

Mesa, G. (2015). "New subjects of law, participation and environmental justice." In: Mesa, G. (Ed.). *Environmental rights in dispute: some case studies on environmental conflict*. Bogotá: Universidad Nacional de Colombia.

To establish how the new neoconstitutional debates incorporate environmental rights as a development of the idea of new subjects of law that overcome the environmental injustice associated with the historical inadequate forms of appropriation of nature by a few subjects.

It reviews the recognition of environmental conflict and the new subjects of law; the new and alternative knowledge to know, to acknowledge and exercise environmental power to decide; and the need to transmit a legal-political knowledge of conflict from an environmental neoconstitutionalism.

The new constitutional debates must assume an understanding of the new legal-political issues on the most current and meaningful problems of society, not only in the local, regional or national scenario, but also at the international and global level, especially because most of the theories of law and rights, formulated, developed and in force in the modernity and contemporary times are based on assumptions that do not recognize the cultural dynamics and changes that space-time contexts bring to human activities, based on the existence of new conflicts and human problems, particularly those related to relations with culture and the environment.

A neoconstitutional perspective for the land, in any case must go through the explicit juridical-political constitutional recognition of the rights of the Environment, Nature, the Ecosphere or Mother Earth and the consequent measures, instruments and actions for their effective materialization, role in which traditional rural ethnic and peasant societies, as well as marginalized urban societies, social organizations, academia and judges play a fundamental role, if the formal legislator does not, where all constitutional courts must incorporate it in their decisions to resolve the rights deficit.

The constitutional judge, following more demanding environmental standards as demanded by traditional peoples and communities and popular sectors, should specify those limits that indicate in what time and where it cannot be appropriated. This standard would guide the environmental justice contained in water, energy, food and climate justice from sensible and reasonable environmental footprints.

Specifying what kind of professionals from different areas, lawyers, judges and other public officials are required by a society with widespread, serious and global environmental problems and conflicts is of the utmost importance. For the protection of life in its cultural and ecosystemic dimensions, and the persistence of chrematistic visions based on techno-science and techno-enthusiasm, the possibilities of producing and concretizing alternative knowledge that does not eliminate the role of traditional knowledge that, with its common sense, would help to understand the complexity of the world and life are limited.