



*5th Winter Residential School  
on*

# **Economic, Social and Development Rights, and Good Governance**

(16th October, 08 – 7th November, 08)

Venue: Nagarkot, Nepal

Organized by :

**Kathmandu School of Law**

Purbanchal University

&

**South Asian Law Schools Forum for Human Rights Education**

## Condolence



**Kanchan Koirala**

We express our deep sorrow over the untimely and sudden demise of our beloved and cherished student Ms. Kanchan Koirala, participant of 3rd ESDR Residential School from Kathmandu School of Law.

We have indeed lost our committed, dedicated, pro-active and sincere student. Her memory remains omnipresent in our minds and heart.

We mourn this moment of great loss and express our heartfelt condolences to the bereaved family.



**Rabindra Khaniya**

We express our heartfelt condolence on the sudden and untimely demise of Mr. Rabindra Khaniya, participant of 3rd ESDR Residential School from Nepal Law Campus. He met the airplane crash on 3rd March 2008 while returning from Sindhuli to Kathmandu with UNMIN team.

Mr. Khaniya had always been amiable and cooperative and had been a well wisher of the Residential School.

We are deeply grieved by this irreparable loss. We pray for the peace and strength for the bereaved family.

ESDR Residential School Family

## CONTENTS

<i>Messages</i> .....	<i>i</i>
<i>Preface</i> .....	<i>iii</i>
1. Kathmandu School of Law: A Seat for Global Learning .....	1
2. South Asian Law Schools' Forum for Human Rights Education .....	3
3. ESDR Overview .....	5
4. Report of 1 <sup>st</sup> Winter Residential School on Economic and Social Rights, and Good Governance (2004 – 2005) .....	7
5. Report of 2 <sup>nd</sup> Winter Residential School on Economic and Social Rights, and Good Governance (2005 – 2006) .....	9
6. Report of 3 <sup>rd</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2006 – 2007) .....	11
7. Report of 4 <sup>th</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2007 – 2008) .....	13
8. Background Paper for 5 <sup>th</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2008) .....	17
9. Schedule of 5 <sup>th</sup> Winter Residential School .....	19
10. Residential Resource Persons of 5 <sup>th</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2008 – 2009) .....	24
11. List of Resource Persons .....	25

## Message

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**I**t is my privilege to express few words of greetings on the compendium published by Kathmandu School of Law on the occasion of the 5th Winter Residential School on Economic, Social and Development Rights, and Good Governance.

Indeed, the Civil and Political rights and Economic and Social Rights operate interdependently and complementarily. The civil and political rights are not fully enforceable in a condition where the economic and social rights are not recognized and protected. The sustainability of democracy depends on socio-economic justice, and the economic and social rights are the instruments of socio-economic justice. Hence, it is the responsibility of every human rights institutions, civil society, academicians and human rights organizations to work for the full implementation of the economic, social, political and cultural, and development rights in Nepal.

In this perspective, the Residential School organized by Kathmandu School of Law in cooperation with South Asian Law Schools' Forum for Human Rights (SALS Forum) is a very positive initiative. I am confident that the programme will be helpful to understand and improve the socio-economic and development situation in this region. I wish for a successful accomplishment of the programme.

**Kedar Nath Upadhya**

Chairperson  
National Human Rights Commission, Nepal

Patron  
Kathmandu School of Law



## Message

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With great pleasure, I extend the cooperation of SALS Forum for the 5th Winter Residential School on Economic Social and Development Rights and Good Governance. In last four years we have witnessed the impact of this School and its holistic curriculum. The students from different parts of the globe get golden chance to learn and understand about the importance, relevance and utility of economic, social and development rights and its linkage with human rights and democracy. Not only that, this School provides a perfect platform for the students to know each other. In a short period of twenty one days they enrich themselves with knowledge, culture and leadership skill, in addition to many other facets of life.

I wish all success to 5th Winter Residential School 2008.

Prof. Nomita Aggarwal  
President  
South Asian Law Schools Forum for Human Rights  
Education (SALS Forum)



## Preface

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**E**conomic and social rights of people are directly related with basic needs of human beings. Protection and promotion of such rights not only empowers persons, but also contributes to the increased participation of people in political process and governance. Recognition and protection of economic and social rights is thus a prelude to consolidation of inclusive democracy. Without recognition and protection of economic and social rights, civil and political rights are meaningless, and vice versa.

The prospect for protection and promotion of human rights of people, the disenfranchised groups in particular, is unimaginable or unthinkable in absence of inclusive democracy, rule of law and good governance. Safeguarding of basic liberties is possible only with equitable distribution of development opportunities and resources, with priority to weaker sections. Of course, the existence of every individual member in the group cannot be isolated from his/her group. The individual freedoms and group rights co-exist and the recognition and protection of each contributes to create an environment conducive for enjoyment of other.

When we look at the South Asian situation, socio-economic and political exclusion of the disenfranchised community is a serious problem across the region. The vast majority of the population in and around this region is still deprived, exploited and alienated from development opportunities. A significant number of children in these countries die of malnutrition and lack of access to basic medical care. Thousands of mothers die due to unavailability of obstetric and maternity services during pregnancy and child birth. A large part of the child population is deprived from educational opportunities and thus they are compelled into the labor market. Child marriage is still a problem, and, most seriously, the sexual violence and exploitation of adolescent girls and women is a serious problem. Safe drinking water and the tolerable standard of living is still a myth for millions. The overwhelmingly larger part of the population in this region and its surrounding countries is economically poor, socially excluded and politically suppressed. While China and India have boosted up their economy and the gross national income, the benefit of the economic development is still far from reach of the rural poor people. The larger part of the GDP in all these countries goes to a smaller group, pushing the majority population towards marginalization. Hence, in-depth analysis and discussion on such issues is thus necessary.

Kathmandu School of Law (KSL) has been playing a crucial role in promoting advocacy of indivisibility of human rights for the last seven 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, social and development rights, and good governance for the last five years. Since 2005, this program has been transformed into a platform of law scholars and professors from South Asian region. In 2007, the scope and modality of the program was significantly extended with participation of representatives from South Asia, South East Asia, and African countries. The prominence of program has greatly increased this year with wider interest of students from countries like Ireland, Sweden, Vietnam, Laos and Morocco. The number of students looking for this opportunity is increasing from all countries.

The platform provides an opportunity for young law scholars and professors 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. The mission is to generate a new leadership for the 'system of governance' and 'institutional capacity building to protect the rule of law and human rights'. The program sincerely commits to develop a culture of human rights and democratic functioning of the governance, with special care and protection of marginalized and disenfranchised groups.

I am confident that the program will be able to 'create a linkage between the democracy and need of economic and social transformation of the society'. It will also be helpful to import best practices of other countries in this regard, and in the meantime will provide an opportunity to learn from their problems and experiences. At the meantime, I take the opportunity to share my impression that funding agencies are more focused on the enforcement of civil and political rights and are not found positive to support the activities to promote the socio-economic and development rights. But, civil and political rights, I believe, are meaningfully enforceable only if the economic and social rights are respected, recognized and protected. But I am grateful to Danish Institute for Human Rights which extended hands of support to organize the Course. Thanks are also due to SALS Forum for the cooperation and suggestion to implement the course.

**Dr. Yubaraj Sangroula**  
Executive Director





# KSL

**Kathmandu School of Law**  
Purbanchal University, Nepal



## KSL: A seat of Global Learning

**Kathmandu School of Law (KSL)** was established in 2000 AD in affiliation to Purbanchal University, a state University. It is an emerging institution pioneering in the field of legal education and is dedicated to maintain high standards of academic excellence. Its prime objective is to address the need of an academically sound and practically feasible legal education in Nepal. It marks a paradigm in modern methodological teaching to generate future leadership in field of law and justice with special focus to work for the interest of the community. The school with its concrete foundation of effective management body and composite teaching personalities has been a motivating center for effective learning, innovative practices and substantial research. It keeps its firm commitment on serving students of diverse backgrounds who seek a quality and competent legal education inside the country.

### Mission Statement

Kathmandu School of Law is committed to achieve excellence in research and academic scholarships in the field of law and justice and to reflect this in high - quality teaching and learning programs designed to meet the educational and vocational needs of its members.



- Students' participation in national and international moot court programs, regional and international moot court programs, symposium and residential programs with records of rewards and academic excellence awards
- Secretariat of South Asian Law Schools Forum for Human Rights (SALS FORUM).

### Academic Program

- A) LL.B. Program
- B) LL.M. Program
- C) M.A. Program

Kathmandu School of Law offers five years LL.B. and two years LL.M programs. It also offers one year interdisciplinary masters' degree in *Human Rights and Conflict and International Humanitarian Law*. Prime objective of the programs is to generate proficient and qualified professionals to cater the need of specialized human resources in various areas of law in the nation.

