



# WORLD LAW BULLETIN

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Some highlights of this month's issue:

Immigration-Germany  
Missile Export Controls-China  
Public Smoking Ban-Thailand  
School Bag Size Limits-Latvia

## ***FULL LISTING OF WLB TOPICS FOLLOWS***

*EDITORIAL NOTE: The items presented in the World Law Bulletin have been selected for their special significance to the Congress of the United States, either as they relate to a particular or general legislative interest, or as they may have a bearing on issues affecting the United States and its interaction with other nations. Selections should in no way be interpreted as an indication of support or preference for any legal or political stance.*

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*Table of Contents*

**AMERICAS**

Mexico– Credit information companies

**PLUS: Law Library product listings**

**ASIA**

China– Missile export controls

– New Foreign currency rules

Indonesia– Constitutional amendments

Japan– New refugee policy

Taiwan– Bill on undercover investigations

– Referendum on independence proposed

Thailand– Public smoking ban announced

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**EUROPE**

Estonia– Pharmaceutical production regulation

Georgia– Military service

Germany– Immigration

Latvia– Campaign financing disclosures

– School bag weight limits imposed

Russian Federation– New flight standards

Ukraine– Anti-nuclear suits

United Kingdom– Chainsaw suspect's extradition  
fight

**SOUTH PACIFIC**

Australia– Asylum decisions in question

--Murder in paradise

**INT'L LAW & ORGANIZATIONS**

ASEAN/US– Counter-terrorism declaration

Brazil/Mexico– Trade agreement

Ecuador/Peru/US– Case against Chevron Texaco

## AMERICAS

### MEXICO– Credit Information Companies

Mexico promulgated a new statute governing the establishment and operations of credit information companies that gather, manage, and release information concerning the credit history of individuals and businesses. The statute also regulates the credit operations that such institutions maintain with financial entities and commercial enterprises.

The statute covers the requirements to operate as a credit information company, the databases involved, credit information services, client protection, and penalties for violations of its provisions. The statute entered into force 30 days after its official publication in *Diario Oficial*, but it granted the financial entities a six-month grace period after its effective date of enforcement to adjust their system to the structures mandated. The six-month period ended on August 15, 2002. (*Diario Oficial*, Jan. 15, 2002.) (*Norma C. Gutiérrez*, 7-4314)

## ASIA

### CHINA– Missile Export Controls

On August 22, 2002, the “Regulations of the People’s Republic of China (PRC) on Export Controls for Missiles and Missile-Related Items” and an attached Control List were promulgated by the State Council (Cabinet) and went into effect. The new Regulations do not specifically ban the export of missile technology, but they establish a licensing system whereby any Chinese company that seeks to export missiles or related technology and goods must apply for permission from the State Council. If the exporter knows or should know that the export items will be used by the recipient directly in its programs to develop missiles or other delivery systems on the Control List that can be used to deliver weapons of mass destruction, the export will be subject to the Regulations’ provisions, even if the items or technologies are not on the List. Those who export missile-related items and technologies without being licensed or who do so beyond the scope of the export license without authorization will be investigated for criminal liability under the Criminal Law’s provisions on smuggling, conducting illegal business operations, divulging State secrets, or other crimes if a serious violation of the Regulations occurs. However, concern remains as to how well the Regulations will be enforced.

The United States has long urged China to issue missile export control regulations and a control list in order to make Chinese proliferation policy more transparent and more in conformity with international control regimes. With the international fight against terrorism, the calls for the PRC to take action have become more insistent. (Rupert Wingfield-Hayes, “China Tightens Missile Export Rules, *BBC News*, Aug. 26, 2002, via <http://news.bbc.co.uk>; “Xinhua Carries Apparent Text of China’s Regulations on Export Control of Missiles,” *Xinhua*, Aug. 25, 2002, via FBIS; “Zhu Rongji Signs State Council Decree No. 361 Promulgating New Regulations on Missile Export Controls,” as translated in *id*; “AFP: China Issues Regulations on Missile Export Controls Ahead of Armitage Visit,” Hong Kong *AFP*, Aug. 25, 2002, via FBIS; *The Washington Post*, Aug. 26, 2002, at A11.) (*W. Zeldin*, 7-9832)

