

Ortega, G. A. (2015). "Environmental constitutionalism and environmental rights: analysis of the evolution of the Environmental Rule of Law, environmentalism and the formation of environmental judicial precedent". In: Mesa, G. (Ed.). Environmental rights in dispute: some case studies on environmental conflict. Bogotá: Universidad Nacional de Colombia.

To establish the relationship between constitutional developments and the protection of common and environmental goods in accordance with the theoretical proposals that have been developed, in order to determine what has been the incidence of environmental constitutionalism and the environmental rule of law in the definition of the system of formal rules for the conservation and sustainable use of common and environmental goods.

It establishes issues such as the environment in the evolution of environmental constitutionalism and the Environmental Rule of Law; the good-case line evolution and formation of environmental judicial precedent; and political environmentalism in the framework of the new environmental constitutionalism.

The content of environmental constitutionalism and the definitions on the Environmental Rule of Law according to its conceptual complexity would demonstrate that the degree of incidence in matters of conservation and sustainable use of environmental common goods, are directly related to the phase of consolidation of such proposals in material and factual terms, including the recognition of the interaction of formal rules and informing them to serve this purpose.

Environmental constitutionalism is defined as a proposal to face the current environmental crisis, according to the development of different elements that must be taken into account to guarantee environmental rights from a factual point of view. To this extent, the idea of environmental constitutionalism is consolidated from the integration of different elements, such as the materialization of the Environmental State of Law in its widest conception which determines the interpretation of environmental rights aimed at the search for a material environmental justice, from the adoption of a political environmentalism perspective.

Social and political demands have a historical context in which they seek to respond to determined problems, from which the idea of the Environmental Rule of Law emerges as a measure against a historical moment characterized by the environmental crisis. Hence, the analysis carried out on the different forms of the State transcends political and legal measures and regulations of common and environmental goods under an own conception of the environment.

The need to advance towards the materialization of the Environmental Rule of Law, in which the environment is defined as a central element in the material realization of all generations of rights, generating a change of paradigm of the current model of economic growth in order to establish limits to the patterns of production and consumption that must be universalized through measures, values, principles and environmental rights that represent the idea of contemporary global constitutionalism