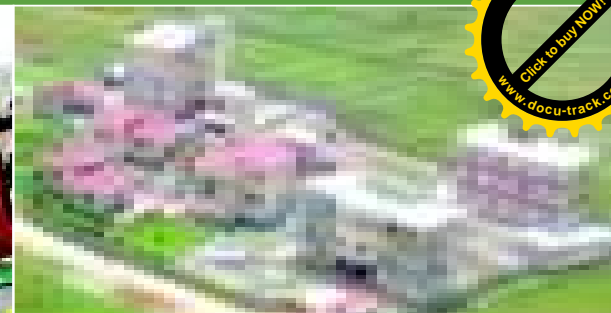
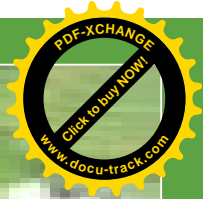


From Director's Desk

Winter Residential School is organized as an annual program of the school. The Residential School has been initiated to meet the objective of pragmatic and research oriented teaching methodology promoting interactive dialogue. The school provides a platform for law students to learn about the specific country's context, experiences on socio economic issues through interactive dialogue with experts of the field and national and international dignitaries world wide. It is a platform to make law students aware of the factual situation of socio economic rights and good governance in the South Asian Region and its surrounding countries and learn best practices. It aims at making participants socially responsible and working for the interest and benefits of the community. The Residential School has been initiated from 2000 A.D but has taken its formal shape from the year 2005 after the formation of South Asian Law Schools' Forum for Human Rights (SALS Forum). KSL, being a Secretariat of the forum, organizes the School as a joint intervention to promote academic discussion on socio economic and development rights and good governance. 24 law schools of India, Bangladesh and Nepal are formally associated with the SALS Forum and are contributing to make this program a prolific success. National and International experts deserve our appreciation for their consistent academic support.

- Dr. Yubaraj Sangroula
Executive Director, KSL





Introduction to KSL

KSL was established as an alternative academic institution to promote clinical legal education in the country. It marks a paradigm in modern methodological teaching to generate future leadership in the field of law and justice who would work for the interest of the community. The school with its concrete foundation of effective management body and experienced teaching personalities has been serving as a motivating center for effective learning, innovative practices and substantial research.

KSL is the first law college in Nepal that offers a five-year LL.B. program in different areas of law. It launches two-year LL.M. programs in *Human Rights & Gender Justice*, *Criminal Law & Justice* and *Business & International Trade Law*, and one year interdisciplinary Masters' Degree on *Human Rights*, and *Conflict and International Humanitarian Laws*. The programs are the forums to generate competent leaders in the field of law and justice. LL.B program provides basic knowledge on various areas of law and master's degree aims at generating professionals with strong intellectual basis on the specific subject area.

Till its seventh year of establishment, it has been able to acquire and maintain following features:

- It in-houses two clinics viz. Prisoners' Legal Aid Clinic and Women Victims' Legal Aid Clinic. The clinics provide pro bono counseling to needy prisoners and victims of domestic violence and trafficking respectively. Students are involved as Juniors to legal aid lawyers in counseling and case representation at court;
- It has developed a well set Moot Court Hall to enhance trial advocacy skills of the students. Students perform simulation of court practice as part of their regular curriculum. It enhances their research and mootings ability



to participate in moot court competitions at national, regional and international level. A team of students was awarded Gold Medal for the Best Memorial it submitted in the Second Henry Dunant Memorial Regional Moot Court Competition for South Asia organized jointly by Indian Society of International Law (ISIL) and International Committee of Red Cross (ICRC);

