

Dr. Upendra Dev Acharya
Professor of Law
Norman & Rita Roberts Scholar
Gonzaga University School of Law
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Teaching Area: Constitutional Law, , Administrative Law, Public International law (including International Humanitarian Law and International Criminal Law), International Economic Law, International Business Transactions, International Environmental Law, International Human Rights, Comparative Jurisprudence, Political Economy of Law and Development, International Law in American Courts, Law and Globalization, International Law and Global Economic Inequality

Education

S.J.D. (Doctorate of Juridical Science), International and Comparative Environmental law, 2002
Law School
University of Wisconsin-Madison, USA

LL.M., Environment and Natural Resource Law, 1996
College of Law, University of Utah
Salt Lake City, Utah, USA

Master of Comparative Law (M.C.L.), 1990
Faculty of Law, University of Delhi
Delhi, India

Bachelor of Law (LL.B), 1985
Faculty of Law, Tribhuvan University
Katmandu, Nepal

Publications and Research

Upendra D. Acharya, *A Trinity of Culture, Law, and Politics: Legal Anthropology of the Bonded Labor System in Nepal, Comparative Law and Anthropology* (James Nafziger ed., Edward Elgar) (2017).

Upendra D. Acharya, *Human Rights, Corporate Corruption, and Good Governance*, in a Compilation By The Professors of the Tamil Nadu Dr. Ambedkar Law University, (2015).

Upendra D. Acharya, *Future of Human Development: Right to Survive as a Fundamental Element of Right to Development*, 345 Denv. J Int'l L. & Pol'y 42 (2014).

Upendra D. Acharya, *Distinguishing Between Piracy and Terrorism: Somali and International Law*, In a Compilation by the Multinational Maritime Security Center of Excellence, (2014).

Upendra D. Acharya, *Globalization and Hegemony Shift: Are States Mere Agents of Corporate Capitalism?*, B.C. Int'l & Comp. L. Rev. 937 (2013).

Upendra D. Acharya, *International Aid and Assistance to Constrain Piracy in Somalia: Ignored Facts and The Political Delivery of Charity, Maritime Security and Piracy: Global Issues and Solutions* (Bimal N. Patel and Hitash Thakkar ed., Eastern Book Company) (2013).

Upendra D. Acharya, *International Lawlessness, International Politics, and Terrorism: A Conundrum of International Law and U.S. Foreign Policy*, 40 Denv. J. Int'l L. & Pol'y 144 (2012).

Upendra D. Acharya, *ICJ's Kosovo Decision: Economical Reasoning of Law and Questioning of Legitimacy of the Court*, 12 Chi.-Kent J. Int'l & Comp. L. 1 (2012).

Upendra D. Acharya, *ICJ and Maintaining International Peace and Security*, Published in the Conference Proceedings, Beirut, Lebanon (2011)

Upendra D. Acharya, *Interlocking Theory of International Law and International Politics*, Published in the Conference Proceedings, Athens, Greece (2010)

Upendra D. Acharya, *War on Terror or Terror Wars: The Problem in Defining Terrorism*, 37 Denv. J. Int'l L. & Pol'y 4 (2009).

Upendra D. Acharya, *Is Development a Lost Paradise? Trade, Environment, and Development: A Triadic Dream of International Law*, 45 Alberta L. Rev. 2 (2007).

Upendra D. Acharya, *Locus Standi In Administrative Law: A Study of Nepal and India, In Justice: Collection of Research Articles on Law and Legal System* (Sheesh Raj Shiwakoti ed., Pairayj Publication) (2007).

Upendra D. Acharya, *Constitutionalism and Democracy in Nepal: What Went Wrong? Constitutionalism and Democratic Transitions: Lessons From South Africa* (Veronica Federico and Carlo Fusaro ed., Firenze University Press) (2006).

Upendra D. Acharya, *Environmental Law and Modern Nepal: A National Perspective* (2002) (S.J.D. Dissertation, University of Wisconsin-Madison).