### Clinical Legal Education Program

KSL runs clinical legal education program via two clinics: Women Victims Legal Aid Clinic and Prisoners Legal Aid Clinic. The program provides pro-bono legal counseling and representation to the indigent persons. Major components of the program includes, Internship at Supreme Court; Legal aid for women, marginalized and victims; and Child rights

### Features

- Participatory and pragmatic way of teaching
- Interdisciplinary forward-looking curriculum with wide subject areas that is competitive to other countries
- Institution to generate lawyers as social engineers who are committed to work for their community and nation at large
- Safeguarding unique values of indigenous legal system by generating trained legal resources avidly within the country
  - Strong nexus with many law schools abroad having frequent exchange programs of teaching faculties and students





advocacy and legal aid. Students participate in the program as interns and Juniors to legal aid lawyers.

### Library

The Library of the school is one of the extensive and well equipped law libraries in Nepal. It inhouses about 18,000 resource materials including monographs, research reports, books, journals, periodicals, and other unpublished documents.



### Child Right Research and Resource Center

Child Rights Research and Resource Center (KSL Child Rights Center) aims to strengthen research and sharing of information in the issues of child rights at national as well as regional level. The primary objective of the Center is to build a competent rights regime in Nepal (and South Asia region) by establishing a capable institution to generate human and intellectual resources pertaining to child rights, development and psychology.

The Center has been established as an outcome of the commitment of different like minded institutions to work as joint venture to protect and promote child rights and access to justice. Save the Children Norway, Save the Children Sweden, UNICEF, Tdh Nepal, and CeLRRd deserve credit to initiate this important mission.



### Community Outreach Program

KSL has engendered the concept of 'engaged learning'. Students are encouraged to learn by observation and critical analysis. Students' involvement in community outreach programs such as conducting field study, involving in public awareness campaign and legal aid activities are prioritized along with regular class lectures.

### Guest Lecture Programs

KSL maintains a practice of organizing a series of Special Lectures inviting dignitaries from reputed national and international institutions. 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 a platform for students to learn about foreign affairs and international impression towards the country.

### Promotional Programs

Besides launching academic programs, KSL also works as implementing body of different promotional programs that come under promotion of democracy, human rights, and rule of law, in partnership with different national and international civil society organizations. Students work as researchers and interns in such programs.

### Moot Court Room

The school has constructed a well-setup court room for a simulation exercise on cases. Moot court practice is the important method of teaching law to prepare students for competent advocacy. This moot court room has been dedicated to learned advocate and judge Lava Dev Bhatta.

### Online Internet Resource Center

An online internet resource center has been a priority concern of KSL to provide students an internet facility encouraging them to carry out online research as a part of their regular curriculum. The center assists students in learning through web by involving them into online legal research method.





# SALS

**South Asian Law Schools' Forum for Human Rights Education**

## **An Introduction**

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 the year 2004 through a regional conference attended by 100 delegates from India, Bangladesh, Nepal, Sri Lanka and Pakistan.

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 objectives of the SALS FORUM are:

- a) to strengthen the quality of legal education and promote exchange of information, ideas and experiences among South





- Asian law schools and like institutions in matters of legal education in general and human rights studies in particular;
- b) to promote consistent and collaborative development of regional human rights jurisprudence through active participation of faculties by developing a common understanding on human rights issues, curriculum of the universities and teaching methodologies;
  - c) to promote a pro-active attitude towards the development and implementation of international and regional human rights instruments;
  - d) to ensure that legal education is responsive to the needs of the community
  - e) to develop and promote human rights awareness and education amongst all sections of the society particularly for the empowerment of the marginalised and vulnerable sections of the society particularly for the empowerment of the marginalised and vulnerable sections, and to develop a human rights culture.
  - f) to strengthen social commitment and develop the standards and skills of legal professionals so as to effectively address matters of human rights violations.

Till date the Forum has organised more than 50 seminars / workshops / conferences in India and Nepal. In the year 2004, the India Chapter has been introduced in Delhi. More than 250 teachers and students have been oriented under the SALS program for Human Rights' Education. In the year 2007, the SALS Forum India Chapter has

organised an international seminar on the status of legal education in South Asian countries and developed a common course curriculum in the region. The forum for the last four years has been continuously 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.



## Economic, Social and Development Rights and Good Governance

**K**athmandu School of Law (KSL) has been playing a crucial role in promoting advocacy of indivisibility of human rights for the last eight 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 teachers from South Asian region and abroad. 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
- Launching publication on the given areas of issues.
- A comprehensive compendium on Economic Social and Development Rights and Good Governance has been developed that includes research reports, articles and workshop proceedings. This compendium is expected to provide rich resource materials for understanding of economic, social and development rights and good governance. This will also provide resource materials for the course in future.
- This Residential School has enhanced the capacity of KSL as a center for in-depth study and research on issues of economic, social and development rights as well as good governance.
- Importantly, the School has provided a rich input to the process of transformation of the Nepalese society. The problems faced by people in relation to the economic and social justice as well as good governance and the interventions designed by the Course to address such problems will provide a rich insights for the Constituent Assembly while making the new constitution in Nepal.

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.

### 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.

### ACHIEVEMENTS

- A regional forum to promote study on Economic, Social and Development Rights and Good Governance has been established. The forum is the first of its kind in the region and surrounding countries. It has been catalytic to bring a number of law professors specializing on economic and social rights and good governance, and experts working for the vulnerable groups from good governance and rule of law-based approach. The forum has been proved crucial to gather a number of experts of the region and share experiences in this area.
- A regional network of law faculties, experts, students and rights advocates has been constituted to address the following objectives:
  - Building awareness on the economic and social justice to vulnerable groups as a milestone for sustaining democracy.
  - Developing a network for continuous communication and collaboration on issues of good governance and rule of law by exchanging information and experiences in respective countries.
  - Creating a pool of experts on the issues of economic, social and development rights and good governance.
  - Generating funds for sustainability of the course in future.



## ESDR ALUMNUS

The ESDR Alumnus was formed in 2006 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

## IMPRESSION AND EVALUATION OF THE COURSE:

The Course is first of its kind in the South Asian region as well as in the surrounding countries. It has been viewed extremely important in providing an international forum for many Nepalese faculties as well as students to test their ability and expertise. In context of Nepal, the Course has developed the confidence of KSL to organize and work as a leading institution in the region and surrounding countries on issues of economic and social justice, good governance and rule of law.

Productivity of the Course has been established by the following evaluation tools:

- Participatory Survey by the Participants: At the end of the program, all participants are given opportunity to evaluate the standards, quality and relevance of the Course. The analysis of the impressions of the participants establishes that the Course has played a significant role in enhancing the understanding about the several issues covered by the Course.
- Graphic evaluation of the individual participant presents his/her specific contribution in the interactions and workshops.
- The "elocution" competition provides an opportunity to judge the knowledge of the participants on the issues covered by the Course.



## Selection of the Participants:

Law students from South Asian 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 of 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. Experts and advocates working for the vulnerable groups from rights and rule of law-based approach are invited for the program.

## Logistic Arrangement:

Expenditure on accommodation and food for participants during the program period is borne by the organizer. The organizer makes arrangements for the field research, meetings and other visits that fall under purview of the program. No extra cost is levied from participants.

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

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

## Course Certification:

Participants are certified for participating in the residential school at the end of the program. Selected students from final evaluation of the program are granted 'Diploma Certificate'.

## Methodology:

- Preliminary Orientation
- Field Research
- Country Presentation by Students and Comments from Professors
- Workshop Discussion and Presentation of Findings
- Plenary
- Expert's Presentation/ Brainstorming
- Interaction and Discussion
- Group Exercise
- Preparation of Report/ Charter
- Examination and Evaluation

## Available Facilities:

Residential school serves with library facilities with books and reference materials on the related issues. It also provides an online internet facility for the participants. First Aid is always at participants' disposal.

# 1<sup>st</sup>

## Winter Residential School on Economic and Social Rights, and Good Governance - 2004-2005



Date : 7 Jan - 11 January 2005

Venue : Nagarkot, Nepal

### Program Overview

The 1<sup>st</sup> Residential School provided a national forum to the students of KSL to interact on the manifold issues of economic and social rights and good governance amidst renowned experts of the country. The program was scheduled for five working days starting from 7<sup>th</sup> of January 2005. Selection of participants and preliminary orientation was held in the end of December 2004. The program aimed at educating students about the interrelationship of economic and social rights with good governance which forms the foundation of democracy and welfare state. Theoretical aspects of the issues were discussed followed by the interactions, group discussions and presentations.

The following areas were covered :

- Concept of Universality of "Human Rights".
- Position of Economic and Social Rights: Interrelationship of "Good Governance and Economic and Social Rights"
- Devolution of Powers and Concept of Sovereignty of People as an Indispensable Basis for Enjoyment of Economic and Social Rights by People'
- Extension of the "Concept of Rule of Law" and its implication in Ensuring "Good Governance and Enjoyment of Economic and Social Rights"

- Globalization & Privatization, and Marginalization of Peoples of Least Developed Countries.

At the end, participants were encouraged to develop a *Charter of Fundamental Rights of People of Himalayan Kingdom of Nepal and Structure of the Government and Its Mechanisms*. Not only that Participants also expressed their commitment to continue the initiatives on these issues as a part of their special project "Activism through Academic Pursuit." Civic education in grassroots community, research on social responsiveness of the media in Nepal are few other efforts made as part of this project.