- Extensive library has been developed with 18,000 books and reference materials. Electronic resources have also been documented in the digitalized system. Students must use library in daily basis for every academic effort. Attendance of each student is maintained that is used for his/her internal evaluation. The library is mostly used by the scholars and researchers of the school and different other organizations;
- IT Resource Center has been developed with 20 computers with 24-hours internet facility, exclusively for students. Students are encouraged to do internet research and utilize the technology in every part of their academic study;
- Residential orientation on legal research is organized every year at the beginning of academic session to familiarize students with research oriented study and field activities;
- It works as Secretariat of South Asian Law Schools Forum for Human Rights (SALS Forum), which has

been formed to promote legal education and human rights in the South Asian region. Prof. Dr. Nomita Aggarwal, Former Dean, Law Faculty, Delhi University presides the forum. School has extended its academic collaboration with universities at region and abroad through this forum. In last couple of years, Professors from Tokiwa University, Japan; Chittagong University, Bangladesh; Delhi University; and University of Arkansas at Little Rock, USA to name of few paid a visit to school and shared their expertise;

- It has maintained an amiable relationship with governmental, non governmental and international organizations. National dignitaries, diplomats, ambassadors are invited frequently to interact with faculty and students and to share their views on the situation of the country. It provides platform for students to learn about foreign affairs and international impression towards the country. In light of this cooperation, students are also sent to various organizations to work as interns;
- Residential School on Socio Economic and Development Rights, and Good Governance is organized every year in participation of law students and others involved in these areas from South Asian Region and abroad. In 2006, ESDR Alumnus has been formed with members from seven participating countries of the program.
- It has been an institution that launches the program at minimal cost so that every sects of populace can apply. It maintains balance in gender, caste and ethnicity and provides incentives through various scholarship schemes to those who could not afford study costs. In 2006, total number of 30 girls and 30 boys were admitted for LL.B program. Among them, eight are from marginalized community;
- Students of first and second batch of the school have constantly topped the Bar Council Exam (license awarding exam) with distinction. It is an outstanding indication of school's investment on its student. Students are now engaged in various governmental and non governmental organizations doing reformative activities in respective sectors. ■





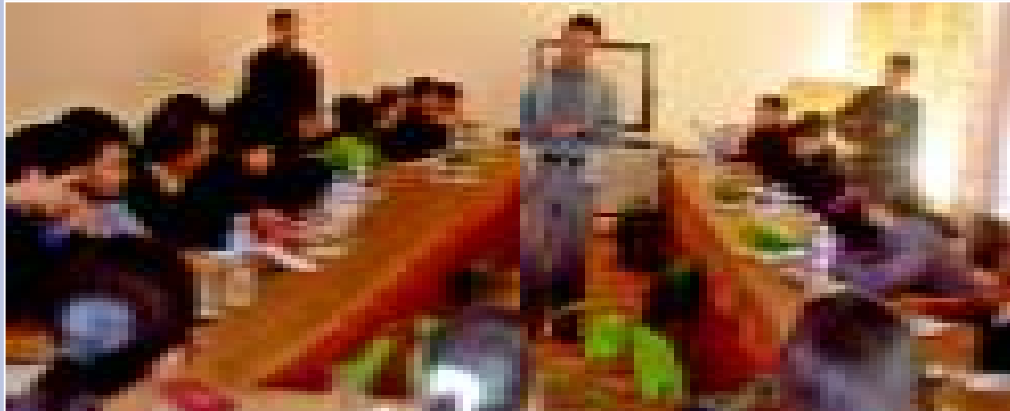
Winter Residential School on Socio Economic and Development Rights and Good Governance



Program Overview

Kathmandu School of Law (KSL) has been playing a crucial role in promoting advocacy of indivisibility of human rights for the last five years. It believes that the prospect of good governance can be enhanced by promoting economic and social rights along with civil and political rights. The protection and promotion of human rights is inseparably related with the good governance and devolution of powers and vice-versa. While the consolidation of good governance strengthens the prospect of respect for human rights, the later significantly contributes to democratize the government institutions.

