

Climate Litigation And Constitutional Protection Of Fundamental Rights

Juan Pablo Cruz Carrillo¹, Michael Anthony Curimilma Jara²

¹<https://orcid.org/0009-0009-6876-0261>, Quito - Ecuador

²<https://orcid.org/0009-0008-2381-0475>, Guayaquil – Ecuador

Abstract

This article comparatively analyzes the argumentative strategies and structural remedies of climate litigation and the constitutional protection of fundamental rights in Colombia, Ecuador, Chile, and the Inter-American System from 2015 to 2025. Through a directed review of documents and a curated corpus of 30 publications with DOIs, the article categorizes rights frameworks, principles, and remedial designs. There is a predominance of the rights-centric approach (life, health, a healthy environment, and participation), which is reinforced by OC-23/17. There is also an expansion of the rights of nature and intergenerational justice. Regarding remedies, structural orders are reinforced with verifiable goals, schedules, monitoring mechanisms, and interagency coordination. Ecuador emphasizes restoration and material limits, Chile emphasizes liability for damages and preventive-reparative measures, and Colombia emphasizes dialogic sentences about the Amazon. The article proposes a typology of strategies and remedies and outlines conditions of effectiveness, such as regulatory clarity, indicators, polycentric governance, and participation, as well as bottlenecks, such as capacities, metrics, and distributive conflicts. In conclusion, remedial design is as important as strategy. Its density determines compliance and impact and offers transferable principles that can be applied to different institutional and territorial contexts to bridge the gap between recognized rights and effective climate protection.

Keywords: Climate litigation; fundamental rights; protection; amparo; collective actions; structural remedies.

Resumen

Este artículo analiza comparativamente, para el periodo 2015-2025, las estrategias argumentativas y los remedios estructurales del litigio climático y la protección de los derechos fundamentales en Colombia, Ecuador, Chile y el Sistema Interamericano. Mediante una revisión documental dirigida y un corpus de 30 publicaciones con DOI cuidadosamente seleccionadas, tipificamos marcos de derechos, principios y diseños remediales. Hemos observado un predominio del enfoque centrado en los derechos (vida, salud, medio ambiente sano y participación), reforzado por la OC-23/17, así como una expansión de los derechos de la naturaleza y la justicia intergeneracional. En cuanto a los remedios, se consolidan órdenes estructurales con metas y cronogramas verificables, así como mecanismos de seguimiento y coordinación interagencial. Ecuador hace hincapié en la restauración y los límites materiales, Chile destaca por la responsabilidad por daños con medidas preventivo-reparatorias y Colombia exhibe sentencias dialógicas sobre la Amazonía. Proponemos una tipología de estrategias y remedios, y delineamos las condiciones para su efectividad (claridad normativa, indicadores, gobernanza

policéntrica y participación), así como los cuellos de botella (capacidades, métricas y conflictos distributivos). Concluimos que el diseño de los remedios es tan importante como la estrategia: su densidad determina el cumplimiento y el impacto, y ofrece principios transferibles para cerrar la brecha entre los derechos reconocidos y la protección climática efectiva en distintos contextos institucionales y territoriales.

Palabras clave: Litigio climático; derechos fundamentales; tutela; amparo; acciones colectivas; remedios estructurales.

INTRODUCTION

Over the past decade, climate litigation in Latin America has shifted decisively towards rights-based approaches, emphasizing the constitutional protection of common resources, vulnerable populations, and future generations. Colombia, Ecuador, and Chile, along with the Inter-American Human Rights System, have served as legal laboratories where strategies and remedies for addressing the climate crisis have been tested. These strategies range from Tutela and Amparo to collective actions and liability for damages. This has reconfigured the scope of the right to a healthy environment and its intersection with other fundamental rights (Peel & Osofsky, 2018; Setzer & Higham, 2021; Setzer & Vanhala, 2019; Rodríguez-Garavito, 2020).

