

AN EXPERIENTIAL INTERNATIONAL LAW FIELD SCHOOL IN THE SKY: LEARNING HUMAN RIGHTS AND DEVELOPMENT IN THE HIMALAYAS

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I INTRODUCTION

This article discusses our experience in establishing and implementing an elective international law course at Sydney Law School, entitled ‘Himalayan Field School: Development, Law and Human Rights’. The course was established in 2010–11, takes place annually in Nepal over two to three weeks, and is run jointly with Kathmandu School of Law (KLS). Thirty Australian students participate for undergraduate and postgraduate degree credit, with a smaller number of Nepalese law students also participating. The course focuses on Nepal as a broad case study illustrating a range of universal international law themes, institutions and problems. It is not a specific course about Nepalese law as such.

As will be seen, the course combines unique, participatory experiential methods (including site visits and field trips) with doctrinal and theoretical learning (readings and seminars), peer-to-peer learning (between Australian and Nepalese law students) and personal critical reflection (via daily reflective journals). The course is also purposely framed in an interdisciplinary manner,¹ and set in a cross-cultural, developing context which takes relatively privileged western law students outside their natural habitat and comfort zone.

In 2011 the *Legal Education Review* (LER) published an article about the experience of Melbourne Law School colleagues in offering an experiential course in Geneva on ‘Institutions in International Law’ since 2006.² That course shared similarities with an earlier Geneva course developed in 2001 by the Australian National University on ‘International Organisations’.³ The LER article usefully sets out the current thinking about experiential learning in law and international law specifically,⁴ the thrust of which we agree with. This article does not repeat the same ground.

In particular, our course too is driven by the core insight that experiential learning is an effective means of promoting ‘knowledge creation ... [through] active transactions between the student and the environment being studied’,⁵ particularly when situated within wider concepts, research and knowledge. This article uses their contribution as a point of departure to discuss our own novel experience. We loosely address similar themes and concerns as we critically examine our own course, building on the

groundwork already laid elsewhere.

The article first describes the background to establishing the course as an example of the internationalisation of legal education, and why Nepal was selected as the case study. It then critically discusses the course aims; the design of the curriculum content; the design of the teaching and learning methods; assessment types and rationale; and student evaluation and continuous course improvement. Along the way, it considers various dimensions of the teaching–research nexus, including:

1. a pedagogical research-led course design;
2. a research-driven substantive curriculum;
3. the use of socio-legal research methods as a learning tool;
4. the inculcation of student interest in future research; and
5. a research dividend for teaching staff.

The final part reflects on particular challenges and risks encountered (including the difficult operating environment of a post-conflict, developing country), and concludes by addressing a few remaining critiques of this type of learning method.

II INTERNATIONALISATION OF LEGAL EDUCATION AND DIVERSIFICATION OF TEACHING METHODS

Student passion for public international law is increasingly matched by innovative ways of teaching and learning about it. Historically, it was something of a struggle even to have international law taught or taken seriously in Australian law schools, not least because it is still not included in the conventional ‘Priestley 11’ subjects that are compulsory for admission to the profession as a legal practitioner.⁶ Career opportunities to practise international law in the past were also few and far between, so there was little demand from the profession for international law to be taught. Because practitioners were often unfamiliar with international law, and often provided a substantial portion of the teaching staff to law schools on a casual basis, there was also a skills shortage in that area within law schools.

In recent decades, research by Ivan Shearer (in 1983), James Crawford (1984) and Diane Otto (2000) have charted the proliferation of international law courses in Australian law schools,⁷ mostly on an elective basis, with some long-standing exceptions where international law was in the core curriculum.⁸ That process continues following official interest in ‘internationalising’ the Australian law degree in the mid-2000s,⁹ and the growth of internationally oriented Australian Juris Doctor (JD) degrees in the 2010s. Foreign law schools too (such as Harvard) are increasingly following in the footsteps of those few Australian law schools where international law has been compulsory for many decades.

There is no template for the ‘internationalisation’ of legal education. It is often driven by vocational demands, in reaction to the ‘globalisation’ of legal services, including the transnational demand for and mobility of law graduates; the increase in career opportunities in governments, international organisations and NGOs; and the greater prevalence of foreign or international law in Australian legal practice. More Australian law students also take part in exchanges at foreign universities or internships with

organisations overseas, and more law graduates enrol in postgraduate degrees abroad, generating demand for local curricula to engage more with international and foreign law.

Pedagogically, many law schools understandably attempt to meet market demands. But there are also autonomous pedagogical reasons for engaging with international and foreign law, and related areas of scholarship (such as ‘transnational’ or ‘global’ law,¹⁰ which are also finding their way into curricula).¹¹ Precisely because law encodes, represents or thwarts particular politics, policy, culture, economics, social life and so on, exposing students to different (and often contradictory) legal visions of structuring, governing or regulating the world can influentially widen their understanding of the promise and limits of ‘law’. Internationalisation thus deracinates and subverts parochial ideas about law which are entrenched by an exclusive focus on domestic law, and provides new pathways into further research or theoretical work for some students.

As for teaching methods, most international law courses have been cut from fairly conventional cloth, taking the form of lectures, seminars and tutorials. These tend to be the least resource-intensive modes of ‘delivering’ legal education to large numbers of students, in a way that is readily accommodated within university timetabling, planning and fee structures. It is also the form of education with which law academics (and students) are most familiar and comfortable.

More recently, however, a greater diversity of teaching and learning methods can be detected.¹² These include, for instance, clinical or case work,¹³ role plays (such as negotiations, mediations, or moots), site visits, field trips, conferences, and multi-institution courses taught offshore or by videolink. Most commonly these occur in dedicated clinical international law courses¹⁴ rather than through clinical opportunities being ‘mainstreamed’ throughout the law curriculum.¹⁵

The growth of more diverse teaching methods is driven by the ongoing professionalisation of law teaching and greater knowledge among academics of the scholarship of learning and the range of possible pedagogical techniques. It is also driven by academics utilising their own professional networks (including transnational and vocational) to generate new kinds of courses. Student demand is also a key factor, with students able to ‘vote with their feet’ in a competitive Australian and global legal education market. It is against this background that we began to develop our new law course in Nepal.

III BACKGROUND AND COUNTRY SELECTION

The course was initially conceived of somewhat fortuitously, rather than as part of any strategic institutional design to develop new experiential learning opportunities. One of the authors was involved in establishing a course at another university on law, development and human rights,¹⁶ so there was an underlying interest in developing courses in that substantive area of law. At the time (2010), Sydney Law School did not offer a general subject on law and development at the undergraduate or postgraduate levels, in contrast to some other Australian and foreign law schools, some of which have even developed specialised Masters degrees in law and development.¹⁷ The other author had relevantly taught a course in Sydney on ‘International Human Rights Advocacy’ and

had past experience in clinical lawyering at the Centre for Constitutional Rights in New York.

Through our supervision of student interns at the Sydney Centre for International Law (SCIL) we had learned first-hand of the passion of many students for practical opportunities in international law. SCIL interns were typically involved in working on submissions to parliamentary committee inquiries, legal opinions, preparations of complaints to United Nations committees, and research for external partners such as the Extraordinary Chambers in the Courts of Cambodia (the Khmer Rouge tribunal). Many of our law students also volunteered as interns with international organisations abroad, worked pro bono for various causes, or took part in domestic clinical or social justice programs,¹⁸ and we began to think of more structured ways to guide student learning. Sydney Law School also already offered a course on Chinese Laws in China (the Shanghai Winter School) with strong enrolments, so we knew students were also keen to learn in structured ways by travelling abroad.

Our interest in teaching law and development thus dovetailed with an emerging appetite and awareness among law students and graduates for the career opportunities available in the broad field of law and development. Such opportunities have not always been obvious; many law students heavily focus on domestic commercial law career paths or social justice careers, typically at the domestic rather than international level. As Duncan Kennedy has observed, law graduates often experience a kind of helplessness because they cannot see any ‘real’ alternatives to conventional legal practice in commercial firms.¹⁹

Providing a course in the development field was therefore one way of better preparing our students for a wider range of careers, including non-traditional, less corporate-oriented, and transnational ones. We aimed to demonstrate the vocational utility of this area of law in the knowledge that practical relevance can pique student motivation to learn,²⁰ but our aim was not to be *merely* vocational; we believe that legal education should not be instrumentally narrowed to serve employment outcomes alone.

Lawyers are central to a range of areas and actors in the practice of development and human rights, including in specialised sectors such as ‘law and justice’ or ‘rule of law’. Career opportunities abound in foreign ministries, aid agencies (such as Australian Aid (AusAID)), international organisations (World Bank, International Monetary Fund, Asian Development Bank, or International Committee of the Red Cross (ICRC)), United Nations (UN) bodies (UN Development Programme (UNDP), UN Children’s Fund (UNICEF), UN High Commissioner for Refugees (UNHCR), or the Office of the High Commissioner for Human Rights (OHCHR)). In addition, national bodies (such as national human rights commissions) and Non-Government Organisations (NGOs) also offer significant opportunities.

As we began to think about developing a course, it struck us that there may be ways to bring alive the theory and practice of development other than sitting in a lecture theatre in a rich law school, in a rich city, in a rich country. Law and development can of course be taught effectively in that context, and there are many constraints (temporal and financial) which make it unrealistic for most students to learn about development in a developing

country. But we had come across a number of teaching methods in other contexts which made us aware of the possibilities for enriching the learning experience, and grounding it in development practices and institutions in the field.

Our formulation of the learning and teaching methods was thus driven by unashamed ‘borrowing’ of good ideas from other courses with which the authors were familiar. In particular, we were aware of the ANU course in Geneva on international organisations mentioned earlier, since some of our students had enrolled in it cross-institutionally. That provided the germ for our use of ‘site visits’ to the offices of development institutions and actors in Nepal, discussed further below.

Also, at our own university we had become aware of a Mekong River ‘Field School’ hosted in the discipline of geography, run by a colleague with whom we were working on an interdisciplinary research project. That provided the model for the ‘field trips’ in our own course, discussed further below, which are heavily influenced by research-based methodologies from geography, ethnography, and anthropology. It also provided the model for a course which would not be taught statically (for instance, lectures based at a foreign university, as with Sydney’s Shanghai Winter School), but which would move dynamically from place to place and institution to institution in Nepal, with direct student engagement with development actors and subjects, and deploying socio-legal methods.

As these ideas were percolating, the choice of location to run a course became increasingly obvious. In 2008–09, we had designed and delivered a one-year development project, funded by AusAID, to strengthen human rights in the criminal justice sector in Nepal.²¹ That project involved numerous training workshops for hundreds of police, prosecutors and defenders in various urban and rural areas of Nepal, delivered in partnership with KSL. An additional dividend of the project was building the technical capacity of KSL in human rights and criminal justice education.