### **CHINA– New Foreign Currency Rules**

As of August 1, 2002, new rules have been put into force that end the monopoly formerly held by the Bank of China on dealing in foreign currencies. Reserves had reached an historic high level of US\$242.76 billion; the new guidelines, drawn up by the State Administration of Foreign Exchange, are designed to allow greater flow of foreign currencies in the economy. Licensed banks will be able to exchange Chinese *yuan* for foreign currency, with transactions tracked electronically. Customers will need to show passports, visas, and ID cards only, in contrast to the former system of requiring documentation to establish a specific need for foreign currency, up to a set limit. Chinese students going abroad for their studies will now be allowed to take foreign currency valued up to US\$20,000 with them. (“SAFE to Grant Licences to More Banks to Sell Currencies to Individuals.” *China Daily*, July 27, 2002, via FBIS; *China News Digest*, July 29, 2002, <http://www.cnd.org/Global/02/07/29/020729-1.html>)  
(*Constance A. Johnson*, 7-9829)

### **INDONESIA– Constitutional Amendments**

On August 11, 2002, the Indonesian People’s Consultative Assembly (MPR) endorsed amendments to the 1945 Constitution. One of the key amendments was to article 6, instituting direct presidential elections in place of the current system of election of the head of government by a vote of MPR members. The article now reads that “the president and vice president shall be elected directly by the people from the two pairs of candidates that have received [the] most votes in the first round of the election.” The new system will be introduced in the 2004 general election. According to another amendment, after that election, the composition of the MPR will be Members of the House of Representatives and of the Regional Representatives Council but will exclude the military police faction and the Special Interest Groups faction, which have had appointed membership in the MPR. The aim of these amendments is to help guarantee a more democratic system of representation. (*Xinhua*, Aug. 12, 2002, via FBIS.)  
(*W. Zeldin*, 7-9832)

### **JAPAN– New Refugee Policy**

On August 7, 2002, the Japanese Government approved a new policy of providing housing to asylum seekers in a move to expedite the certification process. It is the first major revision of Japan’s measures on refugees since 1981, when the country became a signatory to the UN Convention Relating to the Status of Refugees. Japan hopes the policy will help dispel its poor image as a nation reluctant to take in asylum seekers (only 291 refugees have been granted refugee status on the basis of the Convention) and also prevent applicants from working illegally.

Under the new policy, the Government will issue temporary residency permits for illegal immigrant and visa overstayers who have applied for refugee status in Japan. The permits will be granted to the refugees provided that they stay in government-run facilities while their applications are being processed. At present, asylum seekers are sheltered mostly by non-governmental organizations; while the government provides a daily allowance for necessities and a monthly housing allowance for poor applicants, the funding is often insufficient because of the difficulty in finding affordable housing and the high cost of living. The new measures apply the policy that has been in place to help Southeast Asian refugees settle in Japan since 1978, under a special quota system, to persons who are eligible for refugee status under the Convention. (“Japan To Provide Shelter for Asylum Seekers,” *Japan Economic Newswire*, Aug. 17, 2002, via

LEXIS/NEXIS; *The Daily Yomiuri*, Aug. 4, 2002, via FBIS.)  
(*W. Zeldin*, 7-9832)

#### **TAIWAN– Bill on Undercover Investigations**

The Ministry of Justice (MOJ) has drafted a “Statute on Undercover Investigations” for consideration by the Executive Yuan (Cabinet). If approved by the legislature, it would be the first law in Taiwan to regulate undercover law enforcement operations. The draft bill stipulates that undercover investigations can be carried out only by judicial police officers and civil servants commissioned by them, e.g., agents of the MOJ’s Investigation Bureau, customs officers, and Securities and Futures Commission investigators, with the permission of the head of the given law enforcement body. Military police will be empowered to do undercover work provided they have the explicit approval of the military police commander-in-chief. The proposed statute does not provide protection for the current police practice of employing informants to help with covert investigations.

