



E-LAW

Environmental
Law
Alliance
Worldwide

advocate

WINTER 2002

Protecting the
Environment Through
Law Across Borders

Defending the Environment in Liberia

An Interview with Alfred L. Brownell



Alfred Brownell, founder of Liberia's first public interest environmental law organization, recently visited E-LAW U.S. Alfred contacted E-LAW U.S. last year for advice on forming an organization to provide free legal services to Liberian communities harmed by excessive timber cutting. E-LAW U.S. connected Alfred to like-minded attorneys in Africa and around the world who have formed strong organizations to help local communities protect the environment and public health. Fifteen attorneys now volunteer their time at Alfred's organization, Green Advocates, based in Monrovia.

What are the environmental challenges facing Liberia?

Liberia is richly endowed with natural resources. Unfortunately, uncontrolled exploitation of these resources has failed to improve the lives of most Liberians and the natural environment is nearing the point of collapse. Mining concessions that once supported thriving communities are now ghost towns with enormous craters, mine tailings and sludge deposited in nearby rivers. Industrial operations have polluted the environment without regard for the health and safety of local people.

In Liberia, the forest is exceptionally diverse, with large populations of many species that are nearly extinct outside the country. Sadly, multinational and Liberian timber companies threaten these ancient and pristine forests.

What effect has civil war had on Liberia's environment?

Civil war has utterly decimated the nation's economy, political institutions, infrastructure and social fabric. Today, 11 years into the conflict, the country remains in disarray. Donors have been wary to provide assistance and investors are few. Companies that have invested are flouting Liberia's human rights and environmental laws.

Interestingly (after more than 2 billion dollars spent on humanitarian and peace efforts in a conflict that has cost more than 250,000 lives and displaced more than 1.5 million people) Liberia, its people and the war have been written off as history and forgotten by the international

community. The conflict has spilled over into Sierra Leone and Guinea and is now a regional crisis.

The international community should not be waiting for another CNN documentary, like "Cry Freetown," before taking action to stop the human carnage. The ongoing war is a direct threat to our personal safety and conservation programs in the region. It provides cover and infrastructure for illegal and illicit trading in endangered species in the conflict areas. There is an urgent need to find a peaceful solution to this crisis.

How did you become interested in environmental issues?

I was born in Robertsport, a small fishing town in western Liberia, halfway between the Atlantic Ocean and Lake Piso, Liberia's largest natural lake. I grew up with an appreciation for this region's migratory birds, waterfowl

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Liberia

The Republic of Liberia traces its political roots to a group of freed slaves from the United States who settled on its shores in the 1820's. By 1847, Liberia was Africa's first independent black nation.

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The 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.

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Defending the Environment in Liberia (continued from page 1)

and sea turtles. I later moved to Monrovia and pursued degrees in agriculture and law at the University of Liberia.

It was at law school that I realized Liberia's virtual absence of laws to protect and manage the environment. Existing laws are outright confusing, conflicting, overlapping or economically driven. I saw that citizens and indigenous peoples were not afforded any right to challenge government actions that adversely affect their environment and health. Tribal lands are deeded out to timber concessions without compensation to tribal peoples or respect for local customs and practices.

The country's continuing civil war has literally destroyed almost all laws and existing regulations on the environment. With the absence of records, most government agencies rely on the knowledge of elderly employees! All of this was shocking to me and inspired my interest in environmental law.



This boy in Ganta is selling wild duiker meat brought from the forest in Grand Jedeh County. PHOTO: NETHERLANDS COMMITTEE FOR IUCN

What is Green Advocates?

Green Advocates was formed by graduating lawyers at the University of Liberia. We started with five lawyers and quickly grew to 15. The interest of law students has been overwhelming. Our biggest need is formal training in environmental advocacy, litigation and protection. Communities need help protecting their rights to communal forests and other lands. Green Advocates wants to fill the void. We see our role as strengthening the rule of law. This is critical in a nation where tribal lands are deeded to multinational timber concessions and rural people have no access to adequate legal representation.

What are your plans for the year ahead?

