THE PROJECTION OF STRUCTURAL REMEDIES IN COLOMBIAN ENVIRONMENTAL JUSTICE: NATURE, GOVERNANCE, AND FORCED DISPLACEMENT DUE TO ENVIRONMENTAL FACTORS

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Abstract

This article analyzes the development and application of structural remedies within Colombian environmental justice, with particular attention to their relationship with structural judgments, complex judicial orders, environmental governance, and forced displacement caused by environmental factors. The study adopts a legal-dogmatic and jurisprudential approach, examining relevant judicial decisions in order to identify elements associated with structural intervention, including institutional plurality, complexity of judicial orders, progressive implementation, interinstitutional coordination, citizen participation, monitoring mechanisms, and collective impact. The analysis shows that Colombian environmental jurisprudence has progressively incorporated structural techniques to address complex environmental conflicts, particularly in cases involving the protection of rivers, ecosystems, biodiversity, and vulnerable communities. However, the presence of complex orders or monitoring mechanisms does not necessarily imply the existence of a structural judgment in the strict sense. The article also highlights the importance of environmental governance as a condition for the effective implementation of structural remedies, emphasizing coordination among public institutions, community participation, transparency, and accountability. Finally, special attention is given to Constitutional Court Judgment T-123 of 2024 and Law 2577 of 2026, which recognize and regulate forced displacement caused by climate change, environmental degradation, and disasters. These developments illustrate the growing interaction between constitutional jurisdiction, public policy, and legislative action in addressing complex environmental and social vulnerabilities.

Keywords: Structural Remedies; Environmental Justice; Environmental Governance; Structural Judgments; Environmental Displacement; Environmental Rights; Colombian Constitutional Court.

INTRODUCTION

The evolution of Colombian constitutionalism since the enactment of the 1991 Political Constitution has brought substantial transformations in the way the judicial function is conceived, particularly within the sphere of constitutional jurisdiction.

In this context, structural remedies have emerged as mechanisms of judicial intervention aimed at addressing complex and persistent problems whose resolution requires coordinated action by different authorities. These remedies may materialize through

orders for progressive compliance, monitoring mechanisms, interinstitutional coordination, and, in certain circumstances, effects that extend beyond the parties to the proceedings.

In the environmental field, constitutional judges have played a transformative role by incorporating an ecocentric approach into their decisions and recognizing Nature as a subject of rights. This trend, influenced by a harmonious interpretation of the Ecological Constitution, has enabled progress toward consolidating a model of the State that recognizes the interdependence between human beings and the natural environment and imposes specific obligations on the State and society regarding environmental protection.

This study aims to analyze the projection of structural remedies in Colombian environmental justice, identifying the elements that distinguish them from structural judgments and examining their use in complex environmental conflicts, with particular attention to environmental governance and forced displacement caused by environmental factors.

On this basis, the research problem is to determine how techniques characteristic of structural remedies are projected into Colombian environmental justice and which institutional conditions favor their effectiveness. It is argued that environmental case law has progressively incorporated complex orders and mechanisms of coordination, participation, and monitoring that are characteristic of structural logic, without implying that every ruling containing such measures can be classified as a structural judgment in the strict sense.

Methodologically, the research adopts a legal-dogmatic and case-law-based approach. Relevant judicial decisions in environmental matters are examined to identify elements associated with the logic of structural remedies, particularly institutional plurality, complexity of orders, temporal projection, coordination, participation, monitoring, and collective impact. The analysis is complemented by a doctrinal review of environmental governance and environmental justice, as well as a study of Judgment T-123 of 2024 and Law 2577 of 2026 as recent developments concerning forced displacement caused by environmental factors.

1. Structural Judgments and Structural Remedies in the Colombian Legal System

The 1991 Political Constitution recognized the pluralism and ethnic and cultural diversity of the Colombian nation. It also adopted the formula of a Social State under the Rule of Law, organized as a Republic that ensures the rule of law and the realization of integral human dignity and is founded on principles of solidarity and well-being (Silva Henao, 2012).

Thus, the Social State under the Rule of Law, whose purposes are set forth in Article 2 of the Constitution, seeks to "promote general prosperity and guarantee the effectiveness of the principles, rights and duties enshrined in the Constitution (...)". It is also founded on traditional values and seeks to create general material conditions that make those values effective and foster adequate social integration (C-566-95, Constitutional Court).

