

# *Ecocide and Transboundary Environmental Crimes: Different Possibilities for Inter- and Transnational Jurisdiction*

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Although, scientifically, it cannot be affirmed that the Earth is a living being, it has been argued that the capacity of natural systems to regulate themselves makes their intrinsic functioning similar to that of an organism. Hence, for a better understanding of our own existence as a human species, as well as that of everything around us, it is useful to adopt this perspective, which is based on seeing the planet as a kind of super-system made up, in turn, of a multiplicity of sub-systems in which living beings and inert matter are interrelated, forming a multiplicity of functional units.

However, in the Anthropocene, the development of human activity emerges as a determining factor that has put the functioning of natural systems into crisis in an unprecedented way, to the point of placing us on the verge of a collapse of the global system as we know it. This situation is evident from the data reported by specialized international agencies: the growing loss of biodiversity at a global level; the spread of pollution in the elements that make up ecosystems; the consequent degradation of these ecosystems and the environmental services they provide; the implied risks to human health and the systemic imbalances that lead to natural catastrophes that are occurring with increasing frequency.

In this context, a lexicon has spread that includes terms which challenge ecology, philosophy, and science, and which are often used imprecisely. Thus, the term ‘ecocide’ has become widespread, even with a purported legal implication, although its meaning and scope are not sufficiently clear. Ecocide is referred to as “destruction of the environment, especially intentionally.” It should be noted that this is not a legal definition, let alone a criminal definition, but it is sufficient for the purposes of this introduction, since it brings us sufficiently close to the concept and clearly refers to the implications of the problem we are facing.

The question that follows is, can anything be done to prevent the destruction of ecosystems? If this question is answered in the affirmative, then it is worth asking ourselves, as legal practitioners: What contribution can we make from legal science, and more specifically, from the field of international criminal law at its interface with international environmental law?