With this view, KSL has been organizing residential programs for students and interactive dialogue of professors on economic and social rights and good governance. Since 2005 the program has been organized in coordination with SALS Forum and has been transformed into a platform of law students and professors from South Asian region. The platform provides an opportunity for young law students and teachers to deeply understand the significance of



economic and social rights and their relationship with good governance in order to address the problem of exclusion of vast majority of population in the region. Programs in the past have made significant outcomes, which can be outlined as follows:

- Students have developed a tremendous sense of social responsiveness, and pro-activism towards protection and promotion of socio-economic rights of people. This has been evident from the enthusiasm of students to participate in civic education of grassroots communities. In 2005, KSL students organized a series of activities such as research on social responsiveness of the media in Nepal, democracy orientation for secondary school students, filing of public interest litigation against exploitation of child workers, and the education of youths and students on constituent assembly to name a few.
- KSL students have been generating an environment conducive for enrollment of increased number of *dalit* and other marginalized students in legal education. They have been helping to establish scholarship funds and raise financial support.
- A regional hub of law students, faculties and rights activists has been established through ESDR Alumnus, which will be beneficial for regional collaboration on promoting socio economic and development rights, and good governance.



Selection of the Participants:

Law students from SAARC region or abroad, who have interest in the area of human rights and good governance are eligible to apply for the course. Additionally, interested personnel in legal field, individual or representative from the institutions working in the related area are also encouraged to apply.

Selection of participants is carried out on the basis of their knowledge, interest, and motivation on the course.

Curriculum:

In depth and extensive curriculum is developed by experts in various aspects of socio economic and development rights, and good governance. The curriculum is designed as a short term diploma course.

Course Registration:

Registration fee for

- Nepalese Participants : NRS. 3500
- International Participants : \$ 60

Resource Persons:

National and International experts on socio economic rights and good governance facilitate the program. International experts are invited for the program from regional and international academic arena.

Logistic Arrangement:

Expenditure on Accommodation and Food for participants for 16 days is borne by the school.

School makes arrangements for the field research, meetings and other visits that fall under purview of the program. No extra cost is levied from participants.

KSL covers travel expenditure of the expert and disburse the moderate remuneration for his/her service. The school arranges local transportation, accommodation and food for them accordingly.

Participants shall bear their travel expenditure by themselves. School will not be responsible to pay their personal bills and usages.

Course Certification:

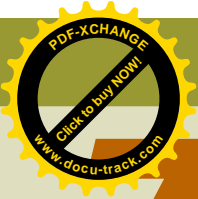
Participants are certified for participating in the regional residential school at the end of the program.

Selected students from the final evaluation of the program are granted 'Diploma Certificate'.

Objective

The residential school was expected to address the following objectives:

- Promotion of increased regional academic and professional discussions on issues of good governance and its relation with economic, social and development rights;
- Promotion of research and consistent dialogue on human rights (economic and social rights in particular), inclusive democracy and good governance in academic institutions in the region targeting students, faculties, government experts and activists at the South Asian regional level;
- Development of a regional platform for academics and professionals for discussion on human rights (economic and social rights in particular), inclusive democracy and good governance;
- Enhancement of intellectual capacity building and human resource on these issues, with a view to assist in the process of constitution making in context of Nepal.



3rd Winter Residential School (2006)



Inauguration:

The three week regional residential school was officially inaugurated by Acting Chief Justice Rt. Hon'ble Kedar Prasad Giri on 28th December 2006.

Observation Visit and Interaction:

An interaction program was held in the office of the Attorney General of Nepal. The meeting with the Judiciary, experiences sharing about status of Nepalese Judiciary, and introduction of the foreign/national participants and professors amidst each other, was the objective of the interaction.

Plenary:

Interaction was held on linkage between good governance and socio-economic and development rights with representatives from the government, planning commission, donor agencies, INGOs, NGOs and the marginalized community. A presentation was made concerning the socio-economic condition of the Nepali people by a team of KSL students. Comments for this presentation was made by the panelists, Ms. Preeti Thapa, The Asia Foundation, Nepal; Ms. Madhuri Singh, USAID; Mr. Bishnu Adhikari, USAID; Mr. Hiramani Ghimire, DFID; Mr. Sundeep Bista, DANIDA; Mr. Tulasi Upreti, Rastriya Banjiya Bank.

Field Research:

Field research was conducted in different places of Nagarkot VDCs to explore the situation of good governance and the problems facing rural, marginalized communities. Participants were divided into eight groups and sent to various areas surrounding Nagarkot, to conduct their research.