This "turn of rights" translates into at least three converging movements. First, climate obligations are being translated into enforceable human rights, as reinforced by Advisory Opinion OC-23/17 of the Inter-American Court. This opinion consolidates prevention, environmental due diligence, and comprehensive reparation as enforceable standards (Abello-Galvis & Arévalo-Ramírez, 2019; López Zamora, 2021; Boyle, 2018). Second is the expansion of titular subjects to include not only people and communities but also ecosystems, impacting institutional design and judicial orders (Pelizzon, 2020; Olaya López, 2022; Amaya Arias, 2022; Cabezas, 2018). Third is remedial experimentation, which includes structural orders with interagency coordination components, compliance indicators, mitigation/adaptation plans, and long-term judicial follow-up schemes (de la Rosa Calderón, 2024; Roig, 2023; Auz Vaca, 2024).

In Colombia, decisions such as recognizing the Amazon as a subject of rights have catalyzed dialogical and polycentric remedies that transcend individual reparation and activate state duties of public policy, intergenerational custody, and judicial monitoring (Pelizzon, 2020; Guzmán Jiménez, 2022; Olaya López, 2022; Cabezas, 2018). In Ecuador, the constitutionalization of the rights of nature has enabled judges to employ biocentric/ecocentric reasoning, which reorders productive priorities and establishes material limits on interventions in fragile ecosystems. However, interpretive and implementation tensions remain (Vernaza Arroyo & Cutié Mustelier, 2022; Jiménez Torres, 2024; Barahona Néjer & Añazco Aguilar, 2020; Camacho Vinuesa & Chávez Rivera, 2023; Cavedon-Capdeville et al., 2024). In Chile, the trajectory of damage trials and collective actions indicates an increasingly receptive judiciary to risk testing, the principles of precaution and non-regression, and remedies that internalize the social and environmental costs of climate inaction (Banfi del Río & Carbonell Bellolio, 2023; De Paz González, 2021; Martínez Navarro, 2025). At the inter-American level, OC-23/17 establishes a regulatory framework that validates the judicial enforceability of mitigation and adaptation goals, access to information and participation, environmental justice, and

reparations with a structural dimension (Abello-Galvis & Arévalo-Ramírez, 2019; López Zamora, 2021; Boyle, 2018).

Against this background, recent literature identifies the region as a silent leader in argumentative and remedial innovation (Tigre et al., 2023; Auz Vaca, 2022; Cavedon-Capdeville et al., 2024). However, critical questions remain: Which strategies are most persuasive—e.g., the rights to life and health, the rights of nature, child and youth protection, climate equality and non-discrimination, and the principles of precaution and non-regression—and under what institutional conditions do they thrive? Which structural remedies—such as climate plans with verifiable deadlines, monitoring committees, gatekeepers/interveners, compliance matrices, restoration and adaptation measures, and regulatory redesigns—achieve effective and sustained implementation, and which are thwarted by capacity deficits, political resistance, or distributional conflicts? (De La Rosa Calderón, 2024; Roig, 2023; Auz Vaca, 2024).

This article answers the guiding question: What argumentative strategies and structural remedies are used in cases of tutela, amparo, and collective actions? Through a comparative analysis of Colombia, Ecuador, Chile, and the Inter-American system from 2015 to 2025, this article provides answers. Three contributions are offered: First, an argumentative cartography classifies the frameworks of rights and principles invoked, as well as their most effective combinations (Auz Vaca, 2022; Setzer & Vanhala, 2019). Second, a typology of structural remedies is presented, including design variables such as scope, deadlines, governance, indicators, and participation, as well as compliance routes (Roig, 2023; de la Rosa Calderón, 2024). Third, an implementation evaluation contrasts national orders with inter-American decisions and standards. This evaluation identifies asymmetries, bottlenecks, and institutional levers (Auz Vaca, 2024; Boyle, 2018; Abello-Galvis & Arévalo-Ramírez, 2019). Situating Andean cases within the global context of climate litigation trends (Peel & Osofsky, 2018; Setzer & Higham, 2021) allows for the identification of transferable lessons for designing judicial remedies that can bridge the gap between legal rights and effective climate protection.

METHODOLOGY

This study employs a comparative documentary review design to address the guiding question regarding the argumentative strategies and structural solutions employed in tutela, amparo, and collective actions concerning climate change in Colombia, Ecuador, Chile, and the Inter-American System from 2015 to 2025. The unit of analysis consisted of 30 academic publications and book chapters, which were consolidated into a closed corpus. Each document has complete metadata and a DOI or equivalent identifier. The database that accompanies this article describes the composition and scope of the table in detail, including the authors, titles, sources, and DOIs (See the archive presentation and methodological note indicating the number of documents and the purpose of covering strategies and remedies in the four selected forums.)