Upendra D. Acharya, *Directed Principles of State Policies: Is It Only a Constitutional Experiment?*, Nepal Bar Assoc. J. (1994).

Upendra D. Acharya, *Due Process of Law: A Comparative Study, Essays On Constitutional Issues*, Nepal Law Society L.J. (1993).

Upendra D. Acharya, *Preamble of the Nepalese Constitution: Politics of Negligence?*, 1 Justice (1993).

Land Ownership in the Context of Land Management in Nepal, 1993. Research Report for OXFAM/NEPAL on the basis of extensive doctrinal and field research of five development regions of Nepal. The report's recommendations were considered by the government to its land reform program after the restoration of democracy in Nepal.

Nepal-TAR (Tibet Autonomous Region) Trade Relations with Comparison to Nepal-India Trade Relations and Nepal as a Trade Transit between Indo-China Trade, (Research Report for the United Nations agencies-ITC/UNCTAD/GATT, 1991).

Co-editor, *Final Report of National Education Commission*, 1991, (The Commission was formed by the Cabinet under the Chair of the Minister of Education to revise Nepal's system of education after restoration of multiparty democracy in 1990; recommendations were fully implemented).

Work in Progress – 1) Human Security in the 21st Century; Military and Non-Military Approaches (working on the manuscript)

Keynote/Featured Speaker

Featured Speaker, *International Law, Global Governance, and Economic Inequality*, invited speaker at the Universidad Nacional Autonoma De Mexico (UNAM), Programa De Posgrado En Derecho, Mexico City, Mexico, March 2018.

Featured Speaker, *Culturalizing Human Rights V. Human-Rightization of Culture: Epistemology of Human Rights in Asia*, Center for Human Rights and the School of Law, University of the Philippines, Manila, December 2017.

Featured Speaker, *Challenges to the Implementation of the New Constitution of Nepal*, a conference conducted by the Global Policy Forum for Nepal, Liverpool, UK, June 2017

Keynote Speaker, *Effective Legal Education and Research to Strengthen the Practice of Rule of Law in South Asia*, organized by the Tamil Nadu Dr. Ambedkar Law University and its affiliated seven law colleges in Tamil Nadu, February 2016

Keynote Speaker, *Migrants Workers and their Rights in Host Countries: National and International Laws and Alternative Forums to Implement their Rights* at a conference conducted by the Constitutional Center for Youth Development, Kathmandu, Nepal, January 2016

Keynote Speaker, *Legal Education in The USA and Asian Countries*, at Beijing Foreign Study University, Beijing, China, September 2015

Featured Speaker at the Faculty of Law, Kathmandu, Nepal on *Socio-Economic aspects of Constitution Making in Nepal*, December 2012

Chaired Speaker at the Dr. Ambedkar University of Law, Tamil Nadu, India on *Human Rights, Corruption and Good Governance*, December 2012

Keynote Speaker at the Global Maritime Security and Anti-Piracy Conference in Gujarat, India, 26 & 27 November 2011. The topic of the keynote presentation was *Humanitarian Aid and Assistance: Its Role in Constraining the Resurgence of Piracy*. Approximately 40 countries' governmental and non-governmental agencies and academic institutions, different UN agencies, and private security companies participated in this conference.

Featured Speaker on the topic *Dodd-Frank Act: A Shift in US Foreign Policy through Economic Legislation* at the Dodd-Frank Wall Street Reform and Consumer Act symposium, Gonzaga University School of Law, 2011

Keynote speaker on “*The Convention on the Rights of the Child: Ratification and Relevance in the U.S. Context*” at the Annual Children's Justice Conference, Seattle Convention Center, May 2011

Featured speaker on *International Humanitarian Law in Practice: From Nepal to Native American Nations*, Cornell Law School, Berger International Legal Studies Program and International Law Society, November 2008

Keynote speaker, *Indigenous Rights and Biotechnology from Human Rights Perspective in the United States, India and Nepal* at a conference on International Human Rights and Development held by the International Law Society of Northwestern School of Law Lewis and Clark College, Portland, Oregon, April, 2007

Presentations/Lectures

Speaker, *Trump Trade War and the American Leadership in the 21st Century Economy*, at a conference organized by the Gonzaga Journal of International Law, Gonzaga Law School, Spokane, Washington, April 2018.

