

**A Human Rights-Based Analysis of the 1994  
Bolivian Bilingual Education Reform Law**

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## Introduction

Ensuring access to quality education in a child's native tongue is never as simple as implementing a law. Accompanied with it, there must be societal and institutional changes that take place. Moreover, policies and rights themselves are constantly in debate. For example, while bilingual education is shown to increase student academic achievement, there are complaints about the quality and funding of such programs. Different models of development are in competition with each other, with a need to be reconciled. Culture is still sometimes considered a hindrance to development and is not always perceived as a valid right, despite its mention in various international documents. Finally, it is still debated as to what place group rights have in human rights. The education reform that took place in Bolivia in 1994 may have attempted to address some social and economic inequalities, but these debates nevertheless carry on within the development and human rights arenas.

This section of the case study will analyze based on the human rights-based approach the decision to implement the Education Reform Law of July 7, 1994. First I will look at relevant debates: education policy (especially relating to bilingual education), conceptions of development, culture, and collective and individual rights. These debates are alive today and beliefs about these themes affect any achievement of fulfillment of human rights and of development objectives. Then, I will analyze the policy from a human rights perspective, looking at issues of inclusion and participation in relation to the debates discussed earlier, as well as the norms, institutions, laws, and economic environment that must be in place for development to happen.<sup>1</sup>

## Policy debates

### Education

While “improving education has become widely recommended as crucial for policies to promote growth and improve income distribution,”<sup>2</sup> education theorists and policymakers have debated the effectiveness of bilingual education in general as well as the success of the Bolivian project in intercultural bilingual education. For example, Greene’s statistical analysis concludes that in the United States performance on standardized tests of students in bilingual English-learning programs is significantly better than that of their control counterparts, who are provided with English-only instruction.<sup>3</sup> Psacharopoulos and Patrinos similarly point to a classic study by Modiano that shows that reading comprehension is greater for students who first learn to read in their own language and then transfer their skills to the second language.<sup>4</sup> Describing it as a “solution to the problem of repetition, dropout and low educational attainment among indigenous children,”<sup>5</sup> they point to the drawbacks of the double-burden of learning to read in a second language as well as learning to use the second language.<sup>6</sup> Crawford also finds positive results for bilingual education in the United States, arguing in relation to minority language children that “while language is not the only barrier to school success for these children, approaches that stress native-language instruction can be helpful in overcoming other obstacles such as poverty, family illiteracy, and social stigmas associated with minority status.”<sup>7</sup> Even in the United States bilingual education can contribute to achievements in the realm of human development.

Overall, most criticisms from experts point to the lack of coordination, quality, and training of teachers as drawbacks of bilingual education, while in the United States political rhetoric may argue different (generally xenophobic) reasons against such programs. Nevertheless, regarding the effectiveness of this type of policy in achieving higher levels of learning in any country, most studies show positive results. Regarding bilingual education in Bolivia, investigations show mainly the positive effects that educators have on the awareness and thinking abilities of indigenous students,<sup>8</sup> and international development agencies generally praise bilingual education for improving educational achievement.

Determining the cost-effectiveness of education programs is difficult. It is problematical to ascertain the benefits to society of a child educated in one way versus another until far into the future. Nevertheless, the Massachusetts Coalition for Bilingual Education argues that it is cost-effective in that it reduces drop-out rates, lessens the likelihood of a child entering an expensive

special education program, and it provides skills that are needed in today's economy.<sup>9</sup> Others note that while the costs are indeed high, it is still yet to be determined whether the value obtained offsets such costs.<sup>10</sup>

### Development

Traditional development has always been planned from the top down. Structural adjustment programs for developing countries in debt, for example, were usually designed by the World Bank and IMF with little input from debtor countries' governments. Later, once governments internalized the standard practices of "development" they would implement such policies in their countries without input from citizens. Today, post-development calls for the rethinking altogether of development as we conceptualize it, as planned actions directed towards a certain target population.<sup>11</sup> It argues that instead of development practitioners believing that they know what is best for everyone, "[i]t is crucial that they recognise their ignorance about things indigenous, and admit from the start that they do not know what is best for indigenous peoples."<sup>12</sup>

José Pimenta narrates the way in which development has harmed indigenous peoples, beginning with development as colonization. It then transformed to civilization, which involved missionaries, settlers, rubber tappers, politicians, etc. All of this contact with "development," he argues, had terrible consequences on indigenous peoples, in the form of epidemics, slavery, and forced assimilation.<sup>13</sup> Then, with the integration of indigenous peoples into society, their lands and labor were increasingly exploited, leaving them in the state they are in now.<sup>14</sup> The West, he argues, has historically been unable to deal with cultural diversity,<sup>15</sup> which is fully apparent when looking at the trajectory of development in relation to indigenous peoples. Considering the way in which western development, focused especially on economics and on only one way of doing things, has harmed indigenous peoples in the past and still does today, it is essential to understand the way in which indigenous peoples view development in order for them to enhance their own well-being.

