

**Princeton University
Woodrow Wilson School of Public and International Affairs**

**WWS591i
Evaluating a Rights-Based Approach
for Realizing Universal Primary Education
Fall 2005
*Preliminary Syllabus***

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Meetings:

Fridays, 9:00-12:00
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Project Description

This workshop will evaluate the utility of rights-based approaches in achieving the goal of universal education – a Millennium Development Goal -- focusing on Kenya as a case study. Toward this end, the workshop will employ quantitative and qualitative assessment mechanisms to compare rights-based and economics-oriented approaches. A primary goal of the project is to analyze existing literature and policy frameworks to determine whether: (i) a human rights-based approach is a feasible alternative to existing approaches and (ii) how such an approach could be successfully incorporated into existing development strategies.

Kenya provides an especially promising subject for this type of study. The new Kibaki government has pledged itself to the goal of free education, yet substantial obstacles remain. The workshop team will seek to identify the key obstacles to realizing the right to education in Kenya by 2015, as mandated by the MDG's, and devise feasible policy alternatives. Interview subjects include: the Kenyan Government (which could also be a client), the World Bank, other donors that are pulling out because of corruption, teachers and NGOs. Through this effort the team hopes to aid Kenya achieve the MDG of universal education by 2015, if not sooner.

Client

The Kenyan Ministry of Education, Science and Technology

Course Requirements

a. Readings

Project participants will be expected to have read chapters or articles pertaining to the discussion topic, or short papers circulated by members of the workshop team, prior to class.

b. Briefing Paper and Leading Discussion

Each participant will be required to write or co-write one short “briefing” paper dealing with an aspect of the project during Part I of the course in preparation for the field research to take place during Week 8. Team members responsible for a given topic also shall lead class discussion on it during the relevant class.

c. Field Research

Members of the workshop team will be expected to undertake field research in Kenya during Week 8 (October 29 to November 6). Responsibilities shall include interviewing relevant individuals, officials, and advocates and the transcription of interview notes.

d. Report Drafting

Each participant will be expected to draft or co-draft a section of the report to be submitted to the client.

e. Final Presentation

All members of the team shall assist and participate in the final presentation of the report to the client.

Field Research

There will be a team week-long team research trip to Kenya during the eighth week of the term, October 29 to November 6. Team members will interview students, teachers, government officials, and staffers with donor organizations and NGOs, among others. The team will travel to Nairobi and environs and at least one other region within the country.

Grading

- 50% contribution to final project, including report drafting and field research
- 25% class participation throughout the semester
- 25% briefing paper & in-class work as discussion facilitator

Part I: Preliminary Research and Discussion

1. September 16 - Introduction

a. Workshop Logistics

This introductory week will begin with an overview of the workshops mechanics. Issues to be discussed shall include: review of the general topic and project; course organization; travel logistics; choice and role of student liaisons; deadlines, grading, and the timing and composition of the panel for the final presentation.

b. Report Models

The second part of this session will consider previous WWS and NGO reports as models for the project.

- Woodrow Wilson School Workshop Report, “*Nous Aimons Etudier!*”: *Voices From Rural Guinea on the Education of Girls and Boys* (2005)
- Joseph R. Crowley Program in International Human Rights, *Exporting Despair: U.S. Restrictions on Foreign Healthcare Funding: The Case of Kenya, and International Human Rights* (2005)

2. September 23 – Kenya and Education Reform

a. Kenya Introduction and Overview

The first part of this session will give the team a general introduction to Kenya, touching upon its history, government, economy, and politics.

- Stephen Brown, *Authoritarian leaders and multiparty elections in Africa: How foreign donors help to keep Kenya’s Daniel arap Moi in power*, 22 *THIRD WORLD QUARTERLY*, 725-739 (2001)
- Joel D. Barkan, *Kenya After Moi*, *Foreign Affairs*, January/February 2004, 87-100
- UNICEF Kenya Country Office, *Annual Report* (2004)
- U.S. State Department, *Country Reports on Human Rights Practices: Kenya* 2004 (released 2005), <http://www.state.gov/g/drl/rls/hrrpt/2004/41609.htm>

b. Education in Kenya

This part of the session will focus upon education in Kenya. It will survey the government’s reform goals, current education statistics, educational differences

based on regional and urban/rural differences, and obstacles education such as fees for books, uniforms, and tuition.