That experience gave us an entry point into Nepal through the highly professional KSL, which we saw as a trusted partner for future collaborations. AusAID was interested in ensuring the sustainability of the development project it had just funded, and creating a joint law course between our two law schools, on a student fee-paying basis, was one way of moving our partnership onto a continuing, self-funding footing. The intellectual partnership between our two law schools could continue, and KSL would receive a modest but developmentally significant financial return through the course.

We would also continue to deepen our own knowledge of, and research interests in, law and development in Nepal, which had been cemented by the (research-led) AusAID project. For instance, through our exposure to new issues during the Field School, as academics we have pursued new research interests on issues in Nepal concerning natural resource governance and water regulation, climate change, constitutional design and reform, federalism and ethnicity, indigenous peoples, security and insurgency, refugees, and geo-politics and China. Institutional and personal connections made during the Field School have proved particularly useful in gaining access to decision makers or other relevant actors in these areas.

Quite apart from the institutional linkage, Nepal was also a near-ideal choice to illustrate the various substantive themes of the course. Nepal is a developing country,

very low on the United Nations' Human Development Index. Having recently emerged out of a Maoist insurgency, it was going through a deep process of political and legal reform, including constitution drafting, new human rights law and institutions, reform of law enforcement bodies and the courts, and ongoing efforts to address caste and gender discrimination and to manage ethnic diversity. Numerous international organisations and foreign donors were heavily engaged in law and justice programs, in part to help stabilise the fragile peace settlement and political turmoil.

Nepal was also a good choice to enable our selected learning methods. Through our AusAID project we had established some good connections to key institutions in Nepal, and KSL had excellent networks, including those developed through past development projects. KSL also had experience in utilising field work and site visits in its own teaching programs, so we knew it had the capacity to arrange them for our own students. One of us had previously worked with UNHCR in Nepal and so had knowledge of the complex refugee situations involving Bhutanese and Tibetans, as well as links to institutional actors.

There were also practical considerations at play. Nepal is a highly marketable destination — perhaps an orientalist 'Shangrila' — in attracting students to enrol, not least because of its physical beauty, its cultural and environmental heritage, and the recreational opportunities for students to go trekking after the course. Money matters for a course like this to take root and become sustainable over time, and there were real budgetary risk and unknowns to contend with (see further below). Nepal is also relatively inexpensive compared with, say, certain African destinations, and its relative affordability enabled us to keep costs down and minimise equity problems for students. Strategically calling the course the 'Himalayan Field School' helped in promoting the course and attracting high interest. English is also commonly used as a language in the Nepalese legal system, making it accessible to our students.

IV DESIGN OF COURSE AIMS AND CONTENT

A Course Learning Objectives

The learning objectives of the course were formulated to include substantive and skills based competencies. The first aim is for students to acquire a sound knowledge of the substantive (or doctrinal) international and foreign law and policy of international development and human rights, and to understand the interaction between different legal systems. Secondly, students are to gain an enhanced understanding of the processes, institutions, and actors involved in development and human rights.

A third aim is for students to be confident in analysing the strengths and limitations of those substantive norms and institutional processes, from vocational, policy-oriented, and critical theoretical perspectives. Fourthly, students are to become conscious of the political, social, cultural, economic, and historical contexts within which the law is formulated, implemented, and contested, including in the strained environment of post-conflict, multi-ethnic, newly democratising Nepal.

As for the skills oriented learning objectives, a fifth aim of the course is for students to

develop enhanced skills of legal research and effective writing, by means that include becoming familiar with the techniques and ethical concerns of research-based, socio-legal field work. In this sense, this course is heavily research-led, through both the selection of the reading materials and the learning methods. A sixth aim, flowing from the research orientation of the course, is to strengthen students' skills in legal analysis and reasoning, including the capacity to critically tackle legal sources, methods, arguments, and theories.

A seventh learning objective is for students to gain skills in transnational, multi-system or cross-cultural lawyering.²² While much has been written about experiential learning involving minority cultures within one's own domestic legal system — for example, through placements with community legal centres assisting refugees, indigenous peoples, or migrants — there has been far less attention to the transnational dimensions of cross-cultural experiential learning.

Our course thus aims to familiarise students with the sources and methods of different legal systems,²³ but also to strike more deeply by interrogating 'legal culture' — to understand differences and similarities in the role of law in influencing social behaviour and attitudes in a given society²⁴ and to interrogate the way legal concepts we take for granted 'travel' well or otherwise across cultures and legal systems.²⁵ The course aims to explore cross-cultural issues broadly defined, including legal cultures operating at different registers — national, ethnic, linguistic, religious, indigenous, professional and lay.

The various course objectives are advanced through the curriculum and teaching and learning methods critically explained in further detail below. The course does not explicitly define any additional learning objective in instrumentally vocational terms (for instance, by declaring that 'this course aims to prepare students for legal practice in development or human rights'), although this is an incidentally likely outcome. In particular, one recognised benefit of the experiential nature of some of the learning methodologies used by the course is to foster vocationally relevant skills,²⁶ including interpersonal skills and emotional intelligence,²⁷ as well as cultivating professional attitudes, values and ethics.²⁸

At the same time, the field of law and development is as wide as it is deep, and there is no single template for a legal career in the area. There are certainly some opportunities to work in conventional legal advice or dispute settlement, but many more lie in the fields of policy, programming, operations, monitoring, training, advocacy and so forth, where the usual lawyerly tasks of writing legal briefs or interpreting judgments may not be common or even useful. As a result, the learning objectives of the course are left somewhat open-ended, with students acquiring knowledge and skills which can be deployed in diverse contexts, from an international criminal tribunal to a grassroots NGO to an academic career in critical theory.

B Curriculum

When it came to thinking about the substantive content of a course on law, development and human rights in an offshore field work context, the curriculum was driven by our desire to provide students with a general overview of key themes and

debates in the area before focusing on how those general themes play out in specific issues in the practice of development in a particularly troubled context like Nepal.

The lynchpin or overarching concern of the course is to expose students to *the roles and limits of law, justice and legal institutions in addressing acute problems of socio-economic development and human rights in developing countries*. Each of the themes explored, and teaching methods used, is geared towards deepening students' understanding of this central problematic. We also interlink the international law aspects of human rights and development with national laws and practices, exploring how the regimes interact and influence each other.

The substantive content of the curriculum is heavily research-driven, not least because law and development is a vibrant scholarly field but historically has been little taught in law schools (such that standard student textbooks are rare). The course thus follows the contours of contemporary and historical debates in scholarly research in addition to incorporating developments in institutional practices in the field.

Thus, at the outset, the course is contextualised by introducing students to different conceptions and approaches to 'development', from conventional metrics of pure economic growth to more contemporary understandings of 'human development' and Amartya Sen's ground-breaking notion of development as the expansion of human freedom (and freedom as its ends and means).²⁹

We then introduce students to the origins and evolution of the Nepalese legal, political and social system over time,³⁰ to familiarise them with the dynamic historical, cultural and structural processes within which law, development, human rights and attendant institutions circulate in Nepal. While the Nepalese legal system contains certain common law elements, and interacts with international law to varying degrees, there are also civil law and autochthonous elements which are unfamiliar to Australian students, and present cross-cultural and comparative challenges for them.

The course then moves on to consider a bundle of related, core legal themes. The relevant international law frameworks are set out, including the contested international 'right to development',³¹ the structural causes of poverty,³² including the contribution of international law (including world trade law) to both sustaining poverty³³ and ameliorating it (including human rights law);³⁴ and the suite of international tools available for addressing developmental problems.³⁵ The infusion of human rights law into development practices and institutions (such as the World Bank and donors)³⁶ is examined in light of the failure to establish a 'right' to development or a fair redistributive, new global economic order.

More radical perspectives — sometimes overlooked in Australian legal education,³⁷ and especially in vocationally oriented experiential learning — are also explored. These include radical critiques of human rights discourse,³⁸ the potential structural violence of development, and the hegemony of human rights discourse as the dominant narrative of resistance (to the exclusion of other emancipatory possibilities such as third-world social movements).³⁹ Students become aware of the dark side of development practice, as well as its promise, but equally have an opportunity to test the validity of radical theories against practice.

The global debates about development and human rights frame specific legal issues and practices that we explore in Nepal. For example, we consider in detail the problem of impunity for serious human rights violations and international crimes committed during the Maoist insurgency by both sides,⁴⁰ and explore the way problems of security and justice can imperil a lasting peace and political reform.⁴¹ The connected question of drafting a new constitution — including new political structures, extensive human rights protections, and attention to developmental issues — is considered.⁴² We also explore the international community's emphasis on 'rule of law' interventions, including the purposes, means and costs involved.⁴³ We explore community mediation in Nepal⁴⁴ as an alternative dispute resolution mechanism, to provide a useful counterpoint to the tendency of donors to focus on formal legal institutions such as police and the courts.

A particularly strong focus of the course is international economic, social and cultural rights and the way they are embedded and implemented in Nepalese laws and practices.⁴⁵ State obligations to 'progressively realise' such rights is examined, along with different approaches to implementation (such as 'minimum core' or 'reasonableness'), in the context of arguments about the justiciability of these rights.⁴⁶ The course focuses in particular on basic survival or livelihood rights, including those related to water,⁴⁷ housing,⁴⁸ and labour,⁴⁹ as well as the way state-led development of natural resources intersects with these rights and the environment.

A final cluster of legal issues relates to human displacement in Nepal. We examine the legal legacy of mass internal displacement during the civil war,⁵⁰ as well as the situation of different groups of Tibetan refugees⁵¹ and Bhutanese refugees in Nepal.⁵² The focus is not only on the international and national legal and policy issues relating to their human rights protection, but also to the intersection of displacement with developmental concerns.

C Design of Teaching and Learning Methods

The content of the curriculum is inextricably connected with (and driven by) the combination of teaching and learning methods adopted, which in turn were influenced by contemporary learning scholarship. The methods were chosen to reinforce each other in advancing learning about the substantive content of the course. First, the theoretical and doctrinal component of the course, along with primary materials for the site visits and field trips, are assembled in compulsory reading material of some 1000 pages. The readings encompass primary and secondary sources, including reports of international organisations, national bodies, courts, corporations, NGOs, community activists, and academics. The readings have an interdisciplinary dimension, being drawn from international, comparative and Nepalese law, economics, development studies, security studies, geography, anthropology, urban studies and so on.