### Certification and Award

Certificate of participation was distributed to all participants on the final day of the Residential School . Award entitled *Nation's Future Human Rights Lawyer* was given to Ms. Samikshya Baskota for her best performance in the program.





#### PARTICIPANTS OF THE PROGRAM

Sno	Name	Level
1.	Mr. Ramesh Parajuli	LL.B.
2.	Mr. Ramsharan Pokharel	LL.B.
3.	Mr. Sandesh Acharya	LL.B.
4.	Mr. Indra Bdr. Thapa	LL.M.
5.	Mr. Krishna Katwal	LL.B.
6.	Mr. Niranjan Adhikari	LL.B.
7.	Ms. Sindhu Sitaula	LL.B.
8.	Ms. Pallabi Joshi	LL.B.
9.	Ms. Sandhya Basani Sitaula	LL.B.
10.	Mr. Saroj Regmi	LL.B.
11.	Ms. Shobha Pokharel	LL.B.
12.	Ms. Dikshya Tuladhar	LL.B.
13.	Ms. Samikshya Baskota	LL.B.
14.	Ms. Apurba Khatiwada	LL.B.
15.	Ms. Reena Pathak	LL.B.
16.	Ms. Jony Mainali	LL.B.
17.	Ms. Monalisha Bhatta	LL.B.
18.	Ms. Prabinta Osti	LL.B.
19.	Ms. Awani Mainali	LL.M.
20.	Ms. Supriya Timilsina	LL.B.
21.	Mr. Ganesh Nayak	LL.B.
22.	Mr. Prithivi Raj Timilsina	LL.M.
23.	Mr. Bhabesh Gautam	LL.B.
24.	Mr. Jaya Poudel	LL.M.
25.	Mr. Tanka Aryal	LL.M.
26.	Ms. Devi Chaudhary	LL.B.
27.	Mr. Bishwomani Pokhrel	LL.M.
28.	Mr. Ramesh Thapa	LL.B.
29.	Mr. Rajib Sangroula	LL.B.
30.	Mr. Shambhu Karki	LL.M.

# 2<sup>nd</sup>

## Winter Residential School on Economic and Social Rights, and Good Governance - 2005

Date : 18 - 24 October, 2005

Venue : Nagarkot, Nepal

Participating Countries: India, Nepal, Bhutan

### Program Overview

2<sup>nd</sup> Residential school was organized jointly by KSL and SALS Forum. The program developed seven days learning course schedule starting from 18<sup>th</sup> October 2005. SALS Forum developed the curriculum for the program and identified participants and resource persons. This year marked the beginning for regional participation from three countries viz. India, Nepal and Bhutan.

The program widened its modality from this year by incorporating components like field research and country presentations. Philosophy and core values of human rights, good governance, democracy, rule of law etc. and their implications in South Asian subcontinent were the principle focus of discussion. Various aspects of economic, social and cultural dimensions of human rights and factual situation of their implementation in the participating countries were deliberated.

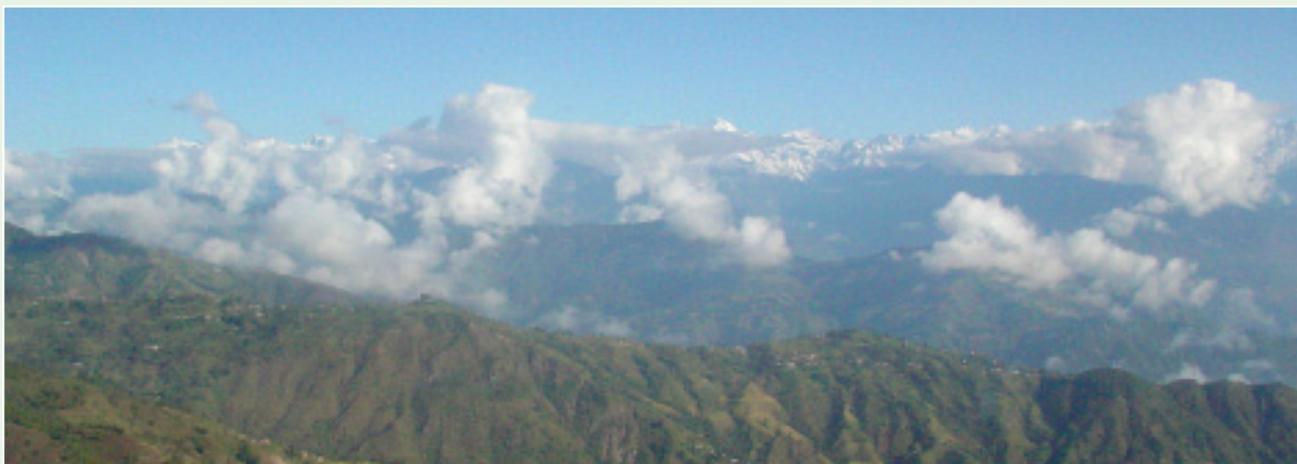
The following areas were covered :

- Empirical Study on the Situation of Socio-Economic Rights in Rural Villages
- Position of Economic and Social Rights:



Interrelationship of "Good Governance and Economic and Social Rights" of the research to the participants

- Concept of Universality of "Human Rights".
- Devolution of Powers and Concept of Sovereignty of People as an Indispensable Basis for Enjoyment of Economic and Social Rights by People'
- "Concept of Rule of Law" and Its Implication in Ensuring "Good Governance for the Enjoyment





of Economic and Social Rights”

- Impact of Globalization and Privatization in Economic and Social Rights of People in Developing Countries

The program adopted clinical methods of learning giving ample opportunity of participation. Team work, presentation and discussion were the prime mode of learning through out the program. Participants also conducted field research in different villages near Nagarkot VDC, particularly, on the issues of right to health, education, housing, food and adequate standard of living. Participants developed a Charter of the Fundamental Rights of Himalayan Kingdom as to recognize the enforceability of economic, social and cultural rights which is the fundamental rights of the citizen in the Constitution of the country and also the democratic framework of governance. They also proposed different constitutional bodies and economic development model for the sustainable development of the country. Recalling the idea that no single state is poor but is poorly managed, participants prepared the model on the basis of the management of the resources of the country for its holistic development.

### Certification and Award

Certificate of participation was distributed to each participant on the last day of the Residential School. Ms. Antara Singh and Mr. Barun Ghimire from LL.B first year bagged award of “Nation’s Future Human Rights Lawyer”.



### PARTICIPANTS OF THE PROGRAM

Name	Level	Institute
<b>Bhutan</b>		
1. Tshering Lhamo	(IP), Delhi India	
2. Pema Dechen	(IP), Delhi India	
<b>India</b>		
3. Manika	Indraparasha University (IP), Delhi	
4. Mallika Ramachandran,	(IP), Delhi	
<b>Nepal</b>		
5. Sanjit Kumar Singh	LL.M 1 <sup>st</sup> Year	KSL
6. Samir Ghimire	LL.M 1 <sup>st</sup> year	KSL
7. Sarita Nepal	LL.B 2 <sup>nd</sup> year	KSL
8. Bibhu Pokhrel	LL.B 2 <sup>nd</sup> year	KSL
9. Puspa Pokharel	LL.B 2 <sup>nd</sup> year	KSL
10. Alok Pokharel	LL.B 2 <sup>nd</sup> year	KSL
11. Sushila Karki	LL.B 2 <sup>nd</sup> year	KSL
12. Subasha Lamichane	LL.B 2 <sup>nd</sup> year	KSL
13. Renu Rajbanshi	LL.B 2 <sup>nd</sup> year	KSL
14. Biswo Jit Khadka	LL.B 2 <sup>nd</sup> year	KSL
15. Suresh Chapagain	LL.B 2 <sup>nd</sup> year	KSL
16. John Karki	LL.B 2 <sup>nd</sup> year	KSL
17. Anjana Adhikari	LL.B 1 <sup>st</sup> year	KSL
18. Manisha Poudel	LL.B 1 <sup>st</sup> year	KSL
19. Sajana Parajuli	LL.B 1 <sup>st</sup> year	KSL
20. Barun Ghimire	LL.B 1 <sup>st</sup> year	KSL
21. Niti Karki	LL.B 1 <sup>st</sup> year	KSL
22. Aruna Joshi	LL.B 1 <sup>st</sup> year	KSL
23. Saubhagya Shah	LL.B 1 <sup>st</sup> year	KSL
24. Antara Singh	LL.B 1 <sup>st</sup> year	KSL
25. Prizu Baidya	LL.B 2 <sup>nd</sup> year	KSL
26. Amrita Thebe	LL.M 1 <sup>st</sup> Year	KSL
27. Ssndeep Poudel	LL.B 5 <sup>th</sup> Year	KSL
28. Punadevi Maharjan	LL.M	KSL
29. Dharma Ratna Manandhar		KSL
30. Paritosh Poudyal	LL.M. 1st Year	KSL
31. Rajan Adhikari		

# 3<sup>rd</sup>

## Winter Residential School on Economic, Social and Development Rights, and Good Governance - 2006

Date : 28 Dec. - 12 January, 2006

Venue : Nagarkot, Nepal

Participating Countries: India, Bangladesh, Bhutan, Nepal, Pakistan, China and Thailand

### Program Overview

3rd Year Residential School was unique and significant in multiple aspects. From this year the School was able to gain the status of international program with increasing number of participating countries and wide-ranging curriculum. Curriculum was developed considering the credit hours and hence the program was acknowledged as *Short Term Diploma Course*. Joint effort of SALS Forum and KSL promoted the liaison between different law schools in Asia and abroad which contributed in increasing number of participants from different corner of the world. National and international experts and resource persons were also identified and invited to facilitate the sessions.