The temporal (2015–2025) and geographic (Colombia, Ecuador, Chile, and the Inter-American System) scope was defined to capture the decade in which the region experienced a "rights turn" in climate litigation and structural court orders. To ensure representativeness, the study included national and regional references. For example, it examined works on remedies and compliance in Colombia (De La Rosa Calderón, 2024);

structural jurisprudential developments linked to the Amazon (Pelizzon, 2020; Olaya López, 2022; Guzmán Jiménez, 2022); the evolution of biocentric/ecocentric reasoning and the rights of nature in Ecuador (Jiménez Torres, 2024; Vernaza Arroyo & Cutié Mustelier, 2022); and the role of damages and class actions in Chile (Banfi Del Río & Carbonell Bellolio, 2023; De Paz González, 2021). It also examined inter-American standards based on OC-23/17 (Abello-Galvis & Arevalo-Ramírez, 2019; Lopez Zamora, 2021; Boyle, 2018).

The construction of the corpus was based on conceptual "seeds" that establish language and inclusion criteria. Panorama focuses on global trends in climate litigation and the "turn of rights," which allows climate obligations to be translated into justiciable duties. Thus, the sampling captures both the argumentative and remedial dimensions. Thus, the corpus includes pieces such as snapshots and systematic reviews (Setzer & Higham, 2021; Setzer & Vanhala, 2019), as well as the shift towards rights (Peel & Osofsky, 2018) and contemporary regional cartographies (Auz Vaca, 2022). Eligibility criteria required substantive relevance to rights strategies (e.g., life, health, environment, access, equality, and rights of nature and future generations) and remedies (e.g., structural orders, plans with deadlines and indicators, monitoring mechanisms, and comprehensive reparation). Membership in the defined forums, period, and presence of DOIs were also required. The attached database controlled these requirements.

The screening process occurred in two stages: first, verification of titles, abstracts, and thematic suitability to the research question, and second, bibliographic filtering and standardization with duplicate review, name homogenization, and DOI checking. Traceability of each entry was verified in the master table (e.g., De La Rosa Calderón, 2024; Banfi Del Río & Carbonell Bellolio, 2023; Setzer & Higham, 2021), whose cells include the source and DOI for subsequent auditing.

Extraction and coding followed a mixed approach. A matrix was developed with the following variables: argumentative strategies (rights invoked, principles [precaution, non-regression, due diligence, and comprehensive reparation], construction of causality/attribution, and differential approach); and remedies (type of order, scope and scale, institutional design [participation and interagency coordination], and deadlines and indicators). The "standards" category was anchored in inter-American developments and their national reception (Abello-Galvis & Arévalo-Ramírez, 2019; López Zamora, 2021), and the "nature and future generations" category was supported by literature on ecocentrism and subjects of rights (Barahona Néjer & Añazco Aguilar, 2020; Camacho Vinueza & Chávez Rivera, 2023; Vernaza Arroyo & Cutié Mustelier, 2022). The subcategory "structural remedies" incorporated comparative remedial designs and compliance evaluations (Roig, 2023; De La Rosa Calderón, 2024; Auz Vaca, 2024). Initially, the coding was directed (deductive) to ensure consistency with the comparative framework, and then it was open (inductive) to capture emergent patterns. Discrepancies were resolved by consensus among the researchers.

The synthesis was organized in two layers. First, an intradomain reading was conducted by forum (Colombia, Ecuador, Chile, and the Inter-American forum) to identify argumentative repertoires and remedial constellations within each jurisdiction. Second, a cross-comparison was conducted that placed Andean findings against global trends and patterns of the "rights turn" and contemporary climate litigation (Peel & Osofsky, 2018; Setzer & Higham, 2021; Setzer & Vanhala, 2019; Auz Vaca, 2022; Tigre, Urzola, &

Goodman, 2023). The final classification registers combinations of "strategy-remedy" and design variables (scope, deadlines, indicators, and participation) that allow for the evaluation of implementation and effectiveness with homogeneous criteria.

