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Overlooking The Obvious

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When more than 100 world leaders and 30,000 other participants converged in Rio de Janeiro for the recent Earth Summit, I traveled there with former California Gov. Jerry Brown and members of his staff. During my six-day visit, I was struck by the irony of conducting a summit, ostensibly to confront the world's environmental problems, in a city scarred by pollution, abject poverty and social injustice.

Rio attempted to put its best foot forward for the media and thousands of visit-

First Person

ors. The government reportedly spent the equivalent of hundreds of millions of dollars on a Rio face-lift — painting buildings, repaving roads, constructing new expressways and clearing municipal parks. However, Rio's urban ills are too profound and numerous to be eliminated by what amounted to nothing more than Band-Aid treatment.

SYMPTOMS, NOT SOLUTIONS

Where to start? Try water pollution. Rio's scenic beaches, namely Copacabana and Ipanema, are renowned as some of the most spectacular in the world. What is not generally known is that raw sewage from Rio's downtown and residential areas is deposited directly into the water off these famous beaches. Although many people continue to frolic in the water, perhaps with no ill effects, we were advised to swim in areas further down the coastline.

The city's helter-skelter parade of buses, trucks, cars and motorbikes spew untold amounts of noxious fumes into the atmos-

phere. During a 45-minute jog with Brown one night through the downtown quarter, I felt as if my entire respiratory system was under assault. Views of the city from the hills surrounding Rio often are shrouded by a thick, brown blanket of smog.

As if the pollution crisis was not severe enough, Rio also is plagued by a significant crime epidemic. Without exception, people with whom I spoke before departing for Rio warned me of their personal experiences or observations of muggings. Residents of the city confirmed that under normal circumstances, those warnings would be valid. However, this was the week of the Earth Summit and visitors were not subjected to the standard rituals. Rio authorities concocted schemes to deal with the criminals.

The city was besieged with machine gun-toting military personnel. Tanks and army outposts were scattered throughout Rio. The ubiquitous military presence apparently was the only way to "keep the peace" and allow the Earth Summit to go forward. The government's strategy of criminal containment appeared to be successful. I did not hear about reports of muggings or robberies and I noticed that people walking on the streets displayed their earrings, watches and rings. Again, under "normal" circumstances, jewelry was best left in hotel rooms.

Rio's crime problem cannot be dissected and analyzed easily. However, the city's inability to adequately house and feed its metropolitan population of 11 million is certainly the paramount reason for its lawless reputation. Approximately 2 million people eke out a meager existence in Rio's infamous slums known as *favelas*, where,

in some areas, the local police have ceded control to drug lords and gangs.

A significant percentage of the *favela* population consists of young children who are abandoned by their parents. These children migrate to the inner city, developing a survival skill that requires them to steal. Their numbers would be enough to overwhelm even the most efficient and well-equipped police departments. Rather than face the prospect of these young children and teen-agers intimidating the Earth Summit participants — who of course injected millions of tourist dollars into the local economy — the government implemented its second solution for crime control. Thousands of abandoned children, regularly preyed upon by death squads, were placed in detention centers outside Rio.

The children and adults who remain in the *favelas* exist in conditions that can be described as inhumane, at best. Several members of our entourage requested an opportunity to observe the living conditions of these people. My companions were brought to a garbage dump on the outskirts of Rio.

People working in the dump sifted through the refuse with their bare hands in order to separate and recycle glass, metal and plastic. (This task was due in part to the fact that recycle bins were not provided at the various Earth Summit events.) The stench in the dump area was suffocating, with vultures soaring just above. For this job, workers are paid the equivalent of \$2 per day. The shacks in which they reside are located adjacent to the dump.

Surely, the plight of the inhabitants of Rio's *favelas*, as well as the problem of overpopulation in other urban areas around

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The Earth Summit was the first step of a program to overcome environmental substance abuse, but ironically ignored the overwhelming problems indigenous to the meeting site in Rio de Janeiro. Lawyers here can effect change elsewhere.

the globe, should have been addressed at the Earth Summit. Overpopulation was, however, treated like a word that dare not be spoken. The Vatican and fundamentalist religious groups pressured summit negotiators to bypass any concrete discussions on birth control. Instead, a clause in the Rio Declaration urged countries to adopt "appropriate demographic policies." The failure to confront global, much less Rio's, overpopulation could vicerate any progress made on other areas.

THE LEGAL ENVIRONMENT

Is this article intended solely as a critique on Rio? No. Is it to suggest that the Earth Summit was meaningless or a waste of time? Not at all. The summit was the final milestone in a series of complex negotiations, conferences and compromise among scores of countries over the past several years. We should not view the summit as the forum to settle the world's environmental dilemmas. I believe we should instead analogize the summit to a substance abuse program and recognize it as the first step to earth's environmental recovery. Where to next?

We, as lawyers, can provide leadership for progress in the environmental movement. Initially, we must take the obvious steps to ensure that our law firms use recycled paper and then recycle all disposable paper including newspapers; replace styrofoam cups with ceramic ones; turn off all office lights at the end of the day; and utilize public transportation.

More importantly, however, we can use our legal skills to initiate changes that government leaders are not willing to implement themselves. Increasingly, civic organizations are pressing for a resolution of problems without the assistance — or

'We can use our legal skills to initiate environmental changes that government will not implement itself.'

interference — of local, state and national governments. Groups like the Sierra Club Legal Defense Fund, Environmental Defense Fund, Rainforest Action Network and the Natural Resources Defense Council have taken the lead in challenging those who disregard the environment, and assisting those who seek social justice.

Pro bono service by attorneys performing research, writing *amicus* briefs, and/or handling entire cases is a vital component to the success of these groups. Another organization, the Center for International Environmental Law, trains public interest attorneys in foreign countries on how to enforce environmental laws. Again, attorneys who donate their skills in areas such as environmental compliance regulations, trade issues and comparative law will tremendously assist CIEL.

The opportunities for Bay Area lawyers to sink their teeth into issues that are challenging and gratifying are plentiful. By taking action locally, we can impact our global environment. It's a small step to take.

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