**ROUND ONE: Rio Earth Summit 1992**

Welcome to ROUND ONE of the comparison between the law of Ecocide and other international environmental laws. First up; Rio Earth Summit 1992.

The 1992 Rio Earth Summit was intended to develop ways to prevent the continued depletion of natural resources and to decrease pollution (United Nations, 1992: 18). Achievements of Rio include increased awareness of the need for sustainable development and the increased use of UN resources for environmental purposes (Cicin-Sain, 1996). However, Rio has been criticised for its lack of long-term impact and failure to achieve the high level of results that had been expected from it (Palmer, 1992: 1008). Reasons for this include, the prioritisation of business interests at the Rio Summit, the lack of binding international laws produced and proposed laws being weakened through the negotiation process. At Rio, it was clearly acknowledged by NGOs that large corporations are the core actors to blame for environmental problems such as resource depletion, unsustainable business practices and pollution (Khor, 2001: 10). Despite this, some of the world’s most powerful and largest corporations were given participatory status at the summit. The majority of these corporations were members of the Global Climate Coalition, a lobby group that was designed to lobby against climate change policies that might be detrimental to the oil industry. These corporations had a significant influence and were able to assert their authority in the meetings, over that of state leaders. In the final version of Agenda 21, a core document produced at Rio, rather than regulating the actions of corporations, it just stated that ‘transnational corporations should recognise environmental management as among the highest corporate priorities’. This terminology implies that whilst corporations *should* be environmentally responsible, they have no obligation to do so (Higgins, 2010: 96). This is extremely problematic as if there is no legal requirement to be environmentally responsible, many businesses will not choose to do so. Furthermore, through not including actions to make large corporations more accountable and environmentally friendly, the actions developed in the Rio Summit were far less effective and more difficult to implement than they could have been (Khor, 1997).

The law of Ecocide is directly targeting the actions of corporations. This is vital as without targeting this main cause of environmental degradation, problems cannot be solved and sustainable development cannot be achieved. Under the law of Ecocide, the CEO of a corporation that has committed ecocide can be imprisoned for their actions, restoration of damage can be ordered by law, and the people who have been affected by the ecocide can sue the corporation for compensation (Higgins, 2012: 51).

The Rio Summit did not develop a sufficient amount of binding international environmental laws (Palmer, 1992: 1008). This is problematic as declarations without legal obligations are usually ineffective. For example, the Declaration of Forests which arose from the Rio Conference put no legal commitments in place to protect forests from excessive deforestation (Palmer, 1992: 1020). This was found to be unsuccessful in achieving its aims of reducing deforestation. This is shown by the FAO findings that throughout the 1990’s there continued to be an annual loss of around 16 million hectares of forest (Flynn, 2010). This indicates that policies and declarations that do not involve legal obligations are frequently inadequate measures for substantial change to take place. The law of Ecocide puts legal obligations on corporations, states and individuals and prohibits activities which cause widespread, long-lasting and severe damage to the environment. Prohibitive laws are vital in order to stop environmental devastation from continuing. Through prohibiting acts of ecocide, the law of Ecocide can prevent acts of ecocide.

A further difficulty with the Rio process is that states were able to renegotiate the law in order to preserve their own business and economic interests. The problems with this can be seen with Agenda 21. Agenda 21 was intended to provide an array of different actions that states should be taking in order to help protect the environment. However, it is not legally binding and has large gaps in it where consensus between states was not reached, and policies were changed during the negotiation process (Palmer, 1992: 1019-20). These issues mean that Agenda 21 fails to be an effective mechanism for generating environmental change. This demonstrates the difficulties with developing policies for environmental change through consensus.