The following areas were covered:

- Comparative Analysis of Concept of Democracy and Human Rights
- Cultural Relativism- Myths and Realities Problems, Challenges and Prospects of

Democracy and Protection of Human Rights

- Concept of Inclusive Democracy and Constitutionalism
- 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
- 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 Field Research Modality and Methodology
- 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.

- Int'l Perspective on Socio Economic Rights
- Int'l Perspective on Development Rights
- Concept of Right to Self Determination in Context of CERD

With the focused discussion on economic social and development rights of marginalized and disenfranchised community, the program was successful in understanding and critically analyzing the deepening factors and specific issues of socio economic and development rights of those groups and situation of good governance of the participating countries. Identifying the specific problems and SWOT of the respective country, the program explored solution at national as well as regional level.

Additionally, the program was divided into different sessions apart from lectures and presentations:

The program was also significant in forming the ESDR Alumnus.

### Inauguration

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

### Observation Visit and Interaction

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

### Plenary

Interaction was held on linkage between good governance and socio-economic and development rights with representatives from the government, 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. Questions were raised on roles and accountability of those organizations to the problems. Queries were answered 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; and Mr. Tulasi Upreti, Rastriya Banjiya Bank.

### Field Research

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

### Television Interaction

Participants went to the 'Youth Forum Program', of the Nepal Television Metro Channel to voice their opinions on 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 from KSL 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, and token of memoirs was also awarded to all the participants. 21 participants had been successful in acquiring 'Diploma' certificates in the program.

## PARTICIPANTS OF THE PROGRAM

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### 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:

- |                                  |                |
|----------------------------------|----------------|
| 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         |

# 4<sup>th</sup>

## Winter Residential School on Economic, Social & Development Rights, and Good Governance - 2007



### Program Overview

4<sup>th</sup> Residential School followed the modality of third Residential School. The program was conducted with the theme of economic social and development rights of women, marginalized and endangered community and good governance. The year was able to expand the dimension of the program with participants from African continent. The platform served to be the significant international forum to share the experience of many countries and learn best practices. The forum was also significant to promote discussion on exclusion of disenfranchised communities and its resultant impact on democracy. Discussion was particularly focused on the need of addressing the problem of socio-economic exclusion of vast majority of population in the developing countries, which collectively constitutes the disenfranchised condition.

The following themes were covered:

- Broader Perspective on Democracy and Human Rights Scenario of Impacts of Socio Economic Rights of the Region
- Cultural Relativism- Myths and Realities
- Comparative Analysis of Concept of Democracy and Human Rights
- Problems, Challenges and Prospects of Democracy and Protection of Human Rights with special reference to Experience of the participating Countries.
- Concept of Inclusive Democracy and Constitutionalism



**Date :** 22 Sept. - 5 Oct. 2007

**Venue :** KSL & Telkot, Nepal

**Participating Countries:** India, Bangladesh, Nepal, Bhutan, Cambodia, China and Malawi

- Historical Perspectives of ESDR
- Enforceability and Justiciability of ESDR
- Issue of ESDR and Conflict Transformation (Country experiences)
- Accountability and Transparency (Prevention of Corruption and Its Trend Analysis with reference to SAARC and Surrounding Countries)
- Concept of Good Governance and Democracy
- Economic Impact and Management of Globalization and Intensified Consumerism
- Linkages between Good Governance and Economic and Social Rights - Experience Sharing
- Linkages Between ESDR and Reproductive Rights(country Experience)
- Gender Equality and Reproductive Rights
- Importance of ESDR in Addressing the Caste Problem (Untouchability) Constitution, Laws, Policy, India
- Endangered Minority and Role of ESDR (Protection)
- Role of Asian Universities in Enhancing Studies on ESDR

countries to support consolidation of rights to development in developing countries

- Concept of Right to Self Determination
- Indigenous Communities and Right to Self determination

Apart from lectures and presentations the program included the following sessions:

### Preparatory Orientation

One week session for the preparatory orientation was scheduled from 14 September in order to provide basic concepts on the thematic topic of the year. The orientation was targeted to interested participants from non legal background and for the participants from other countries who would like to get basic information about the thematic topic to prepare themselves for the active discussion in the formal Residential School.

### Panel Discussion

Panel discussion was held on the topic Gender Equality and Reproductive rights from the perspective of medical science and socio economic rights. Prominent professionals of the related field were invited to put their view on the issue. Interaction with participants followed the session.

### Field Research

Field research was conducted in different places of Nagarkot VDC to explore the situation of good governance and the problems being faced by women and marginalized communities.

### Roundtable Discussion

Roundtable discussion on Role of Asian Universities in Enhancing Studies on ESDR was held amidst national and international professors and the participants. The discussion focused on role of university and law students to incorporate subjects of ESDR in the curriculum and organize research and extra curricular activities on those issues. The discussion acknowledged the role of law students

- Field Research to some VDCs of Nagarkot to explore situation of good governance and problems of women, and marginalized communities
- International Perspective on Socio Economic Rights
- Indispensability of Economic and Social Rights for democratic rights of people
- Int'l Perspective on Development Rights
- Responsibility of developed



and students society in enhancing studies on ESDR.

### Interaction with Ambassadors

British Ambassador to Nepal Dr. Andrew Hall and Danish Ambassador Mr. Finn Thilsted paid a visit to the program. Dr. Hall addressed the lecture series on support of British government in conflict transformation and promoting democratic values in Asia particularly in context of Nepal. Similarly, Mr. Thilsted addressed the closing session highlighting the role of Danish government to address the peace process particularly in context of Nepal and hence contributing to the socio economic justice of the people.

### Observation Visits

Participants visited National Judicial Academy and National Police Academy to learn the activities and initiatives of these institutions in ensuring socio economic justice of the people.

### Elocution Competition

Elocution Competition on Marginalized and Endangered Community's Socio Economic & Development Rights and their Participation in Political Process and Governance was conducted at the end of the program. Ms. Swechya Ghimire, from KSL bagged 'Best Performance Trophy' for the International 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 19 participants were able to bag the Diploma Certificate.

### Certification and Award

The entire program was concluded with closing ceremony and award distribution. Ms. Nishika Sharma from KSL bagged the 'Academic Excellence Award' and Mr. King Norman Rudi, participant from Malawi, received the 'Fellowship Award'. The participation certificates, and token of memoirs was also distributed to all the participants. 21 participants had been successful in acquiring 'Diploma' certificates in the program.

## PARTICIPANTS OF THE PROGRAM

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## Following are the common problems and types of interventions identified by the participants:



### Common Problems of South Asian Region and other participating countries concerning recognition of Economic, Social and Development Rights (ESDR)

- Non-incorporation of economic, social and development rights (ESDR) as fundamental rights in the constitution.
- Non-justiciability of ESDR
- Unwillingness of the State to implement ESDR as human rights.
- Lacking of measures and mechanisms to implement ESDR.
- Absence of communication and collaboration between academic institutions to address these problems jurisprudentially.

### Common Problems of South Asian Region and other participating countries concerning Protection and Justiciability Protection:

- Lack of good governance affecting access of disenfranchised community to resource and justice
- Exclusion of larger part of the population from opportunities from economic and social development and political participation Internal Conflict and huge proportion of internal displacement, serious problem of impunity
- Corruption/Nepotism/Red Tapeism
- Increasing number of cross-border migration and increasing number of refugees

### Justiciability

- Huge backlog of cases in court depriving courts to look into economic and social issues of marginalized groups
- Corruption in the judiciary resulting in inefficiency and deprivation of fairness and impartiality in procedures
- Non enforcement of judgment
- Increasing interference in the independence of judiciary (in some participating countries such as Nepal and Bangladesh)
- Executive dominance over the judiciary (in some

countries like China and Bhutan)

- Lack of awareness at lower level of judiciary about international human rights laws on economic and social and development rights their linkage with good governance

### Necessity and Identification Modality and Measures to implement ESDR

- Formation of an Asian Charter of ESDR
- Enactment of adequate legislative measures to enforce ESDR
- Transparent international policies for increased grant of assistance by developed countries focusing on economic and social justice of disenfranchised communities (currently all assistance are focused on civil and political rights aggravating the dichotomy between two currents of human rights, i.e. civil and political rights and economic and social rights).
- Guarantee by the constitution to enforce ESDR
- Adoption of charter for establishment of ESDR commission

### Identification of Mechanism identified to popularize or institutionalize regional modality of ESDR

- Establishment of Asian Commission on ESDR having oversight power as well as mandate to deal with individual petition for violation of ESDR subject to the exhaustion of available domestic remedy.
- Establishment of a regional organization by alumni of ESDR course in order to promote understanding and enforceability of economic, social and development rights.