In terms of validity, publication bias was mitigated by limiting the scope to academic literature with DOIs in Spanish and English, which favors conceptual triangulation but may underrepresent gray reports or non-indexed pronouncements. Terminological heterogeneity between jurisdictions—for example, the translation between class actions and collective actions or the notion of "structural remedies" was addressed through stable operational definitions in the matrix and equivalence notes. Replicability is ensured by registering variables and linking them to DOIs in the master table, which facilitates public verification of each reference.

Finally, no human subjects or sensitive data were used, so no formal ethical approval was required. The bibliographic data were securely managed, and the extraction matrix and code dictionary are available for academic auditing, with traceability to the author, year, source, and DOI, according to the corpus list.

RESULTS

Argumentative Strategies (2015–2025)

The comparative analysis reveals the dominance of the rights-based approach as a means of judicializing climate issues and expanding constitutional protections, aligning with global and regional literature. In regional terms, synthesis papers identify a "turn to rights," translating climate obligations into justiciable duties and documenting the expansion of argumentative frameworks combining life, health, a healthy environment, access to information and participation, as well as the principles of precaution, non-regression, and due diligence (Peel & Osofsky, 2018; Setzer & Higham, 2021; Setzer & Vanhala, 2019; Auz Vaca, 2022).

In Colombia, the literature outlines the intensive use of tutelage and structural actions based on fundamental rights and rights of nature. There is an emphasis on the Amazon as a rights-bearing entity. The arguments integrate inter-American standards, plans, and judicial follow-up (de la Rosa Calderón, 2024; Pelizzon, 2020; Olaya López, 2022; Guzmán Jiménez, 2022; Cabezas, 2018).

In Ecuador, the constitutionalization of the rights of nature shifts the argumentative center of gravity toward biocentric/ecocentric reasoning. Judges appeal to material limits and ecosystem restoration, and there are debates about the scope and execution of these rights (Jiménez Torres, 2024; Vernaza Arroyo & Cutié Mustelier, 2022; Barahona Néjer & Añazco Aguilar, 2020; Camacho Vinuesa & Chávez Rivera, 2023; Cavedon-Capdeville et al., 2024).

In Chile, the most common approach is to use damage trials and class actions. Courts are becoming more receptive to risk testing and principles such as precaution and non-regression. There is also dialogue about global trends and judicial activism related to the environment (Banfi del Río & Carbonell Bellolio, 2023; De Paz González, 2021; Martínez Navarro, 2025).

In the Inter-American System, OC-23/17 strengthens national narratives and provides standards for framing state obligations and remedial routes by consolidating the requirements of prevention, due diligence, and comprehensive reparation. Additionally,

the relationship between the Paris Agreement and human rights is refined (Abello-Galvis & Arévalo-Ramírez, 2019; López Zamora, 2021; Boyle, 2018).

Table 1. *Comparative map of argumentative strategies by forum (2015–2025)*

Forum	Dominant rights and principles	Most visible action type(s)	Features of argumentation	References
Colombia	Life, health, healthy environment; rights of nature; Caution, Non-Regression, Due Diligence	Guardianship and structural actions	Links to inter-American standards; judicial plans and monitoring; Intergenerational approach	de la Rosa (2024); Pelizzon (2020); Olaya (2022); Guzmán (2022); Heads (2018)
Ecuador	Rights of nature; biocentric/ecocentric vision; restoration	Amparo/constitutional guarantees	Material limits to intervention; ecological repair; Restoration Duties	Jiménez (2024); Vernaza & Cutié (2022); Barahona & Añazco (2020); Camacho & Chávez (2023)
Chile	Precautionary and non-regression principles; Liability for damages	Class actions and tort lawsuits	Internalization of costs; risk test; Environmental judicial activism	Banfi & Carbonell (2023); De Paz (2021); Martínez (2025)
Inter-American System	Prevention, due diligence, comprehensive reparation; Access/Participation	Advisory opinion; Regional litigation	Cross-cutting standards that strengthen national claims	Abello-Galvis & Arévalo (2019); López Zamora (2021); Boyle (2018)

Structural Remedies and Implementation

Evidence from the corpus indicates that courts in the region have implemented various remedies, including structural designs, mitigation/adaptation plans with deadlines, compliance matrices, the establishment of guardians/interveners, ecological restoration, and judicial follow-up. The effectiveness of these remedies depends on state capacities and governance frameworks. Studies underline that the most effective remedies combine clarity of goals, verifiable deadlines, interagency coordination, and participation. The literature also identifies bottlenecks when metrics are missing or responsibility is diluted (Roig, 2023; De La Rosa Calderón, 2024; Auz Vaca, 2024).