Television Interaction:

Participants went to the 'Youth Forum Program', of the Nepal Television Metro Channel to voice their opinions in the topic 'Opportunity for the Youths in the Promotion of Socio-Economic Rights and Good Governance'.

Elocution Competition:

Regional Elocution Contest on 'Marginalized Community's Socio Economic and Development Rights and their Participation in Political Process and Governance' was conducted during the program Mr. Avishek Gazmere bagged 'Best Performance Trophy' for the Regional Elocution Competition.



Evaluation

Evaluation was made on the basis of daily performance of the participants and written examination taken at the end of the program. On the basis of this evaluation 21 participants were able to bag the Diploma Certificate.

Certification and Award:

Finally, the entire program was concluded with closing ceremonies and awards distribution. Mr. Rataphum Busumlee, participant from Thailand bagged the 'Academic Excellence Award' while Ms. Zhu Li, participant from China, received the 'Fellowship Award'. The distribution of participation certificates, token of memoirs was also awarded to all the participants. 21 participants had been successful in acquiring 'Diploma' certificates in the program. Honorable Laxman Prasad Aryal, Former Justice of the Supreme Court, was the chief guest of the closing ceremony along with other dignitaries.

Methodology:

- Orientation on the School
- Orientation on the Field Research
- Country Presentation by Students and Comments from Professors
- Workshop Discussion and Presentation on Findings
- Team work
- Expert's Presentation/ Brainstorming
- Interaction and Discussion
- Field Research / Preparation of Report
- Examination and Evaluation

ESDR Alumnus:

The Alumnus was formed taking the responsibility to assist to organize the residential programs for the following years. Members of the Alumnus are as follows:
Mr. Ankit Jain, India Chairperson
Mr. Rataphum Bausumlee, Thailand Vice-President
Ms. Reena Pathak, Nepal Treasurer
Ms. Sabrina Ali, Bangladesh Secretary
Ms. Zhu Li, China, Member
Mr. Farooq Azam, Pakistan Member
Ms. Nima Om, Bhutan Member

Available Facilities:

Residential school serves with library facilities with books and reference materials on related issues of socio economic and development rights and good governance. It also provides an online internet facility for the participants. The School also offers First Aid facility to the participants.



Glance of the upcoming 4th Winter Residential School

The 4th winter Residential School has been scheduled to be organized from 14 September to 5 October, 2007. The three-week school will be divided into two sessions: In house preparatory orientation and International Residential School. Preparatory orientation for the students of KSL and some other universities from Asia would be provided for the first week. Students who desire to receive preliminary orientation on the subject matter are encouraged to apply for the in house session. It will be conducted at KSL Conference Hall. Formal International Residential School will then be followed in participation of all participants from 15 universities worldwide.

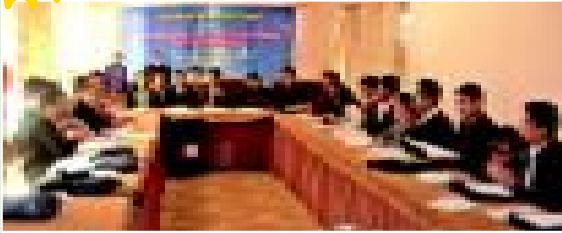
Program has been tentatively scheduled as below:

- 14 – 20 September : Preparatory Orientation
- 21 Sept. 2007, Friday (Inauguration)
- 22nd Sept
 - Broader Perspective on Democracy and Human Rights
 - Scenario of Impacts of Socio Economic Rights of the Region
- 23rd Sept.
 - Comparative Analysis of Concept of Democracy and Human Rights
 - Western and Eastern Concepts- Controversies, Myths and Reality
 - Eastern Values of Democracy- Vedic, Buddhist and Confucius Philosophy
 - Cultural Relativism- Myths and Realities
 - Problems, Challenges and Prospects of Democracy and Protection of Human Rights with special reference to Experience of Participating Countries
- 24th Sept.
 - Concept of Inclusive Democracy and Constitutionalism
 - Historical Perspectives of ESDR
 - Enforceability and Justifiability of ESDR
 - State Obligation
 - Issue of ESDR and Conflict Transformation
- 25-27th Sept.
 - Country Presentation
- 28th Sept.
 - Concept of Good Governance and Democracy
 - Accountability and Transparency (Prevention of Corruption and Its Trend Analysis with reference to SAARC and Surrounding Countries)
 - Economic Impact and Management of Globalization and Intensified Consumerism
 - Linkages between Good Governance and Economic and Social Rights
 - Linkages Between ESDR and Reproductive Rights(country Experience)
- 29th Sept.
 - Panel Discussion
 - Gender Equality and Reproductive Rights
 - Reproduction and Right to Life (Medical Perspective)
 - Reproduction and Human Rights (with emphasis to socio economic rights)
- 30th Sept.
 - Importance of ESDR in Addressing the Caste Problem (Untouchability)
 - Endangered Minority and Role of ESDR (Protection Mechanism of Minority)
 - Issue of Land Ownership
- 1st Oct.
 - Role of Asian Universities in Enhancing Studies on ESDR
- 2nd Oct.
 - International Perspective on Socio Economic Rights
 - Evolution of the rights- the International Politics of Economic, social and Cultural Rights
 - Indispensability of Economic and Social Rights for democratic rights of people
 - International Perspective on Development Rights
 - Evolution of Development Rights
 - Jurisprudence of Development Rights
 - Situation Analysis of Development Rights in the Region with special reference to marginalized community of Nepal
 - Responsibility of developed countries to support consolidation of rights to development in developing countries
- 3rd Oct
 - Concept of Right to Self Determination in Context of CERD
 - Indigenous Communities and Right to Self determination
- 4th Oct
 - Regional Moot Court Competition on Marginalized Community's Socio Economic & Development Rights and their Participation in Political Process and Governance





SCHOOL'S THEMES



1. Comparative Analysis of Concept of Democracy and Human Rights

- Western and Eastern Concepts- Controversies, Myths and Reality
- Eastern Values of Democracy- Vedic, Buddhist and Confucius Philosophy

ASSOC. PROF. DR. YUBARAJ SANGROULA
Executive Director, KSL
(Lecture followed by discussion.)

2. Cultural Relativism- Myths and Realities

ASSOC. PROF. GEETA PATHAK
Kathmandu School of Law
(Presentation followed by the discussion)

3. Problems, Challenges and Prospects of Democracy and Protection of Human Rights with special reference to:

- Experiences of SAARC Countries in common
PROF. ZAKIR HOSSAIN
Dean, Faculty of Law, Chittagong University, Bangladesh
- Indian Experiences
MR. CHANDRA SHEKHAR
Faculty Member, Delhi University
- European Experiences with emphasis to Switzerland
LUKAS EMIL FELIX HECKENDORN (SWISS)
Faculty Member, KSL

Dialogue (Four Panelists will present views and discussion follows)

4. Concept of Inclusive Democracy and Constitutionalism

ASSOC. PROF. DR. YUBARAJ SANGROULA
(Three Groups with three themes)

5. Problems, Situation and Challenges Faced by Marginalized, Endangered Communities in South Asia and Surrounding Countries in Context of 'Inclusivity' in the System of Governance and Protection of Human Rights:

(Country Presentation)
TEAM OF EACH COUNTRY
(Presentations followed by discussion)
(Participants shall present the paper on behalf of their respective country that will be followed by the Professor's comments and clarifications)

6. Concept of Good Governance and Democracy

PROF. LOK RAJ BARAL
Nepal
(Presentation followed by comments and clarifications)

7. Accountability and Transparency (Prevention of Corruption and Its Trend Analysis with reference to SAARC and Surrounding Countries)

DR. NARAYAN MANADHAR, NEPAL
(Presentation followed by comments and clarifications)

8. Economic Impact and Management of Globalization and Intensified Consumerism

MR. DEPENDRA KSHETRI, NEPAL
(Presentation followed by comments and clarifications)

9. Linkages between Good Governance and Economic and Social Rights

PROF. ZAKIR HOSSAIN
Dean, Law Faculty, Chittagong University
(Presentation followed by open floor discussion)

10. Field Research Modality and Methodology

ASST. PROF. KHAGENDRA PRASAI AND SUDEEP GAUTAM
KSL, Nepal
(Lecture followed by discussion)

11. Interaction of participants on linkage between good governance and socio economic and development rights (laws, policies & directives) with representatives of government, planning commission, donor agencies, INGOs, NGOs and representatives of the marginalized community.