# Glimpse of ESDR Program



# 5<sup>th</sup>

## Winter Residential School on Economic, Social & Development Rights, and Good Governance - 2008

### BACKGROUND PAPER <sup>1</sup>

**Economic** and social rights of people are directly related to the basic needs of human beings. Protection and promotion of such rights not only empowers persons, but also contributes to the increased participation of people in political process and governance. Recognition and protection of economic and social rights is thus a prelude to consolidation of inclusive democracy. The civil and political rights without recognition and protection of economic and social rights are meaningless, and vice versa. To have a guarantee to exercise human rights with their indivisibility itself is a human right.

*"Shiva Devi, mother of a three years' old daughter, committed suicide killing her daughter first. She was five months' pregnant. She had no foods for three days as the three days' general strikes kept her out of work. Starvation left nothing for her but compelled her to end her life along with her daughter. Her husband left home for Punjab of India for work three months ago, but could send nothing for support for the pregnant wife and infant child."*

*"Laxmi Maya had been dragged out of home and physically assaulted by a mob. She was condemned to ostracization for being a 'witch'. She was held responsible for miscarriage of Ram Maya. The mob was violent. She was beaten up severely, and eventually compelled to confess and take "human excreta."*

*"A man belonging to the weaker section of the society was ousted from village for their attempt to enter a local temple."*

These are the common stories of the people of South Asian Region. Quite contrary to the painful scenario exhibited by these stories, the South

Asian region affords billions of dollars to maintain one of the largest military in the world. Our region has mastered in superb technological competence including the one to 'manufacture sophisticated long range missiles' with the capacity to hit the target at far distance generally beyond the imagination of ordinary human being. These missiles projects consume a huge amount of scarce revenue which otherwise could have been used for the sustenance, medical care, disability, upliftment of women and other marginalized groups, protection of children and many-many other essential services for a dignified life. Moreover, this region holds many factories to produce guns and explosive powders ignoring a very essential commodity like pharmaceuticals. The number of fighter jets lethally killing human beings down sizes the number of hospitals to 'save lives'. Much more fund is spent to 'prepare armed recruits' than to 'produce doctors'. The number of women and girl children condemned to trafficking and other forms of sexual violence, and maternity related death is greater than the fortunate students who graduate from universities". In a nutshell, "We the people of South Asia are compelled to live in paradox or crystal contrast of reality".

The prospect for protection and promotion of human rights of people is unimaginable or unthinkable in the absence of rule of law and good governance. Safeguard of the basic liberties of an individual is possible only along with an equitable distribution of development opportunities and resources, with priority to the weaker sections of the society. Of course, the existence of every individual member in the group can not be isolated from his/her group. The individual freedoms and group rights co-exist and recognition and protection of each contributes to create an environment conducive for the exercise and enjoyment of rights.

Unfortunately, the democracy in our region

hardly concentrates on the two basic pillars of democracy, i.e. right to self determination and the rule of law. For us, democracy means a 'system of ballots', a complex of twisted, tampered, messy and bewildered phenomenon. The societies of our region are basically founded on 'notion of hierarchically structured relations of human beings'. That is why the benefits and privileges that the people are entitled to are not determined by the 'needs' but by the assigned position of the beneficiary. The social respect and dignity of human beings in our societies is thus something that is not considered 'inherently' endowed equally to all; it is rather taken as an exclusive privilege of one section of the population. It is a universal truth that the ability of the people to govern themselves democratically is necessary for the protection of all human rights.

As Prof. Franck argues, "the right to self determination is the cornerstone of the democracy". [*The Emerging Right to Democratic Governance*, 86 A.J.I.L.46 (1992)] Conversely, the democracy is the cornerstone of the right to self-determination. Obviously, the concepts of democracy and self-determination maintain an innate relation such that the lack of one makes the existence of the other meaningless. It is said that the human rights seek to protect individuals and subjected groups from governmental impositions. Democracy presumes that these individuals or groups have a share in the government. The democracy therefore protects human rights through a representative government. The state of democracy in the South Asian region is passing through a volatile situation. Riggings of polls, horse-trading in governments, making and unmaking alliances for vested interests, rebellions and incidents of terrorism have rendered the democracy, 'a mockery'. The protection of rights of people is thus a serious challenge facing the region.

<sup>1</sup> Prepared by Prof. Nomita Aggarwal, Prof. Yubaraj Sangroula and Ms. Meera Kaura.

The socio-economic rights are inseparably interlinked and interdependent, the deprivation of one will create a 'cyclic impact' on the whole perspective of socio-economic justice. The lowered social condition or deprivation of social justice, for instance, necessarily and successively results in economic deprivation, which is, as a widely recognized factor, a major cause of social marginalization.

State parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) are required to adopt, inter alia, the legislative measures necessary to realize the right to an adequate standard of the living and the right to adequate food being the most important component. Pursuant to the obligation created by the Covenant, several states have enshrined the provisions on the right to food in their constitutions. In the South Asian region, India, Bangladesh, Pakistan and Sri Lanka have explicitly enshrined into their constitutions the obligation of the states to provide an adequate standard of living to their citizens. The Nepalese Constitution, however, does not explicitly commit the State to take obligation to provide standard of living. Article 25 outlines the following references in the form of directive principles of the state:

- Promotion of the condition of welfare on the basis of the principles of an open society by establishing a just system in all aspects of national life, including social, economic and political life.
- Transformation of the national economy into an independent and self-reliant system by preventing the available resources and means of the country from being concentrated within the limited section of the society.
- Establishment and development, on the foundation of justice and morality, a healthy social life by eliminating all types of economic and social inequalities.
- Enjoyment of the fruits of democracy through wider participation of the people in governance.

One of the major issues of the socio economic rights is justiciability of these rights. Many jurists believe that Courts have no jurisdiction to enforce something that is not clearly established by the law as a right. This notion is detrimental to the emergence and institutionalization of the concept of 'justiciability'.

The issue of non-justiciability is thus a complex outcome of the following wrong perceptions:

- Socio-economic rights are merely general interest of people which are not capable of enforcement by the Courts.
- Rights are products of laws, thus their

existence is dependent on state's consent or choice to enforce. Socio-economic interests of people are abstract values rather than the enforceable rights.

- Socio-economic interests of people are development concerns of the society rather than the matters for judicial intervention.
- Socio-economic rights are collective interests of the people, so that it would be impossible for a single individual to assert or enforce them.
- Some people argue that human rights derive legitimacy from natural laws that supports civil and political rights but not economic rights.
- A contention is also made that unlike civil and political rights, economic rights, because they are positive rights, are subjected to the availability of appropriate resources before they can be implemented effectively.

These perceptions, however, fail to realize that the issue of socio-economic rights concerns the overwhelming population's interests for better and secured life. Those who argue about the non-justiciability of the socio-economic rights fail to understand that lives of millions are at stake; their livelihood, health, education and development are also at stake. State's failure to address these concerns of marginalized and disadvantaged sections of the population is a root cause for dark future of these millions of people. The disparity in matters of equitable distribution of resources is what is causing an incredible gap among the people. The demand for justiciability of socio-economic rights thus challenges the traditional paradigm of 'justice' or theories of jurisprudence that are essentially founded on the notion of centralized legalist approaches.

Many of the problems facing the vast majority of the population are outcomes of the irrational, exploitative and inequitable distribution of the material resources, service delivery and opportunities. In *Olga Tellis v. Bombay Municipal Corporation* [(1985) 2 Supp. SCR 51], the Supreme Court of India, while rejecting the plea of the government that the slum dwellers of Bombay city had failed to adduce evidence to show that they would be rendered jobless if they are evicted from the slums and pavement, viewed that the main reason for the emergence and growth of squatter-settlements in big city like Bombay, is the availability of job opportunities which are lacking in the rural sector. The Court, convincingly, expressed that these facts constitute empirical evidences to justify the conclusion that the persons in the position of petitioners (slum dwellers) live in slums and on the pavements because they have small jobs to nurse in the city and there is no other place to

live.

As it is evident, millions of people live in a given type of life condition as they have no other options. In rural villages, women die because they get no medical support. In squatter-settlements, children are dying because there is no medical care to address the diseases like tuberculosis, malaria, and other various forms of transferable diseases. The socio-economic rights in this perspective do not simply mean issues requiring development interventions, but they are a matter of concern for 'justice'.

Very often questions are raised and argued about the Courts' interventions of government policies. Millions of people doubt the justiciability of the socio-economic rights. Traditionally, it is suggested that the judiciary must maintain a 'self-restraint' in issues where the policies or programs of the government are concerned. This opinion or theory definitely discards the omnipotence of human rights. However, the people in South Asian region still have faith in the judiciary and the Courts should willingly open their gates for the protection of their rights even at the cost of ignoring formalism.

Human rights are indivisible. They are interdependent. The prospect of economic rights is dependent on consolidation and sustainability of the democracy, and the sustainability of the democracy is dependent on the institutionalization of the socio-economic justice. Civil and political rights are ultimately fruitless without heeding the constraints laid out by economic rights' conventions, namely the International Covenant on Economic, Social and Cultural Rights. One of the major challenges to enforce the economic rights lies in the intervention by the national judiciary. The concern, therefore, must focus on preparing the judicial system to act pro-actively to the 'issue of justiciability of the economic rights as omnipotent human rights'.