Green Advocates will embark on a massive public awareness campaign on the sustainable use, benefits and protection of the environment. We will pursue several

cases testing the independence of the judiciary system in Liberia and we'll continue to seek Liberia's compliance with international environmental agreements. Green Advocates, along with other groups and individuals, led a successful campaign for the ratification of the Convention on Biodiversity. We are engaged in a similar campaign for the Climate Change Convention.

How has E-LAW helped you and Green Advocates?

Green Advocates helped the Government of Liberia draft a comprehensive environmental policy and legislation for sustainable management of the environment and natural resources. Through the E-LAW network, we conducted an international peer review of the draft, and received comments and suggestions from public interest lawyers all over the world. That framework law is now being debated and discussed by the government. We foresee the law providing for citizen suits and environmental impact assessments (EIAs).

E-LAW also provided valuable information and advice on an effective organizational structure for Green Advocates. E-LAW linked us with lawyers from other countries with similar experiences and constraints.

The lawyers at Green Advocates volunteer their services and undertake considerable risk as they challenge corporations and government. E-LAW gives us hope, courage and the strength to persevere as we carry out this important work.

Web Resources about Liberia

www.allaboutliberia.com
by Liberians in Liberia

www.irinnews.org
United Nations Office for the
Coordination of Humanitarian Affairs

www.theperspective.org
The Perspective: a publication devoted to
Liberia's democratic future

In Danger

Ciprès de la Guaitecas (*Pilgerodendron uviferum*)

The western hemisphere's southernmost conifer, Ciprès de la Guaitecas, will soon disappear if temperate rainforests in Chile and Argentina are lost to development. Ciprès de la Guaitecas is fully protected by the Convention on International Trade in Endangered Species (CITES), but this has not stopped developers from destroying the habitat of this unique cypress.

In southern Chile, Noranda Inc., a Toronto-based international mining and metals company, is proposing to build an aluminum plant in the sparsely populated Aysén region. Aysén is home to unspoiled rivers, fjords and dozens of endangered and endemic plants and animals, including Ciprès de la Guaitecas.

The proposed project includes construction of three hydroelectric dams to power

the aluminum plant. Noranda has filed an Environmental Impact Assessment (EIA) for the project, but the EIA fails to evaluate how two of the dams, which will flood the habitat of Ciprès de la Guaitecas, will impact the population of this important tree.

Local communities oppose the project because the

dams and pollution from the aluminum production plant will irretrievably harm the delicate and unspoiled natural resources of the region. Communities and environmentalists have formed a coalition to challenge the project because it is inconsistent with the principle of sustainable development and violates Chilean environmental law.

Fiscalía del Medio Ambiente (FIMA), Chile's leading public interest environmental law organization, is serving as legal counsel to the coalition.

Local communities oppose a Canadian mining company's plans to build an aluminum plant in Chile's sparsely populated Aysén region.

FIMA and E-LAW U.S. collaborated on the submission of an independent evaluation of the EIA. The evaluation revealed that, contrary to Chilean law, the EIA failed to consider alternative locations for the project. This is a fundamental flaw because the project could be located distant from unspoiled ecosystems and use clean-burning natural gas imports to power the aluminum plant. The evaluation also revealed that the EIA includes extremely limited information about biological resources that would be impacted by the project.

FIMA has filed a petition to Chile's federal environmental agency urging them to reject the EIA. In January, 2002, Noranda requested an eight-month delay of the process in order to respond to evaluations critical of the project's EIA.