Under the bill, undercover investigations are not to exceed six months per case, but deadlines may be extended depending on the circumstances. Permission from prosecutors must be obtained before a mission can be carried out. According to the Vice Minister of Justice, the investigations are to be authorized only in cases of “serious violations of the law and offenses against the common good”; specifically, for crimes subject to a minimum prison term of more than three years, such as drug trafficking, money laundering, organized crime, insider securities trading, and official corruption. The draft prohibits undercover investigators from harming the national interest or causing physical injury to individuals and from breaking the law or injuring innocent persons in order to gain the trust of the party being investigated. (“CNA: Undercover Investigations To Be Regulated,” *Taipei Central News Agency*, Aug. 17, 2002, via FBIS; “Taiwan Justice Ministry Drafting Rules for Undercover Investigations,” *Taipei The China Post* (Internet version), Aug. 17, 2002, via FBIS, Aug. 16, 2002 [*sic*].)  
(*W. Zeldin*, 7-9832)

#### **TAIWAN– Referendum on Independence Proposed**

Four different versions of a referendum law that would allow a plebiscite on Taiwan’s future are coming up for review in the legislature. The controversial proposals would establish a referendum to allow Taiwan’s voters to choose between various formulas on Taiwan’s status as an independent sovereign state or a “one country, two systems” formula. One bill calls for a vote on changing the official name from “Republic of China” to “Taiwan.” The ruling Democratic Progressive Party plans to push for passage of its version of enabling legislation when the next session of the legislature opens in September 2002. However, Premier Yu Shyi-kun has recently indicated that the party has backed off from the plan to implement a popular vote on the issue, stating that even if Taiwan has a law on a referendum, it may not necessarily use it. (*Taipei Times Internet Version*, Aug. 14, 2002, via FBIS; *Channel NewsAsia*, Aug. 16, 2002, via LEXIS/NEXIS.)

In support of the referendum proposal, President Chen Shuibian stated, “Taiwan’s future and destiny can only be decided by the 23 million people living on the island...But how to make the decisions when the time comes? The answer is...referendum.” (Hong Kong *AFP*, Aug. 4, 2002, via FBIS.) The government of the People’s Republic of China in Beijing denounced Chen’s statement, stating that Taiwan independence could never be tolerated and that, “There is only one China in the world and the mainland

and Taiwan are both a part of China.” (Foreign Ministry statement quoted in AFP, *id.*) Another opposing viewpoint was expressed by other political parties in Taiwan, including the People First Party, whose spokesman argued that the Constitution bars independence and that any proposed referendum law that left the options on the referendum open would be unconstitutional (*id.*).

(*Constance A. Johnson*, 7-9829)

### **THAILAND– Public Smoking Ban Announced**

The Public Health Ministry has announced that as of November 8, 2002, smoking will be banned or restricted in various public places. Establishments will be categorized and divided into three groups, with one group subject to a total prohibition on smoking, one to have specially designated non-smoking sections, and a third with smoking and non-smoking sections. Those smoking in restricted areas will be fined 2,000 *baht* (about US\$48) and those who own businesses that do not enforce the ban may be fined ten times that amount for each offense.

A large range of public spaces will allow no smoking: public buses, school buses, taxis, air-conditioned passenger trains, public boats, domestic flights, air-conditioned bus terminals, elevators, phone booths, theaters, libraries, air-conditioned beauty salons, drug stores, Internet cafes, department stores, fitness centers, medical clinics, religious places, public toilets, and piers. Public buildings, including schools, art and cultural exhibition halls, hospitals, and nurseries will be required to be non-smoking environments, except for personal offices. Establishments with separate smoking and non-smoking sections must have highly effective ventilation systems. (“Thailand’s Nationwide Smoking Ban To Take Effect November 8,” *Xinhua*, Aug. 17, 2002, via LEXIS/NEXIS.)