Till date one fact remains true that the international community in general and the South Asian countries in particular continues to tolerate awful breaches of economic, social and cultural rights, which on many occasions provoked the expressions of horror and outrage, which in turn led to concerted call for immediate remedial actions by the world community. It is sad that serious attention has not been given by the government or the by the world community despite the urgency or requirement of upholding and protection of human rights.

In view of this, an effort is being made every year by KSL, in association with SALS to hold residential winter school to apprise and to understand the present scenario of ESDR. The participants are encouraged to identify problems, face challenges and make contributions to tackle these problems.

## Schedule of 5<sup>th</sup> Residential School

Date : 16<sup>th</sup> October to 7<sup>th</sup> November 2008, Nepal

Venue : Telkot, Nagarkot

16 <sup>th</sup> October Thursday (Inauguration) 2:00 pm onward					
Date	Topic	Time	Sub Topic	Resource Persons	Methods/ Remarks
17 <sup>th</sup> Oct.	<b>Introductory Session</b>	8:00-9:00	BREAKFAST*		
		9:00-10:00	Introduction of Participants and Resource Persons with fun game (Pre-arranged sitting arrangement )		Country presentations (30 minutes time for each presentation)
		10:00-11:00	Presentation on socio-economic perspective of participating countries with special reference to socio-economic rights, legal framework and enforcement.		
		11:00-11:15	BREAK		
		11:15-12:15	Session Continues		
		12:15-1:15	LUNCH BREAK		
		1:15 -3:15	Session Continues...		
		3:15-3:30	BREAK		
		3:30-4:30	Session Continues...		
4:30-5:30	Comments by Residential Professors on presentation	Prof. Dr. Yubaraj Sangroula Prof. Zakir Hossain Ms. Mallika Ramachandran Mr. Anuj Kumar Vaksha			
18 Oct.	<b>Basic Concept and Justiciability of Economic and Social Rights</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q & A Session
		9:00-10:30	Economic and Social Rights: Concept and Evolution	Prof. Dr. Yubaraj Sangroula	
		10:30-11:00	Discussion		
		11:00-11:15	BREAK		
		11:15-12:15	Dichotomy between Civil and Political Rights and ESDR and State Obligations : Myths and Realities	Prof. Zakir Hossain	
		12:15-12:45	Discussion		
		12:45-1:45	LUNCH BREAK		
		1:45-2:45	Cultural Relativism : Myth and Reality	Ms. Mallika Ramachandran	
		2:45-3:15	Discussion		
3:15-3:30	BREAK				
3:30-4:30	Democracy and Human Rights: Comparative Analysis of Eastern & Western Perspective	Prof. Dr. Yubaraj Sangroula			
4:30-5:00	Discussion				
19 Oct.	<b>Linkage between Democracy and Human Rights</b>	8:00-9:00	BREAKFAST		Group Presentation
		9:00-10:30	Comparative Perspective of Problems, Challenges and Prospects of Democracy and Status of Human Rights with focus on South Asian Region	Prof. Dr. Yubaraj Sangroula / Prof. Zakir Hossain	
		10:30-11:00	Discussion		
		11:00-11:15	BREAK		
		11:15-11:45	Problems of Democracy and Human Rights in India	Mr. Anuj Kumar Vaksha	
		11:45-12:15	Problems of Democracy and Human Rights in Bangladesh	Prof. Zakir Hossain	
		12:15-1:15	LUNCH BREAK		
		1:15-2:15	Problems in Japanese Political Process in Respect to Economic Development	Prof. Kenji Tozawa	
		2:15-2:45	Discussion		
		2:45-3:15	Problems of Democracy and Human Rights in South East Asia	Prof. Dr. Yubaraj Sangroula	
		3:15-3:30	BREAK		
3:30-5:00	WORKSHOP* I: Identification of the common problems and possible collaboration to address the problems	Facilitator: Mr. Anuj Kumar Vaksha			

\* Breakfast and Diner will be served everyday at 8:00-9:00 am and 7:00 pm respectively. Room service is not available.

\* Detail Guideline of the workshops is enclosed in next sheet.

Date	Topic	Time	Sub Topic	Resource Persons	Methods/ Remarks
20 Oct.	<b>Linkage of Human Rights Good Governance and Democracy</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session  Group Presentation
		9:00-10:00	Linkages between Good Governance and Human Rights with special reference to ESDR	Prof. Zakir Hossain	
		10:00- 10:30	Discussion		
		10:30-10:45	BREAK		
		10:45-11:45	Democracy and Constitutionalism, Inclusiveness in Democracy	Prof. Dr. Yubaraj Sangroula	
		11:45-12:15	Discussion		
		12:15-1:15	LUNCH BREAK		
		1:15-2:00	Indispensability of ESDR for Sustainability of Democracy	Prof. Zakir Hossain	
		2:00-2:30	Discussion		
		2:30-3:15	Right to Information, human rights standards and Human Rights situation in China in relation to economic and social development	Prof. Wang Sixin	
		3:15-3:45	Discussion		
3:45-4:00	BREAK				
4:00-5:30	WORKSHOP II: Inclusiveness and Good Governance to promote Economic, Social and Development Rights	Facilitator: Mr. Anuj Kumar Vaksha			
21 Oct.	<b>Good Governance and Social security System</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session  Country Presentation
		9:00-10:00	Economic and Social rights and the South African Constitution	Ms. Andrea Durbach	
		10:00-10:30	Discussion		
		10:30-10:45	BREAK		
		10:45-12:00	People's Participation in governance: Problems of Accountability and Transparency with reference to South Asian Countries	Dr. Narayan Manandhar	
		12:00-12:30	Discussion		
		12:30-1:30	LUNCH BREAK		
		1:30-2:15	Good Governance and Social Security System: Necessity and Experiences	Mr. Keshav Acharya	
		2:15-2:45	Discussion		
		2:45-3:30	Social Security System in China with special focus on Migrant Workers in China	Prof. Wang Sixin	
3:30-4:00	Discussion				
4:00-4:15	BREAK				
4:15-5:30	SYMPOSIUM* I: Good Governance and Social Security System	Facilitator: Mr. Anuj Kumar Vaksha			
22 Oct.	<b>'Inclusivity' in the System of Governance and Protection of Human Rights</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session  Country Presentation
		9:00-10:00	Universality, Challenges and Continuing Validity of the UDHR in the 21st Century	Prof. Zakir Hossain	
		10:00-10:30	Discussion		
		10:30-10:45	BREAK		
		10:45-11:45	Problems and Challenges faced by Marginalized, Endangered Communities in the context of Good Governance and Protection of Human Rights	Mr. Anuj Kumar Vaksha / Mr. Pradeep Pathak	
		11:45-12:15	Discussion		
		12:15-1:15	LUNCH BREAK		
		1:15-2:15	Problems and Challenges faced by Women as Marginalized Section	Ms. Mallika Ramachandran	
		2:15-2:45	Discussion		
		2:45-3:00	BREAK		
3:00-5:00	SYMPOSIUM II: Problems and Challenges faced by Marginalized, Endangered Communities and other Vulnerable Groups in the Context of Good Governance and Protection of Human Rights	Facilitator: Mr. Anuj Kumar Vaksha			
23 Oct.	<b>'Inclusivity' in the System of Governance and Protection of Human Rights</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session
		9:00-10:30	The new ASEAN Human Rights mechanism and other regional mechanisms for the Protection of Economic, Social and Development Rights	Catherine Renshaw	
		10:30-11:00	Discussion		
		11:00- 11:15	BREAK		
		11:15-12:15	Justiciability and Enforceability of Economic, Social and Development Rights	Prof. Zakir Hossain/ Assoc. Prof. Prakash KC	

\* Detail Guideline of the symposiums is enclosed in next sheet.