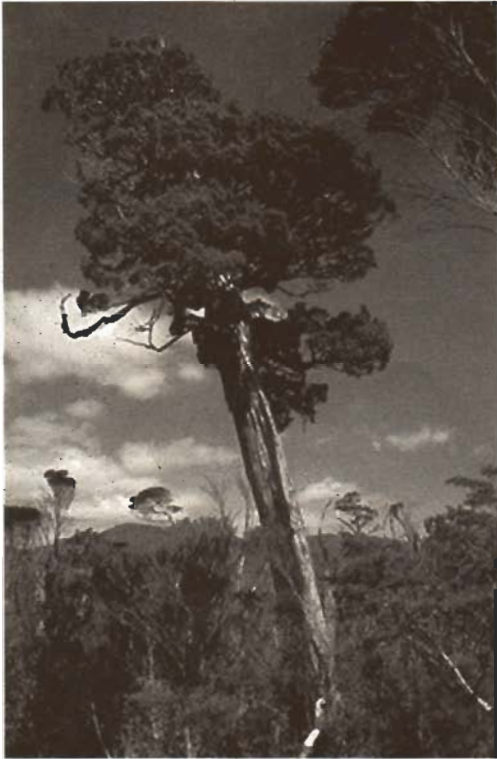


PHOTO: www.conifers.org

A Sad Farewell



Carlos Baumgarten (1972-2002) on right, with André Lima (Brazil). This photo was taken en route to Ngorongoro Crater National Park, Tanzania, following E-LAW's 2000 Annual International Meeting in Arusha.

Carlos was the coordinator of the Litigation Program at the Centro Mexicano de Derecho Ambiental (Mexican Environmental Law Center) in Mexico City. He died in an accident in the mountains of Mexico on January 26, 2002. E-LAW is saddened by the loss of our friend Carlos, a passionate defender of Mexico's environment.

"He will be terribly missed by us all as a friend and a comrade in struggle to save the environment."

Tundu Lissu, Tanzania

"We have lost a valuable amigo, a good environmental lawyer and a true friend."

Sarguna Kumaari, Malaysia

"His memory will always inspire us to fulfill our common objective to save mother earth."

Prakash Mani Sharma, Nepal

"Carlos was one of the best, most committed and happiest of us all."

José Ignacio Pinochet, Chile

Travel Notes



Trip Report

Meche Lu in Chile and Panama

Debates about pollution and managing natural resources often hinge on scientific questions. To participate in these debates, community advocates need to access scientific expertise and resources. They need to be able to identify pollutants, assess threats to the environment, evaluate environmental impact assessments (EIAs) and propose sustainable alternatives.

Enter Meche Lu.

Mercedes (Meche) Lu is E-LAW's Science Circuit Rider for Latin America. Meche travels throughout Latin America to meet with grassroots lawyers, evaluate their needs for scientific support, and build local ability to tap scientific resources. Meche is a Peruvian pharmacist and biochemist who has collaborated with E-LAW since 1991. Her position is generously supported by the Ford Foundation.

In the past six months, Meche has traveled to work with advocates in Panama, Guatemala, Chile and Peru. Excerpts from Meche's trip reports capture the spirit of her work:

Lead poisoning in Arica

In the late 1980s, a Swedish company dumped 21,000 tons of mineral wastes in Arica, a small coastal town in northern Chile. The Los Industriales neighborhood grew up around the abandoned waste piles and for years neighborhood children played there. Local families were unaware of the serious health risks posed by the children's exposure to lead, arsenic and cadmium.

In response to local health problems, Chilean authorities moved the waste two kilometers away. Residents of Los Industriales continue to complain about health problems that they believe are linked to toxic minerals left behind in the soil.

I collected a soil sample and sent this to E-LAW U.S., which paid a local laboratory to analyze the sample. The analysis indicated that lead and arsenic are still present in dangerous concentrations.

Lawyers at FIMA (Fiscalia de Medio Ambiente) are suing Chilean authorities and the responsible companies in order to protect and compensate the affected communities. FIMA called on me to testify in court about how I collected the soil sample and the significance of the lab results.

Pesticides in Azapa Valley

At a workshop organized by FIMA and E-LAW U.S., farmers from Chile's Azapa Valley (near Arica) described how they mix pesticides with their bare hands. These farmers use methomyl, methamidophos and fenamiphos—pesticides classified as extremely or highly toxic by the World Health Organization. The workshop provided an opportunity to learn from the farmers about this and other concerns.

Farmers were interested in learning more about integrated and biological pest control. E-LAW provided FIMA and community members with legal and scientific information on the specific pesticides in question. E-LAW contacted Peruvian agronomists working for the Pesticide Action Network who provided video tapes and printed materials about sustainable agriculture practices, integrated

pest control and biological control. These materials had been prepared for farmers working in ecosystems similar to Azapa.