It should be recalled that the Constitutional Court is the court of final constitutional review whose authority extends throughout the national territory. Its primary and exclusive function is to exercise the supreme interpretation of the Constitution and to review the constitutionality of laws (Aragón-Reyes, 2021).

Colombian new constitutionalism has brought about a profound transformation, particularly in constitutional provisions that enshrine fundamental rights. These

provisions have become principles and rules that are directly applicable to disputes arising among citizens, thereby enabling judges and administrative officials to resolve such controversies (López Medina, 2006).

In this context, the Constitutional Court has the power to modulate the effects of its constitutional judgments pursuant to Article 241 of the Constitution, thereby safeguarding its integrity and supremacy. Hence, between the Constitution and the High Court when it interprets the Constitution, not even a sheet of paper may intervene (C-113-93, Constitutional Court).

Constitutional judgments are procedural acts that bring proceedings to an end. They therefore constitute the final constitutional instance and occupy a privileged position, grounded in an uninterrupted chain of logical reasoning centered on the affirmation of constituent power (Monroy Cabra, 2002).

Nevertheless, not all judgments are alike. The Constitutional Court uses traditional forms of judgment modulation: judgments upholding a claim declare the unconstitutionality and nullity of the challenged legal provision, whereas dismissive judgments reject the claimant's reasoning and deny the requested relief (Olano García, 2004).

Judgments involving modifications that affect the content of a provision are known as "manipulative judgments". Their justification lies in the principle of legal certainty. The judgments that fall within this category are explained below:

Interpretive or Conditional Judgments	These judgments seek to preserve the work of the legislature by eliminating interpretations and applications that are contrary to the legal order, without declaring the challenged rule or legal provision unconstitutional (Olano García, 2004). The Constitutional Court determines which interpretations of specific legal provisions are admissible when constitutional values are at stake (C-109-95, Constitutional Court).
Integrative or Additive Judgments	These judgments do not annul the challenged provision; instead, they add content that renders it constitutional when the Court identifies a legislative omission and finds the regulation unconstitutional because it is insufficient and failed to address relevant matters (Martínez Caballero, 2000). Integrative judgments are particularly relevant in disputes involving unjustified treatment or insufficient protection of specially protected persons. Legislative omissions may also arise when procedural regulation fails to include certain required elements (C-690-96, Constitutional Court).

Substitutive Judgments	These are decisions in which the Court removes a normative provision from the legal system and replaces the resulting regulatory gap with a specific rule grounded in the Constitution (Martínez Caballero, 2000). Substitutive judgments combine features of unconstitutionality and integrative judgments: the challenged provision is removed, creating a regulatory gap that is filled by a new mandate added and integrated into the legal order by the judgment.

Among these forms of judicial intervention is the use of structural judgments and structural remedies, particularly in situations involving institutional deficiencies that require coordination among different authorities and changes in public policy.

However, in the United States judicial system, the judiciary is understood as being unable to intrude into matters entrusted to the legislative and executive branches, in keeping with the principle of separation of powers. Accordingly, constitutional judges are limited to safeguarding fundamental rights, an approach developed by the Supreme Court of the United States through the so-called "political question doctrine" (Harrison, 2017).

Likewise, "structural remedies" emerged in the United States with an important judicial precedent in Brown II, associated with racial discrimination in public schools during the 1960s, together with other precedents in which courts adopted structural measures that transformed state governments and led courts to issue orders involving continuing supervision (Weaver, 2004).

In Colombia, however, when structural situations arise, the constitutional judge cannot remain a passive observer in the face of the absence of clear public policies, serious institutional shortcomings, or evident contradictions among existing policies, because these circumstances ultimately impair constitutionally protected fundamental rights. In response, constitutional adjudication developed the doctrine of the Unconstitutional State of Affairs (Estado de Cosas Inconstitucional, ECI).

The Court has referred to the Unconstitutional State of Affairs (ECI), whose development is linked to the objective dimension of fundamental rights and may involve structural judgments with effects extending beyond the parties in tutela proceedings, rather than the inter partes effects ordinarily associated with that constitutional mechanism (Muñoz Hernández, 2012).

The ECI first appeared in Colombian constitutional case law in Judgment SU-559 of 1997, in which a group of teachers in the Department of Bolívar filed tutela actions against municipal mayors for failing to affiliate them with the Social Benefits Fund, thereby preventing them from claiming health-related social benefits as a consequence of the unequal distribution of fiscal transfers among the country's departments and municipalities.