Date	Topic	Time	Sub Topic	Resource Persons	Methods/ Remarks	
		12:15-12:45	Discussion		(10 minutes time for each presentation)	
		12:45-1:45	LUNCH BREAK			
		1:45-3:45	National Human Rights Commission and Economic, Social and Development Rights Afghanistan Bangladesh Bhutan Cambodia China India Ireland Laos Nepal Srilanka Thailand Vietnam	Participant from Afghanistan Prof. Zakir Hossain Participant from Bhutan Participant from Cambodia Participant from China Mr. Anuj Kumar Vaksha Participant from Ireland Participant from Laos Assoc. Prof. Prakash KC Participant from Srilanka Participant from Thailand Participant from Vietnam		
		3:45-4:00	BREAK			
		4:00-5:30	WORKSHOP III: Economic, Social and Development Rights and Enforcement Mechanism	Facilitator: Mr. Anuj Kumar Vaksha		Group Presentation
24 Oct.	<b>International Perspective on ESDR</b>	8:00-9:00	BREAKFAST			Presentation followed by Discussion and Q&A Session
		9:00-10:00	UN's Role on Protection and Promotion of Economic, Social and Development Rights	Assoc. Prof. Geeta Pathak		
		10:00-10:30	Discussion			
		10:30-10:45	BREAK			
		10:45-11:45	International Policies and Economic, Social and Development Rights	Prof. Dr. Yubaraj Sangroula		
		11:45-12:15	Discussion			
		12:15-1:15	LUNCH BREAK			
		1:15-2:00	Accountability and Responsibility of Int'l Community Regarding Promotion of Economic, Social and Development Rights in Developing Countries	Mr. Surya Deuja		
		2:00-2:30	Discussion			
		2:30-3:15	The Asian Development Bank rights, gender, disability and development	Mr. Andrew Byrnes		
		3:15-3:45	Discussion			
		3:45-4:00	BREAK			
		4:00-4:45	Human Rights Obligations of the Multinational Corporations	Prof. Zakir Hossain / Mr. Anuj Kumar Vaksha		
		4:45-5:15	Discussion			
25 Oct.	<b>Basic Concept of Development and Right to Development</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session	
		9:00-10:00	Right to Development, its relationship with Socio-economic Rights and its status in South Asia	Prof. Kapil Shrestha		
		10:00-10:30	Discussion			
		10:30-10:45	BREAK			
		10:45-11:30	Concept of Globalization and its Impact: Economic Perspective in South Asia	Assoc. Prof. H.K. Rana		
		11:30-12:00	Discussion			
		12:00-1:00	LUNCH BREAK			
		1:00-1:45	Right to Development with special reference to Health and Human Rights	Assoc. Prof. Geeta Pathak/ Asst. Prof. Kapil Aryal		
		1:45-2:15	Discussion			
		2:15-2:30	BREAK			
		2:30-3:15	Disparity between Urban and Rural Population and Least Developed Countries and Developed Countries	Assoc. Prof. H.K. Rana / Mr. Anuj Kumar Vaksha		
		3:15-3:45	Discussion			
		3:45-4:00	BREAK			
		4:00-4:45	Responsibility and duty of developed countries to support right to development in developing countries	Mr. Joseph Auguettant		
		4:45-5:15	Discussion			
26 Oct.	<b>WTO &amp; ILO's Roles and Responsibilities for the promotion of ESDR</b>	8:00-9:00	BREAKFAST			
		9:00-11:00	Panel Discussion Overview of WTO Systems with respect to Rules focusing on Promotion of Economic, Social and Development Rights & Impact of WTO in the Life of Farmers and Poor Sections of Community in the Context of ESDR	Mr. Prachanda Man Shrestha Assoc. Prof. H.K. Rana Representatives from SWATEE		
		11:00-11:15	BREAK			

Date	Topic	Time	Sub Topic	Resource Persons	Methods/ Remarks	
		11:15-12:15	Panel Discussion (Contd.)		Presentation followed by Discussion and Q&A Session	
		12:15-1:15	LUNCH BREAK			
		1:15-2:15	Overview of ILO Systems with respect to Rules focusing on Promotion of ESDR: Critical Appraisal	Assoc. Prof. Geeta Pathak		
		2:15-2:45	Discussion			
		2:45-3:00	BREAK			
		3:00-5:00	SYMPOSIUM III: Economic, Social and Development Rights and International Commitments	Facilitator: Mr. Anuj Kumar Vaksha		Group Presentation
27 Oct.	<b>Democracy, Vulnerable Groups and ESDR</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session	
		9:00-10:30	Constitution, Constitutionalism and Constituent Assembly: Nepal's Perspective with special reference to the Recognition and Protection of ESDR	Prof. Dr. Yubaraj Sangroula		
		10:30-11:00	Discussion			
		11:00-11:15	BREAK			
		11:15-12:15	Planning Perspective Concerning Democracy and Vulnerable Groups	Dr. Sagar Prasai		
		12:15-12:45	Discussion			
		12:45-1:45	LUNCH BREAK			
		1:45-3:45	Vulnerable Groups and ESDR Victims of Trafficking Refugees / Internally Displaced People Children and Women People with Disability Migrant Workers Hill Tribe People Minority people Untouchability	Mr. Joseph Auguettant Representatives from Bhutan Ms. Malika Ramachandran  Prof. Dr. Yubaraj Sangroula		
		3:45-4:00	BREAK			
		4:00-5:30	SYMPOSIUM IV: Vulnerable Groups and Economic, Social and Development Rights	Facilitator: Mr. Anuj Kumar Vaksha	Country Presentation	
28, 29, 30 Oct.			<b>(Laxmi Puja to Bhai Tika: Nepali Festival, Off days)</b>		Observation of Nepalese Culture / Sight Seeing	
31 Oct.	<b>Indigenous Communities and Right to Self Determination</b>	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session  (30 minutes time for each presentation)	
		9:00-10:00	Right to Self Determination: Meaning, Concept, Evolution and Scope in Context of CERD with reference to UN Standards & ICJ Jurisprudence	Assoc. Prof. Geeta Pathak		
		10:00-10:30	Discussion			
		10:30-10:45	BREAK			
		10:45-12:15	Indigenous Communities and Right to Self determination • Nepalese Situation • One Country Many Systems ( China) • Provincial System (India)	Assoc. Prof. H.K. Rana Participants from China Mr. Anuj Kumar Vaksha		
		12:15-12:45	Discussion			
		12:45-1:45	LUNCH BREAK			
		1:45-2:05	WORKSHOP IV: Innovative Writing on the Right to Self Determination and Indigenous Communities	Facilitator: Mr. Anuj Kumar Vaksha		Innovative Writing by each participant in 20 minutes time (15 minutes time for each presentation)
		2:15-3:45	Presentation of 10 Best Writings			
	3:45-4:00	BREAK				
		4:00-5:00	Presentation of 10 Best Writings (Contd.)			
		5:00-5:30	Feedback from Residential Resource Persons			
1 Nov.	<b>ESDR, Gender and Good Governance linkage between good governance and socio economic and development rights</b> (Roles and Responsibilities of INGOs and NGOs)	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session	
		9:00-10:00	Relation between ESDR and Reproductive Rights	Prof. Dr. Sudha Sharma		
		10:00-10:30	Discussion			
		10:30-10:45	BREAK			
		10:45-11:45	Good Governance and Inclusion of Women	Mr. Bishnu Adhikari		
		11:45-12:15	Discussion			
		12:15-1:15	LUNCH BREAK			
		1:15-3:15	ESDR, Gender and Good Governance (Panel Discussion) - Gender Equality and Reproductive Rights - Reproduction and Right to Life (Medical Perspective ) - Reproduction and Human Rights (with emphasis to socio-economic rights)	Ms. Madhuri Singh Assoc. Prof. Geeta Pathak		
		3:15-3:30	BREAK			

Date	Topic	Time	Sub Topic	Resource Persons	Methods/ Remarks
		3:30-5:30	Panel Discussion with experts and representatives of Government, Planning Commission, Embassies, International Agencies, INGOs, NGOs and representatives of the Marginalized Community in relation to Good Governance and Economic, Social and Development Rights (Laws, Policies and Directives) - Representative from Ministry - Representative from Planning Commission - Representative from Embassies - Representative from International Agencies - Representative from INGOs - Representative from NGOs - Representative from the Marginalized Communities - Representative from the Women Commission	Panelists Prof. Kapil Shrestha Assoc. Prof. H.K Rana Mr. Bishnu Adhikari Dr. Rohit Nepali Mr. Keshav Acharya Mr. Kedar Poudel Ms. Laxmi Sharma	Interaction and Panel Discussion
2 Nov.	Role of Legal Education in Addressing ESDR	8:00-9:00	BREAKFAST		Presentation followed by Discussion and Q&A Session Group Presentation
		9:00-10:30	Legal Education and Role of Universities in Enhancing Studies of Human Rights with respect to ESDR	Assoc. Prof. Dr. Yubaraj Sangroula	
		10:30-11:00	Discussion		
		11:00-11:15	BREAK		
		11:15-12:45	WORKSHOP V : Development of the Curriculum of ESDR	Facilitator: Mr. Anuj Kumar Vaksha	
		12:45-1:45	LUNCH BREAK		
		1:45-3:45	Workshop (Contd.)		
		3:45-4:00	BREAK		
		4:00-5:00	Workshop (Contd.)		
3 Nov.		8:00-9:00	BREAKFAST		Field Visit
		9:00-11:00	Orientation on Field Research, Problem and Methodology		
		11:00-11:15	BREAK		
		11:15-12:45	Orientation on Field Research, Problem and Methodology (Contd.)		
		12:45-1:45	LUNCH BREAK		
		1:45-3:45	Preparation and Presentation of Title, Problem, Methods and Schedules		
		3:45-4:00	BREAK		
		4:00-5:00	Preparation and Presentation of Title, Problem, Methods and Schedules (Contd.)		
4 Nov.		9:00-5:00	Field Research to collect data & information on Socio-Economic situation and Development Status of rural community		
5 Nov.		8:00-9:00	BREAKFAST		(45 minutes time for each group presentation)
		9:00-12:00	Report Preparation		
		12:00-1:00	LUNCH BREAK		
		1:00-2:30	Report Preparation (Contd.)		
		2:30-4:30	Presentation of Research Report		
		4:30-5:30	Feedback from Expert also reflecting on Role of Funding Agencies to improve the Condition of Socio-Economic Justice	Henryk Montygierd	
6 Nov.		8:00-9:00	BREAKFAST		Presentation by participants followed by Experts' Feedback
		9:00-11:00	Report Presentation and Feedback from Resource Persons		
		11:00-11:15	BREAK		
		11:15-12:15	Report Presentation and Feedback from Resource Persons (Contd.)		
		12:15-1:15	LUNCH BREAK		
		1:15-3:15	Report Presentation and Feedback from Resource Persons (Contd.)		
		3:15-3:30	BREAK		
		3:30-4:30	The Abuse of Power: The Theoretical Issues to Consider	Prof. Paul C. Friday	Presentation followed by Discussion and Q&A Session
		4:30-5:00	Discussion		
7 Nov.		9:00-3:00 3:00 p.m. onward	Elocution (Certification, Closing of ESDR Program and Departure of Participants) Inauguration of South Asian Law Schools (SALS) Forum Program		
8 Nov.		9:00-5:00	General Assembly of SALS Forum		