Speaker, *Accessing and Managing Higher Education under the New Nepali Constitution and Federalism*, A panel organized by the Global Policy Forum for Nepal, Association of Higher Education Institutions of Nepal, and the Ministry of Education, Nepal, Kathmandu, Nepal, February 2018.

Chair, *The Relevance of Borders to International Law*, A Panel jointly sponsored by International Law and International Human Rights Section of the AALS, AALS Annual Meeting, January 2018.

Speaker in a Special panel, *Conceptualization and Judicialization of Human Rights and Criminalization of the Violations of Human Rights in Asia* at the Special Panel of the 2017 Biennial Conference of the Asian Society of International Law, Seoul, South Korea, August 2017

Mentored more than 12 papers written by Assistant professors, Lecturers, Ph. D., and Post-doctoral candidates on Asia and International Law at the Junior Scholarship Workshop conducted by the Yonsai University and Korean Society of International Law, Seoul, Korea, August, 2017

Speaker, *Trumpism and Terrorism: The Ignored Ten Commandments of War on Terror* at a conference jointly organized by Robert F. Kennedy Human Rights Center and Gonzaga School of Law, Florence, Italy, May 2017

Guest Speaker, *Exploring Cultural Dynamics in Transnational Business*, American Business School in Paris, June 2017

Invited as an Academic and Research Scholar to provide Guest Lectures on *Comparative and International Legal Education and its Importance* and to facilitate several sessions on the *Teaching and research Issues and Resolutions* to the faculty and research scholars at the Dr. Ambedkar Law University and its affiliated seven law colleges in Tamil Nadu, India (Spoke to more than 5000 students and 200 hundred faculty and research scholars) January-February 2016

Provided three training sessions to the senior officers of the Armed Police Force of Nepal on *National Security, Terrorism and Compliance of National and International Law*, Kathmandu Nepal, January 2016

Presented a paper on Higher Education in Nepal at the one-day Conference conducted by the Global Policy Forum for Nepal, Kathmandu, Nepal, December 2015

Guest Speaker, *WTO and Its Relevance in the 21st Century* at the China Youth University of Political Science, Beijing, China (September 2015)

Commented on the paper, *Economic Blockade of India against Nepal and Potential Legal and Diplomatic Issues under International Law*, presented by Professor Surya P. Subedi (University of Leeds School of Law) at the First Global Policy Forum for Nepal Conference, Kathmandu, Nepal (December 2015)

Speaker, *Religious Freedom and Law and its Impact on Legal Practice* at the Gonzaga University School of Law, Spokane, Washington, April 2014.

Speaker, *Globalization and Law: Impact on Nepal's Legal System*, at the National Law College, Lalitpur, Kathmandu Valley, Nepal, March 2014

Presented a paper on Human (In)Security and International Law and Practice at the Asian Society of International Law conference in New Delhi, November 2013

Presented a paper on Human Development and Right to Development at the Denver University College of Law, Denver in November, 2013

Presented a paper titled “*Is Dodd-Frank Wall Street Reform and Consumer Protection Act a Better International Human Rights law to Regulate Corporations?*”. At the American Branch of International Law Association conference at Fordham Law School, New York, November 2013.

Presented a paper on Capital Control under the WTO and U.S. FTAs at a conference organized by Southwest University of Political Science and Law, Chongqing, China, May 2013

Speaker at the Maritime Security Workshop held by the Multinational Maritime Security Centre of Excellence in Marmaris, Turkey on *Piracy and International law: Challenges and Solutions*, November 2012

Spoke on *International Law and U.S. Foreign Policy* to the scholars and researchers of FRIDE, a European think-tank organization in Madrid, Spain, May 2012.

