



# HIMALAYAN FIELD SCHOOL: DEVELOPMENT AND HUMAN RIGHTS

## THE LAW SCHOOL IN THE SKY

Few law students have the opportunity to learn about law by talking to indigenous fisher-folk in a Nepalese river valley, interviewing residents of a Kathmandu slum, speaking with Tibetans in a refugee camp, or trekking for hours to visit a remote school on a Himalayan mountainside.

In February 2011, 30 Sydney law students left behind the lecture theatres of Sydney Law School and embarked on a unique legal expedition to Nepal. The Himalayan Field School on Development and Human Rights was pioneered by the Sydney Centre for International Law as an innovative new course for degree credit, open to undergraduates and postgraduates of Sydney Law School and other universities.

The course was delivered in partnership with the Kathmandu School of Law (KSL), with which Sydney had earlier collaborated on an AusAID-funded project to strengthen human rights in the criminal justice system in Nepal. KSL was involved in the design of the course and its delivery in Nepal, bringing the benefits of local expertise as well as enabling 15 Nepalese law students to participate in the course

The aim of the program, now offered every year, is to enable students to learn about international law in its practical context – how it applies to real problems of human development in a developing country. Land-locked Nepal was chosen as an ideal case study: it is one of the poorest countries in the world and it recently emerged from a protracted and bloody civil war.

In this context, the Field School was designed to expose Australian law students to the role and limits of law in addressing acute problems



of human development. It adopted an interdisciplinary approach to understanding the complexity of development, drawing on international law and Nepalese law, as well as on disciplines such as human geography, environmental and urban studies, economics, peace and conflict studies, religion, history and politics. Development was understood not as narrow economic growth, but through Amartya Sen's view of development as the expansion of human freedom. The course also explored various critiques of development.

The curriculum explored a range of inter-connected themes, starting with

the transition from conflict to peace after a Maoist insurgency and the end of the monarchy, and efforts to draft a new constitution and build a new political and legal system. The course also investigated efforts to bring to justice the perpetrators of human rights abuses, while maintaining a fragile peace.

In exploring the practice of development in Nepal, the course considered the protection of socio-economic rights (including food, water, housing and livelihoods), and the impact of development projects on natural resources, human livelihoods, and environmental protection.



Particular attention was paid to the experiences of minority groups (such as indigenous peoples, 'tribals', and dalits – untouchables in the caste system), women and children in the context of traditional social norms, and vulnerable outsiders such as Tibetan and Bhutanese refugees.

In learning about these issues, the Field School utilized innovative teaching methods, which encouraged creative thinking about the linkages between law, development and human rights. The traditional lectures delivered by Sydney and KSL academics, and extensive readings, were supplemented by a program of site visits and field trips.

The site visits allowed the students to visit the offices of numerous United Nations agencies (in the fields of development, human rights, refugees, and children), the International Committee of the Red Cross, the National Human Rights Commission of Nepal, and the Constituent Assembly of Nepal (which is both the parliament and constitution-drafting body). The visits facilitated enthusiastic, spirited and critical interactions between students and experts, and students felt privileged to gain such unprecedented access to key institutions.

The field visits allowed students to gain another perspective on development – that of those who adversely experience law and development processes. The field visits drew upon socio-legal research methods to enable students to directly engage with slum residents at risk of forced eviction in Kathmandu, Tibetan refugees who fled from

Chinese persecution, and villagers adversely affected by development projects, and to reflect on how formal laws and institutions play out in practice.

A four-day field trip to the rural Melamchi district allowed students to witness and hear about the hardships faced by indigenous Nepalese whose communities and livelihoods are adversely affected by the construction of a water supply project. Students interviewed villagers with the invaluable interpreting assistance of Nepalese students, who facilitated these fascinating cultural encounters.

Villagers spoke of how they were not meaningfully consulted about the project, how the process was not transparent, and expressed real concerns about the impact of the project on their meagre subsistence livelihoods. For both the Australian and Nepalese students, this abject reality was confronting. So, too, was a visit to a nearby remote school, after a long mountain trek, which graphically illustrated the challenges of securing basic rights to food, education, healthcare and sanitation for rural children.

The course was intellectually and physically demanding. Students evaluated the Field School highly, believing that it helped them to learn effectively and increased their confidence as legal thinkers. As one student wrote of the course: "Wow! What an intense and rewarding month in Nepal. ... I have returned to Australian shores with a spring in my step, and a grin permanently planted across my face." Or as a group of

students said: "We have all had an absolutely amazing, challenging and stimulating time and have learnt many academic and personal lessons and observations which will remain with us for a life time."

Part of this success is attributable to the participation of Nepalese law students and guides, who not only enriched the learning experience but also produced strong bonds of friendship between Australian and Nepalese students. Students also enjoyed exploring Nepal's rich culture and history through visits to major temples, palaces, and world heritage cities; learning the Nepali language; and even trying hard (with mixed success) at competitive, outdoor Nepalese disco dancing. Some students even went trekking in the Himalayas after the course.

Sydney Law School and Sydney students intend to maintain their links to Nepal. While in Nepal, the Director of Kathmandu School of Law, Dr Yubaraj Sangroula, was appointed Attorney-General of Nepal, and we are planning a new development project to support legal training in the Attorney's Office. Students remain in touch through a dedicated Facebook page and are exploring ways to contribute to development activities in Nepal in the future.

Ultimately, it is hoped that the Field School opened up new professional and personal horizons for Australian and Nepalese law students – and perhaps inspired even a few to pursue future careers in development, international law, or human rights.

Associate Professor Ben Saul devised the Himalayan Field School, and coordinated it in Nepal with colleague Irene Baghoomians.