In that case, the Court ordered protection of the claimants' fundamental rights. The underlying situation also persistently affected a large number of teachers throughout the country who were in the same circumstances. Accordingly, in its tutela judgment, the Constitutional Court issued a general preventive warning and called upon public authorities to correct the factual situation within a reasonable period.

Accordingly, structural judgments arise when the Executive and/or Legislative Branch

fails to comply with constitutional mandates or does so inadequately. In such circumstances, the Constitutional Court may establish general guidelines for the adoption of public policies or create channels of dialogue with the legislature in order to ensure the effectiveness of fundamental rights (Peña-Cuéllar & Vidal-Lasso, 2019).

It should be noted that, within the Roman-Germanic legal tradition, judicial activity was historically limited to the concrete application of law in particular cases, without judges being permitted to design or implement general policies because those functions were reserved to the legislature and the Executive (Osuna Patiño, 2015). In contemporary constitutionalism, however, the Court has a duty to issue orders aimed at remedying structural problems underlying specific disputes.

Structural judgments have the following characteristics: (i) the proceedings originate in a systematic violation of the fundamental rights of a group of persons, and the judicial order seeks to modify an unjust status quo; (ii) the proceedings involve a set of public authorities; (iii) the facts are connected with public policies; (iv) the judgment does not produce only inter partes effects; (v) the issuing authority retains jurisdiction to monitor compliance; and (vi) the judge is not neutral in the traditional sense, because the purpose of the ruling is to guarantee the effectiveness of constitutional principles (Muñoz Hernández, 2012).

In the same vein, the Constitutional Court has declared the existence of an ECI, and Colombian scholarship has identified three examples of structural judgments:

T-153 of 1998: ECI identified due to prison overcrowding.

In this decision, the Court declared an ECI with respect to Colombia's prison system after reviewing tutela actions filed by inmates of the Modelo National Prison in Bogotá and Bellavista Prison in Medellín against the Ministry of Justice and Law and the National Penitentiary and Prison Institute (INPEC).

The High Court inspected correctional facilities and evaluated prison conditions throughout the country, finding serious deficiencies in public and assistance services, increased violence, extortion and corruption, and a lack of opportunities and resources for the social reintegration of inmates.

On that basis, the Court concluded that the dignity of incarcerated persons was being clearly violated, threatening other fundamental rights as well and turning prisons into schools of crime. The Court therefore assumed a protective role on behalf of neglected minorities and required measures from different branches of government to address the problem (T-153-98, Constitutional Court).

Similarly, in Judgments T-606 and T-607 of 1998, the Constitutional Court examined allegations that the fundamental right to health had been violated in the respective prison facilities. It ordered INPEC to coordinate with several ministries to establish a social security system capable of addressing the serious and systematic violations of inmates' right to health.

T-025 of 2004: ECI declared due to forced displacement arising from the internal armed conflict.

Forced displacement resulting from the internal armed conflict constitutes a humanitarian and human-rights crisis in Colombia, as millions of people have been arbitrarily forced to leave their homes and seek refuge elsewhere in the country or pursue opportunities abroad.

The Court therefore identified a structural problem warranting the declaration of an ECI regarding the living conditions of the displaced population. It found failures in public administration, including insufficient institutional capacity to implement corrective measures, and consequently issued two types of orders.
Complex implementation orders required the entities responsible for assisting displaced persons to establish corrective measures to overcome resource shortages and institutional weakness in implementing State policy. Simple orders, by contrast, responded to specific requests by the claimants in order to protect the rights of persons in conditions of vulnerability and marginalization (T-025-04, Constitutional Court).

T-760 of 2008: structural remedies addressing failures in the health system.
The judgment consolidated a series of routine health cases. Its importance lay in: (i) requiring greater rigor in defining and updating the health-benefits plan and informing users of their rights; (ii) seeking to extend coverage to the entire Colombian population; (iii) strengthening the State's participatory role in the operation of the system; and (iv) improving the flow of resources so as to enhance clarity, speed, and accountability in the management of the budget that finances the system.
A distinctive feature of this decision is that it did not expressly recognize an ECI. Although the Court did not formally declare an ECI, the judgment incorporated structural orders aimed at correcting general failures in the health system.
In summary, through structural judgments the Court exercises the institutional authority derived from its role as the final constitutional court in order to address serious social problems and to adopt measures capable of rebuilding the social fabric when systematic violations of fundamental rights occur.
Indeed, the Court's jurisdiction extends to the control, monitoring, and supervision of the ECI until it has been overcome, as provided in Article 27 of Decree 2591 of 1991. Public entities subject to such orders are therefore required to adopt structural measures aimed at guaranteeing the protection of rights.