Guest lecture on *Politics of International Trade Law* at East China University of Political Science and Law, Shanghai, China, May 2012

Guest lecture on *Human Rights in China, India and Nepal: The Challenges for Emerging Powers* at Derito GV, Law School in Sao Paulo, Brazil, August 2011

Presented to a CLE program by the WPTL (World Peace Through Law) Section of the Washington State Bar Association on *From Needs to Rights: Implementations of the Conventions of the Rights of the Child in South Asia*, on January 25, 2011, Seattle

Presented a paper on *International Court of Justice and Maintaining International Peace and Security* at the University of Antonine, Beirut, Lebanon, December, 2010

Spoke on *Diversity and Its Role in Legal Thinking and Practice* in Diverse Perspectives on the Law Panel at the invitation of the SBA and other student organizations during the Building Bridges Week of the Gonzaga Law School, October, 2010

Presented a Paper on *Defining Terrorism and Lingering International Politics: International Law as a Quiet Observer* at an international conference in Athens, Greece, July 2010

Presented paper on *Climate Change and Developing Countries: Human Rights Considerations* at the Annual International Law Weekend of the American Branch of the International Law Association in New York, October, 2009 held at Fordham Law School

Presented a paper at the Second Biennial conference of the Asian Society of International Law at the University of Tokyo, Tokyo, Japan, August, 2009. The topic of the presentation was *Right to Development: Conspiracy in International Law*

Spoke on *Stopping Genocide Through International Agreement When the Security Council Fails to Act* at the Eighth Biennial Conference of the International Association of Genocide Scholars held at George Mason University, June 2009

Spoke on the topic *International Criminal Court: Its Relevance and Legitimacy* to the UNA (United Nations Association)-USA Spokane chapter on May 2009

Spoke on *Ethics, Human Rights and Health Care: Role of the Ethics Committee* to medical professionals (doctors and nurses) as a part of their MCE (Medical Continuing Education) Grand Round at the Benefis Hospital, Great Falls, Montana on May 2009

Served as a faculty speaker to the Appellate Judges at the Spring Program of the Appellate Judges of the State Courts of Washington at Lake Chelan, Washington. The topic was *International Human Rights Law in State Courts of the United States* on April 2009

Presented a paper on *International Water Law and Sustainable Development: Challenges to Trans boundary Allocation* at the International Law Weekend-West convened by the American Branch of the International Law Association and hosted by the Willamette University College of Law, March 2009

Presented a paper at the 2008 Sutton Colloquium on *Terrorism and its Tentacles: Define Terrorism or Not?* Organized by the Nanda Center for International Law of the University of Denver Sturm College of Law, Denver, Colorado. October, 2008

Delivered a guest lecture on *Legal Education in the US and Beyond* at the Southwest University of Political Science and Law in Chongqing, China, July 2008

Spoke to Nepali journalists on *Media, Democracy and Law* at an event conducted by Nepal Journalist Association and Tribhuvan University School of Journalism, Katmandu, July 2008

Delivered a guest lecture on the topic, *Third World Perspective of Jurisprudence and Constitution Making* at the Faculty of Law, Tribhuvan University, Katmandu, July 2008

Presented a paper on *Trade, Development and Environment* at the fifth annual international law symposium on Free Trade or fair: The Softwood Lumber Dispute and Beyond conducted by City University of New York and University of Idaho Law School in Coeur d'Alene, Idaho, March 2007

Presented a paper on the topic *The US, China and Nepal: Challenges to WTO Obligations on Trade and Agriculture* at an international conference on WTO: Dislocations and Solutions in Chongqing, China. The conference was organized by the Southwest University of Political Science and Law, Chongqing, China. December 2006

Spoke as a panelist on *Critical Issues of International Criminal Law* in a symposium organized by the Gonzaga Journal of International Law in November 2006