The readings are augmented by 24 hours of participatory seminars in Nepal (comprising 16 sessions of 90 minutes each). About one-third of seminars are delivered by Sydney Law School staff, and the majority by KSL staff and Nepalese legal experts. The students are exposed to Nepalese lecturers who know their subject intimately. They include the Executive Director of KSL, who was appointed Attorney-General of Nepal

during our first course in 2011, and other staff who advise the Nepalese government on human rights and international law matters. Australian and Nepalese students are beneficially exposed to cultural differences in academic approaches to teaching. We also provide occasional ad hoc tutorials to students where we identify particular uncertainties or gaps in their learning.

It should be said that students find some of the seminars particularly provocative and unsettling. For example, we discuss an article by Peter Singer which argues that reasonably well off individuals (in global terms) bear a moral responsibility for failing to save the lives of poverty-stricken others in developing countries.⁵³ We convey the argument forcefully and bluntly: by wearing R&M Williams riding boots, I choose to kill (or let die) the X number of children who could be saved from starvation, malnutrition or malaria by the \$320 it costs to buy the boots, or allow the child labourer in the brick works down the road from our classroom to continue a life of hard labour. I could instead have chosen to buy only essential footwear, such as Dunlop Volleys for \$20, or Nepalese 'Gold Star' sneakers for a few dollars, and surrendered the remainder to save lives or provide opportunity.

The ensuing class discussion is very robust, made raw and direct by the realities of poverty which the students have witnessed or heard about first-hand during the course. Many students find the argument confronting and are not convinced by it, resorting to the usual range of instinctive justifications for not giving more to charity. These include that Singer's claim is too stringent or demanding, or wallows in guilt; it is the responsibility of others like governments spending our taxes; it would create aid dependency and not stimulate long-term growth; it would be wasted on corruption or misspent on administration; it is difficult to know what organisation to give to; other public goods require funding too; we should look after our own first; donating time, or a life's career, is a valid contribution; or students are too poor (forgetting having spent thousands of dollars on this course).

Singer himself anticipates and dismantles many of these shibboleths, even if a few of them have more validity than Singer would care to admit. But even after a deliberative discussion, many students remain unmoved by Singer's plea (as evidenced by a show of hands at the end of the seminar), or are deeply uneasy about it — despite learning in the midst of poverty or immediate danger to life which is undoubtedly preventable by more hard cash.

One of us was infuriated by this (provoking some student unrest), and the other puzzled; a number of students were also outside the majority position. We do not think Australian law students are especially selfish (at least by western standards, which is precisely part of the problem), and it is not our intention to indoctrinate students with our own preferred ideologies. Our concern as teachers was perhaps more about logic than morality. We remain puzzled not so much by student disagreement with Singer, but with the strength of student conviction that he is wrong, when it seems to us that his position is fairly persuasive in logic (quite apart from the power of the moral intuitions underlying his position), and the reasons students presented against it were sometimes weak.

It may be that we are all inextricably products of our own society, where individual

achievement and wealth creation are hardwired into us (and especially lawyers) as the chief object of our labour; poverty by contrast is chiefly a problem for others to solve, if not the fault of the poor themselves. That is perhaps an unduly pessimistic rumination, but as educators we continue to puzzle over seemingly incurable blind spots in student learning — and hope it is not simply because we are bad teachers, or they are bad students.

D Site Visits

Seminars and readings are supplemented by a series of ‘site visits’ to key actors in the development and/or human rights space in Nepal. The choice of site visits aims for a balanced mix of different perspectives — international, foreign donor, national, and NGO. They have included OHCHR,⁵⁴ UNDP, UNICEF, UNHCR and ICRC,⁵⁵ Constituent Assembly of Nepal (the constitution drafting body and national parliament), Armed Police of Nepal, National Human Rights Commission of Nepal,⁵⁶ Australian Embassy, and local NGOs (including one on criminal justice, the Center for Legal Research and Resource Development (CELRRD) and another on squatter /slum settlements (Nepal Mahila Ekta Samaj)).

We acknowledged earlier the two international organisations courses run in Geneva by other Australian law schools, which give students important insights into legal practice and policy challenges at the elite level of those global institutions. Our course drills further down into international organisations by exploring their work at a country-specific level, albeit limited, thus far, to insights at the level of country headquarters rather than local or field levels. This enables students to understand how international norms filter down in their implementation, or indeed how they are mediated, modified or resisted in local contexts.

Our course thus provides students with a different angle on international organisations, compared with the rarified atmosphere of Geneva or New York, where preoccupations may be different, in part because of the focus there on universal standard setting, politics, and budgets. At the same time, we caution students not to glamorise or idealise ‘field work’ at the expense of the policy work done at global headquarters; a hand without a brain is of little use, and the best practitioners, and best policy makers, are usually *au fait* with the art of the other.

More importantly perhaps, our course is attentive to a wider range of perspectives, including not only the international organisations which ‘act’ in the development process, but also those ‘acted upon’ by them. Again, the subjects of the development process or human rights interventions do not generally live in Geneva or New York, so engaging with those throughout the legal food chain is vital to understand the way processes work, or fail to work.

We do this partly through field trips (see further below), but also by focusing some site visits on domestic actors, such as the Constituent Assembly (drafting the constitution), National Human Rights Commission, the Armed Police of Nepal, and various NGOs. These domestic actors routinely engage with international organisations and foreign donors on legal issues, and are important in evaluating the politics, values,

effectiveness and lacuna of developmental and human rights processes. It helps students to appreciate, as Dianne Otto notes in a wider context, ‘that international law is the result of continuous negotiation between a diversity of views and is not the outcome of a predictable, linear, rational process of rule application’.⁵⁷ Few of our students in 2012 will forget, for instance, the passion of young Nepalese women mobilising their NGO to resist the forced eviction of their slum.

Through these visits, students begin to understand that international priorities do not always align with local ones; that transnational legal transplants via donor projects may not stick; that donors can insist on the long-term sustainability of projects but only fund them for a short time (setting them up to fail); that the production of knowledge about development is multi-directional and that the international community does not have all the answers; and that local actors are capable of both extraordinary change and terrible things.

In preparing for the site visits, students read background materials on the legal mandate and country operations of each organisation, usually sourced from the organisation itself. At a typical site visit, the host organisation will deliver a prepared presentation, followed by lengthy questions and discussion with students. Students are encouraged to ask hard questions and explore the limits of organisational mandates, operating constraints, budgetary pressures and political problems. Students are also encouraged to situate their questions and learning in the light of what they have seen and heard when visiting other institutions, which may have different views on the mandates, capacities and effectiveness of the host institution.

The site visits are theoretically framed around a key scholarly article by David Kennedy on the power of ‘expert rule’ in international institutions.⁵⁸ Kennedy queries whether the professional elites that work within international organisations are really neutral technocrats implementing strict legal mandates, and instead highlights their creative agency, discretion and relative autonomy in certain contexts. We ask students to think about this analysis as they interact with legal and other professionals in the site visits, to think about the kinds of roles they are performing, their relative power and legitimacy, and what is spoken and remains unspoken. Thus, for instance, students learn about the creative diplomacy of UNHCR, which leads to a ‘least worst’ situation for the protection of Tibetan refugees — a so-called ‘Gentleman’s Agreement’ which is not as good as the Refugee Convention but far better than a purely political solution.

We also encourage students to test their own assumptions and blind spots. For instance, during a visit to one international organisation, a local Nepalese employee spoke, followed by an expatriate. After the presentations, many students flocked to introduce themselves to the expatriate, but few paid attention to the Nepalese. Afterwards, we drew this to the attention of students: the Nepalese had worked with the organisation for many years and knew its operations intimately; the expatriate had recently arrived less than a year ago.

This is precisely an instance of ‘expertise’ that Kennedy asks us to interrogate: why do students instinctively value the status of the expatriate, whose knowledge may be less, but whose power may be greater? Is it because they see themselves filling the expatriate’s

shoes, and so are instrumentally oriented towards seeing the world through their own career aspirations? And what are they missing in the process, by forgoing the opportunity to learn from someone who may better know the problems they are there to learn about?

Overall, many students are pleasantly surprised at what they hear during site visits — particularly having come from Australia, where there is often skepticism about international law among the legal profession and politicians. They see international law being taken seriously and resources being devoted to it. More than one of our students hopes for a career at the ICRC after feeling inspired by their work. At the same time, students also learn of the constraints. As one student commented on the highs and lows of practising in the field:

Something which I found particularly fascinating was being provided the opportunity to talk to the people involved about some of the criticisms which had been made about what they were doing. Not only did we discuss the successes, but at many of the site visits, agencies were quite candid about sharing the challenges they faced and openly discussing any criticisms made. This, to me, was particularly useful, to see the real experiences faced by people working in the development and human rights fields, rather than trying to understand the reality in the field through reading a glossy brochure.

E Field Trips

Another method we use to open up legal perspectives on development and human rights is through field trips. In disciplines other than law, ‘field work’ is a core research methodology, which can also be adapted for teaching purposes. We use the terminology of ‘field trips’ advisedly, recognising that in some disciplines, a couple of weeks in a foreign country does not really count as field work. For classical anthropologists, for instance, field work means spending a year or more living immersed in a foreign community, learning the local language, and documenting their (and perhaps your own) every move. In the geography field school we mentioned earlier, the students spend six weeks across four or five countries, often staying with local villagers. Field work is still relatively uncommon in law, occurring most frequently in the subdiscipline of socio-legal studies.

Our modest use of field trips is designed to expose students to a deeper exploration of the way vulnerable communities and individuals experience the legal processes of development and human rights, including the way international and domestic actors engage with or impact upon them. We do this by enabling students to engage first hand with Nepalese citizens affected by various legal processes, allowing students to test against practice what they have read in official documents or heard in site visits to international organisations or national institutions.

It is also designed to introduce students to the techniques of socio-legal research in the field, including interviewing methods, building on the use of socio-legal materials in regular law teaching in some Australian law schools and subject areas.⁵⁹ By exposing students to these research methods we also hoped to instill in them a passion for original research — whether for career use in policy settings, or even in pursuit of future postgraduate research work or a career in academia. We thus deploy research methods as a teaching tool, mainly in the form of qualitative small-group interviews⁶⁰ of one or more

interviewees, with all students taking part in asking questions. Students are given a briefing on socio-legal interviewing methods and research ethics⁶¹ in preparation for the small-group interviews they will conduct. Students are instructed to take detailed written notes of the interviews for later comparison in debriefing and discussion with other groups, and to draw upon in their final exam.