(*Constance A. Johnson*, 7-9829)

## **EUROPE**

### **ESTONIA--Pharmaceutical Production Regulation**

A Pharmacy Act designed to prevent the domination of the Estonian market by pharmacy chains and to ban the practice of recommending certain products to the customers was adopted by the Estonian legislature. The Act prohibits a single firm from owning drugstores with a market share exceeding 25 percent of the total and bans the existence of pharmacy chains with common pricing or marketing strategy if they control more than one-quarter of the market. It prohibits the sale of pharmacy products via the Internet and abolishes drugs selling in outlets other than apothecaries.

The Act directly targets the existing Apotheca chain, which controls nearly 40 percent of the market and is accused of the unethical practice of taking money from wholesale firms and producers for recommending only their products to the customers. Moreover, the chain is linked to Estonia’s largest pharmacy products wholesale firm, Magnum Medical. The Act replaces the 1996 law, which allows anyone to become the owner of a drugstore. The new Act will enter into force in October 2003, upon completion of coordination work with the government agencies involved. (<http://www.securities.com>, Aug. 22, 2002.)

(*Peter Roudik*, 7-9861)

### **GEORGIA– Military Service**

According to the amendment to Georgia's Law on Military Conscription, which entered into force on July 21, 2002, Georgian citizens may now buy their way out of military service. The Law allows prospective conscripts to exempt themselves from military service for a fee of 2,000 *lari* (about US\$900) or have their call-up deferred for 200 *lari*. The Georgian authorities took this step after deciding that the strength of the army should be reduced from 25,000 to 12,000. The Defense Ministry says that the call-up is proceeding with difficulty, but denies the problems have anything to do with the new rules for exemption from military service. According to the Defense Ministry, 20 percent of the sum raised in this way will be paid into the State budget, while the rest will end up in the Ministry's special account. It was reported that within one month of the entry into force of this Law, 124 people had made a payment to have their call-up deferred. (<http://www.securities.com>.)

(*Peter Roudik*, 7-9861)

### **GERMANY--Immigration**

A new Immigration Act, enacted on June 20, 2002, purports to limit and channel immigration and regulate the residency and integration of aliens and citizens of the European Union (*Bundesgesetzblatt I* at 1946). The new Act introduces a new philosophy to German immigration law in its avowal that Germany is a country of immigration. The new Act is expected to make it easier for employers to bring workers to Germany who have desirable qualifications. It will permit aliens to become permanent residents after a five-year period, provided they have become integrated into German society by, among other measures, learning the language.

At this time, however, the fate of the new Act is not clear because the process of its enactment was controversial and is being challenged before the Federal Constitutional Court. To be valid, the Act required passage by a majority in the Federal Council, the chamber representing the states in the Federal bicameral legislature, which according to the Constitution requires that each state vote unanimously (*Grundgesetz*, May 23, 1949, *Bundesgesetzblatt* at 1, § 51). The representatives of the state of Brandenburg, however, were divided in their vote, and the Federal Supreme Court now has to decide whether the Act was validly enacted (R. Gröschner, "Das Zuwanderungsgesetz im Bundesrat," 57 *JuristenZeitung* at 621 (2002).)

(*E. Palmer*, 7-9860)

### **LATVIA--Campaign Financing Disclosures**

Two new government decrees have set the procedure for how political parties report and make public their annual financial declarations, financial declarations on pre-election and election periods, statements on estimated election costs, and information on donations received. These decrees will apply to all 59 political organizations registered in Latvia. According to the decrees, all political parties must begin placing information on accepted donations and gifts on the Internet, effective August 15, 2002. Information that is being made public by political organizations will also be accessible at the Internet homepage of the Corruption Prevention Council (<http://www.pretkorupcija.lv>), a government agency entrusted with the fight against money laundering. (*Latvijas Vestnesis* [official gazette], Aug. 15, 2002, via <http://www.vestnesis.lv>)

(*Peter Roudik*, 7-9861)

### **LATVIA--School Bag Weight Limits Imposed**

Latvian lawmakers adopted a resolution that imposes weight limits on children's school bags following a study by the Ministry of Education and Science which concluded that 60 percent of Latvian students have posture problems. According to research, the average weight of a school bag is 10-12 percent of a student's body weight. The regulation, which was prepared and drafted by the Social Welfare Ministry, states that students under the age of nine must not carry bags exceeding 3.5 kilos and that 16-year-olds may not carry more than 5 kilos.