Spoke on *Relevance of International Law in Today's Global Context* in a symposium organized by the Gonzaga Journal of International Law, March 2006

Presented a paper in a conference on the topic, *Genocide: Complexity of International Humanitarian and Human Rights Issues* organized by the University of Montana Law School in April 2006

Co-facilitated and spoke to a seminar *Impacts of War on Environment and Human Rights* at the Gonzaga Law School in October 2005

Special Speaker at a Continuing Medical Education (CME) for Benefis Hospital in Great Falls, Montana on *Right to Health Care as a Human Right*, December 2005

Presented a paper on *Constitutionalism and Democratic Transition: Nepal and South African Perspective* at an International Conference conducted by the University of Florence, Department of Law, Florence, Italy. December 2005

Guest Speaker on *Democracy, Terrorism and Failed State* at the International Affairs Program, University of Montana, Missoula, March 2005

Presented a paper on *Environment and Rule of Law in South Asia* at the International Conference on the Rule of law in Asia conducted by the Mansfield Center, Montana; University of Montana, Missoula, Montana; and Mansfield Center for Asia Pacific Rim, Washington D.C. 2001

Honor Lecture on *Sociological Thought: Matter of Least Importance and Historical Approaches and Problems of Reception in Nepal* at Tribhuvan University, Prithvi Narayan Campus, Pokhara, Nepal 1991

Taking Indo-Nepal Relations Seriously: A Critical Appraisal in a seminar on Indo-Nepal Relations (Economic and Political Aspects) organized by the Faculty of Law, University of Delhi, India 1990

Visiting Professorship/and Professional Honors

Senior Research Fellow, Center for Teaching and Research of WTO Dispute, School of International Law, Southwest University School of Political Science and Law, Chongqing, China

Visiting Professor, National Law College, Lalitpur, Nepal

Visiting professor, International Business transactions, American School of Business in Paris, Paris, France, June 2015

Visiting Professor, International Economic Law, Tsinghua University School of Law, Beijing, China, September 2015

Academic Advisor, Multinational Maritime Security Center of Excellence Workshop, Turkey, 2013

China Youth University, Beijing, China, 2012 summer (course taught: International Business Transactions and Trade Law)

University of Toulouse, France, 2012 summer (course taught: International Law, Arab Spring and International Peace and Security)

China Youth University, Beijing China, 2011 summer (subjects taught: International Trade Law and International Climate Change Law)

South West University of Political Science and Law, Chongqing, China, 2010 summer (Subjects Taught: International Economic Law and International Climate Change Law)

Fundacao DEREITO GV Law School, Sao Paulo, Brazil, 2011 summer (subject taught: Political Economy of law and Development)

Professional Experience

Gonzaga University School of Law (Spokane, WA, Present, 2012-2017, 2006-2012, 2005-2006)

Professor of Law

Associate Professor of Law, Gonzaga University School of Law

Assistant Professor of Law, Gonzaga University School of Law

Visiting Assistant Professor of Law, Gonzaga University School of Law

Legal Research/Advisor, Chippewa Cree Tribal Government (MT 2000-2005)

Review, analyze and prepare recommendations to the Tribal government and its entities on legal and legislative matters pertaining to self-governance, welfare reform, Indian Health Service, water rights, and day-to-day governmental activities; represent the Tribe on Federal and State sponsored programs and negotiations; interpreted Tribal, State, and Federal laws (including water compact, Farm and Energy Bill, Self-Governance Bill) and regulations as necessary for day-to-day governmental activities.

Environmental Legal Consultant, Chippewa Cree Tribe (MT 1999-2000)

Drafted Tribal Cultural Resource Protection Code, Lead-based Paint Code, Wetlands Code, Water Code, Tribal Environmental Protection Code, Fish and Wildlife Code, Grazing Code, Land Use Code; conducted several training classes on tribal environmental law and federal environmental law for the Rocky Boy's Reservation and the tribal officers under the jurisdiction of the EPA Region No. 8 office, Denver, Colorado.