Cunningham and Mairena argue that the concept of development as wealth accumulation, increased productivity, modernization, and technological advancement is not shared by indigenous people. For indigenous peoples in Nicaragua development means "the rational and sustainable exploitation of the natural resources available on their lands."<sup>16</sup> They stress the interaction between humanity and the environment, collective work and ownership, and the passing on of traditional knowledge.<sup>17</sup> It is clear that indigenous peoples' conception of the world, let alone development, can be entirely different from that of western development practitioners. Post-developmentalists

argue that there is a need to take these different views into account in order to achieve the goals of development, if they are defined within the framework of improving the overall well-being of people.

It is for this reason that human rights have eventually become intertwined with development, namely in the human rights-based approach (RBA) to development. It argues that the “process by which development aims are achieved is as important as the actual products.”<sup>18</sup> Sengupta argues that the process of development should be “participatory, accountable, and transparent with equity in decision-making and sharing of the fruits or outcome of the process.”<sup>19</sup> Uvin further explains, “it ought to create opportunities for [people’s] participation- opportunities that are not dependent on the whim of a benevolent outsider but rooted in institutions and procedures.”<sup>20</sup> The main difference between RBA and traditional development is that it sees what used to be the “objects” of development as claims-holders, and governments as those with obligations to provide certain things for its people.<sup>21</sup> It borrows from the field of human rights ways in which to analyze certain phenomena, such as lack of education and poor housing, which must inevitably include looking at issues like discrimination, exclusion, equality, and power relations to discover the root causes of problems.<sup>22</sup> RBA will be used later in the analysis section of the paper.

Finally, development with identity, as a new model of development, takes into account culture in determining priorities. It asks the questions, “What is meant by development? And how can it be achieved without disregarding the cultural characteristics of indigenous peoples?”<sup>23</sup> Attempting to reconcile indigenous needs with the western model of development, development with identity is very similar to RBA in that it relies on consultation and participation of indigenous peoples to formulate development policies. This is especially meaningful in areas of Latin America, such as the Amazon regions, where there has been much resistance to development projects in large part because of their lack of consultation and consideration of indigenous peoples’ needs. With regard to languages, which indigenous people regard as a key symbol of their culture and identity,<sup>24</sup> Jaime Urrutia Ceruti comments on the right to basic education in the mother tongue:

“This is important in order to reinforce identities and raise the self-esteem of indigenous individuals. Identity and self-esteem are crucial for political mobilisation, as well as for building the leadership and organisations that can make viable development proposals in line with indigenous peoples’ expectations and offer resistance to proposals that are threatening.”<sup>25</sup>

In this way, development with identity seeks to reinforce indigenous peoples’ identities so that they are able to defend themselves against development practices that are harmful to them and input into

beneficial projects. He furthermore notes that while consultation with indigenous peoples is a necessary component of Western development projects, indigenous development projects must also be in harmony with the national society.<sup>26</sup>

### Culture

Culture has always been at the forefront of debates between indigenous peoples and Western development practitioners. The UNICEF report *Children of the Americas* (1992) made the point that American governments often sought to assimilate indigenous peoples because of the belief that their cultures impeded development.<sup>27</sup> The 2004 Human Development Report completely debunks this myth, however, by stating that cultural determinism has no econometric backing.<sup>28</sup> Plus, this way of thinking completely ignores the different conceptions of development, such as indigenous ones, which were discussed in the last section. Looking at culture as a determinant of development also ignores several realities. For example, culture is dynamic across time and space; not all people all the time and in the same place believe and behave the same way. Moreover, people are agents of culture- they shape their own culture and add and detract that which they see fit. In Rawls' opinion, people "do not view themselves as inevitably tied to the pursuit of the particular conception of the good and its final ends which they espouse at any given time."<sup>29</sup> For example, it has been noted that indigenous people are quite aware of the surrounding world and that they do want access to technological and material resources, illustrating one way in which culture is constantly changing according to people's own agency and preferences.<sup>30</sup>