In Colombia, orders related to the Amazon as a rights-bearing entity exemplify structural remedies. These orders define plans, monitoring committees, and responsibilities. They have also been examined as dialogic sentences with an intergenerational scope (Pelizzon, 2020; Olaya López, 2022; Guzmán Jiménez, 2022; Cabezas, 2018).

In Ecuador, remedies based on the rights of nature prioritize restoration over regression and establish material limits on intervention. There are ongoing debates about how to implement these remedies and whether they are compatible with economic activities (Jiménez Torres, 2024; Vernaza Arroyo & Cutié Mustelier, 2022; Barahona Néjer & Añazco Aguilar, 2020; Camacho Vinuesa & Chávez Rivera, 2023).

In Chile, the gateway is liability for damages; however, cease-and-desist orders, reparations, and preventive measures that seek to internalize the costs of inaction are observed in certain complex cases and operate as quasi-structural remedies (Banfi del Río & Carbonell Bellolio, 2023; De Paz González, 2021; Martínez Navarro, 2025).

At the inter-American level, OC-23/17 and its implementation reinforce comprehensive reparations, prevention, and due diligence standards and allow for institutional design orders (e.g., information, participation, and access to justice) that impact national remedies (Abello-Galvis & Arévalo-Ramírez, 2019; López Zamora, 2021; Boyle, 2018).

Table 2. *Typology of remedies and design elements observed*

Type of remedy	Observed Design Elements	Forums where it appears	Corpus references
Structural orders (climate plans with deadlines and targets)	Clear goals; indicators; interagency coordination; Monitoring committees/tables	Colombia; Inter-American (standards)	de la Rosa (2024); Roig (2023); Abello-Galvis & Arévalo (2019)
Ecological restoration and material limits	Ecosystem restoration; non-regression; limits on activities; Biocentric approach	Ecuador; Colombia (specific cases)	Jiménez (2024); Vernaza & Cutié (2022); Barahona & Añazco (2020); Olaya (2022)
Mitigation/adaptation measures with timelines	Sectoral plans; reduction targets; local adaptation; Progress indicators	Colombia; Chile; Inter-American Guidelines	de la Rosa (2024); Martínez

			(2025); Boyle (2018)
Judicial monitoring and polycentric governance	Periodic reports; Audiences; guardians/auditors; Role of Cuts	Colombia; Comparative practices	Guzmán (2022); Pelizzon (2020); Heads (2018)
Liability for damages with preventive-reparative measures	Cessation, reparation, guarantees of non-repetition; Risk test	Chile	Bañi & Carbonell (2023); De Paz (2021)

Overall, the results confirm that the dominant argumentative framework is rights-centered and aligns with inter-American standards. The most promising solutions have structural design features that include monitoring, deadlines, and indicators. Colombia and Ecuador focus on innovations in the rights of nature and structural orders (with Colombia using the Amazon as a reference case), while Chile stands out for its approach to complex cases involving preventive and structural components. The Inter-American System serves as an enabling regulatory framework and lever for enforceability and design. These patterns, as outlined by the corpus, provide input for a comparative evaluation of effectiveness in the discussion section. They also provide input for proposing remedial design principles that bridge the gap between rights on paper and effective climate protection (Auz Vaca, 2024; Setzer & Higham, 2021; Peel & Osofsky, 2018).