There are some uncertainties about the implementation of the regulation because the Social Welfare Ministry lacks funds to require schools to provide lockers for students. The Ministry's spokeswoman recognized that it would be difficult to enforce weight regulations; however, the Ministry is going to run an awareness campaign in order to change the attitude of educational workers. Similar legislation recently went into effect in Estonia, where teachers may be fined up to US\$40 if their students' bags are too heavy; a case would have to be initiated by either students or their parents. (Baltic News Service, *BNS Daily Report*, Aug. 21, 2002.)

(Peter Roudik, 7-9861)

### **RUSSIAN FEDERATION--New Flight Standards**

The Russian Government has approved new flight standards, which will be introduced starting January 1, 2003, simultaneously with new federal aviation rules adopted jointly by the Transportation Ministry, the Ministry of Defense, and the *Rosaviakosmos*, the national aerospace agency. To ensure more efficient use of Russian airspace, the new rules set the flight level for commercial aircraft at 300 meters, compared with the current 500 meters. Until recently, the worldwide flight level for civil aircraft was set at 600 meters, but heavier air traffic, especially in Europe, caused the International Commercial Aviation Organization (ICAO) to lower the flight level standard to 300 meters. European countries brought their flight standards in line with the new ICAO recommendations in May 2002. Following the adoption of the new rules, recommendations for all types of State, commercial, and experimental aircraft, including hot air balloons, were also revised. (*Rossiiskaia Gazeta* [daily published by the RF Government], Aug. 16, 2002, <http://www.rg.ru>)

(Peter Roudik, 7-9861)

### **UKRAINE--Anti-Nuclear Suits**

Since the explosion of the Chernobyl nuclear power plant in 1986, plans to complete two partially built plants of Soviet Russian design, No. 2 at Khmelnytskyi and No. 4 at Rivne (K2/R4), have caused continuing controversy. On August 16, 2002, a Pecherskiy District Court judge agreed to hear a case brought by the civic organization Public Control against completion of these plants, after the same court rejected a suit brought by an environmental organization against Enerhoatom, the national nuclear power company. While the earlier suit was based on environmental concerns, Public Control's action was brought against the State Nuclear Regulatory Agency for its illegal procedure in having issued a license to Enerhoatom before sufficient public hearings had been conducted. (UNIAN, via FBIS translation, Aug. 19, 2002, and *AP*, <http://www.brama.com>, Aug. 10, 2002.)

(Natalie Gawdiak, 7-9838)



### **UNITED KINGDOM--Chainsaw Suspect's Extradition Fight**

Robert Kleason, an American citizen convicted of two gruesome murders in 1975, who was released from death row in 1977 after having his conviction overturned due to a technicality, is fighting extradition from the UK. The murders formed the basis for the film the "Texas Chainsaw Massacres" as it was believed that Mr. Kleason dismembered the bodies with a chain saw. Mr. Kleason moved to the UK after marrying his British pen pal, and he was believed by some to be dead until his location came to light when he was convicted of weapons offenses in the UK. He was arrested after the US requested his extradition for a retrial because advances in DNA technology had brought forth new evidence.

Despite arguments from the defense that the US would not stand by its agreement to refrain from pursuing the death penalty in his case, which is a necessary precondition for extradition from the UK, the judge ruled that Mr. Kleason should be sent back to Texas to stand trial. The case is still not settled as there are further avenues of appeal in the courts available to Mr. Kleason. The final decision to extradite will be made by the Home Secretary, for whom the court's decision is only advisory. (Vikram Dodd, "Man Sent Back to US Accused of Killings," Aug. 17, 2002, [http://www.guardian.co.uk/uk\\_news/story/0,3604,775960,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,775960,00.html); Robert Verkaik, "Judge Clears Way for Suspect's Extradition," Aug. 17, 2002, <http://news.independent.co.uk/uk/legal/story.jsp?story=325113>)  
(Clare Feikert, 7-5262)