In a distinct way of looking at culture in relation to development, the 2004 Human Development Report argues that culture is not just a promoter or detractor of development; it is also an end of development itself.<sup>31</sup> As UNESCO argues in its 1996 report, *Our Creative Diversity*, "Development divorced from its human context is growth without a soul."<sup>32</sup> The concept of cultural liberty is seen as "a vital part of human development because being able to choose one's identity—who one is—without losing the respect of others or being excluded from other choices is important in leading a full life."<sup>33</sup> After all, if development is about leading the lives that people have reason to value,<sup>34</sup> then allowing them freedom to participate in a culture they find meaning in is essential to this development. Of course, this goes only so long as the enjoyment of that culture does not inhibit anyone else's personal freedom. Cultural life, which gives us options for living as well as meaning attached to those options,<sup>35</sup> and human development, which emphasizes the freedom to realize one's potential,<sup>36</sup> cannot be separated if we seek to maximize people's

opportunities and capabilities. Plus, people must be free to not only lead their lives as they see fit but also to question their own beliefs about what gives value to life, given the education to learn about different ways of life.<sup>37</sup>

Living mode exclusion, as UNDP calls it, takes on many forms, including depriving indigenous peoples of the opportunity to live the way they desire to, which involves speaking their own language, and forcing them to assimilate.<sup>38</sup> Even if the government thinks it knows what is best for its citizens, it cannot justify the deprivation of freedom in the name of development, especially when people are not given the opportunity to choose what they believe is best among various options.<sup>39</sup> Minority rights are seen as the way to alleviate this kind of exclusion, which is argued explicitly by Kymlicka but implicitly by UNDP, which calls them “multicultural policies.” Kymlicka has shown how national minorities, especially indigenous peoples (but also including the Quebecois in Canada), have fought to keep their identities and cultural distinctness because maintaining their cultural membership is important to them, as it is to anyone else. It is not reasonable to expect a person from a national minority (as opposed to an immigrant) to integrate into another culture, for it is costly to anyone, and besides, the dominant culture enjoys their cultural membership just as much as the minority culture finds value in their own. He believes that for there to be justice between groups (especially where power is unequal) there must be different rights accorded to different groups.<sup>40</sup>

#### Collective and individual rights

It has been recognized in the Declaration on the Rights of Indigenous Peoples that indigenous peoples have the right to self-determination. The document specifies self-determination as self-government, but only in relation to internal or local affairs,<sup>41</sup> which is all most indigenous peoples require anyway, in addition to the right to their own land. Kymlicka asks, “Why should the members of certain groups have rights regarding land, language, representation, etc. that the members of other groups do not have?”<sup>42</sup> Others wonder why human rights should be afforded to certain groups when their universality towards individuals is enough. Simply put, the historical circumstances and power inequalities between national minorities and majorities in many countries require that different groups be treated equally in order for there to be justice between them.<sup>43</sup> Besides, collective rights are for the individuals of a group to enjoy; there is not necessarily a conflict between collective rights and individual rights. Members of the majority culture will not give members of the minority sufficient recognition in order to be able to practice their own culture. Having persisted in maintaining their culture through hundreds of years of conquest, colonization,

and assimilation, indigenous groups have shown the value that they attach to being a member of their own society.<sup>44</sup> Because they do not trust the systems that have historically ignored them, thought they were inferior and incapable of self-government, and did not give them rights under international law in the past, they prefer to govern themselves through their own institutions (which form part of the culture) that have legitimacy among them.<sup>i</sup>

Some people may advance an argument against collective rights on the grounds that there are self-governing peoples that deny members their rights. The fact is that many indigenous groups have created their own constitutions and bills of rights, which guarantee the same human rights as people in the larger community.<sup>45</sup> The only difference is that indigenous people prefer to be tried and judged by their own people, who understand their customs and beliefs and have not acted against them in the past (as state governments have done and continue to do today). Kymlicka argues that many indigenous peoples accept the general principles of human rights but object to the institutions and procedures in the context of the countries which they are a part of.<sup>46</sup>

If there are groups that impose internal restrictions on their members, they will probably face repercussions, but it is better, for the reasons described above, that they are questioned by their own people. Plus, as Kymlicka argues, cultures are dynamic: if people are denied their freedoms they will question such practices and eventually seek a better way to live. When liberal norms are internalized, rather than imposed, they are most effective; therefore outsiders must refrain from imposing their norms on different groups of people and instead promote liberal values through example and lend their support to those who seek freedom. People uphold the authority of state governments to treat their people as they see fit, even if it is not in line with international human rights standards, without intervention into their countries (with a few obvious examples). Therefore, we should respect that same authority of self-governing indigenous groups and trust that liberal values will prevail, eventually transforming the negative aspects of a culture.<sup>47</sup> Nevertheless, most minority rights and collective rights that indigenous people call for in general are to protect them