Kuna and Embera Seek Compensation

The Government of Panama resettled the Kuna and Embera indigenous peoples in the late 1970s to make way for a hydroelectric project that included a dam and the creation of Lake Bayano. The Kuna and Embera have since been forgotten by the Government. Although indigenous lands are being used to generate electricity, the Kuna and Embera have no electricity. They also lack drinking water, schools and health facilities. The stagnant, polluted lake shore is the communities' only source of water. Malaria and dengue fever are rampant.

Advocates at Centro de Asistencia Legal Popular (CEALP) are suing the government of Panama to compensate the indigenous people. I translated summaries of peer-reviewed scientific case studies showing how dams around the world have led to higher incidences of disease and E-LAW U.S. provided CEALP with other legal and scientific information to support their demand for compensation.

On a related issue, CEALP is suing the government to stop the construction of a new dam in Tabasara that threatens indigenous and peasant farming communities. Last year, CEALP went to court and obtained an injunction stopping preliminary work on the dam. E-LAW U.S. Staff



A Kuna village on Lake Bayano. PHOTO: MECHE LU

CONTINUED ON PAGE 5

Travel Notes (continued)

Scientist Mark Chernaik and I reviewed the project's EIA and found many serious flaws. When proponents of the dam went back to court seeking to lift the injunction, Hector Huertas of CEALP presented our evaluation of the EIA to the judge.

The judge ruled that the injunction must continue because the EIA for the dam proposal lacks necessary information. This is the first time a court in Panama has stopped a project because an EIA document was inadequate.



Mexican attorney Carla Garcia Zendejas, working on contract with E-LAW U.S., traveled to Bolivia to meet public interest attorneys working to protect the environment through law. Carla was joined by E-LAW U.S. Latin America Technology Circuit Rider, Miguel Peirano. Carla and Miguel established E-LAW's first formal ties with advocates in Bolivia. Excerpts from Carla's trip report follow.

Carla at a roadside overlooking La Paz.

Trip Report
Carla Garcia Zendejas in Bolivia

November 4 - November 11, 2002

Landing quietly over the Andes mountains was welcoming and surprising. I was in Bolivia to meet E-LAW Technology Circuit Rider Miguel Peirano and introduce Bolivian advocates to the E-LAW network.

In Santa Cruz we had the pleasure of meeting young attorneys from the Sociedad Boliviana de Derecho Ambiental (SBDA), dedicated to protecting Bolivia's wondrous forests. SBDA is eager to try new approaches to protect their woodlands.

We also met advocates at the Centro de Estudios Jurídicos e Investigación Social (CEJIS) and the Confederación de Pueblos Indígenas de Bolivia (CIDOB). These groups support numerous indigenous communities. Advocates at CEJIS and CIDOB described their struggles enforcing agreements for land tenancy, navigating their

nation's bureaucracy, and challenging the illegal sale of indigenous lands. Challenges arise when oil deposits are found on indigenous lands or multinational corporations use faulty and old pipelines, causing environmental disasters. Communities see no recourse when following legal procedures, so they protest regularly. The lawyers want to make the legal system work for the communities.

After a few days of tropical summer in Santa Cruz it was off to cool and windy La Paz, Bolivia's capital. At 3,900 meters, the valley is breathtaking amidst the snow covered Andes.

Walking around La Paz, I witnessed a protest in which miners marched carrying dynamite. The recession, lack of work, and insecurity in the streets have put Bolivians on alert. After experiencing the warmth and caring of the Bolivian people, I can only hope that the problems they are facing will be solved in a peaceful manner.



Working Exchange Fellow
Mauro Figueiredo, Florianópolis, Brazil

Mauro Figueiredo recently traveled to E-LAW U.S. for a Working Exchange Fellowship. Mauro co-founded APRENDER (Ações para Preservação dos Recursos Naturais e Desenvolvimento Econômico Racional), a new public interest environmental law organization in Brazil. APRENDER is working to educate communities along Brazil's southern coast about protecting the environment through law. Mauro says this helps give



communities a voice in their economic development while protecting the local environment. APRENDER is working on a management plan for the Arvoredo marine reserve. With support from the Ford Foundation, APRENDER will work with E-LAW U.S. to empower communities to manage natural resources sustainably.

Visit APRENDER's web site at www.aprenderecologia.org.br.

Headlines: E-LAW in the News

E-LAW advocates attract national and international press as they help communities protect local environments and build sustainable futures. The following are some recent press clips.

