



E-LAW UPDATE

A QUARTERLY REPORT FROM THE U.S. OFFICE OF THE ENVIRONMENTAL LAW ALLIANCE WORLDWIDE

WINTER



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Proposed Tobacco Settlement Opens Doors Abroad

The proposed federal tobacco settlement, mis-named the "Global Tobacco Settlement," would allow tobacco companies to go truly global with their deadly products. If Congress approves this deal limiting tobacco companies' potential liability and removing the threat of criminal and civil penalties, it would open the doors for tobacco companies to peddle their products abroad. The proposed "global" settlement does nothing to compensate people in other countries who have been harmed or will be harmed by the products of U.S. tobacco companies. As Stanton Glantz, Professor of Medicine at the University of California at San Francisco said in an interview with Corporate Watch, "The tobacco industry knows that they're losing in America and they're almost willing to write off America so that they can go about pillaging the rest of the world—killing people overseas." (<http://www.corpwatch.org/feature/tobacco/glantz.html>.)

According to the World Health Organization, tobacco presently kills more than 3 million people a year. If current trends continue, that number will increase to 10 million people within the next thirty years. Seven million of those deaths will occur in the developing world. According to the World Bank, within thirty years the number of tobacco-related deaths in the developing world will outnumber the number of deaths caused by HIV, tuberculosis, malaria and complications with child birth combined. World Bank News Release No. 98/1439.

As tobacco companies pour their products into Africa, Asia and Eastern Europe, lawyers in the E-LAW network are working to protect citizens in their home countries. Some advocates are working to restrict cigarette advertising; others are working to require health warning labels on cigarette packages. Still others hope to limit smoking in public places and completely

ban advertising. These advocates assert that U.S. and European tobacco companies should be held to the same standards abroad as they are at home.

Lawyers around the world are coming together through the E-LAW network to share information and strategies to hold the tobacco companies accountable wherever they go. E-LAW U.S. is providing these lawyers with access to the information that is finally available to citizens in the U.S. One tobacco company released documents indicating that its executives have known for years that nicotine is addictive and authorized manipulating nicotine levels in cigarettes. Newly released information also shows that tobacco companies have specifically targeted children in their advertising campaigns. Advocates around the world will use this information to convince governments abroad to protect citizens from these multinational corporations.

E-LAW is helping lawyers in Bangladesh and Nepal bring cases seeking orders restricting advertising by tobacco companies and prohibiting smoking on public transportation. Lawyers in several other countries are ready to file similar suits if their governments do not adopt advertising restrictions or require even minimal health warnings.

NEPAL

Pro Public, a public interest environmental law firm in Nepal, recently filed a case to ban or restrict advertising of tobacco products or liquor in the public media. To support this case, E-LAW U.S. provided Pro Public with studies showing that cigarette advertising increases consumption of tobacco by teenagers. For instance, Camel's share of the underage market increased from 5

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Lawyers with the Center for Public Advocacy in Slovakia brought a lawsuit to overturn a government order that prohibited new construction in the town of Dubakovo.

Slovak Lawyers Win Freedom for Village Threatened by Dam Proposal

Dams often wreak havoc on both ecosystems and communities. In a recent case in Slovakia, E-LAW U.S. helped local advocates challenge a government tactic that would have destroyed a community to pave the way for the construction of a new dam.

Lawyers with the Center for Public Advocacy (CEPA) in Slovakia brought a lawsuit to overturn a government order that prohibited new construction in the town of Dubakovo. The order, issued 15 years ago, prevented villagers from building anything in Dubakovo. Villagers believed that this order was designed to eliminate local opposition to the dam, which would have inundated the village. No longer able to build, citizens would eventually move away from Dubakovo. CEPA represented citizens defending their community.

Over several months, E-LAW provided CEPA with information about the "legality" of such restrictions (which would violate the basic constitutional guarantees of many countries), and the environmental record of the U.S. company investing in the project. Writing to his colleagues in the E-LAW network in December, CEPA lawyer Pavol Zilincik reported:

"The Constitutional court of the Slovak Republic decided yesterday (December 2, 1997) the case of the village of Dubakovo. This village is endangered by a dam and relocation of inhabitants. The state agency issued a decision 15 years ago which prohibited construction activities in Dubakovo. This decision was intended to force the people to move slowly from the village - young people cannot build their houses, the village cannot develop infrastructure and after decades of this restriction there will be a village with only a few old people, who will be not able to fight for their rights. The Constitutional court said yesterday that the "construction ban" is an unconstitutional restriction of basic human rights. Dubakovo is, therefore, the first village which broke the chain of villages slowly destroyed by our water-energy lobby. Thank you all for your help with this case. It was very important for me to see in your messages that such restriction is not OK, at least in your legal systems. It convinced me to bring the case before the court".

Tobacco Settlement . . .

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from lawyers in other countries.

By sharing information and strategies across borders, E-LAW advocates are working to ensure that, by settling claims in the U.S., tobacco companies are not merely buying a ticket to advertise and sell cigarettes to people throughout the developing world. The tobacco companies are huge, multinational corporations with deep pockets and teams of lawyers and public relations professionals. By linking advocates across borders, empowering them to work together and arming them with the facts about cigarettes, E-LAW is helping grassroots advocates around the world challenge these corporations and protect citizens.