

Potential Lessons for Nepal from the U.S. Experience with Multilevel Environmental Governance

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Abstract

Professor Sokol will begin by providing an overview of the constitutional division of authority between the national and sub-national governments in the United States and then discuss the U.S. experience with addressing environmental problems in a federal system. She will highlight the advantages of dispersing power between national and local governments for effective environmental governance, as illustrated by some of the ways in which local communities in the United States have challenged the current presidential administration's massive rollback of environmental protections. Ms. Mainaly will then provide an overview of the federalist structure under Nepal's recently-adopted Constitution and its potential implications for addressing the country's environmental concerns, particularly climate change. Professor Sokol and Ms. Mainaly will then host a discussion with the attendees about how Nepal might draw on U.S. environmental federalism as the country moves forward with environmental law and policy under its new Constitution, with a particular focus on climate change.

About the Speakers

Karen Sokol joined the Loyola University New Orleans College of Law faculty in 2009. Her teaching and research interests include environmental law, torts, products liability, constitutional law, and philosophy of law. Her current scholarship focuses on climate change law and policy and on the potential for forging more robust environmental protections by incorporating Eastern philosophy into Western legal theory and policy. She is currently researching and teaching in India, supported by a Fulbright Award. Professor Sokol graduated from Yale Law School, where she served as Articles Editor for the Yale Human Rights and Development Law Journal and was a member of the Allard K. Lowenstein International Human Rights Clinic. After law school, she worked as a policy analyst for the Center for Progressive Reform, writing a number of papers and articles on environmental and public health issues, with a focus on government transparency and corporate accountability. The year before coming to Loyola, she was a fellow at Georgetown University Law Center's O'Neill Institute for National and Global Health Law.

Jonny Mainaly has been teaching environmental law at Kathmandu School of Law since 2015. She researches, practices, and publishes in the areas of environmental, human rights, and climate change law and policy. The current focus of her research is on exploring ways to integrate environmental governance and climate change policy into the new federal structure of Nepal. Ms. Mainaly was awarded a Fulbright Scholarship to complete her LLM with an Environmental Law Certificate from Duke University School of Law. After returning to Nepal, she co-founded the Digo Bikas Institute, a policy think tank focusing on environmental stability and development in Nepal. She is now serving as a consultant to the Ministry of Forest and Environment on its draft bill of the Environment Protection Act, which the Ministry will soon introduce in the parliament. She has also served as the thematic lead for gender and social inclusion in the Ministry of Environment and Population's formulation of Nepal's National Adaptation Plan under the United Nations Framework Convention on Climate Change.