We conduct one major and two minor field trips. The major trip is a five-day visit to a remote, mountainous, rural river valley, Melamchi district, about 75 kilometres north-east of Kathmandu. Melamchi is the site of major water supply infrastructure project which will divert much of the Melamchi River through a tunnel to Kathmandu, where it will be used to supply essential drinking water to the acutely water-scarce population of Kathmandu Valley. The construction and operation of the project have, however, had adverse impacts on the local population along the Melamchi River, many of whom are poor indigenous villagers who rely upon the river's resources for their livelihoods (including agriculture and fishing).

Pedagogically, we use the Melamchi case study of as a means of 'sinking a deep shaft' in teaching international law, in contrast to attempts to cover the field in more fleeting depth.⁶² Students read extensively on all aspects of the project's design and implementation,⁶³ including its environmental and social impacts, public participation, compensation, legal and regulatory regimes governing water rights and natural resources,⁶⁴ corporate, investor and donor interests (including the World Bank, Asian Development Bank, European and Japanese aid agencies, and Chinese infrastructure companies), the future privatisation of water, and indigenous and minority rights.⁶⁵

The students then meet with Melamchi Water Supply Board personnel, community representatives (political and NGO), and walk to outlying villages to conduct small group interviews with indigenous families. In this way we aim to build up a holistic picture of the competing interests, which students can then test and evaluate against knowledge gained from the readings (including formal government project documentation, and Asian Development Bank complaints procedures).

The case study is a hard one, because the residents of Kathmandu have legitimate aspirations to be fulfilled, namely, their right to clean water and associated public health. In this context, the students have an opportunity to interrogate, applying international and national legal standards, Nepalese government prioritisation of this right over the subsistence and livelihood rights of relatively disempowered remote indigenous communities — as well as those of the urban poor, who are likely to be unable to afford the newly privatised water. In doing so, students analyse the range of interests at stake, and draw their own conclusions about flaws in the legal and policy reasoning and the dispute resolution processes underpinning it.

Of all the activities of the course, many students are affected most deeply by their interviews with the villagers. Students typically discover that villagers seldom know much about the water supply project or its likely adverse impacts on their livelihoods, have rarely been consulted or received compensation, and have little means of vindicating their legal rights. All of this is contrary to the official pronouncement of the Water Supply Board, the Nepalese Government, and the Asian Development Bank.

Students are also struck by the level of poverty and the conditions in which people live, earning meagre incomes and with limited opportunities, but also capable of agency: the hard edge of ‘development’ practice. One student describes her learning experience as follows:

We walked to a small town situated above the river and had the opportunity to talk to some of the families affected by the Melamchi water project. Not only did this give us the chance to compare the political rhetoric surrounding the project to the reality for people directly affected, but it also taught us a lot about the lives of individual families as opposed to generalisations. The people we interviewed were very open with us and generous with their time and this is the site visit where I think I learnt the most. Information that you can’t get in most journal articles or books. The reality for people living in poverty, their political choices, their community involvement, is something we don’t often get a chance to find out. I was particularly inspired by the high level of activism, particularly by women, within the community we visited, in providing support for health, education and the livelihood for members of the community.

For many students, these modest interactions were profoundly moving, humbling, and enlightening — a rare chance to gain a small window into others’ lives at a very human and personal level. It makes for an unusual law classroom for students to be sitting on the ground in the dirt, on a hillside, with cows or goats tethered nearby, talking to an illiterate fisherman or a young mother. Students also become aware of other dimensions of cross-cultural and inter-gender communication, including body language signalling ease or discomfort about particular topics. Students’ own assumptions are also sometimes confounded, as when one mother said that she is happy and (pointing at our students) declared that she does not need the kinds of things they wear (such as expensive trekking shoes and clothes).

Ultimately students learn first-hand where the rubber of international law hits the road of development, affecting people’s lives for better or for worse. Also while in Melamchi, students spend a day walking in the surrounding hills and villages, reaching a remote hill school where they interact in discussion and games with the 400 children there, and are welcomed in a traditional scarf and leaf ceremony by the school. This excursion is an opportunity to see patterns of development and underdevelopment, and appreciate just how poor agricultural livelihoods in the area really are. Our students discover, for instance, that many children walk hours each way to school, without eating any lunch during the day, which dramatically affects their concentration and learning abilities; that teachers are unable to afford basic teaching materials; or that there is no library for 400 children.

This experience tends to have a catalytic effect on our students, perhaps because the scale of the problem appears manageable and humanitarian, rather than national or political: who can resist helping a few poor children? Whatever the motivating impulses, each year our students have, with our encouragement, mobilised to raise funds to support the school — through film screenings, sponsored marathons, and art auctions, with over \$6000 raised by mid-2012. The aim is to support the construction and outfitting of a library for the school — a small way for our students to maintain an ongoing connection with development in Nepal.

The two minor field trips involve a visit to a Tibetan refugee settlement during a three-day visit to the city of Pokhara, and a half-day visit to an urban squatter/slum

settlement (Manohara) on a river bank in Kathmandu. Both of these visits are closely tied to the readings, as well as to site visits (such as to UNHCR and a local Nepalese NGO focusing on gender issues in squatter / slum settlements).

At the Tibetan settlement, students interacted with a senior community leader, who discussed the origins of the settlement and the challenges faced by its residents. Students had the opportunity to walk around the settlement and visit its cultural sites and view its economic activities. Students are often shocked by China's treatment of the refugees, and become more acutely aware of the geopolitics constraining Nepal. At the squatter settlement, students conducted small group interviews with residents, focusing on issues such as security of tenure, risks of eviction, infrastructure and services, and experiences of discrimination.

F The Research Dividend and Ethical Considerations

After they have conducted interviews, quite a few students express enthusiasm for original empirical research and come to understand its value in informing good policy and practice. As researchers as well as teachers, we are keen to instill in students an awareness of the links between research and practice generally. An unfortunately common misconception or prejudice among law students and lawyers in Australia is that theory and practice are divorced, or that 'real' legal life begins outside law school not in it. Our intuition is rather that good lawyering, including work in the field, needs to be informed by good research, and good research in turn can benefit from engagement with practice.

The course brings alive for students the complexities and ethical challenges often encountered during field work. Students begin to think about research design, selection of interviewees and accounting for bias — where for instance participants in community leaders' meeting turned out to be exclusively male, or to hold party political positions, or only women could be interviewed in a village because the men were out working. Students have to think through how to ask questions in ways which would produce useful answers, without closing off open-ended responses which could equally yield unexpected insights.

Students also has to be aware that the answer 'no' might some-times conceal a substantive 'yes' depending on the way the question was framed. For example, a villager who says they experience no health problems may well still experience stomach ailments related to water or food, but such experiences are so normal in that setting that no-one thinks to mention it as a medical problem. Sensitivity in questioning was also an issue, with students learning to ask gentle, respectful questions and steer clear of those which might be seen as inappropriate to ask of women, or children, or teenagers, or men, in indigenous villages. Problems of language translation and cultural difference also shaped their experience of interviews.

Students also have to think through and sometimes confront their own instincts. Some students report feeling uncomfortable because they thought interviewing people about their lives was intrusive, particularly when conducted by western outsiders. One short answer is that indeed, of its nature, research *is* intrusive — but there is little other way of effectively understanding a person's developmental dilemmas through their own voice

and perspective. What matters is that the intrusiveness of the research is controlled by proper research design and ethical considerations in planning and carrying it out, as well as using common sense.

We also emphasise to students that they should not underestimate the *agency* of the villagers themselves. It is an Orientalist trap to perceive the illiterate, indigenous poor as passive objects fearful of saying no to the awesome power of young Australian law students. Rather, the villagers are typically capable of making informed decisions about the risks and rewards of being interviewed, and about what they are willing to disclose if they proceed. We do not approach our interviewees as ‘objects in a zoo’,⁶⁶ but as empowered agents. The interaction is not intended to be demeaning, and we are fairly confident from what we saw of the active and frank participation of interviewees that it is not typically perceived as infringing their dignity. We also ensure we have the permission of village leaders before conducting interviews.

Some students are also uncomfortable because they feel the villagers have nothing to gain from the interaction. Again, that is partly also for informed decisions by the villagers themselves. Just as important, as we explained, is that good research practice *demands* that interviewees should not be paid for interviews, or be promised some other tangible gain, for that may compromise the integrity of what interviewees say. Indeed one of the reasons why villagers are often so willing to talk to our students is precisely because they have a relatively disinterested agenda, in contrast to the more direct stakes held by government officials, company representatives, donors or NGOs when they come to talk with the villagers.

From what we can tell, quite a few villagers appear to enjoy their interactions with Australian students, for it is a relatively infrequent and novel opportunity to meet and speak with foreigners, and even to learn more about the Melamchi water supply project. In the local Nepalese cultures, university education is highly valued, the status of students is high, and the villagers generally understood the value of the learning experience they were involved in. Our students are courteous, sensitive and treat interviewees with dignity and respect.

In planning our field trips, we determined that any risks to interviewees and ourselves were very slight, and justified by the learning objectives of the course. In Melamchi, for instance, there was no evidence of violence, intimidation, or threats to those who spoke out against the development project or the role of the company or authorities in it. We also reassured participants that their comments would not be attributed to them in any publication, and that the purpose of the interviews was to aid student learning.

However, greater caution is required in other contexts. For example, in the Tibetan refugee settlement, we know that ‘spies’ or informants routinely report what people say to the Chinese authorities, and that this can have implications for the safety of refugees and their families, or lead to pressure on Nepalese authorities to stem ‘political’ activities in the settlement. For this reason, our interaction was limited to a senior leader in the settlement who could make his own informed judgement about his participation. Our subsequent visit to the Tibetan refugee resettlement centre in Kathmandu was cancelled precisely because of such political sensitivities.

In another example, to access a squatter settlement in Kathmandu we had to negotiate access through the local Maoist party boss, given the fairly closed nature of the settlements and the sensitivities between residents and the outside community. The Maoists, of course, were terrorists and insurgents just a few years earlier, then found themselves in government after a peace accord. We had to satisfy ourselves that the squatter residents had genuinely and freely consented to talk to us, rather than doing so because a Maoist ‘gatekeeper’ (to use the socio-legal ethics terminology)⁶⁷ had directed them to.

V ASSESSMENT

A Exam and Essay

In the first year, assessment for the course included compulsory participation in all course activities, a two-hour open book exam in Nepal (worth 50 per cent of course assessment) and a 3000-word research essay due months later in Sydney (worth 50 per cent). The exam comprised three short essay style questions and covered any of the topics in the course, and including the readings, seminars, site visits and field trips. We set an exam in Nepal because we believe it provides an incentive for students to take seriously all of topics and activities during the course, knowing that anything is potentially examinable. This furthered the course objective of providing students with a solid grounding in the overall field of law, development and human rights, as well as encouraging students to work hard during the course and maximise their learning.