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<sup>i</sup> The paternalism that has been shown towards indigenous peoples by colonial governments and the international community at large has led them to distrust the national systems which seek to govern them. These same national systems justified the dispossession of their land and their enslavement for labor. Still, we witness governments of descendants who invaded their lands denying them the right to their own land and even their own language. Therefore, indigenous peoples desire to govern themselves and be judged by their peers, as judgment from outsiders has almost always been inappropriate. White people do not understand their customs and beliefs and would therefore make culturally biased judgments on the practices of indigenous people, as they have done in the past. Clearly, not everything is black and white, for example democracy. However, some indigenous governments are fully willing to abide by international human rights law, and their traditional practices are fully in line with human rights law. What they object to is being governed by the same institutions that have justified their oppression and destruction in the past. (Kymlicka, 1996)

from threats from the outside that may destroy their culture rather than place internal restrictions on their own members. They need these rights, which strengthen standard human rights, because “the long history of European-indigenous relations suggests that even if indigenous peoples have citizenship rights in the mainstream society, they tend to be politically impotent and culturally marginalized.”<sup>48</sup>

Veena Das describes the discussions of the Subcommission on Protection of Minorities (International Covenant on Civil and Political Rights), where it was recognized that members of a group are not simply individuals but individuals who have their culture in common, which makes them a group. Without that culture and the ability to enjoy that culture, they would not be members of that group.<sup>49</sup> Therefore, in order to protect the group as a minority, their culture must also be protected. Even in the Universal Declaration of Human Rights, full development of the personality is mentioned in relation to the “community,” indicating the awareness of the collective existence of people. As argued earlier in the section on culture, people find meaning in life’s options through culture, which provides those options as well as gives them their meaning.<sup>50</sup> It is undeniable that there are countless cultures in existence in the world, and in order for these cultures to survive (necessary for people to be able to find meaning in life choices and for people to develop fully) collective rights must exist, especially for national minorities such as indigenous groups.

## Human rights analysis

If we use Donnelly's definition of having a right as being entitled to something,<sup>51</sup> then the rights holders to look at are the population of Bolivia itself, especially indigenous people, and furthermore especially indigenous children, who are entitled to education in their own language. If the duty-bearer has a correlative obligation to the rights-holders<sup>52</sup> it would be, first and foremost, the government of Bolivia, including all of the ministries and persons responsible for implementing the policy, such as the Ministry of Planning and Coordination, the Ministry of Education, and various boards of education around the country. Educators, the community, and parents and family of the children are also considered duty-bearers, but I will look primarily at the government's obligations to respect, protect, and fulfill these rights through a human rights-based analysis of development.

Among the numerous rights of indigenous peoples and the countless rights of children, I will only focus on certain rights in this case, for the sake of time and argument. Primarily involved is the right to education, specifically education in one's own language and that is culturally appropriate and that is geared towards the full development of the person, as stated in the Convention on the Rights of the Child (CRC) (Article 28, Article 29, General Comment No. 1), the Declaration on the Rights of Indigenous Peoples (DRIP) (Article 14), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Article 13). The right to self-determination is also an issue here, as it relates to groups and as it relates to individuals, which is mentioned in the DRIP (Article 3), the ICESCR (Article 1), the International Convention on Civil and Political Rights (ICCPR) (Article 1), and in the Vienna Declaration (Article 2). Development as a right is relevant, especially when taking into account different views of development. It is mentioned in the DRIP (Article 23) and the Vienna Declaration (Article 10). The rights to culture and to identity are found in the DRIP (Article 5, Article 13), the CRC (Article 8, Article 30), the ICESCR (Article 15), and the ICCPR (Article 27). Finally, addressed in almost all the conventions and declarations is the right to be free from discrimination and/or forced assimilation, which are issues in policies that call for not providing education for a child in the mother tongue. (See Annex 1 for the list of conventions and rights involved.)