Managing a Marine Reserve in Brazil

January 9, 2002—TV Com, Channel 36 (Florianópolis, Brazil) broadcast a live debate between stakeholders living in and around the Arvoredo Biological Reserve—a group of three islands a few miles off the coast of Santa Catarina. Attorney Rafael Costa, President of APRENDER (Action to Preserve Natural Resources and Promote Sustainable Development) stressed the importance of local communities participating in the management of the reserve. The debate included a representative of the local fishing community, a representative of local diving companies and the government manager of the Reserve. APRENDER is a new environmental law organization based in Florianópolis. E-LAW is working with APRENDER to educate local communities about their rights to protect the local environment. (See pg. 5)

Chilean Activists Win Freedom of Information Case

January 7, 2002—The Santiago Times (Chile) reports that organic farmers won Chile's first ever 'freedom of information' case when a Santiago court ordered Chile's Cattle and Agricultural Service to disclose information concerning the location and ownership of farmlands planted in transgenic crops.

"This is a landmark decision in Chile, where government has traditionally hidden behind the long skirts of secrecy and 'national security' to keep the citizenry ignorant about certain matters," said Miguel Fredes, an attorney at Centro Austral de Derecho Ambiental (CEADA). CEADA brought the case on behalf of organic farmers and non-governmental organizations. The plaintiffs first requested the information in 1994.

E-LAW U.S. has worked with Miguel since 1999. Visit CEADA's web site at www.ceada.org.

PNG Landowners Challenge World Bank

December 19, 2001—The Inter Press Service reports that the World Bank has approved a forestry project loan for Papua New Guinea, despite protests by landowners in the Kiunga-Aiambak area of the Western Province.

Damien Ase, Executive Director of Papua New Guinea's Centre for Environmental Law and Community Rights Inc. (CELCOR) says: "We feel that the bank is not doing enough to address the governance problem so far as the forestry industry is concerned. This has caused irreversible harm to the claimants' land and forests."

CELCOR represents more than 300 affected landowners. The E-LAW network has assisted public interest lawyers in PNG for many years with their efforts to ensure that World Bank programs respect the environment and the rights of indigenous peoples living in and around forests.

Ugandan Advocates Seek to Protect Butamira Forest

December 3, 2001—The New Vision (Uganda) reports that a government proposal to cultivate sugar cane in Butamira Forest has come under fire from Attorney Irene Makumbi at the Uganda Wildlife Society. At a public debate, Makumbi said that the government proposal violated the Constitution. "The proposal to grow sugar cane in the forest reserve is illegal and subject to challenge," she said.

Attorney Kenneth Kakuru of Greenwatch represented the local group defending the forest. Kenneth reports that the case was withdrawn after his clients were intimidated by government operatives, paving the way for the forest's destruction. 210 plaintiffs have come together to file a new suit.

Attorney Godber Tumushabe, of the Advocates Coalition for Development and Environment (ACODE), is working with Kenneth and Irene on a rigorous campaign to protect the forest reserve. E-LAW has worked with Kenneth, Irene and Godber for many years.

Belize Dam Project Gets Approved

December 2001—EcoAméricas reports that Belize's National Environmental Appraisal Committee (NEAC) has approved a Canadian-owned power company's plan to build a dam on the Macal river in western Belize. Sharon Matola, the Director of the Belize Zoo, says: "There have been projects that NEAC has approved that haven't gone forward. We do not consider this a final say."

Opponents say the dam would inundate wilderness containing threatened wildlife and yet-to-be excavated Mayan ruins.

Much has been written about the ill-advised Chalillo Dam project. The Guardian (Belize) reports that 400 people turned out in Belmopan on November 13 to oppose the dam. Opponents believe the project is good for Fortis, but bad for Belize (November 18, 2001). Fortis is a Newfoundland-based power company that owns a controlling interest in Belize Electricity Ltd.

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Santiago
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EcoAméricas

E-LAW in the News (continued)

The National Post Online (Canada) reports that Fortis "is creating havoc" with its plans to build "a wildly uneconomic hydro dam in the rain forests of Belize" (October 31, 2001). Maclean's (Canada) reports that domestic opposition to the project is growing (August 27, 2001).