- KENYA MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY, FREE PRIMARY EDUCATION: EVERY CHILD IN SCHOOL (May 2003)

3. September 30 – Development and Education: Introduction and Overview

a. Development Overview

The first part of this meeting will serve as an introduction to development, including history, theory, assessment mechanisms, and recent trends and critiques. Also considered will be the Millennium Development Goals.

- WORLD DEVELOPMENT REPORT, MAKING SERVICES WORK FOR POOR PEOPLE (2004)

b. Development and Education

The second part of the session will concentrate on development and education. Issues will include different approaches and assessment mechanisms as advocated by state and NGO donors as well as by recipient states and NGOs.

- UN MILLENNIUM PROJECT/TASK FORCE ON EDUCATION AND GENDER EQUALITY, TOWARD UNIVERSAL PRIMARY EDUCATION: INVESTMENTS, INCENTIVES, AND INSTITUTIONS
- Global Campaign for Education, *Girls can't wait* (2005)
- UNICEF, *Strategies for Girl's Education* (2004)
- Raja Bentaouet Kattan & Nicholas Burnett, "User Fees in Primary Education," (The World Bank, 2004)

4. October 7 – Development and Education: Performance and Critique

a. Right-Based Approaches

This session will then shift to explore the emergence of rights-based approaches to development, including their emergence, successes, and failures.

- UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies*, <http://www.unhchr.ch/development/povertyfinal.html#ack>

- Celestine Nyamu-Musembi & Andrea Cornwall, *What is the Rights-Based Approach All About? Perspectives from International Development Agencies*, <http://www.ntd.co.uk/idsbookshop/details.asp?id=847>
- Philip Alston, *A Human Rights Perspective on the Millennium Development Goals: A Paper Prepared as a contribution to the work of the Millennium Project Task Force on Poverty and Economic Development*
- Cecilia M. Ljungman, *A Rights-Based Approach to Development* in METHODS FOR DEVELOPMENT WORK AND RESEARCH (2005)
- *Comment, UNICEF leadership 2005-2015: a call for strategic change*, 34 THE LANCET 2071 (2004)

a. *Comparative Studies*

The meeting will continued examining development, education, and human rights by first focusing on available country and regional studies. Emphasis will be placed on gauging the efficacy of different approaches and assessment mechanisms.

- UNICEF, *Adopting A Human Rights Approach to Programming: The UNIEF Tanzania Case* (2002)
- Rebeca Rios-Kohn, *A Review of a UNICEF Country Programme Based on Human Rights: The Case of Peru* (2001)
- Charulata Prasada, *Case Study Operationalizing Rights-Based Programming UNICEF Nepal* (2004)

5. October 14 – International Human Rights Law

a. *Introduction*

In this meeting the course will turn to international human rights law as a necessary foundation for considering the right to education and its potential applicability to development for education. The session will be reviewing the basic tenets of international law, the principal human rights treaties, first, second, third, and fourth generation rights, and state and third-party state responsibility.

- *Statute of the International Court of Justice*, art. 38(1), <http://www.icj-cij.org/icjwww/ibasicdocuments/ibasicstext/ibasicstatute.htm>
- *Universal Declaration of Human Rights*, <http://www.un.org/Overview/rights.html>

- *International Covenant on Economic, Social and Cultural Rights*, http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
- *International Covenant on Civil and Political Rights*, http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
- *Declaration on the Right to Development*, <http://www.unhchr.ch/html/menu3/b/74.htm>
- LOUIS HENKIN, *THE AGE OF RIGHTS* (1990)
- Martin S. Flaherty, *Rawls, Rights and Realistic Utopias* in *GLOBAL JUSTICE AND THE BULWARKS OF LOCALISM*, Andras Sajó ed. (forthcoming 2005)
- Arjun Sengupta, *The Right to Development as a Human Right* (2000)

b. *Implementation*

The meeting will then look at mechanisms for applying human rights. These will include both the principal transnational mechanisms, such as the Committee on Economic, Social and Cultural Rights (CESCR), as well as NGOs and domestic courts.

- Robert E. Robertson, *Measuring State Compliance with the Obligation to Devote the "Maximum Available Resources" to Realizing Economic, Social, and Cultural Rights*, *HUMAN RIGHTS QUARTERLY* 16 (1994)
- Mahesh Patel & Urban Jonsson, *Human Rights as an Emerging Development Paradigm and some implications for Programme Planning, Monitoring and Evaluation* (2001)
- *Soobramoney v. Minister of Health (Kwazulu-Natal)* 1998(1) SALR 765 (CC) [Constitutional Court of South Africa]
- *Free Textbooks Case*, Pl. US 25/94 (1995) [Constitutional Court, Czech Republic]

6. **October 21 - Right to Primary Education**

a. *International Right to Education*

This session will focus on the international right to education itself, starting with its articulation in human rights instruments such as the International Covenant on Economic, Social and Economic Rights. It will then examine the ways the right has been elaborated, especially in General Comments by the CESCR.