Other cases in which the Court declared the existence of an ECI are set out below:

T-590 of 1998	Failure of the State to adopt measures guaranteeing the rights of human-rights defenders in the face of persistent threats to their lives.
SU-250 of 1998; T-1695 of 2000	The failure to call a merit-based competition for the appointment of notaries generated a situation amounting to an ECI. The Court issued orders to the Superintendent of Notaries and Registration and the Superior Council of the Administration of Justice.
T-302 of 2017	Generalized, unreasonable, and disproportionate violations of the fundamental rights of Wayúu children led the Court to order the creation of a Special Mechanism for Monitoring and Evaluating Public Policies in order to overcome the identified ECI.

Nevertheless, it must be clarified that a structural judgment, a structural remedy, and a complex order are related but non-equivalent categories. A structural judgment refers to a judicial decision aimed at confronting a structural violation; a structural remedy comprises the set of measures designed to transform the institutional conditions that produce or perpetuate that violation; and complex orders are concrete instruments through which the remedy may be implemented. Consequently, the presence of complex orders or monitoring mechanisms does not automatically convert a ruling into a structural judgment, nor does it necessarily require a declaration of an Unconstitutional State of Affairs.

2. The Projection of Structural Remedies in Colombian Environmental Justice

The preceding distinction allows the analysis to be extended to the environmental sphere without assuming that every decision protecting ecological interests constitutes a structural judgment. The focus is therefore on identifying when and how environmental justice incorporates techniques, orders, or mechanisms characteristic of structural remedies.

Judicial activism represents one of the developments of contemporary legal science, bringing together the role of judges in a Social and Democratic State under the Rule of Law and the direct application of the Constitution. In this context, crises affecting the State are matters of particular relevance, and environmental problems arising in the country are no exception.

Environmental Law is a legal discipline comprising the set of rules governing public- and private-law relationships that seek to regulate conduct concerning the rational use and conservation of ecosystems, while also preventing potential harm and contributing to the protective balance of nature (Cafferatta, 2004).

Indeed, Velilla (2014) advances a strong position according to which environmental judges cannot remain passive. Their role must go further and must be directed toward fulfilling constitutional purposes related to environmental protection.

Accordingly, judges face several challenges in implementing judicial activism. They must move beyond the role of mere guardians of administrative legality and become genuine protectors of the public interest, with the protection of collective rights and interests serving as the principal parameter limiting their actions (Guzmán Jiménez, 2018).

Against this background, in Judgment T-411-92 the Constitutional Court held that Colombia has an Ecological Constitution. This reflects the need to provide legal protection to nature not only from a national perspective but also in response to a social need for a forceful response to the continuing harms suffered by the environment.

The following section examines several relevant environmental decisions in order to identify the possible presence of techniques associated with structural remedies, including interinstitutional coordination, orders for progressive implementation, participation, monitoring, and protection extending to groups beyond the claimants:

Atrato River (2016)

The Constitutional Court recognized the Atrato River, its basin, and its tributaries as an entity and subject of rights entitled to protection, representation, conservation, maintenance, and restoration by the State and the ethnic communities living along its banks, invoking principles of interculturality and biocultural rights.

In addition to recognizing the river as a subject of rights, the decision emphasized the implementation of action plans jointly with communities to address environmental,

social, and humanitarian problems caused by severe degradation resulting from intensive mining activity, including mercury discharges into the water source and the unlawful exploitation of natural resources by the defendants.
Colombia thereby witnessed a new constitutional experiment consisting of the recognition of legal personality for ecosystems, moving toward a socio-environmental model of the rule of law that gives rise to a form of "constitutionalism of biodiversity" (Carducci & Castillo Amaya, 2016).
From this development emerged an ecocentric approach centered on ecosystem protection. This orientation can also be seen in earlier judgments, including C-595 of 2010, C-632 of 2011, C-449 of 2015, and T-080 of 2015, in which the Court emphasized the relevance of the environment as a subject of rights that must be protected and guaranteed.
It should be emphasized that the structural significance of the case does not arise solely from the recognition of the river as a subject of rights, but also from the formulation of action plans, community participation, and institutional coordination.