## Residential Resource Persons

of 5<sup>th</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2008 – 2009)

Name : Dr. Yubaraj Sangroula  
Occupation : University Academic  
Academic Qualifications : Ph.D., LL.M.  
Area of Expertise : Criminal Law and Justice, International Law, Human Rights and Jurisprudence



Name : Assoc. Prof. Geeta Pathak  
Occupation : University Academic  
Academic Qualifications : LL.M.  
Area of Expertise : Human Rights and Gender Justice, International Humanitarian Law



Name : Assoc. Prof. Zakir Hossain  
Occupation : University Academic  
Academic Qualifications : LL.M.; Master in Governance and Development  
Area of Expertise : Good Governance, Gender and Development



Name : Mr. Anuj Kumar Vaksha  
Occupation : University Academic  
Academic Qualifications : LL.M.  
Area of Expertise : Human Rights, International Humanitarian Law, International Refugee Law



Name : Assoc. Prof. H.K. Rana  
Occupation : University Academic  
Academic Qualifications : M.Com.  
Area of Expertise : Economics, Management and Good Governance



## Management Committee

Course Co-ordinator : Mr. Kapil Aryal  
Program Co-ordinator : Mr. Pradeep Pathak  
Communication Officer : Ms. Sushila Karki  
Volunteers : Ms. Swechha Ghimire, Ms. Ankita K.C., Ms. Avima Upreti, Ms. Antara Singh, Ms. Nishika Sharma, Ms. Srijana Regmi, Mr. Pravin Subedi, Ms. Sandhya Sitaula, Ms. Dikshya Koirala

# List of Resource Persons

## A. Resource Persons of 1<sup>st</sup> Winter Residential School on Economic and Social Rights, and Good Governance (2004 – 2005)

1. Prof. Kapil Shrestha - Nepal
2. Assoc. Prof. Yubaraj Sangroula - Nepal
3. Mr. Rabindra Bhattarai - Nepal
4. Mr. Khagendra Prasai - Nepal
5. Dr. Rohit Nepali - Nepal
6. Assoc. Prof. H.K. Rana - Nepal
7. Mr. Kukti Rijal - Nepal
8. Mr. Raju Chapagain - Nepal
9. Mr. Madhav Acharya - Nepal
10. Mr. Keshav Acharya - Nepal

## C. Resource Persons of 3<sup>rd</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2006 – 2007)

1. Prof. Kapil Shrestha - Nepal
2. Prof. Lok Raj Baral - Nepal
3. Prof. Nomita Aggarwal - India
4. Assoc. Prof. Yubaraj Sangroula - Nepal
5. Assoc. Prof. Geeta Pathak - Nepal
6. Assoc. Prof. Zakir Hossain - Bangladesh
7. Assoc. Prof. H.K. Rana - Nepal
8. Mr. Chandra Shekhar - India
9. Mr. Lukas Emil Felix Heckendorn - Switzerland
10. Dr. Narayan Manandhar - Nepal
11. Mr. Dipendra Chhetri - Nepal
12. Mr. Mukti Rijal - Nepal
13. Dr. Chandra Mani Adhikari - Nepal
14. Mr. Marcel v. Arx - SDC, Nepal
15. Mr. Klavs Kinnerup - DIHR, Denmark
16. Asst. Prof. Ashish Adhikari - Nepal
17. Asst. Prof. Sudeep Gautam - Nepal
18. Asst. Prof. Khagendra Prasai - Nepal
19. Mr. Ali Salim - Pakistan
20. Ms. Abha Kulshrestha - India

### Management Committee

Co-ordinator : Mr. Pradeep Pathak

Communication Officer : Ms. Bidhya Pokharel

## B. Resource Persons of 2<sup>nd</sup> Winter Residential School on Economic and Social Rights, and Good Governance (2005 – 2006)

1. Prof. Kapil Shrestha - Nepal
2. Assoc. Prof. Yubaraj Sangroula - Nepal
3. Assoc. Prof. Kishor Silwal - Nepal
4. Assoc. Prof. H.K. Rana - Nepal
5. Asst. Prof. Khagendra Prasai - Nepal
6. Asst. Prof. Ashish Adhikari - Nepal
7. Asst. Prof. Sudeep Gautam - Nepal
8. Asst. Prof. Rabindra Bhattarai - Nepal
9. Dr. Narayan Manandhar - Nepal
10. Dr. Om Krishna Sitaula - Nepal
11. Mr. Mukti Rijal - Nepal
12. Mr. Dipendra Chhetri - Nepal
13. Mr. Keshav Acharya - Nepal
14. Mr. Tanka Raj Aryal - Nepal
15. Mr. Pradeep Pathak - Nepal
16. Mr. Som Luintel - Nepal
17. Mr. Nayan Bd. Khadka - Nepal
18. Mr. Ali Salim - Pakistan

## D. Resource Persons of 4<sup>th</sup> Winter Residential School on Economic, Social and Development Rights, and Good Governance (2007 – 2008)

1. Prof. Dr. Nomita Aggarwal - India
2. Prof. Dr. Sudha Sharma - Nepal
3. Prof. Suman Gupta - India
4. Assoc. Prof. Dr. Yubaraj Sangroula - Nepal
5. Assoc. Prof. Geeta Pathak - Nepal
6. Assoc. Prof. Prakash K.C - Nepal
7. Assoc. Prof. Zakir Hossain - Bangladesh
8. Asst. Prof. Narayan Sharma - Nepal
9. Asso Prof. HK Rana - Nepal
10. Mr. Ali Saleem - Pakistan
11. Dr. Narayan Manadhar - Nepal
12. Mr. Bishnu Adhikari - Nepal
13. Dr. Lukas Emil Felix - Switzerland
14. Dr. Govinda Bahadur Thapa - Nepal
15. Asst. Prof. Raj Kumar Suwal - Nepal
16. Mr. Tek Tamrakar - Nepal
17. Mr. Pradeep Pathak - Nepal
18. Asst. Prof. Kapil Aryal - Nepal
19. Mr. Joseph Auguetant - France

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## Reflection

Nepal, Never End Peace and Love

"Nepal", as to me, it was only a name I read on the map before I went there. I knew nearly nothing about this mysterious country except its world-famous Himalayas. However, after 17 memorable days in Nepal, I felt very deeply in my heart that everything and everyone there impressed me a lot. When my flight fled away from the Kathmandu Airport, I wrote on my notebook: "Goodbye, Nepal, Never End Peace And Love."

Discussion is the first thing I was amazed during the 3<sup>rd</sup> Winter Residential School program on Sociol Economic and Development Rights. All the participants sat together, in a circle, face to face. There was no absolute division of teachers and students; there was also no absolute answer of right or wrong. We were equally encouraged to question, to debate, to express ideas and search for our own solutions. It was an experience that I seldom had in my Chinese Education System, in which most students were used to listening and accepting what professors taught. Therefore, although it was a big challenge for me to confront with so many "Why", "How" and "What", I was still very happy and excited, because I knew what I learned from these discussions would definitely enlighten me in my whole life.



When lectures and discussion ended in the evening, we used to begin our "talk show"! Sometimes we drank delicious milk tea (my favorite) inside, and sometimes we warmed ourselves around the inglenook. We shared a lot with each other everyday, talking, joking and singing, just as close as the old friends. Regardless of nationality, culture, language, and color, we knew that we were common, because as Prof. Sangroula once said, "We are not Nepali, Indian, Chinese, Thai, Bangladesh, Pakistan, Bhutan, we are human beings."

Besides, I can also make hundreds of sentences which begin with "I cannot forget" in Nepal. I cannot forget my first field research that helped me to understand a real Nepal; I cannot forget my 24-year-old birthday party when I received my first Nepali dress; I cannot forget the wonderful dancers and singers during the culture program; I cannot forget the sunrise from the Himalayas Mountains; I cannot forget the tasty "Mo Mo" and "Qiao ming"; I cannot forget "Namaste".....

Words are never enough to express my feelings of this Nagarkot program. I just want to say, although Nepal is still in poverty and unstable, I sincerely believe it would have a bright future because of the excellent young generation.

Best wishes from  
**Zhu Li**, China  
2007-3-9



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