As the 2000 Human Development Report warns, "Laws alone cannot guarantee human rights."<sup>53</sup> What are needed in a country to achieve real human rights-based development are changes in norms, institutions, and laws, as well as an enabling economic environment (NILE). According to Jaime Urrutia Ceruti,

“In the new and recently approved constitutions of Ecuador and, particularly, Bolivia, recognition of indigenous peoples is key to the political conception of both nations. Laws and norms, however, are in a realm far above practices on the ground, where in many public institutions, private enterprises and political parties, the concepts of multiculturalism and multilingualism are seldom applied and marginalisation of the ‘other’ culture, which does not comply with the hegemonic one, is still the rule.”<sup>54</sup>

Even though this education policy may bring about better economic development and provide better access to education for indigenous children, all of the NILE elements must be in place for real societal change to ensue. Otherwise, indigenous children will continue to be the most marginalized in Bolivian society. While the development agencies promote bilingual education as a way for improving educational quality, increasing access to education, and aiding in reducing poverty among indigenous people, Evo Morales<sup>ii</sup> and the Bolivian government should also take into account that norms, institutions, and other laws in the country must take a more inclusive stance towards indigenous peoples in order for these policies to have meaning.

For example, norms in Bolivian society at the time were discriminatory of indigenous peoples, and they continue to be so today, as we saw from the new World Bank report showing that no significant progress had been made in the human development of indigenous peoples. In almost all the literature on Latin America and Bolivia, the general consensus is that indigenous people are still the most marginalized in society. The institutions in place in Bolivia are slowly changing, with some of the reforms of Evo Morales, but at the time of the education reform discussed everything operated in the same way as always. Spanish was still the official language, and bilingual multicultural education was only just beginning. While the government at the time had good intentions in providing children with bilingual education, it was nevertheless the government who implemented the policy without the input of indigenous peoples. They were not seen as people who had a legitimate claim to education in their own language and were only contributors to help implement a policy of multiculturalism rooted in the same systems as before.

The laws, at least in terms of education, were clearly in place, although the ways in which they were engendered were not participatory. In fact they were paternalistic, as laws regarding

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<sup>ii</sup> I would not praise entirely the recent developments with Evo Morales regarding indigenous peoples. His rhetoric may be uplifting for some in the indigenous community, but it could also be seen as incendiary towards the part of the population that he is speaking against or ignoring outright. Some of the policies he has promoted, especially with regard to education, allows for less choice on the part of people, despite his good intentions to change social dynamics within the country. For indigenous people in Bolivia, his leadership may be a positive turning point, but for the country as a whole it still needs to be seen whether he can (or wants to) create national unity. The challenge is to promote inclusive policies regarding indigenous people, not simply turn the tables around.

indigenous peoples had always been. Indigenous peoples were still being excluded, and they were not considered agents of their own change as legitimate claims-holders to the rights that were being “given” to them. Furthermore, since indigenous peoples had historically been oppressed in every way possible, it goes to follow that they were not in a political or economic position to have any power to make changes themselves in an already poor country. Even if economic changes were to occur, discrimination against indigenous peoples would still have accounted for a large portion of the difference in earnings between them and the dominant class. Therefore, a sufficiently enabling economic environment to promote human rights could not have existed without the changing of the norms, institutions, and laws that kept indigenous peoples behind in Bolivian society.

We see now how even though the Education Reform Law of 1994 was intended to enhance the well-being of indigenous peoples and the country as a whole, it could not have been successful without the value of the input of indigenous peoples, as claims-holders to their rights, into policies that would affect them. Without their voice, the policy was development as usual, from the top down, and it has already been shown that this kind of development has almost always been detrimental to indigenous peoples. If they are seen and treated as equals, then they have the power to demand the right to education in their own language, participate in policy formation, and hold the government accountable. Only in this way can they truly exercise their rights.

Another drawback of excluding indigenous people from designing the policy was that their perceptions of development were not considered. Their ideas could very well have been the same as that of the state, but they were excluded from even agreeing. An issue here is that while many indigenous people value their language and demand the right to exercise their own culture, there are still some who would have preferred that the education system remain Spanish-only. It was noted in the case section of the paper that criticisms of the Education Reform Law met opposition from indigenous families and parents who believed that the only way their children would advance would be through learning Spanish.<sup>iii</sup> Even many teachers did not feel prepared to teach in multiple languages and opposed the policy. However, these voices were not taken into account in designing the policy, which ultimately affected its success. Group rights do ensure indigenous peoples the right to practice their culture, but human rights also call for people to be included in decisions that

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<sup>iii</sup> This is not to say that they were right in thinking that their children could advance only through Spanish or that learning in Spanish-only would help their children advance in school at all. In fact, later, parents began to see the pedagogical benefits of intercultural bilingual education. (Howard, 587)

affect their lives. Exclusion and non-participation were to the detriment of this policy, judging from a human rights perspective.