Amazon Region (2018)
Judgment STC 4360-2018 decided a tutela action filed by a group of young people who alleged that their rights had been violated as a result of the omission and failure of the competent authorities to fulfill their duty to protect the Colombian Amazon.
Environmental authorities were failing to perform their duties to evaluate, control, and monitor natural resources and, where necessary, impose sanctions for violations of environmental protection rules. Likewise, territorial entities located within the Amazon region had not strictly complied with the legal and constitutional obligations incumbent upon them.
In order to protect the Colombian Amazon ecosystem, the Supreme Court declared it an entity and subject of rights entitled to conservation, maintenance, and restoration by the State and the territorial entities that form part of it, considering this an appropriate decision to halt the excessive intensification of deforestation.
The judgment also ordered various actors, including the Office of the President of the Republic, to formulate effective short-, medium-, and long-term action plans to counteract and reduce the rate of deforestation affecting the Amazon region. The structural component is therefore particularly evident in orders addressed to multiple authorities and in the planning of actions over different time horizons.

Cauca River (2019)
The tutela judgment issued by the Superior Court of Medellín resolved an appeal filed by the claimants, who alleged violations of the fundamental rights to water, a healthy environment, and a dignified life of communities located in the Cauca River area as a result of the Hidroituango project.
The Court determined that future generations are genuine subjects of rights and, given the crisis affecting the ecosystem as a result of the Hidroituango project, held that the Cauca River must be preserved for the benefit of generations to come.
A fortiori, alongside future generations as subjects of rights and holders of the fundamental right to the environment, another subject of rights emerges: the Cauca River itself. In this context, Empresas Públicas de Medellín undertook commitments to repair the damage caused to the ecosystem.

Likewise, the orders issued by the Superior Court urged the competent entities to halt the damage being caused to the water source, while the National Government was called upon to assume guardianship and legal representation of the river's rights.

Magdalena River (2019)

The First Criminal Court of the Circuit of Neiva decided a tutela action concerning the alleged violation of the fundamental rights to health, water, a healthy environment, and a dignified life of communities located in the Magdalena River area. The claim arose from the construction of the El Quimbo hydroelectric project and discharges entering water sources directly, which had caused serious harm to the ecosystem.

The analysis relied on Article 8 of the Constitution, which establishes the obligation of the State and private persons to protect the Nation's cultural and natural wealth, together with Articles 79 and 80, which set out parameters governing the relationship between human beings and the environment, particularly given Colombia's status as a megadiverse country requiring special protection.

In light of the ecological crisis, preservation of the ecosystem must be ensured for present and future communities. Recognition of the Magdalena River as a subject of rights entails the adoption of policies and instruments aimed at ecosystem restoration in response to pollution, under the responsibility of the State.

Quindío River (2019)

In the public-interest action, the court issued a judgment declaring that the defendant entities had violated collective rights to a healthy environment, ecological balance, and the rational management and use of natural resources as a result of wastewater discharges and impacts on protected forest areas.

The Department of Quindío faced significant deficiencies in its wastewater treatment and discharge system. The resulting pollution affecting the watercourse therefore led to the design and planning of wastewater treatment plants in the Municipality of Salento and the Boquía rural district.

After an exhaustive analysis of the circumstances that had placed the Quindío River in a state of severe pollution, the court held that the water source - from its headwaters and basin through its tributaries and mouth - should be treated as a subject of rights entitled to protection, conservation, maintenance, and restoration by the State.

Accordingly, the construction and operation of a wastewater treatment system would make it possible to mitigate the impact of the polluting activities affecting the Quindío River, thereby benefiting local residents. Guardianship and legal representation of the Quindío River were assigned to the Governor through the Department's Secretariat of Water and Infrastructure for the conservation of the watercourse.

Pisba Páramo (2019)

This case concerned an appeal filed by the Ministry of Environment and Sustainable Development against a judgment of the Second Oral Administrative Court of the Circuit of Duitama, which had protected the fundamental rights to citizen participation and due process.