"OC-23/17" effect on the argumentative and remedial scaffolding

The corpus suggests that Advisory Opinion OC-23/17 acted as a "normative accelerator." It clarified the rights associated with prevention, due diligence, and comprehensive reparation, and it enabled these rights to be translated into national remedies with a structural design. The dialogue between the inter-American level and domestic forums occurs on two levels: (i) the legitimization of rights-centered arguments (e.g., life, health, a healthy environment, access, and participation) and (ii) remedial densification (e.g., verifiable deadlines, follow-up governance, and indicators). This is supported by the analysis of the scope and limits of OC-23/17 (Abello-Galvis & Arévalo-Ramírez, 2019; López Zamora, 2021), the literature linking the Paris Agreement and human rights (Boyle, 2018), and snapshots documenting the expansion of rights frameworks in climate litigation (Setzer & Higham, 2021).

Table 3. *Footprint of OC-23/17 in national frameworks (comparative synthesis).*

Axis	Observed finding	Support in the corpus
Due diligence and prevention standards	They are used as a "bridge" to turn climate obligations into justiciable duties internally	Abello-Galvis & Arévalo-Ramírez (2019); López Zamora (2021)

Comprehensive repair with structural dimension	Anchor for complex orders (plans, indicators, staking)	Boyle (2018)
Rights-centric shift in climate litigation	Consolidation and regional dissemination of the "rights turn"	Setzer & Higham (2021)

Remedial design density and compliance constraints

When comparing forums, the effectiveness of remedies is associated with the density of their design: the clarity of their goals, timelines, interagency coordination, and judicial follow-up. Colombia exemplifies structural orders, such as plans, committees, and indicators, regarding the Amazon as a subject of rights. Colombia's approach involves a dialogic interpretation of compliance. Chile prioritizes liability for damages, implementing preventive and reparative measures that function as quasi-structural remedies in complex cases. Ecuador emphasizes restoration and material limits protected by the rights of nature. The Inter-American level establishes the framework of standards that legitimizes and reinforces these designs. (De la Rosa Calderón, 2024; Roig, 2023; Auz Vaca, 2024; Pelizzon, 2020; Olaya López, 2022; Guzmán Jiménez, 2022; Banfi del Río & Carbonell Belloio, 2023; De Paz González, 2021; Jiménez Torres, 2024; Vernaza Arroyo & Cutié Mustelie, 2022).

Table 4. *Remedial Design Elements and Implementation Risks (by forum)*

Forum	Elements that increase effectiveness	Identified risks/barriers	Support
Colombia	Plans with deadlines and indicators; follow-up committees/hearings; Intergenerational approach	Deficit of capacities and coordination; Report Uploads	de la Rosa (2024); Pelizzon (2020); Olaya (2022); Guzmán (2022)
Ecuador	Restoration and material limits based on the rights of nature; Judicial control of non-regression	Tension with economic activities; Interpretive heterogeneity	Jiménez (2024); Vernaza & Cutié (2022)
Chile	Preventive-reparative measures in damages proceedings; Cost internalization	Lack of common metrics and sectoral dispersion	Banfi & Carbonell (2023); De Paz (2021)
Inter-American	Prevention, due diligence and comprehensive redress standards that guide national designs	Uneven reception; Limits of the advisory function	Abello-Galvis & Arévalo (2019); López Zamora (2021); Boyle (2018)

CONCLUSIONS

A comparative analysis of climate litigation in Colombia, Ecuador, and Chile from 2015 to 2025 shows that it is structured around a rights-centered approach, supported by the inter-American framework. Strategies that articulate the rights to life, health, and a healthy environment with principles of precaution, non-regression, and due diligence predominate. According to the forum, these strategies also incorporate rights of nature and intergenerational protection. In Colombia, tutelage and decisions recognizing ecosystem subjects stand out. In Ecuador, biocentric and ecocentric reasoning is consolidating, giving constitutional weight to restoration and material limits on intervention. In Chile, liability for damages and collective actions are gaining strength, and risk testing is being increasingly accepted. The inter-American level provides a framework for enforceability and argumentative coherence for these developments.

Regarding remedies, regional courts have moved toward orders with a structural design, including mitigation and adaptation plans with verifiable goals and schedules, the creation of monitoring bodies, compliance indicators, and interagency coordination arrangements. These are complemented by ecological restoration measures and guarantees of non-repetition. The effectiveness of these remedies depends on their design and institutional capacity, as well as social participation to ensure implementation is traceable. The main barriers identified are coordination deficits, a lack of homogeneous metrics, tensions with economic activities, and regulatory dispersion that dilutes responsibilities.