A last, but most important, point to mention regarding this case is that the education policy ultimately affected children. As the most vulnerable members of society, children require policies that take into account their needs and act in their best interest. Especially regarding indigenous children, who are even more marginalized and have even less voice in society, policies must seek to promote their full growth and development, as well as respect their culture and identity. Families and the community are also duty-bearers in protecting the rights of children and must work towards the fulfillment of their rights as well. Only by valuing their human rights and engaging in dialogue with the indigenous community, including parents, teachers, and children, can policymakers identify the real needs of children and put forth their best efforts to improve their well-being and full development.

## Conclusion

Today, Evo Morales is calling for yet another reform of the education system, among other changes, which would include the repeal of Law 1565 (Education Reform Law). The new president rejects it as a sign of neocolonialism from the past that dulls cultural diversity rather than encourages its growth. After political turmoil, civil unrest, and ideological changes within the country, Evo Morales appointed Félix Patzi the new Minister of Education. In 2006, Patzi drafted the *Ante Proyecto*, the new Education Reform Bill, which would abolish private education, religion in schools, and the distinction between rural and urban schooling that had until then characterized the educational system. This law is much more inward-looking for indigenous peoples and could be characterized as segregationist. It calls for solidarity against globalization, as opposed to democracy and interculturality.<sup>55</sup>

A lesson from the experience of the Education Reform Law of 1994 that President Morales should take into account would be the inclusion of different points of view in the formulation of his policies. The changes that he is proposing are indeed revolutionary in that they seek to bring power back to the indigenous people of Bolivia, but he must remember that although indigenous people are the majority in Bolivian society, they are not the only members. It is essential to seek harmony among groups so as not to repeat the mistakes of past leaders who excluded indigenous peoples from society or rejected their culture while attempting to assimilate them. Moreover, it has been noted that although he claims to be the first indigenous head of state and to fight for indigenous rights, his rise to power was through his affiliation with the coca growers' union in Bolivia, not indigenous movements.<sup>56</sup> He is not necessarily in tune with the indigenous culture of the countryside and could be making false assumptions about the changes that those people seek. In order to avoid making this error, President Morales must engage in dialogue with all stakeholders in the policies he seeks to implement. Only in this way will the people of Bolivia achieve real human rights-based development for themselves and have the power to hold the government accountable for its actions.

## **Annex 1: Declarations and Articles Involved**

### **Convention on the Rights of the Child (1989)**

- **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

- **Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

- **Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

- **Article 29**

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

▪ **Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

## General Comment No. 1: The Aims of Education

## **Declaration on the Rights of Indigenous Peoples (2007)**

- **Article 2**  
Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- **Article 3**  
Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- **Article 5**  
Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- **Article 8**
  1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
  2. States shall provide effective mechanisms for prevention of, and redress for:
    - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
    - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
    - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
    - (d) Any form of forced assimilation or integration;
    - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
- **Article 9**  
Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
- **Article 13**
  1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
  2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

- **Article 14**
  1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
  3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- **Article 21**
  1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
  2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- **Article 22**
  1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
  2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- **Article 23**

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- **Article 31**
  1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
  2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

## **International Covenant on Economic, Social and Cultural Rights (1966)**

### ▪ Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

### ▪ Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

- **Article 15**

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

## **International Covenant on Civil and Political Rights (1966)**

### ▪ **Article 1**

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

### ▪ **Article 2**

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

### ▪ **Article 24**

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

### ▪ **Article 26**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- **Article 27**

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

## **Vienna Declaration and Programme of Action (1993)**

- **Article 2**

All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.

In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

- **Article 10**

The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.

As stated in the Declaration on the Right to Development, the human person is the central subject of development.

While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.

States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.

Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

- **Article 19**

Considering the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such promotion and protection to the political and social stability of the States in which such persons live,

The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The persons belonging to minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination.

- **Article 20**

The World Conference on Human Rights recognizes the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization.

- **Article 21**

The World Conference on Human Rights, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States and noting the recognition of the human rights of children in the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, urges universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures and the allocation to the maximum extent of the available resources. In all actions concerning children, non-discrimination and the best interest of the child should be primary considerations and the views of the child given due weight. National and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular, the girl-child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict, as well as children victims of famine and drought and other emergencies. International cooperation and solidarity should be promoted to support the implementation of the Convention and the rights of the child should be a priority in the United Nations system-wide action on human rights.