### **SOUTH PACIFIC**

#### **AUSTRALIA– Asylum Decisions in Question**

An August 8, 2002, decision by Australia's High Court has the potential effect of re-opening thousands of asylum cases. The Refugee Review Tribunal--established in 1993 to review claims for asylum that had been denied by the Department of Immigration--rejected claims for asylum in 7,600 to 22,000 cases. The judgment directly involved two asylum applications by ethnic Chinese from Indonesia, who claimed ethnic and religious persecution. The High Court ruled, 7-0 in the first case and 5-2 in the second, that the Tribunal had failed to look at all the evidence available to it and so denied procedural fairness.

The two cases, moreover, were part of a class action involving 7,600 claimants, which is believed to be the largest class action ever brought before the Court. Lawyers for the claimants, who had originally asserted that the Tribunal had wrongfully processed 22,000 cases, quickly asserted that the decision meant that the adverse rulings on 7,600 applications had been overturned. Such Government officials as the Minister for Immigration and the Prime Minister, however, expressed doubts that the decision would affect anyone except the two asylum applicants named. In political terms, the decision has been seen as a blow to the Government's efforts to restrict refugee class actions and the right of asylum claimants to appeal administrative decisions to the courts. (*Muin v Refugee Review Tribunal*; *Lie v Refugee Review Tribunal* [2002] HCA 30 (8 Aug. 2002) at [http://www.austlii.edu.au/au/cases/cth/high\\_ct/2002.30.html](http://www.austlii.edu.au/au/cases/cth/high_ct/2002.30.html); *Sydney Morning Herald*, Aug. 9, 2002, at <http://www.smh.com.au/>)  
(D. DeGlopper, 7-9831)

#### **AUSTRALIA– Murder in "Paradise"**

A high-profile homicide in Norfolk Island, a remote tropical island where most Australian laws do not apply, has raised novel legal issues. The island, uninhabited when discovered by Captain Cook in 1774

and quite distant from Australia's eastern coast, is an internally self-governing external territory of Australia. Its approximately 1,800 permanent inhabitants, most of them descendants of the *Bounty* mutineers and their Tahitian wives who moved to Norfolk Island from Pitcairn Island in 1856, pay no Australian taxes and have hitherto had no practical need for a criminal justice system.

The March 29, 2002, murder of a Sydney woman who was managing a hotel dining room as a temporary migrant was the first homicide on the island since 1856. It not only destroyed the image of a crime-free tropical paradise, but presented many legal puzzles as well. Under the Norfolk Island Act 1979, which functions as the Island's constitution, the extant criminal code appears to be the New South Wales Crimes Act 1900. If a person is charged with the murder, the trial would be held in Norfolk Island before an Australian judge who would be appointed to serve concurrently as a judge of the Norfolk Island Supreme Court by the Governor-General of Australia. If the accused is an Islander, it might be very difficult to constitute an impartial jury in so small a community where most people are related through kinship and marriage; therefore the suggestion has been made that a jury of complete outsiders be flown in from Canberra. In any event, the judge will have unusual responsibilities for interpreting questions of law and procedure in a jurisdiction where there are no precedents at all. (*Sydney Morning Herald*, Aug. 13, 15, 17, 2002, at <http://www.smh.com.au/>; Norfolk Island Act 1979, no. 25, in Commonwealth of Australia, *Acts of the Parliament 1979*, at 294-321.)  
(*D. DeGlopper*, 7-9831)

## INTERNATIONAL LAW & ORGANIZATIONS

### ASEAN/US– Counter-Terrorism Declaration

The “ASEAN-US Joint Declaration For Cooperation to Combat International Terrorism” was signed in Brunei on August 1, 2002. The foreign ministers of the ten ASEAN countries (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Vietnam) witnessed the signing, which was done by Brunei's Foreign Minister Prince Mohamed Bolkiah, representing ASEAN, and Secretary of State Colin Powell, for the United States. The declaration stated the importance of having a framework for cooperation to prevent, disrupt, and combat international terrorism through the exchange and flow of information and other means. In order to enhance the efficacy of the efforts, the participants agreed to implement principles laid out in the declaration in accordance with their respective domestic laws.