E-LAW U.S. staff attorneys and scientists helped Belizean advocates critique the project's environmental impact assessment.

Police Raid Offices of Lawyers' Environmental Action Team

November 26, 2001—The Guardian (Tanzania) reports that police have raided the offices of the Lawyers' Environmental Action Team in Dar es Salaam, Tanzania. The raid followed LEAT's call for an independent investigation into alleged killings of artisanal miners at the site of the Bulyanhulu gold mine in Kahama, Tanzania.

LEAT is East Africa's leading public interest environmental law and human rights organization.

Lawyers at LEAT have worked with communities in Tanzania to win major victories for the environment and public health. E-LAW U.S. has worked with LEAT since 1995.

The
Guardian

Visit LEAT's web site at www.lead.org.tz and join the campaign protesting the police raid on LEAT's offices at E-LAW's web site: www.elaw.org.

Advocates in Tanzania Challenge Portland Cement

October 23, 2001 — The Guardian (Tanzania) reports that residents in Dar es Salaam are threatening court action against a cement company that is releasing dangerous quantities of cement dust and sulfur dioxide. Residents living near the factory are suffering from respiratory disorders and burning eyes.

E-LAW advocates at the Lawyers' Environmental Action Team (LEAT) are representing over 5,000 affected residents in the Boko, Tegeta and Kundichi areas.

Inside E-LAW

New Staff Attorney

Alex Hanafi has joined E-LAW U.S. as Staff Attorney. Prior to joining E-LAW, Alex worked as a Henry Luce Scholar in Thailand on a project to reform that country's economic and environmental laws. Before moving to Thailand, he worked at two environmental law firms in San Francisco. Alex graduated cum laude from Harvard Law School and was Editor-in-Chief of the *Harvard Environmental Law Review*.

Moving on

E-LAW U.S. says goodbye to Jane Engert, who leaves to pursue other interests. For almost three years, Jane provided valuable scientific support to dozens of environmental lawyers around the world. Though Jane has left the E-LAW U.S. staff, she continues to provide valuable scientific support as a volunteer.



has been translating documents and other E-LAW materials, as well as providing administrative assistance. **Cama Laue**, a student at a local high school, is assisting with administrative and fundraising projects.

Micha LeBank is assisting with public relations. He graduated from the University of Oregon in 2000 with a BS in Environmental Studies.

Berend Diderich recently graduated from the University of Oregon with a double major in Environmental Studies and Planning. At E-LAW he provided research assistance and prepared materials for E-LAW's web site.

Amy Snell performed research in response to scientific requests from the E-LAW network. She is a political science major at the University of Oregon with an interest in ecology.

E-LAW U.S. has also enjoyed the help of many legal interns from the University of Oregon School of Law. In the summer of 2001 we worked with **Marshal Jevning**, **David McCaffery** and **Melissa Verhaag**. In the current school year we have worked with **Alison Bond**, **Mary Ann Christian**, **Laura Clemens**, **Kevin Van Driesche**, **Jason Hayter**, **Julie Meyer**, **Lisa Tessman**, **Kurt Unger**, **Greg Whiteley** and **James Wolverton**. We are also working with **Maria Julia Olivia**, an Argentinian lawyer studying for an LLM at Lewis and Clark College.



Cama Laue
E-LAW volunteer

Thanks

Volunteers and interns provide critical support to E-LAW U.S. Many thanks to our latest batch.

Lesley Crosby, a volunteer from the Eugene community, is collecting, editing and posting biographical information about E-LAW partners on the web site. **Matvey Ivashov** is a Lane Community College student. Fluent in Russian, he





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In 1989, lawyers from ten countries came together to create the Environmental Law Alliance Worldwide. Today, more than 200 environmental advocates from 50 countries participate in the E-LAW network.

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Australia	Czech Republic	Israel	Palestine	South Africa
Bangladesh	Ecuador	Japan	Panama	Spain
Belize	El Salvador	Kenya	Papua New Guinea	Sri Lanka
Brazil	Georgia	Malaysia	Perú	Tanzania
Bulgaria	Germany	México	Philippines	Uganda
Cameroon	Guatemala	Moldova	Poland	Ukraine
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