The World Conference on Human Rights also stresses that the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection.

- **Article 25**

The World Conference on Human Rights affirms that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruits of social progress. It is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty.

## Bibliography

- Albro, Robert. "Actualidades. Bolivia's 'Evo Phenomenon': From Identity to What?" *Journal of Latin American Anthropology*. 11.2 (November 2006): 408-428.
- Baniwa, Gersem. "To Dominate the System and Not to be Dominated by it." *Poverty in Focus: Indigenising Development*. International Policy Centre for Inclusive Growth. 17 (May 2009): 6-8.
- Crawford, James. "Does Bilingual Ed Work?" *Rethinking Schools Online*. Special Collection on Bilingual Education. Summer 2002.  
[http://www.rethinkingschools.org/special\\_reports/bilingual/Work164.shtml](http://www.rethinkingschools.org/special_reports/bilingual/Work164.shtml)
- Crawford, James. "The Political Paradox of Bilingual Education." Excerpt from *At War with Diversity: US Language Policy in an Age of Anxiety*. James Crawford's Language Policy Website and Emporium. 2000.  
<http://www.languagepolicy.net/excerpts/paradox.html>
- Cunningham K., Myrna and Dennis Mairena A. "*Laman Laka*: If I Have It You Have It, If You Have It I Have It." *Poverty in Focus: Indigenising Development*. International Policy Centre for Inclusive Growth. 17 (May 2009): 8-9.
- Das, Veena. "Cultural Rights and the Definition of Community." *The Rights of Subordinated Peoples*. Eds. Oliver Mendelsohn and Upendra Baxi. Delhi: Oxford University Press, 1994. 117-158.
- Greene, Jay P. "A Meta-Analysis of the Effectiveness of Bilingual Education." The Thomas Rivera Policy Institute, The Public Policy Clinic of the Department of Government, University of Texas at Austin and The Program on Education Policy and Governance at Harvard University. 2 March 1998.
- Donnelly, Jack. *Universal Human Rights in Theory and Practice*. (Second edition) Ithaca: Cornell University Press, 2003.
- Hornberger, Nancy H. and Cassels Johnson, David. "Slicing the Onion Ethnographically: layers and Spaces in Multilingual Language Education Policy and Practice." *TESOL Quarterly*. 41.3 (September 2007): 509-532.
- Hornberger, Nancy H. "Bilingual Education Policy and Practice in the Andes: Ideological Paradox and Intercultural Possibility." *Anthropology & Education Quarterly* 31.2 (June 2000): 173-201.
- Howard, Rosaleen. "Education Reform, indigenous politics, and decolonisation in the Bolivia of Evo Morales." *International Journal of Educational Development*. 29 (2009): 583-593.

- Kymlicka, Will. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Clarendon Press, 1995.
- Kymlicka, Will. "The Good, The Bad, and The Intolerable." *Dissent*. 43 (Summer 1996): 22-30.
- Maiava, Susan. "When is Development not 'Development'? Recognising Unofficial Development (or Practising Post-Development)" Massey University, 2002. [www.devnet.org.nz/conf2002/papers/Maiava\\_Susan.pdf](http://www.devnet.org.nz/conf2002/papers/Maiava_Susan.pdf)
- Mizala, Alejandra and Pilar Romaguera. "Equity and Educational Performance." *Economía*. (Spring 2002): 219-273.
- Pimenta, José. "Twisting Development: the Ashaninka Way." *Poverty in Focus: Indigenising Development*. International Policy Centre for Inclusive Growth. 17 (May 2009): 14-15.
- Eds. Psacharopoulos, George and Harry Anthony Patrinos. *Indigenous People and Poverty in Latin America: An Empirical Analysis*. Washington, DC: The World Bank, 1994.
- Ramos, Alcida Rita, Guerreiro Osório and José Pimenta. "Indigenising Development." *Poverty in Focus: Indigenising Development*. International Policy Centre for Inclusive Growth. 17 (May 2009): 3-5.
- Shue, Henry. *Basic Rights: Subsistence, Affluence and US Foreign Policy*. (Second edition) Princeton: Princeton University Press, 1996.
- Urrutia Ceruti, Jaime. "Ethnic Identity and Development in Peru." *Poverty in Focus: Indigenising Development*. International Policy Centre for Inclusive Growth. 17 (May 2009): 9-11.
- Uvin, Peter. *Human Rights and Development*. Bloomfield: Kumarian, 2004.
- Human Development Report 2000: Human Rights and Human Development*. New York: Oxford University Press, 2000.
- Human Development Report 2004: Cultural Liberty in Today's Diverse World*. New York: United Nations Development Programme, 2004.
- Our Creative Diversity: Report of the World Commission on Culture and Development*. World Commission on Culture and Development. Paris: UNESCO, 1996.
- Convention on the Rights of the Child. United Nations General Assembly. New York, November 1989.
- International Covenant on Civil and Political Rights. United Nations General Assembly. New York, December 1966.