In affirming the right to enjoy a healthy environment, the duty to protect the environment, and the duty to guarantee its existence, preservation, and development, the Administrative Court of Boyacá indicated that recognizing the Pisba Páramo as a subject

of rights is intended to guarantee the environmental participation of affected communities and to promote respect for and harmonization of rights that may come into conflict.
The Ministry of Environment and Sustainable Development or the President of the Republic would serve as the legal representative of the páramo in order to guarantee the defense of ecosystem rights and interests, including authority to intervene in mining-concession proceedings.

La Plata River (2019)
In this case, a judgment was issued in a tutela action brought by residents of the El Remolina neighborhood in the municipality of La Plata, Department of Huila, against the public utility company Empresa de Servicios Públicos de La Plata-Huila (EMSERPLA E.S.P.).
The dispute arose from a wastewater sewerage system that discharged into a septic tank located below the El Remolina neighborhood, affecting residents' rights because of offensive odors and reportedly causing skin rashes and recurrent illnesses among the local population.
Accordingly, under an ecocentric-anthropocentric approach, the La Plata River was recognized as a subject of rights so that the protective measures considered necessary could be adopted to safeguard the rights of the tutela claimants (Juzgado Único Civil Municipal de La Plata-Huila, Judgment 41-396-40-03-001-2019-00114-00, 2019).

Otún River (2019)
The tutela judgment concerned the area surrounding the Otún River, which suffered from a degree of pollution affecting residents of nearby neighborhoods. The principal sources of contamination were untreated wastewater discharges and uncontrolled dumping of solid waste along the riverbank.
During the constitutional proceedings, it was established that the Otún River supplies approximately 80% of the water consumed by residents of the Department. Pollution of this water source therefore directly affects the rights to life and health, as well as public health conditions, in Risaralda (Juzgado Cuarto de Ejecución de Penas y Medidas de Seguridad de Pereira, Judgment 66001233300020190019300, 2019).
The failure of State entities to ensure the river's protection and preservation provided the basis for classifying the Otún River basin as a subject of rights in response to domestic wastewater discharges.

Guáitara River (2023)
The judgment of the Administrative Court of Nariño resolved a public-interest action concerning whether the collective rights invoked by the claimant should be protected in response to pollution affecting the Guáitara River, the El Totoral Wetland, and the La Ruidosa stream.
The situation resulted from ecological imbalance and serious damage to water sources caused by the discharge of untreated wastewater, which harmed the environment, contributed to the disappearance of aquatic flora and fauna, polluted soil and air, and adversely affected the health of local residents.
The Chamber held that the defendant entities were responsible for violating collective rights because of their omissions and failure to carry out effective and appropriate

decontamination measures, thereby creating ecological imbalance in surrounding territories (Tribunal Administrativo de Nariño, Judgment 52001-23-33-2017-0639-00, 2023).
In addition, the authorities were required to adopt measures aimed at preventing pollution of the Guáitara River, which was declared a subject of rights whose legal representation would be entrusted to the Nation and the Ministry of Environment and Sustainable Development.

Bogotá River (2014)
A group of citizens filed several public-interest actions before the Administrative Court of Cundinamarca seeking protection of collective rights that had been violated through both acts and omissions of competent public entities and private parties in relation to the Bogotá River.
The Council of State identified weak interinstitutional integration and fragile environmental measures relating to the Bogotá River basin, circumstances that had contributed to biodiversity loss. It therefore established a series of obligations concerning respect, protection, and compliance by the Colombian State for the recovery of the river (Consejo de Estado, First Section, Judgment 25000232700020001-90479-01).
The general approach was to establish integrated management of the Bogotá River basin through coordination of land-use planning instruments. Although the river was not recognized as a subject of rights, the judicial role remains noteworthy because the decision ordered harmonious collaboration among the branches of public power in the development of public policies associated with river decontamination.
In this way, Colombian case law has progressively consolidated recognition of Nature and its various ecosystems as subjects of rights, moving away from an anthropocentric approach toward an ecocentric one.
Judicial authorities, acting as leading interpreters and defenders of fundamental rights, have urged and defined the conduct of public authorities, private entities, and individuals in matters neglected by the State in order to ensure the effective exercise of rights (Osuna Patiño, 2021).
Several of the decisions analyzed reveal elements associated with the logic of structural remedies, particularly the complex character of the orders, the involvement of multiple authorities, and the need for coordination and monitoring mechanisms.
In addition, dialogic orders - a term also used to describe certain structural and complex orders - allow interested parties, under the direction and supervision of the judicial authority, to seek agreement on and implement suitable measures to eradicate violations of fundamental rights (Osuna Patiño, 2021).
This point is especially relevant because it shows that the use of structural techniques in environmental matters does not depend on recognizing an ecosystem as a subject of rights. What is decisive is the complex nature of the orders, the need for institutional coordination, and the progressive transformation of policies aimed at overcoming the underlying harm.
The decisions discussed above emphasize the connection between the collective right to a healthy environment and the fundamental rights to human dignity, personal integrity, life, and the minimum conditions for subsistence, as well as intergenerational equity linked to future generations, because ecosystems and Nature itself are essential instruments for the preservation of human life (Sarmiento, 2020).