The cooperation is to include improved intelligence on such matters as terrorist financing, shared data on counter-terrorism measures, and development of more effective counter-terrorism policies and legal, regulatory, and administrative counter-terrorism regimes. In addition, there will be cooperation in such areas as capacity-building efforts including training and education; consultations between officials, analysts, and field operators; seminars and conferences; and joint operations. (Kuala Lumpur Bernama WWW-Text in English, Aug. 1, 2002, via FBIS, Aug. 2, 2002.)  
(*Constance A. Johnson*, 7-9829)

### BRAZIL/MEXICO--Trade Agreement

Mexico and Brazil signed a trade agreement on July 3, 2002, which provides for bilateral tariff reductions for 792 items, of which 641 are industrial and 151 are agricultural. Mexico obtained preferential access in products such as chemicals, photographic equipment, surgical clothing, silver, copper, and motorcycles. In addition, the agreement has a significant automobile component. It is in this

sector that the agreement is expected to have its greatest impact because it will eliminate import tariffs and raise the automobile imports for both parties from 140,000 vehicles to 210,000 by 2005. A wide array of auto parts is also covered by the agreement.

The agreement has provisions on market access, rules of origin, safeguards, dumping, countervailing duties, technical standards, and phytosanitary measures. A system for dispute settlement is adopted in the form of an additional protocol. (“Brazil, Mexico Sign Five Agreements,” *Sao Paulo O Estado de Sao Paulo*, via FBIS, July 5, 2002; *NAFTA Works*, July 2002.)  
(Norma C. Gutiérrez, 7-4314)

### **ECUADOR/PERU/US--Case Against Chevron Texaco**

An American Appeals Court sitting in New York denied a suit brought by a group of Amazon Indians from Ecuador and Peru against the Chevron Texaco Corporation. The corporation was accused of releasing 30 billion gallons of toxic waste extracted from crude petroleum into the Amazon Basin of Ecuador from 1964 to 1992, when the corporation was known simply as Texaco. The plaintiffs alleged that the waste materials devastated their environment and exposed them to powerful carcinogens. The judges of the Second Circuit of Appeals of the United States, the jurisdiction in which the corporation is located, on August 16, 2002, reaffirmed the decision of a lower U.S. court to dismiss the case, based on the fact that New York is not the appropriate venue for this litigation. They stated that Ecuador is the jurisdiction where the case should be tried, because all the plaintiffs live in Ecuador or Peru, their injuries occurred there, and their medical histories and property are also found in those countries. Furthermore, the judges decided that the case would be hard to manage for an American judge, because statements and documents arising from the suit, brought by an estimated 55,000 members of various Indian groups, would be written in Indian dialects and would not be easily translated for purposes of the court. (CNNenEspanol.com, Aug. 19, 2002, via <http://www.cnnenespanol.com/2002/econ/08/19/texico.indigenas/index.html>)  
(Sandra Sawicki, 7-9819)

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(<http://travel.state.gov/abduct.html>)

**Corporate Governance and Accounting Standards**

**Cloning**

**Public Health Emergency Legislation in Other Nations**

## **FOREIGN LAW BRIEFS – current titles**

*Compensation For Victims of Terrorist Actions: Israel as a Case Study*, by Ruth Levush, May 2002. LL-FLB2002.01

*The Netherlands: Same Sex Couples--Registered Partnership, Marriage and Adoption*, by Karel Wennink, Oct. 2001. LL-FLB2001.04

*The New Russian Code of Criminal Procedure*, by Peter Roudik, Sept. 2001. LL-FLB 2001.03

*Japan: Recent Legal Developments in Health Care*, by Sayuri Umeda, July 2001. LL-FLB 2001.02

*Capital Punishment in Foreign and International Law*, by Constance Johnson, June 2001. LL-FLB 2001.01