- *International Covenant on Economic, Social and Cultural Rights*, art. 13, http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
- Committee on Economic, Social & Cultural Rights, *General Comment 3* (1990), <http://cesr.org/low/generalcomment3>
- Committee on Economic, Social & Cultural Rights, *General Comment 11* (1999) <http://cesr.org/generalcomment11>
- Committee on Economic, Social & Cultural Rights, *General Comment 13* (1999), <http://cesr.org/generalcomment13>
- *Convention on the Rights of the Child*, esp. arts. 28 & 29, <http://www.unhchr.ch/html/menu3/b/k2crc.htm>
- Committee on the Rights of the Child, *General Comment 1* (2001), [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2001.1.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2001.1.En?OpenDocument)
[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3bba808e47bf25a8c1256db400308b9e/\\$FILE/G0345514.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3bba808e47bf25a8c1256db400308b9e/$FILE/G0345514.pdf)
- DOUGLASS HODGSON, *THE HUMAN RIGHT TO EDUCATION* (1998)

b. *Implementation*

The meeting will continue through an examination of how and how well the right to education has been implemented. The group in particular will consider reports by the UN Special Rapporteur as well as by NGOs.

- Special Rapporteur Katarina Tomaševski, *the Right to Education* (2004), section II, [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/05af86414ce903c9c1256e3000357284/\\$FILE/G0410332.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/05af86414ce903c9c1256e3000357284/$FILE/G0410332.pdf)
- Special Rapporteur Katarina Tomaševski, *the Right to Education* (2003), paras. 4-20 (skim), [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/4550cac4b8a69c0cc1256cf0002fa69d/\\$FILE/G0310495.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/4550cac4b8a69c0cc1256cf0002fa69d/$FILE/G0310495.pdf)
- Katarina Tomaševski, *Free and compulsory education for all children: The gap between promise and performance* (2001), http://www.right-to-education.org/content/primers/rte_02.pdf

7. Applying a Rights-Based Approach to Education in Kenya

a. *Assessing Rights-Based Approaches in Education*

This last session before the team's field research in Kenya will first attempt generally to synthesize a rights-based approach to education that will provide the greatest assistance to the client.

- C. Raj Kumar, *International Human Rights Perspectives on the Fundamental Right to Education—Integration of Human Rights and Human Development in the Indian Constitution*, 12 TULANE. JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 237, 247-262 (2004)

- Katarina Tomaševski, *Human Rights Obligations: Making Education Available, Accessible, Acceptable, and Adaptable* (2001),

http://www.right-to-education.org/content/primers/rte_03.pdf

b. *Achieving Universal Primary Education in Kenya*

As part of the foregoing goal, this part of the meeting will attempt to apply its general rights based model to the specific conditions and education reform goals of the Kenya government.

- Jeffrey Maganya, *The Role of Civil Society in Promoting Rights Based Programming by the Government* (2004).

- Kenya Ministry of Education, Science and Technology, *Current Statistics in Primary Education*, <http://www.education.go.ke/Resources.htm>

8. October 29 /November 6 – Field Research in Kenya

Part II: Toward Conclusions and Recommendations

9. November 11- Debriefing

During this week workshop participants will discuss their field research and experiences, and share their preliminary findings with the group. Findings from different research trips will be compared and considered. We will identify areas where further research is needed. The basic structure of the report for the client will be finally determined and drafting groups assigned.

10. November 18 – Preliminary Conclusions

During this meeting we will outline the basic conclusions of our research for the client and continue developing themes for the report. Time will be set aside for initial outlining and drafting.

Part III: Draft and Comment

11. December 2 – Report Drafting

During this session we will engage in intensive report drafting. Workshop participants will submit and present drafts of their report sections to the group for discussion and editing.

12. December 9 – Drafting, Editing, and Presentation Preparation

During this week we will compile and edit the penultimate version of the report and prepare the presentation to the client. Significant work in and outside of the class will be required to finalize the report. A practice presentation will be scheduled this week.

13. December 16 – Presentation and Delivery of Report to Client

At a time and place to be determined, the final research report and formal presentation will be delivered to the client.