International Covenant on Economic, Social and Cultural Rights. United Nations General Assembly. New York, December 1966.

United Nations Declaration on the Rights of Indigenous Peoples. United Nations General Assembly. New York, September 2007.

Vienna Declaration and Programme of Action. United Nations General Assembly. World Conference on Human Rights, Vienna. June 1993.

“To Improve Bilingual Ed...” *Rethinking Schools Online*. Special Collection on Bilingual Education. Summer 1999.

[http://www.rethinkingschools.org/special\\_reports/bilingual/improve.shtml](http://www.rethinkingschools.org/special_reports/bilingual/improve.shtml)

“Bilingual Education Frequently Asked Questions.” *Massachusetts Coalition for Bilingual Education*. Mass English Plus Coalition Website. 2003.

[http://www.massenglishplus.org/content/Bilingual\\_Education/General\\_Info/BilingualEd.html](http://www.massenglishplus.org/content/Bilingual_Education/General_Info/BilingualEd.html)

“The Costs of Bilingual Education.” *Research in English Acquisition and Development Newsletter*. Washington, DC, Fall 1994.

## Citations

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<sup>1</sup> HDR 2000.

<sup>2</sup> Mizala and Romaguera, 219.

<sup>3</sup> Greene (1998).

<sup>4</sup> Psacharopoulos and Patrinos, 18.

<sup>5</sup> Ibid, 17.

<sup>6</sup> Ibid, 18.

<sup>7</sup> Crawford (2000).

<sup>8</sup> Hornberger (2007).

<sup>9</sup> “Bilingual Education FAQ.”

<sup>10</sup> “The Costs of Bilingual Education.”

<sup>11</sup> Maiava.

<sup>12</sup> Ramos et al (2009).

<sup>13</sup> Pimenta, 14.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid, 15.

<sup>16</sup> Cunningham and Mairena, 8.

<sup>17</sup> Ibid.

<sup>18</sup> Uvin, 123.

<sup>19</sup> Sengupta (2000), as quoted in Uvin, 138.

<sup>20</sup> Uvin, 138.

<sup>21</sup> Ibid, 129.

<sup>22</sup> Ibid.

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- <sup>23</sup> Urrutia Ceruti, 10.  
<sup>24</sup> Hornberger (2007), 522.  
<sup>25</sup> Urrutia Ceruti, 11.  
<sup>26</sup> Ibid.  
<sup>27</sup> UNICEF (1992), as cited in Psacharopoulos and Patrinos, 3.  
<sup>28</sup> HDR 2004, 5.  
<sup>29</sup> Rawls (1980), as quoted in Kymlicka (1995), 81.  
<sup>30</sup> Baniwa, 7.  
<sup>31</sup> HDR 2004, v.  
<sup>32</sup> *Our Creative Diversity*, 15.  
<sup>33</sup> HDR 2004, 1.  
<sup>34</sup> Sen.  
<sup>35</sup> Kymlicka (1995), 83.  
<sup>36</sup> HDR 2000, 4.  
<sup>37</sup> Kymlicka (1995), 8.1  
<sup>38</sup> HDR 2004.  
<sup>39</sup> Ibid, 16.  
<sup>40</sup> Kymlicka (1995).  
<sup>41</sup> DRIP, Article 4.  
<sup>42</sup> Kymlicka (1995), 34.  
<sup>43</sup> Kymlicka (1995).  
<sup>44</sup> Ibid, 79.  
<sup>45</sup> Kymlicka (1996)  
<sup>46</sup> Ibid.  
<sup>47</sup> Ibid.  
<sup>48</sup> Ibid, 3.  
<sup>49</sup> Das, 120.  
<sup>50</sup> Kymlicka (1995).  
<sup>51</sup> Donnelly, 8.  
<sup>52</sup> Ibid.  
<sup>53</sup> HDR 2000, Overview, 7.  
<sup>54</sup> Urrutia Ceruti, 10.  
<sup>55</sup> Howard.  
<sup>56</sup> Albro.