In sum, the cases examined demonstrate, with differing degrees of intensity, the use of techniques and orders that may be associated with the logic of structural remedies. Their common element does not necessarily lie in recognizing nature as a subject of rights, but rather in the judicial response to complex environmental problems requiring coordinated and progressive institutional action, without the cases discussed necessarily amounting to an ECI in the strict sense (Sarmiento, 2020).

Judicial activism in environmental matters influences the development of public policies and the contemporary role of judges, who must act as careful designers of the essential elements of policy-making while calling on public administrations to respond in a coordinated and timely manner to the systemic needs and problems arising in society.

2.1. Structural Elements Identifiable in Environmental Case Law

The preceding analysis makes it possible to identify a series of recurring elements that reveal the presence of techniques characteristic of structural remedies in the environmental case law examined, as follows:

Element	Manifestation
Plurality of authorities	Orders addressed to national and territorial entities
Complexity of orders	Plans, programs, restoration, prevention
Temporal projection	Progressive compliance
Coordination	Interinstitutional coordination
Participation	Communities and social actors
Monitoring	Verification of compliance
Collective impact	Protection extending beyond the claimants

Source: Authors' own elaboration

The elements identified above make it possible to systematize the way in which certain structural techniques are projected into Colombian environmental justice. Their concurrence does not, by itself, determine the existence of a structural judgment, but it does reveal a judicial response that goes beyond individual reparation and seeks to address the institutional causes of the violation. This is accompanied by continuous judicial monitoring aimed at protecting the interests not only of the claimants but also of broader groups of persons, institutions, and communities.

This analysis supports the conclusion that not all of the judgments discussed and examined constitute structural judgments in the strict sense. Nevertheless, they reveal the use of complex orders, techniques, and remedies characteristic of structural litigation,

together with broad and coordinated protection of the rights involved.

3. Structural Remedies, Governance, and New Challenges for Environmental Justice

Having identified the projection of structural techniques in environmental justice, it is necessary to examine the institutional conditions that may favor their effectiveness. Environmental governance is especially relevant in this respect because implementation of complex orders requires interinstitutional coordination, social participation, transparency, and permanent monitoring mechanisms.

3.1. Environmental Governance and the Effectiveness of Structural Remedies

Environmental governance refers to the processes and structures through which decisions concerning the environment are made. The concept has roots in debates arising during the Cold War over the role of the State in the economic and social crises of the 1970s, in which "governance" was proposed as a viable approach for responding to the challenges of that period (Montoya-Domínguez & Rojas-Robles, 2016).

Governance examines the government's capacity to transform community needs into public policies and, through that process, to strengthen interaction among strategic actors and stakeholder groups so that policy formulation and implementation can be carried out jointly and efficiently (Galeano Rey, 2009).

The International Union for Conservation of Nature (IUCN) has addressed the scope of governance in environmental matters and understands environmental governance as the diversity of rules, institutions, and processes that determine how power, responsibilities, decision-making, and citizen participation should operate in the management of natural resources (Borrini-Feyerabend & Hill, 2019).

Environmental governance also functions as a strategy for the development of participatory policies. Management of natural resources should therefore not remain an exclusive State monopoly; rather, it should allow the incorporation of private and nongovernmental actors in order to adopt a transdisciplinary approach to preventing ecological conflicts through participation and collective human action (Delgado et al., 2007).