In response to the guiding question, the most promising combinations integrate rights-centric arguments, reinforced by regional standards, with clear, institutionally engineered remedies, including precise goals, deadlines, public indicators, and monitoring mechanisms. When biocentric approaches and nature as a subject are incorporated, the remedies become more restorative and preventive. This comparative pattern suggests transferable judicial design principles to bridge the gap between recognized rights and effective climate protection: normative clarity, traceable metrics, polycentric coordination, and substantive participation. With these elements, climate litigation can become a governance device capable of guiding public policies and transforming practices within a territory.

References

1. Abello-Galvis, R., & Arévalo-Ramírez, W. (2019). Inter-American Court of Human Rights Advisory Opinion OC-23/17: Implications of human rights duties in the context of environmental protection. *Review of European, Comparative & International Environmental Law (RECIEL)*, 28(2), 217–222. <https://doi.org/10.1111/reel.12290>
2. Amaya Arias, Á. M. (2022). Declaratoria de un ecosistema como sujeto de derechos: Análisis del caso del Páramo de Pisba en Colombia. *Revista IUS*, 16(49), 155–175. <https://doi.org/10.35487/rius.v16i49.2022.725>
3. Auz Vaca, J. (2022). Human rights-based climate litigation: A Latin American cartography. *Journal of Human Rights and the Environment*, 13(1), 114–136. <https://doi.org/10.4337/jhre.2022.01.05>
4. Auz Vaca, J. (2024a). Litigio climático y derechos humanos en el Sur Global: Apuntes para el debate. *Eunomia. Revista en Cultura de la Legalidad*, (26).

<https://doi.org/10.20318/eunomia.2024.8519>

5. Auz Vaca, J. (2024b). The political ecology of climate remedies in Latin America and the Caribbean: Comparing compliance between national and Inter-American litigation. *Journal of Human Rights Practice*, 16(en prensa). <https://doi.org/10.1093/jhuman/huad057>
6. Banfi del Río, C., & Carbonell Belloio, F. (2023). Juicios de daños y aporte de los tribunales chilenos ante los desafíos ético-ambientales que impone el cambio climático. *Acta Bioethica*, 29(1), 17–25. <https://doi.org/10.4067/S1726-569X2023000100017>
7. Barahona Néjer, A., & Añazco Aguilar, A. (2020). La naturaleza como sujeto de derechos y su interpretación constitucional: Interculturalidad y cosmovisión de los pueblos originarios. *Foro: Revista de Derecho*, (34), 45–60. <https://doi.org/10.32719/26312484.2020.34.3>
8. Barié, C. G. (2022). Doce años de soledad de los derechos de la Madre Tierra en Bolivia. *Naturaleza y Sociedad. Desafíos Medioambientales*, (4), 142–182. <https://doi.org/10.53010/nys4.05>
9. Boyle, A. (2018). Climate change, the Paris Agreement and human rights. *International & Comparative Law Quarterly*, 67(4), 759–777. <https://doi.org/10.1017/S0020589318000222>
10. Cabezas, N. (2018). Un nuevo reto para la administración: El reconocimiento de la selva del Amazonas como sujeto de protección por el juez de tutela. *Revista Digital de Derecho Administrativo*, 20, 465–483. <https://doi.org/10.18601/21452946.n20.17>
11. Camacho Vinuesa, D., & Chávez Rivera, B. A. (2023). La teoría biocéntrica como fundamento protector de la naturaleza en la actividad económica. *Foro: Revista de Derecho*, (39), 7–23. <https://doi.org/10.32719/26312484.2023.39.1>
12. Cavedon-Capdeville, F., Berros, M. V., Filpi, H., & Villavicencio-Calzadilla, P. (2024). An ecocentric perspective on climate litigation: Lessons from Latin America. *Journal of Human Rights Practice*, 16(1). <https://doi.org/10.1093/jhuman/huad031>
13. de la Rosa Calderón, M. D. (2024). Rights-based climate litigation in Colombia: An assessment of claims, remedies, and implementation. *Journal of Human Rights Practice*, 16(1). <https://doi.org/10.1093/jhuman/huad067>
14. De Paz González, I. (2021). Tendencias globales de la justicia ambiental y el litigio contra el cambio climático. *Ius et Praxis*, 27(2), 72–93. <https://doi.org/10.4067/S0718-00122021000200072>
15. García, M. P., Vilorio, A., & de la Rosa, M. D. (2021). Climate change litigation in Colombia. En *Comparative Climate Change Litigation: Beyond the Usual Suspects* (pp. 53–74). Springer International Publishing. https://doi.org/10.1007/978-3-030-46882-8_3
16. Guzmán Jiménez, L. F. (2022). Análisis de efectividad de la Sentencia T-622/16: ¿Sentencia estructural-dialógica? *Revista IUS*, 16(49), 213–222. <https://doi.org/10.35487/rius.v16i49.2022.684>
17. Jiménez Torres, J. E. (2024). Derechos de la naturaleza en el Ecuador: El reto constitucional. *Cuestiones Constitucionales*, 26(52), e18955. <https://doi.org/10.22201/ij.24484881e.2025.52.18955>
18. López Zamora, L. (2021). Perplejidades normativas y límites de la actividad consultiva de la Corte IDH: Lecciones de la Opinión Consultiva OC-23/17 sobre “Medio ambiente y derechos humanos”. *Anuario Español de Derecho Internacional*, 37, 199–248. <https://doi.org/10.15581/010.37.199-248>