A research essay alone, by contrast, might make them expert on one narrow topic but limit their understanding of the broader field. Students also may not have been as attentive during the course if they strategically realised that they *need* not complete all of the readings, or take comprehensive notes of seminars, site visits or field trips, since they could simply write an essay on return to Sydney. This would be problematic given that a key aspect of the developmental process is the intersection or nexus of a range of human problems and responses, which cannot be readily comprehended through the prism of a single topic.

At the same time, we also required a short research essay precisely to enable students to pursue a topic of particular interest to them in more detail. Students had a wide choice of 14 set topics, or could formulate their own topics in consultation with the lecturers. One difficulty students encountered in researching their essays was the relative paucity of legal materials (in English, or even in Nepalese) on some topics.⁶⁸ Again, this was a developmental lesson for students, who came to understand that this lack of resources in developing countries affects the production of legal knowledge and scholarship.

In the second year of the course, we adjusted the default weightings of the assessments, with the exam worth 40 per cent and a slightly longer research essay (4000 words) worth 60 per cent. In response to student feedback in the first year, this adjustment recognised that students faced difficulties in studying for the exam in Nepal, including lack of adequate lighting and electricity in the evenings (limiting their revision and study time), and a packed schedule (further limiting opportunities to study during the day). In

the second year we also added two days of study vacation. The essay was also lengthened slightly, to enable students to explore in more depth their chosen issue; 3000 words was felt too short to do justice to a topic.

Students were also given the option to take the exam for 100 per cent of assessment and forgo writing an essay. This recognised that the course workload (reading and contact hours) was heavy compared with regular courses for the degree credit, and thus it was reasonable to allow students to elect to consolidate their assessment in one exam. We did not, however, allow students to choose a 100 per cent essay, for the reasons given earlier; we preferred that students focus during the course and gain a rounded understanding of the subject.

In student evaluations in 2012, 75 per cent of students were satisfied with the assessment regime and eight per cent dissatisfied, while in 2011 69 per cent of students agreed the assessment allowed them to demonstrate what they had understood, and 15 per cent disagreed. The evaluations were, however, completed after the exam but before commencing the essay, so students were only able to evaluate half of the assessment regime at that point. 100 per cent of students in 2011 agreed that they received constructive and timely feedback on their work.

Some students thought an exam was inappropriate for the material, did not encourage depth of learning, could not test all that had been learned in the course, was too short, or brought a lot of pressure at the end of the course. One student thoughtfully suggested utilising a group presentation assessment, or a mark for class participation, because communication is central to the practice of development itself. In 2013, in response to student concerns, we will modify the exam by making it into a take-home exam to be completed on return to Sydney, alleviating the time pressures while in Nepal.

B Reflective Journal

In the second year we also added a requirement to complete a daily reflective journal (on a pass/fail basis), where students would write down insights and comments about what they had experienced that day. We initially had doubts about this device based on our own negative experience of it as students. But we were aware of the evidence suggesting that reflection is an important part of the success of experiential learning.⁶⁹

We briefed students to take it seriously not only for their own learning benefit but as a valuable personal record of their experience (one student even noted the day they used their first squatter toilet). While there can be benefits to grading reflective journals,⁷⁰ we decided that the journals would not be assessed, so as to reassure students that their reflections would not be formally judged and thus to encourage students to be frank rather than writing for marks.

We were relieved to discover that most students approached the task diligently and thoughtfully. The journals were also used as a peer-to-peer learning tool, as we periodically asked students to swap their journals with others, read sections of them, and discuss in pairs. This enabled students to share insights and disagreements, and to constructively assist each other to clarify issues or to appreciate different interpretations or perspectives.

As teachers we read and commented on the students' journals. For us the journals were an incredibly useful qualitative tool to gauge the level of understanding of the students, and to identify any gaps or misconceptions. Such immediate feedback on the thinking processes of students allowed us to intervene where necessary by providing supplementary tutorials to clarify problematic issues. It also gave us confidence that we were doing something right; our greatest compliment came from a student who wrote simply: 'I feel like my brain is going to burst'. Another student wrote 'today is one of the most interesting days so far' — then repeated the same impression on numerous subsequent days.

The journals were also very revealing for us in tracking how students' views developed over the duration of the course. In the early days of their journal, a student might reveal particular background assumptions, preconceptions, or prejudices on a particular topic, but over a period of days — as the student reads, attends seminars, participates in site visits, or interviews people on field trips — the student's mind opens up and changes perspective. For us, this is probably the single most rewarding aspect of the course: to see a student learn for themselves, through a process of growing awareness and knowledge over time.

Thus, a student who believes that the market is the solution to poverty comes to understand that the market is not everything, and that other things (such as foreign aid) also matter. A student who is suspicious of a neo-liberal market agenda comes to see a role for market mechanisms alongside other instruments of development. A student who suspects that slum residents are freeloaders violating the sanctity of private property (or that they cannot be poor if they have satellite dishes and mobile phones) comes to see the reasons why slums exist, why property rights are not everything, and how superficial impressions can fall apart after personal contact. A student who is resistant to human rights as a hegemonic western discourse comes to understand why Nepalese activists also call for human rights. A student who is hostile towards police brutality comes to see the importance of law and order to ensure human rights in a fragile post-conflict era. A student who thinks international law is toothless begins to see how international law works in its own imperfect, incremental ways.

The journals also reveal a particularly important learning outcome of the course — the cultivation of empathy. In their journals, students often describe a range of feelings and raw emotions in response to their encounters with the poor, victims of human rights abuses, or those in positions of influence. They begin to empathetically understand the perspective of others⁷¹ upon whom the law is operating (or failing). These emotional responses help to anchor the substantive themes of the course in the students' own minds and experience, and provide a deeper platform from which to understand and respond to them. Empathy is a crucial legal skill which law schools are increasingly attentive to,⁷² and part of effective human rights advocacy and social justice lawyering. It also serves as an important motivation for students to pursue careers in development or human rights.

The journals also track the growth of self-awareness among students in their interactions with each other; one student fond of engaging in robust economic arguments with other students came to realise over time that 'vigour is not everything in an

argument'. That is an important lesson for interpersonal and communication skills, for good lawyering is also about understanding how to strategically influence others, even if your argument is right.

VI STUDENT EVALUATION AND CONTINUOUS IMPROVEMENT

The course has been highly regarded by students in their course evaluations,⁷³ with 100 per cent of students satisfied with the course in both 2011 and 2012. In 2011, 96 per cent of students agreed that the teaching helped them to learn effectively (with 4 per cent neutral). 100 per cent of students in 2011 said they were motivated to engage with the learning activities. Students described the teaching as 'wonderful', 'unbeatable', 'amazing', 'absolutely excellent', 'brilliant', '☺', an 'amazing learning experience', and found the lectures 'the best, most concise and structured ... I have ever experienced' and 'extremely interesting, thought-provoking and well-presented'.

One student noted that 'informal conversations and access to professors were equally valuable as structured formal lessons' and 100 per cent of students agreed that teaching staff were responsive to student feedback. Some students identified areas for improvement, including more discussion time and tutorials, or particular lectures that could be improved.

In terms of learning outcomes, 100 per cent of students in 2011 said the course increased their confidence as an effective legal thinker; 96 per cent agreed that the course helped them to develop valuable graduate attributes (including research and inquiry skills, communication skills, personal and intellectual autonomy, ethical, social and professional understandings, and information literacy); 93 per cent agreed in 2011 that the learning outcomes and expected standards of the course were clear (with 7 per cent neutral).

Also, 72 per cent of students agreed in 2012 that the course had challenged preconceptions they had about development or human rights. Most students agreed that the range and type of topics covered was about right (84 and 86 per cent in 2012 and 2011), with 14 per cent in both years thinking that there were too many topics. One student suggested that 'more links could be drawn between various issues' and that it 'would have been good to learn stuff more deeply'. Some students suggested additional topics.⁷⁴ Students generally found the reading materials helpful, though the length (and weight) of the reading materials was an issue for some. This was addressed by providing students with more time in advance of the course to commence the readings. Certain lectures were also fine-tuned in response to feedback.

The site visits were particularly popular, with 96 and 86 per cent of students satisfied in 2012 and 2011. One student called them 'awesome', another 'really valuable'; one student felt that they 'complemented the reading well', and quite a few 'relished' even more visits, or suggested other visits (for instance, to politicians or government departments).

The Melamchi field trip satisfied 84 and 86 per cent of students in 2012 and 2011, with one student calling it 'amazing'. One improvement instituted in 2012 was a seminar on socio-legal interviewing methods, in response to 75 per cent of students in 2011 who

thought that might be useful. Interpreting remained a difficult issue logistically. One student thought the Melamchi trip should not only study the problem, but think of 'doing something' such as writing a letter to the government or a UN body.

The Pokhara trip was less favourably received in 2011, with 64 per cent dissatisfied and 32 per cent satisfied. We designed the Pokhara trip principally as a recreational break after most of the course and before the final exam, with a few course activities built in (including the visit to the Tibetan refugee settlement, and an Armed Police training facility). We perhaps did not explain well the purpose of the trip in advance, so some students were confused and thought it would be more work than play and not the other way around.

The long bus ride also did not help, nor did the tight timeframe of the trip before the final exam. Some students said they were exhausted by the time of the Pokhara trip, and others that they needed more time to consolidate their readings and learning before the exam. In 2012 we more clearly explained the objective of the Pokhara trip, replaced buses with planes, and added two study vacation days as a buffer before the exam. The student satisfaction level accordingly rose to 80 per cent in 2012, with only 12 per cent dissatisfied.

In 2011, 89 per cent of students felt they did not have enough time to prepare for the exam, after we added two extra days of study vacation, and lengthened the course as a whole by a further couple of days. In 2012 only 32 per cent of students felt they did not have enough preparation time, while 60 per cent were satisfied. For 2013, it is proposed to replace the exam in Nepal with a take-home exam in Sydney.

A significant portion of students in 2011 thought the course was too short (14 days), while 57 per cent thought the length was about right. In response, we lengthened the course to 18 days in 2012, which an increased fraction of 76 per cent of students thought was about right in that year, with a further 20 per cent still thinking it was too short; 60 per cent of students still wanted more 'down time' to relax during the course in 2012 (in contrast to 82 per cent in the shorter course in 2011), implying that students either want less in the course, or more days. Students were generally satisfied with the sight-seeing leisure activities provided by the course, which included visits to world heritage palaces and temples.⁷⁵

For financial reasons, however, we reduced the course to 14 days in 2013, to be achieved by eliminating the Pokhara trip, and quarantining the rest of the schedule. Many students visit Pokhara under their own steam before or after the course, and we intend to substitute a Tibetan refugee settlement visit in Kathmandu for Pokhara. At the same time, we have further decompressed the schedule by omitting or consolidating a number of seminars and topics, opening up more daily free time for students to reflect and relax.