(Plenary Discussion and Drawing of Findings)

12. International Perspective on Socio Economic Rights

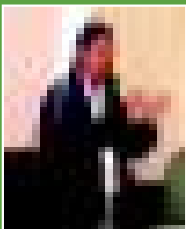
- Evolution of the rights- the International Politics of Economic, social and Cultural Rights
ASSOC. PROF. YUBARAJ SANGROULA
(Lecture followed by discussion)
- Indispensability of Economic and Social Rights for democratic rights of people
ASSOC. PROF. GEETA PATHAK SANGROULA
(Presentation followed by discussion)
- Situation Analysis of Socio Economic Rights in the Region
ASST. PROF. HK RANA, KSL
(Presentation followed by discussion)

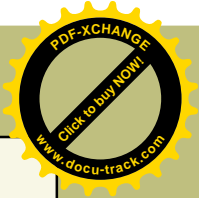
13. International Perspective on Development Rights

- Evolution of Development Rights
Jurisprudence of Development Rights
PROF. NOMITA AGGARWAL
(Lecture followed by interactions)
- Situation Analysis of Development Rights in the Region with special reference to marginalized community of Nepal
MR. MARCEL V. ARX, SDC, Nepal
(Presentation followed by discussion)
- Responsibility of developed countries to support consolidation of rights to development in developing countries
KLAUS KINNERUP, Ph. D, DIHR

14. Concept of Right to Self Determination in Context of CERD

- KLAUS KINNERUP, Ph.D.**
- UN Standard and Approaches to Right to Self Determination
ASSOC PROF. GEETA PATHAK
(Lecture followed by discussion)
 - Indigenous Communities and Right to Self Determination
 - Nepalese Situation
ASST. PROF. H.K. RANA
 - One Country Many Systems (China)
REPRESENTATIVE FROM CHINA
 - Provincial System (India)
PROF. NOMITA AGGARWAL
(Dialogue cum Presentation reflecting on country situation- what principles the constitutions have made for)





SALS Forum

Upon a recommendation made by the regional level 'Human Rights Training and Curriculum Development Workshop' held on 2003 at KSL, South Asian Law Schools' Forum for Human Rights (SALS Forum) was constituted in 2004 through a regional conference.



The forum was established to strengthen the quality of legal education and promote exchange of ideas and experiences among South Asian Law Schools and similar institutions in matters of legal education in general and human rights studies in particular.

The forum has been intervening in the following areas:

- Developing uniform human rights jurisprudence in the region by fostering research and academic collaboration between law schools offering human rights;
- Developing rights based approach for anti trafficking actions in South Asia;
- Lobbying to adopt human trafficking curricula in universities of South Asia;
- Strengthening legal education in South Asia via students and faculty exchange and training programs;
- Developing uniform approach to tackle the problem of socio economic and development rights of marginalized and excluded groups in the region.

Program Offered:

- >> **LL.B.** (Five years program)
- >> **LL.M.** (2 years program)
 - Human Rights
 - Criminal Law and Justice
 - Business & International Laws
- >> **M.A.** (1 year program)
 - M.A. in Human Rights
 - M.A. in Conflict & Humanitarian Laws

www.ksl.edu.np

Contact Us

Kathmandu School of Law (KSL)

Dadhikot-9, Bhaktapur, Nepal
P.O.Box: 6618
Tel: 977-01-6634455, 6634663
Fax: 977-1-6634801
E-mail: info@ksl.edu.np
Website: www.ksl.edu.np