19. Martínez Navarro, J. A. (2025). El derecho a la protección del medio ambiente a través de la judicialización del cambio climático: Principios ambientales y activismo judicial. *Estudios de Deusto*, 73(1), 269–298. <https://doi.org/10.18543/ed.3332>
20. Olaya López, D. F. (2022). La Amazonía colombiana como sujeto de derechos: Un caso de justicia ambiental. *IUS. Revista del Instituto de Ciencias Jurídicas de Puebla*, 16(49), 223–251. <https://doi.org/10.35487/rius.v16i49.2022.719>
21. Pelizzon, A. (2020). An intergenerational ecological jurisprudence: The Supreme Court of Colombia and the rights of the Amazon rainforest. *Law, Technology and Humans*, 2(1), 33–44. <https://doi.org/10.5204/lthj.v2i1.1476>
22. Peel, J., & Osofsky, H. M. (2018). A rights turn in climate change litigation? *Transnational Environmental Law*, 7(1), 37–67. <https://doi.org/10.1017/S2047102517000292>
23. Roig, M. (2023). ¿Es el litigio estructural una vía efectiva para impulsar que los Estados cumplan con los objetivos de mitigación y adaptación al cambio climático? *Revista Escuela Judicial (Argentina)*, 3(4). <https://doi.org/10.59353/rej.v4i4.93>
24. Rodríguez-Garavito, C. (2020). Human rights: The Global South's route to climate litigation. *AJIL Unbound*, 114, 40–44. <https://doi.org/10.1017/aju.2020.4>
25. Setzer, J., & Higham, C. (2021). Global trends in climate change litigation: 2021 snapshot. *Nature Climate Change*, 11(8), 651–655. <https://doi.org/10.1038/s41558-021-01102-8>
26. Setzer, J., & Vanhala, L. C. (2019). Climate change litigation: A review of research on courts and litigants in climate governance. *WIREs Climate Change*, 10(3), e580. <https://doi.org/10.1002/wcc.580>
27. Soro Mateo, B. (2019). Responsabilidad pública, vulnerabilidad y litigios climáticos. *Revista Aragonesa de Administración Pública*, (54), 57–140. <https://doi.org/10.71296/raap.94>
28. Tigre, M. A., Urzola, N., & Goodman, A. (2023). Climate litigation in Latin America: Is the region quietly leading a revolution? *Journal of Human Rights and the Environment*, 14(1), 67–93.
29. Vernaza Arroyo, G. D., & Cutié Mustelier, D. (2022). Los derechos de la naturaleza desde la mirada de los jueces en Ecuador. *Revista IUS*, 16(49), 285–311. <https://doi.org/10.35487/rius.v16i49.2022.760>