Concerns about the heavy workload are not unreasonable; the course is intense. A regular undergraduate course taught in Sydney comprises 39 contact hours, and a postgraduate course is 26 hours. By comparison, our course involves approximately 84 contact hours (including seminars and active learning during site visits and field trips), with many more hours of reading, writing reflective journals, travel and so on. There is also a burden on academic staff having to be available 24/7. A reduction in the length of

the course, and changes in assessment, will also help meet the problem of work overload.

Overall 92 per cent of students were satisfied with the Field School in 2012 (taking into account the academic component, logistics, and other activities), with 88 per cent 'delighted' and 4 per cent 'satisfied'. Qualitatively, students valued our aim to integrate theory, doctrine and practice. As one student wrote:

I think everyone on the trip agrees that the Himalayan Field School was the best subject they had undertaken. Not only the excitement of being in Nepal which is an amazing country, but the opportunity to see and understand the application of the theory we were learning in practice. It is not often that we get the chance to do such an in depth case study and through all the site visits, interviews and lectures ... we were able to gain a much deeper understanding of the real challenges faced by countries in development as well as in the protection and fulfilment of human rights.

Students perceived not only professional, but personal benefits to the course, underscoring the fact that the learning processes and the development of professional identities are bound up in and motivated by deeply personal experiences. As the 2011 class as a whole wrote:

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.

Many students also described the course overall in enthusiastic, glowing terms, again suggesting the level of stimulation provoked by the course. To give just a couple examples:

What an intense and rewarding month ... I have returned to Australia with a spring in my step, and a grin permanently planted across my face.

An outstanding course, the best I've taken. Teaching was amazing. People were amazing. Materials were fascinating. I will never eat vegetables again.

In 2011, 96 per cent of students also saw the relevance of this course to their degree. More significantly in the longer term, 92 per cent of students agreed in 2012 that the course had encouraged them to think about pursuing a career or further study in development, human rights or international law. One student said it is now 'just a matter of finding how or what', and another said they are 'already in pursuit'. On the other hand, one student firmly resolved that they have 'decided not to be an expat'. Best intentions also do not always work out immediately — one year after the Field School, one student sheepishly admitted to now working on the set of the TV soap *Home and Away*.

Various questions also addressed logistics such as information provision, planning, food, transport, and accommodation. Improvements were identified and made in 2012 as a result of student feedback in 2011, which enhanced the learning environment. For instance, reading in low light at night was a particular problem — candles and torches were often used — as was a lack of electricity for charging laptops, or photocopying or printing before exams.

VII FURTHER CHALLENGES

A Institutional Approvals

One of the earliest difficulties we encountered was in navigating the byzantine internal bureaucratic processes within the university to get the course approved. Negotiating with KSL was relatively easy — we had high levels of mutual trust and confidence and in-principle agreement, followed by a Memorandum of Understanding, was secured quickly and efficiently.

Not so within our own university. At our law school, approvals had to be negotiated and obtained from the Sydney Centre for International Law, the international law teaching ‘cluster’, the undergraduate curriculum committee, the postgraduate curriculum committee, the undergraduate and postgraduate student administration staff, the law library, the finance team, the Pro-Dean, and the Dean. At the university level, approval was required from the Deputy Vice Chancellor International, the Office of General Counsel, the Academic Board undergraduate committee, and the Academic Board.

Up to a point, each level of consultation provided an opportunity for external input, which was often useful in refining the concept and its implementation, as well as identifying risks or problems which we had not imagined. Perhaps because this was a fairly novel program, there was some confusion about the sequence in which approvals had to be obtained, adding unnecessary complexity and delay.

B Planning and Student Selection

A course like this is resource intensive, including at the planning stage. Higher than usual administrative support is necessary to promote and publicise the course; process application forms and fee payments; answer student queries and placate worried parents; and liaise with students on flight details and airport pick-ups, travel insurance, copies of passports and so on.

Periodic communication with KSL was also essential to ensure the smooth scheduling of lectures, site visits and field trips in Nepal, as well as budgeting. This was sometimes complicated by the routine problems faced by KSL in Nepal, including protracted blackouts (‘load shedding’) due to electricity shortages, failure of internet services, and spontaneous strikes (*bandha*) which could unpredictably prevent KSL staff getting to work.

Providing detailed information to students about the course was essential in properly informing them of the expected learning benefits and the costs and risks involved (including health and safety concerns). In addition to detailed information provided on the internet,⁷⁶ each year we hold an open public information session to explain the course and answer any questions. Once students have been selected, we also provide a detailed written guide on logistical matters, including accommodation, travel, food, health, safety risks, equipment and so forth. We also hold a pre-departure briefing to address our expectations of students and reassure them about any final matters.

We are frank about the difficult living conditions the students should expect so that

they go into the course with eyes wide open — which also helps to minimise unrealistic complaints in student evaluations. We are also mindful that the hard conditions (including hill trekking, frequent travel, and basic accommodation) can present potential barriers to entry for students with disabilities, and we encourage interested applicants to talk to us about what kinds of adjustments can be reasonably made in Nepal.⁷⁷

We were fortunate that in the first year the course was offered (2011), we received more than 120 inquiries about the course, and more than 70 applications were lodged, with similar levels of interest in the second year (2012), for a maximum of 30 places. The course is open to undergraduates (LLB), Juris Doctor (JD), and postgraduate students (LLM or specialised masters degrees), and the latter may elect to take the course for double credit (that is, equivalent to two masters subjects, if they complete additional assessment). The course is also open to cross-institutional enrolments by law students from other Australian universities.

In selecting students, we used transparent, advertised criteria, which included academic merit, relevant extra-curricular achievement (such as evidence of internships or pro bono work), a personal statement of motivation, and seniority (whether a student was in their final year and it was thus their last opportunity to take the course). We were mindful that some students may not have undertaken extracurricular activities for financial or other reasons, and were flexible in applying this criterion. We did not require as a pre-requisite the completion of a course on international law, but probably should do so to avoid having to explain the basics of the subject to some students in Nepal.

As it happened, roughly two-thirds of the 30 students selected in the first year were female (slightly fewer in the second year) — a proportion which reflects the overall composition of the total pool of applicants each year. We have no empirical explanation for this. Certainly there are slightly more female students enrolled in law degrees at Sydney overall, but the imbalance is not as acute as in our course. A more detailed survey of the student body overall would be needed to understand this distortion — for instance, to bear out any hypothesis that female law students are especially interested in careers in development and human rights, or in working overseas, whereas male students may prefer corporate careers in domestic firms.

Three particularly beneficial features of the student mix as selected are noteworthy. Firstly, including undergraduate, JD and postgraduate students in the same cohort enhanced the diversity of the group and facilitated peer-to-peer learning through the sharing of professional experiences. Particularly among the slightly older postgraduates, there were already students with some experience in the area, for instance working at AusAID or in microfinance.

Secondly, the inclusion of cross-institutional students broadened the culture of a student body otherwise acculturated, for better or for worse, into the Sydney Law School ways of seeing. To manage demand for places, however, it may be necessary in future to give preferential enrolment to Sydney Law School students. This may be problematic where, for instance, a cross-institutional student is a more competitive candidate than a Sydney student.

Thirdly, in the first year of the course, the 30 Australian law students were

accompanied by 15 Nepalese law students from KSL, who took the course but not for degree credit. The participation of Nepalese law students was enriching for the Australian students and for the learning objectives of the course.⁷⁸ As one Australian student wrote:

One of the best parts of the trip was getting to know the KSL students and the other Sydney Uni students. Having participants from KSL made the course what it was and without them the experience would not have been as rich. They not only shared with us their knowledge of the country from a legal and social perspective, but we became great friends, and this was definitely the best part of the course.

Another student described learning with the Nepalese students as a ‘profound experience’. The realities of conflict were driven home when one Nepalese student recounted how a family member had been abducted; another saw a friend killed in front of him. At the same time, the learning experience was mutual; not only did the Nepalese students learn from our students about the Australian law, politics and culture, but the course also enabled them to learn a great deal about their own society. Thus, after visiting a squatter settlement in Kathmandu, one middle class Nepalese student found the experience deeply confronting, not having known about the conditions in which fellow citizens live just streets away.

Unfortunately, Nepalese students were unable to participate in the second year of the course. Immediately prior to the course there had been some agitation by Maoist students and protesters at the KSL campus, including lock-outs of staff. This also came against the background of an historical pattern of violent threats by Maoists against the Executive Director of KSL and his family. In this context, we accepted the advice of KSL that selecting Nepalese students at this time might potentially inflame the situation and should not go ahead. We plan to include Nepalese students again in 2013 if conditions permit.

C Financial Costs and Equity

This type of legal education is expensive: (full-fee) tuition fees; in-country fees (covering food, accommodation, transport, and activities); return flights; and incidental expenses (including adequate clothing, footwear, visas, vaccinations and so on). At Sydney Law School, offshore programs are generally run on a ‘full-fee’ basis for undergraduates, rather than at the lower Commonwealth Supported Place (CSP) rate. Postgraduates pay their usual rates, but still bear the offshore and travel expenses above. Because of the unusual administrative burdens involved with offshore courses, it is not considered economical to run them on a CSP basis for undergraduates, although elsewhere in the university this does happen (for instance, as with the Mekong River Field School mentioned earlier).

The significant expense of taking the course inevitably raises equity issues for students, since it will simply be too expensive for some students to take part. This consideration concerned us during the planning of the course, and was also emphasised by the Academic Board committee which approved it. Now that the course has run twice on a sound financial basis, we aim to offer a number of subsidised scholarship places in 2013 and thereafter. That will moderate but not eliminate the equity problem, which is unavoidable if our judgment is correct that this course is worth running even at this price,

in an Australian law school environment where universities cannot subsidise all or many places — in contrast, perhaps, to the greater funding available to more students in some US Ivy League law schools for international programs. This course is still cheaper than our law school's long-running Shanghai Winter School, which does offer scholarships.

At the same time, we believe other considerations have a bearing on the equity calculation. By charging full fees, we are able to run a course which provides a developmental dividend to a relatively poor law school, KSL, in a developing country, thus strengthening the capacity of law teachers and students there. For us, that result alone may well outweigh the unfairness of disadvantaging one relatively well off, in global terms, Australian law student compared with another even more well off Australian student. The course also provides a small financial surplus to the Sydney Centre for International Law, which administers it. The Centre was otherwise at serious risk of being dissolved by the university if it could not find an income-generating source such as this.

