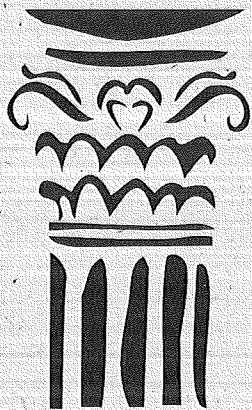


E-LAW UPDATE

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

WINTER



INSIDE

Lawyers Secure Citizens' Voice	3
Brazil's Rich Atlantic Forest	4
Slovak Lawyers Challenge Dam	6
Brazilian Attorney at E-LAW U.S.	7
Us	8

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.

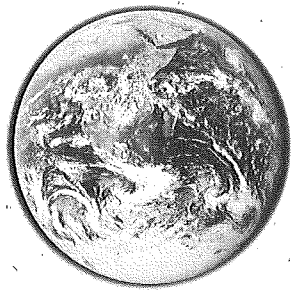
Lawyers around the world are coming together through the E-LAW network to share information and strategies to hold the tobacco companies accountable wherever they go. E-LAW U.S. is providing these lawyers with access to the information that is finally available to citizens in the U.S. One tobacco company 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

Continued on page 2



Protecting the Environment Through Law Across Borders

E-LAW U.S. STAFF

Mark Chernaik

Staff Scientist

Kalindi Devi-Dasi

Office Manager

Jennifer Gleason

Staff Attorney

Bern Johnson

Executive Director

Lori Maddox

Associate Director

Kim Miller

Program Assistant

Laura Owens

Brightwood Law Fellow 97-98

Carolyn Sykora

Development Director

Chris Wold

Staff Attorney

E-LAW U.S. BOARD

Michael Axline, President

John Bonine, Chair

Paul Brainerd

Mary Lou Church

Neil Kagan

Renate Rennie

Joe Rutledge

Karin Sheldon

Ted Smith

Environmental Law Alliance Worldwide (E-LAW) is a network that facilitates the development and practice of public interest environmental law throughout the world. The network of E-LAW advocates exchanges legal, scientific, and technical information; and ideas, precedents, and strategies across national boundaries in support of grassroots, public interest environmental law.

Tobacco Settlement . . .

Continued from page 1

percent to 32.8 percent in the first three years after the Joe Camel campaign began. ("RJR Nabisco's Cartoon Camel Promotes Camel Cigarettes to Children," Journal of the American Medical Association, December 11, 1991; <http://www.kidscampaigns.org/Whoside/Parenting/tobaccoads.html>).

E-LAW U.S. also provided Pro Public with U.S. regulations restricting tobacco advertising and copies of similar provisions from other North, Central and South American countries (compiled by the World Health Organization) including a Canadian ban on advertising tobacco products. E-LAW Australia provided Pro Public and others fighting tobacco advertising with a summary of Australia's federal laws restricting tobacco advertisements.

Pro Public is also using a case from Argentina brought by the late Alberto Kattan. Kattan won his case restricting advertising of tobacco products, but the defendants appealed. Before the appeal came to court, the Argentinian legislature passed a ban on advertising between 8 a.m. and 10 p.m. When the appeal finally reached the court, the judge declared the issue moot since the government had already issued a ban. Kattan's case convinced legislators that cigarette ads must be restricted.

Pro Public's case is pending in court in Nepal.

BANGLADESH

Lawyers from the Bangladesh Environmental Lawyers Association (BELA) are bringing a case to restrict smoking on public transportation. BELA is seeking a ban on smoking in public transportation because studies show that exposure to second-hand tobacco smoke is dangerous. BELA is bringing the case under Bangladesh's constitutional right to a healthy environment.

E-LAW U.S. provided BELA with studies showing that "passive smoking" (breathing second-hand smoke) increases the risk of lung cancer and heart disease. We also provided BELA with state laws banning smoking on public transportation and restricting it in public buildings. Finally, we provided information about the tobacco industry settling a class action case with airline employees for damages allegedly caused by breathing second-hand smoke while working.

BELA's case is pending in court in Bangladesh.

TANZANIA

In Tanzania, the Lawyers' Environmental Action Team (LEAT) alerted the Tanzanian government that LEAT was preparing to file a lawsuit against the government if the government did not take action on smoking. After LEAT sent notice of intent to sue to the Ministry of Health, the Ministry issued a directive requiring warning labels on all cigarette packages sold after January 1, 1998 in English and Swahili. We will continue to work with lawyers in Tanzania to ensure that those warnings are at least as strong as the warnings required in the U.S. LEAT also intends to work to restrict tobacco advertising in Tanzania.

KENYA

In nearby Kenya, public interest environmental lawyer, Michael Ochieng Odhiambo, sent a notice to the Kenya Broadcasting Corporation and two cigarette manufacturing and marketing companies demanding that they cease the advertising of cigarettes on television and radio. If the Kenya Broadcasting Corporation continues to broadcast cigarette ads, Odhiambo is prepared to file a case in court seeking an injunction prohibiting cigarette ads. If Odhiambo needs to file a case in court, he will draw on the E-LAW network for information and support