Lecturer, Nepal Law Campus, Faculty of Law, Tribhuvan University Katmandu, Nepal (Nepal 1991-1995)

Subjects taught: International Law, Comparative Jurisprudence, Legal Theory and Interpretation of Law, Administrative Law, Environmental Law, Major Legal Systems of the World, Human Rights, International Law of Trade, and International Organizations.

Assistant Lecturer, Prithvi Nerayan Campus, Faculty of Law, Tribhuvan University, Pokhara, Nepal (Nepal 1990-1991)

Subjects taught: Jurisprudence, International Law, and Human Rights.

Practiced Law as an attorney at the Supreme Court of Nepal (Nepal 1990-1995)

Practice areas: constitutional law, human rights, public international law, international economic law (including international trade law), and national and international environmental law. Law and inequality, law and development.

National Consultant, Nepal Tibet Trade Relations with reference to South Asia Region for ITC/UNCTAD/GATT (Nepal 1991)

Prepared an extensive research report on Nepal's trade diversification policy by analyzing Indo-Nepal bilateral trade treaty and China-Nepal bilateral trade treaty.

Additional Experience (Nepal 1980-1995)

In addition, I was involved in different professional activities from 1980 to 1995 which include 1) Coordinator of the Research work on "Mapping of Nepalese Legal System and Identification of Nepalese Jurisprudence" organized by the Nepal Law Reform Commission, 2) Member, Recruitment Committee (the Committee for Recruitment, Dismissal and Promotion) of Nepal Rosin and Turpentine Ltd. (Govt. Owned), 3) Legal Expert, on environmental legal issues and on Bonded Labor Study Program conducted by LEADERS/NEPAL sponsored by the USAID/NEPAL, 4) Legal Consultant to AAFLI (Asian-American Free Labor Institute) to assist in drafting of the constitution of NTUC (Nepal Trade Union Congress), 5) Legal Advisor, Private and Boarding Schools' organization, 6) Project Director, Socio-economic and legal analysis of landlord and tenants conducted on behalf of SWOG (Social Workers' Group) sponsored by OXFAM/Nepal. 7) Legal Expert and member in a four-member Anti-Corruption Commission of Nepal Coal Limited (Govt. owned), 8) Member of Higher Education Task Force of National Education Commission.

Professional Leadership/Association

Norman & Rita Roberts Scholar

Vice-President of the Asian Society of International Law

Co-Chair of the Planning Committee of the 7th Biennial Conference 2019 of the Asian Society of International Law in Philippines. Another Co-chair is Hon'ble Justice Francis H. Jardeleza, Supreme Court of the Philippines

Chair, Human Rights Special Interest Group of the Asian Society of International Law, Head Office, Singapore

Founder Member and the Director of Studies, Global Policy Forum for Nepal (a diaspora organization to help Nepal in its constitutional transition and other important national and international issues)

Elected Member, Executive Council, Asian Society of International Law (2013-2017)

Member, Academic Advisory Board, Multinational Maritime Security-Center of Excellence Workshop 2013, Istanbul, Turkey

National Legal Expert on Nepal and India for the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) at the U.S. Department of Labor's Bureau of International Labor Affairs (2008-2016)

Board of Director, International Trade Alliance, Spokane

Advisor, World Affairs Council, Spokane

Member, American Society of International Law

Member, International Law Association American Branch

Members of the Human Rights Committee and the International Law Teaching Committee of the American Branch ILA

Member, Asian Society of International Law

Faculty Advisor, Gonzaga Journal of International Law

Faculty Advisor, International Law Society, Gonzaga University School of law

Recipient of Graduate Research Fellowship for doctoral research at the UW Madison Law School, 1996-1998, 2000

Recipient of the University of Wisconsin Foundation Fellowship, 1998-1999

Recipient of Judge Rulon Clarke Fellowship, College of Law, University of Utah, 1995-1996

References available Upon Request