Further, the course is not so expensive that it is out of reach of all but the wealthiest students. Some of our students have worked during the year and saved up to take the course, because they are so committed to taking it; others have borrowed money from parents. Some students no doubt have simply forgone their annual ski trip to Canada, and we do not feel bad about diverting those resources to this course. As a whole, law students from Sydney Law School overwhelmingly come from the wealthiest socio-economic demographics in Sydney, defined by suburb and/or private school education; and the large numbers of fee-paying JD and postgraduate students testifies to the strength of the market.

D Travel Logistics and Country Risks

Practical considerations determined the maximum group size. During planning, we decided that 15–20 students would be the minimum number for financial reasons; 20–25 would be an optimal size for pedagogical reasons; and 30 would be the maximum for logistical reasons. In both years we have taken 30 students, largely in response to student demand. A larger group than that becomes too difficult to manage in terms of transport, accommodation, food, classroom size, and group work and interviews, and in keeping to a tight schedule.

The operating environment in Nepal is difficult. Security is not a significant problem — the Maoist conflict is long ended, other group violence in Nepal (particularly in the Terai region) is localised, and foreigners are not targets. Far more problematic are political and developmental issues. There are frequent political strikes (*bandha*), which shut down cities, towns, offices and roads and make it impossible to move around. More than once we had to cancel site visits or other aspects of our program. There are security check points which delay traffic — we were caught for hours in a police operation checking for sandalwood smugglers. The quality of rural roads can be terrible; it can take hours to travel short distances, and the students' bus once got bogged in river pebbles and had to be pushed out by the students.

Electricity shortages make regular office activities such as printing or photocopying materials, or using email or the internet, very difficult. Poor communications can make it difficult to confirm meetings. Poor gas heating in classrooms can make people feel ill

from the fumes. Pollution generally can irritate sinuses and throats. At the start of the course, we warn all students that almost all of them will feel sick (at both ends) at some time during the course, usually in response to the change in diet and less than sanitary conditions of food preparation. Students may find themselves without hot showers or flushing toilets for days at a time. Hotel rooms are typically not heated and students have to bring warm clothes and sleeping bags during the Nepalese winter. For the most part, they grin and bear it; having been warned what to expect, students who enrol in the course are self-selecting in their coping capacities.

Under these conditions, our schedule can be quickly thrown into disarray, which is a problem when it is quite tightly scripted with little margin for error. In the first year of the course, we were lucky and little went off cue. In contrast, in the second year everything that could go wrong did so. Literally every day we had juggle and reschedule activities in response. In planning for the third year, we are decompressing the schedule somewhat so as to build in more slack and allow for inevitable contingencies. All of this chaos is a developmental lesson for our students, who rapidly come to see that a nation of upset stomachs, or millions of work days lost through strikes, can have massive repercussions for economic productivity, and the extent to which developed countries take for granted basic conditions of health or political stability.

The operating environment also raises certain unexpected ethical quandaries from time to time. What do we do if our bus driver pays a ‘fee’ to a teenager manning a make-shift rural road block — is that a bribe, corruption, extortion, a political payment, or a genuine road toll? If we pay it, might that constitute misuse of university money, a breach of Australian anti-bribery laws, or is it otherwise unethical? If we don’t pay it, how are we to move about in Nepal, where these ‘tolls’ are commonplace, and even Nepalese seldom know what they are for? Or to use another example we have faced, what if we stop at a restaurant for lunch, and our waiters are children — typically family members of the owners? If we allow ourselves to be served, are we supporting child labour, contrary to international law? If we refuse their service, how do we eat? More importantly, would the child waiters then get into trouble?

E Student Behaviour

We have learned that there is an infinite variety of ways that students can get themselves into trouble abroad. One student forgot his torch at night and fell down a deep hole beside the highway, dislocating his shoulder. Another fell into a fast-flowing, freezing river. One student dropped his toothbrush in the toilet and thought it would be a good idea to rinse it off and brush his teeth — not realising the consequences for intestinal health. Another student got drunk at a reception and stole an ornament from the host, sheepishly returning it the next day. One student disappeared for 24 hours and almost missed a plane, having ‘got lucky’ the night before and stayed over at a new friend’s hotel. Another student asked confrontational questions of a senior police commander, which were culturally inappropriate in the context.

A course like this brings out the best and the worst in students, in the heightened atmosphere of living together in a group, in a foreign place, in a stimulating intellectual,

social and cultural environment. Some students are invariably late, or repeatedly lose things; others complain a lot, or talk too much, or laugh too loudly. Many get unavoidably sick, and most need to go to the toilet at inconvenient times in inconvenient places. Navigating the foibles and idiosyncrasies of 30 students (plus two lecturers!) is a lesson in itself, particularly where some students are not fully self-aware or have occasional maturity or judgement lapses.

Having emerged alive from the fire twice, we now have a reasonably good handle on how to mitigate these risks. Good briefings, written and oral, are essential in preparing students and laying down standards of behaviour, from alcohol consumption to cross-cultural expectations — including, for instance, in remote rural areas, among indigenous peoples. Encouraging students to be more self-aware and reflective, and mindful of their impact on others, is also part of ensuring group cohesion and avoiding conflict. It is also important in preserving the reputation of the law school and us as lecturers, ensuring that we can continue to operate in Nepal in future without doors closing in our faces.

We take our pastoral care responsibilities seriously, whether students are physically unwell, emotionally troubled, take time to establish friends, or where a relative's health takes a turn for the worse back home. This is something of a 24/7 burden on academic staff during the course, and one which we are not expertly trained to perform in our usual academic duties. One learns these things on the hop, with a good dose of empathy. Occasionally a firm approach is also necessary, where students repeatedly transgress expected standards of behaviour; we have had to counsel students, require a written apology to be sent, and trigger disciplinary processes, in serious cases.

We think it is a good idea, as we have done, to have a male and female academic on the course, so that students with gendered problems can find the most receptive and qualified advisor. This has happened, for instance, where a certain health problem, or a certain behavioural issue, could be more sensitively dealt with by a lecturer of one gender rather than the other, avoiding embarrassment and discomfort to the student.

There are, of course, limits to our responsibilities as teachers. If students wish to go paragliding in Pokhara in their free time, or take domestic flights which too often crash, that is their choice as adults; all we can do is make clear that they are not doing so under university auspices. As teachers we must respect opportunities for students to expand their own horizons, even in a risk-averse world of lawyers and university bureaucracies. It is also a privilege to spend a brief, intense period living with the students, getting to know them better than our regular students at home, and sharing a formative learning journey with them. In our experience, it has led to bonds with many students that are likely to persist long after the course.

VIII OTHER CRITIQUES

As we have discussed our course with colleagues from other institutions, a number of 'off the cuff' critiques have been offered — some thoughtful, some glib — including those made after we presented a seminar at an Australian human rights teachers' workshop.⁷⁹ It is worth briefly responding to these to dispel misconceptions. One

colleague commented that this course is ‘not necessarily the best way of teaching human rights’. That objection misfires because we have never claimed that ours is ‘the best’ way — it is not, after all, a competition! — but merely that this is *one* effective and unique way of teaching and learning.

Another comment is that this course is not as cost-effective as, for instance, an online social justice clinic which partners students to conduct research for foreign NGOs.⁸⁰ Such a course is, however, a wholly different matter, so direct comparisons are meaningless — each course aims to do different things and has its own benefits and disadvantages, as well as different scales of ambition. An online course would undoubtedly enthuse students and give them important experience in human rights law, policy or advocacy, but it cannot expose them to human rights and development practice in the field, as much as our students today live out some of their lives in the virtual field of the internet and social media.

We have heard too that this course is not tough enough on students, who instead should undertake longer internships abroad, where they are properly embedded in a foreign legal system and culture. As mentioned earlier, this is just a law course, not an anthropology PhD, or even a legal internship. Most students do not have time to spend six or 12 months abroad on an internship, yet still wish to learn about law in a foreign context.

In any event, like online courses, internships have different learning objectives (namely, practical work experience) than our course (a structured learning experience combining theoretical, doctrinal, and experiential techniques). We think this can be valuably done in 2–3 weeks, and as we mentioned earlier, it is not a competition. Different modes of learning can happily cohabit without sucking up the oxygen of, or reflecting adversely on, the other. One of our students suggested that the course should include a couple of days of ‘tangible, hands-on’ volunteer work with a local NGO, but this is not our learning objective.⁸¹

A final (and dispiriting) comment we have heard is that this course is ‘just tourism’. We do not agree. An intense learning experience involving 1000 pages of reading, 84 contact hours, many additional hours of preparation, challenging and confronting learning exercises, an exam and essay, all under difficult physical conditions, is hardly an ocean cruise (which, incidentally, *is* a method used by one American law school)⁸² — with the brochure showing students in a hot tub on the deck of the liner *Golden Princess*, steaming towards Hawaii. We have no doubt that it too is a valuable learning experience, on its own terms). Such a criticism is plainly not based on any serious effort to understand what this course entails: being heavily theorised, doctrinally grounded, experientially oriented, interdisciplinary, cross-cultural, self-reflexive, and very hard work.

We have asked ourselves at length whether our course falls into the voyeuristic and exploitative (but often polemical) category of ‘poverty tourism’,⁸³ and satisfied ourselves that it does not. Our course is ethically defensible for some of the same reasons given by an American law professor who takes American students to visit Brazilian *favelas*.⁸⁴ For our part, we believe that *learning happens through seeing and listening to the subjects and objects of legal regulation and institutions*. One of our students conveys it best:

I've travelled and worked in developing countries before as well as having studied development and human rights in various capacities but what I did find confronting was talking to people, including the KSL students, about their experiences during the conflict. To have within recent living memory experiences such as the ones people shared with us and to be able to show such strength and drive to get on with their lives was really inspiring and amazing.

One cannot grasp the human dimensions of the practice of development and human rights from afar: one needs some exposure to it, however imperfect. This is not so that students feel sorry for the poor, or guilty about poverty, or virtuous if they choose to respond. We happen to think all of those human impulses are natural, and should not be suppressed by some rational, dispassionate, clean-hands persona that some lawyers or critics choose to cultivate.

Rather, *the process of exposure allows a student to actively produce their own deep knowledge* about poverty and human rights abuses — and hopefully, to also see ways of using and reforming the law to muddle through a world of hard, protracted problems — including in ways which address poverty, disadvantage and marginalisation. We do not think that this involves a superficial, exploitative, demeaning or entertaining use of the unequal, poor Other to serve our own selfish vocational ends or to crudely shock our students into recognition. Nor is it driven by an Orientalist impulse of 'doing' charity or development to Others.

Treated sensitively, with ethical reflection, and informed consent of the communities and individuals involved, the kinds of learning interactions and multidirectional exchanges undertaken in this course can be valuable, transformative, and non-harmful experiences. We do not believe that boycotting poor foreigners advances either learning or inter-cultural dialogue, or improves the law or those it addresses.

IX CONCLUSION

The Himalayan Field School is a unique experiment in contemporary education in international law. Its substantive content is still rare in Australia in focusing on the intersections between law, development and human rights, and rarer still by grounding it in a close country study of Nepal. Its teaching and learning methodologies push the frontiers of experiential learning in Australian law schools — and dare we say globally — and in the process attracting wider interest in Sydney Law School as a site of learning innovation. Along the way, there are modest developmental dividends for legal education in our partner law school, KSL, and an ongoing relationship of support with a remote Nepalese school. The course has also been part of the stimulus for the establishment of a new Master of Law and International Development at our law school in 2013.⁸⁵

The course is anchored in rigorous, interdisciplinary scholarly research, and crosses the boundaries of legal systems: international, national, local and customary, as well as embracing 'hard' and 'soft' legal norms on development and human rights. Conventional learning methods such as readings and seminars are supplemented and tied into experiential site visits and field trips, which themselves are situated in theory and socio-legal methods. The course is attentive to cross-cutting issues concerning gender, age, indigeneity, religion and social constructions of identity (like the caste system), and aims to situate law and legal processes and institutions within their political, social,

economic and cultural contexts.

The course presents many challenges and costs; it is not easy to run or replicate; it is not for everyone; and it is hardly the last word on effective ways of teaching international law. But students evaluate it as providing an unparalleled learning experience and rich opportunities for professional and personal growth, and we think it a valuable model for the reasons given in this article.

The course also leaves students with extraordinary and unforgettable memories, from a lecture on the chaotic steps of an ancient temple in Kathmandu's Durbar Square, to traditional masked sword dancing by candlelight in Bhaktapur's old pottery square. Students watched sunrise over the Annapurna mountain range; listened to Tibetan monks chanting in a monastery; played soccer against paramilitary police and school kids; and even heard a former UN human rights expert talk about negotiating with Ugandan dictator Idi Amin. Many may also fondly remember simply getting warm beside the fire in the guest house, and, while exhausted, reading feverishly about law and development alongside new friends.

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¹ Multidisciplinary clinical education in a domestic setting is discussed in Ross Hyams and Fay Gertner, 'Multidisciplinary Clinics — Broadening the Outlook of Clinical Learning' (2012) 17 *International Journal of Clinical Legal Education* 23.

² Andrew Mitchell et al, 'Education in the Field: A Case Study of Experiential Learning in International Law' (2011) 21(1) *Legal Education Review* 69.

³ ANU College of Law, 'International Organisations (Geneva)'; email correspondence by the authors with Jean-Pierre Fonteyne, ANU College of Law, 4 June 2012.

⁴ Mitchell et al, above note 2, 72–7.

⁵ Ibid, 72.

⁶ Law Admissions Consultative Committee, Uniform Admission Rules, 2008 (first adopted 1992, revised 2002), pp 7. The 11 compulsory units for professional law degrees in Australia are Criminal Law and Procedure, Torts, Contracts, Property, Equity, Company Law, Administrative Law, Federal and State Constitutional Law, Civil Procedure, Evidence, Ethics and Professional Responsibility.

⁷ Ivan Shearer, 'The Teaching of International Law in Australian Law Schools' (1983) 9 *Adelaide Law Review* 61; James Crawford, 'Teaching and Research in International Law in Australia' (1984) 10 *Australian Year Book of International Law* 176; Dianne Otto, 'Handmaidens, Hierarchies and Crossing the Public-Private Divide in the Teaching of International Law' (2000) 1 *Melbourne Journal of International Law* 3.

⁸ Such as Sydney Law School and the Australian National University College of Law.

⁹ International Legal Services Advisory Council, *Internationalisation of the Australian Law Degree*, June 2004; see also Afshin A-Khavari, 'The Opportunities and Possibilities for Internationalising the Curriculum of Law Schools in Australia' (2006) 16 *Legal Education Review* 75.

¹⁰ See, eg, David Bederman, *Globalisation and International Law* (Palgrave Macmillan, 2008); Stephan Hobe (ed), *Globalisation, The State and International Law* (Franz Steiner Verlag, 2009); Frederic Megret, 'Globalization and International Law', *Max Planck Encyclopedia of Public International Law* (online, 2009); Paul Berman, 'From International Law to Law and Globalization' (2005) 43 *Columbia Journal of Transnational Law* 485.

¹¹ Al-Khavari, above note 9, 89–91. Sydney Law School, for instance, now offers a Master of International Law and a Master of Global Law.

¹² Mitchell et al, above note 2, 76–7; American Society of International Law, *Teaching International Law Beyond the Classroom: Engaging Students in Experiential Learning* (2011), <http://www.asil.org/activities_calendar.cfm?action=detail&rec=169>.

¹³ For a survey, see Kingsford Legal Centre / UNSW, *Clinical Legal Education Guide: Your Guide to CLE Courses Offered by Australian Universities in 2011 and 2012* (2011), <http://www.klc.unsw.edu.au/sites/klc.unsw.edu.au/files/doc/eBulletins/CLE_GUIDE_2011_12.pdf>.

- 14 Current Australian examples of dedicated courses in the international law area include an International Social Justice Clinic (ANU), Refugee Law and Policy Clinic (Griffith), International Internships (Macquarie), International Legal Internship (Melbourne), Hong Kong Refugee Law Clinic (UNSW), International Human Rights Law Advocacy (Sydney), and Social Justice Clinical Course (which can include the foreign internships and the Refugee Advice and Casework Service).
- 15 Jeff Giddings, 'Why No Clinic is an Island: The Merits and Challenges of Integrating Clinical Insights across the Law Curriculum' (2010) 34 *Washington University Journal of Law and Policy* 261.
- 16 University of NSW, 'Law, Rights and Development', first taught in 2007.
- 17 University of Melbourne (Master of Law & Development); Australian National University (ANU) (Master of Law, Governance & Development); University of Nottingham (International Law and Development Masters); Queen Mary School of Law, University of London (LLM in Law and Development), University of Manchester (Law and Development LLM); and Loyola University Law School (LLM in Rule of Law in Development).
- 18 Peter Cashman, 'Clinical Legal Education: Social Justice, Social Experiment, or Social Failure?' in Patrick Keyzer, Amy Kenworthy and Gail Wilson (eds), *Community Engagement in Contemporary Legal Education: Pro Bono, Clinical Legal Education and Service-Learning* (Halstead Press, Ultimo, 2007), 63.
- 19 Duncan Kennedy, 'Legal Education and the Reproduction of Hierarchy' (1982) 32 *Journal of Legal Education* 591, 601.
- 20 Mitchell et al, above note 2, 78; Rachael Field and Sally Kift, 'Addressing the High Levels of Psychological Distress in Law Students through Intentional Assessment and Feedback Design in the First Year Curriculum' (2010) 1(1) *International Journal of the First Year in Higher Education* 65, 70; Richard James, Craig McInnis and Marcia Devlin, *Assessing Learning in Australian Universities* (University of Melbourne, 2002) 10.
- 21 See Sydney Centre for International Law, 'Safeguarding Human Rights in the Criminal Justice Sector in Nepal' <<http://sydney.edu.au/law/scil/research/nepal.shtml>>.
- 22 Al-Khavari, above note 9, 77, 86.
- 23 Ibid.
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- 25 William Twining, 'Have concepts, will travel: analytical jurisprudence in a global context' (2005) 1 *International Journal of Law in Context* 5.
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- 28 Mitchell et al, above note 2, 73.
- 29 Amartya Sen, *Development as Freedom* (Oxford University Press, 2000).
- 30 See generally John Whelpton, *A History of Nepal* (Cambridge University Press, 2005) ch 6–7.
- 31 Philip Alston, 'Making Space for New Human Rights: The Case of the Right to Development' (1988) 1 *Human Rights Yearbook* 3; Stephen Marks, 'Misconceptions about the Right to Development' (October 2006) *Development Outreach* 9.
- 32 Jeffery Sachs, *The End of Poverty* (Penguin, 2005) ch 3.
- 33 Thomas Pogge, *World Poverty and Human Rights* (Polity, 2002) ch 4; Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005) ch 4.
- 34 Stephen Marks, 'Poverty' in Daniel Moeckli et al (eds), *International Human Rights Law* (Oxford University Press, 2010) 602.
- 35 Ian Goldin and Kenneth Reinert, *Globalization for Development: Trade, finance, aid, migration, and policy* (Palgrave Macmillan, 2006).
- 36 Mary Robinson, 'What Rights Can Add to Good Development Practice' in Philip Alston and Mary Robinson, *Human Rights and Development: Towards Mutual Reinforcement* (2005) 25; Ana Palacio, 'The Way Forward: Human Rights and the World Bank' (October 2006) *Development Outreach* <<http://go.worldbank.org/RR8FOU4RG0>>.
- 37 Nickolas John James, 'The Marginalisation of Radical Discourses in Australian Legal Education' (2006) 16 *Legal Education Review* 55.
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- 39 Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (2003) ch 2, 189–232.

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- 73 In 2012, the course evaluation comprised 22 questions addressing curriculum, teaching, and logistics; in
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75 Including civil and political rights, Maoist perspectives, gender rights, government, and more theory.
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77 whole; 75 per cent of students in 2011 wanted Nepalese language lessons to be offered.
78 Sydney Centre for International Law, 'Himalayan Field School', <http://sydney.edu.au/law/scil/fieldschool>.
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80 It also functionally aided in providing occasional translation of Nepali language into English.
81 Human Rights Tertiary Teachers' Workshop: Human Rights and Culture (ANU, Canberra, 16 March 2012).
82 For examples, see Queensland University of Technology, 'Virtual Law Placement' (since 2008, involving
83 partners such as Mallesons, the Australian Lawyers Alliance, and Bridges Across Borders); ANU College of
84 Law, 'International Social Justice Clinic' (also involving Bridges Across Borders).
85 Quite apart from the impracticalities and inefficiency of burdening Nepalese NGOs with 30 students for a
couple of days, within which little of significance could be achieved.
For instance, Southwestern Law School's Winter Intersession program in Entertainment Law, on board the
Golden Princess cruise to Hawaii. The brochure includes a photo of students relaxing in a hot tub:
<<http://www.swlaw.edu/pdfs/institute/winterintersessionbrochure.pdf>>.
For a critical analysis of this concept, see Evan Selinger and Kevin Outterson, 'The Ethics of Poverty
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See <http://sydney.edu.au/law/specialist_areas/law_int_development.shtml>.