In its analysis of environmental governance, the IUCN distinguishes four types or categories, defined as follows:

Governance by Government	One or more government bodies - for example, ministries directly dependent on the national government or subnational or municipal authorities - hold decision-making authority or accountability responsibilities for environmental management and for ensuring implementation of the management plan.

Shared Governance	This model is based on institutional mechanisms and processes through which administrative authority for management and control is shared among two or more actors, governmental or nongovernmental. It therefore requires reciprocal interaction in contexts such as transboundary conservation (Sandwith et al., 2001).
Governance by Individuals and Private Organizations	This category comprises areas controlled and owned by private individuals, companies, or private for-profit or nonprofit organizations that determine conservation objectives and the rules to be observed.
Governance by Indigenous Peoples or Local Communities	This is a characteristic form of land and natural-resource governance involving ancestral cultural practices in Indigenous territories and traditional communities, distinguished by their worldviews and close relationship with natural resources.

Environmental governance forms part of the public-management model. From this perspective, direct governmental participation should be reduced so that society can assume a leading role in the creation and development of environmental public policies, thereby producing a degree of political decentralization or diffusion (Molina Orjuela, 2014).

Finally, the IUCN has identified a series of principles necessary to guarantee "good governance". These principles provide guidance for the formulation, implementation, and evaluation of environmental policies and actions and are intended to promote effective and sustainable environmental management.

First, the principle of legitimacy and voice promotes social dialogue and collective agreements based on freedom of association and expression, including the participation of vulnerable groups such as Indigenous peoples, women, and young people (Musmeci & Caille, 2020).

Similarly, the principle of subsidiarity promotes delegation of management functions and concrete responsibilities to institutions closer to the resources concerned. The principles of participation and transparency, meanwhile, involve all relevant actors - including governments, companies, nongovernmental organizations, and local communities - in environmental decision-making processes.

The principle of responsibility and accountability requires those responsible for environmental decision-making and policy implementation to answer to society and assume responsibility for their actions. This entails establishing monitoring and evaluation mechanisms to ensure that environmental objectives are achieved (Borrini-Feyerabend & Hill, 2019).

The principle of equity guides environmental governance toward ensuring that environmental burdens and benefits are distributed fairly among all persons and communities without discrimination. At the same time, environmental and social inequalities must be addressed so that everyone has access to a safe environment.

Lastly, the principle of international cooperation reflects the global nature of many environmental problems and the need to address them effectively through collaboration with other countries and international organizations in order to confront shared environmental challenges and promote conservation and the sustainable use of natural resources worldwide.

In summary, the progressive achievement of good environmental governance requires governments not only to comply with these guiding principles in their decisions and actions, but also to promote their dissemination and practical appropriation by the plurality of actors operating in this field (Musmeci & Caille, 2020).

More specifically, the relationship between environmental governance and structural remedies is not merely thematic. The effectiveness of complex orders depends on institutional structures capable of coordinating competences, incorporating affected communities, ensuring transparency in implementation, and subjecting execution to monitoring. In this sense, governance constitutes a condition for the material effectiveness of structural remedies.

Environmental justice, for its part, seeks to provide protection against environmental risks that lead to problems affecting health and quality of life, regardless of ethnic background or socioeconomic condition (Legarda & Pardo Buendía, 2011).

Similarly, the United States Environmental Protection Agency (EPA) defines environmental justice in terms of the fair treatment and meaningful involvement of all people in the development, implementation, and enforcement of environmental laws, regulations, and policies.

The concept of environmental justice rests on two fundamental premises: first, that all citizens should have access to environmental resources necessary for a healthy and dignified life; and second, that the most vulnerable groups are those most likely to lack such conditions (ESRC Global Environmental Change Programme, 2001).

Nevertheless, some dimensions go beyond understanding environmental justice purely as distributive or retributive justice. Various authors have argued that disproportionate environmental burdens are an effect rather than the underlying cause of environmental injustice, and that such injustice is instead reflected in the absence of opportunities, recognition, or political participation - elements that, if present, would help ensure structural decision-making mechanisms established by society (Hervé Espejo, 2010).

The recognition of nature as a subject of rights may also affect the application of environmental justice. A fundamental premise is that the country's strategic ecosystems are not empty spaces; they are inhabited by populations that have lived there for decades, such as Indigenous peoples in the Amazon, whose development has taken place in close harmony with Nature.

This point is closely linked to the notion of environmental justice, which requires environmental decision-making to be supported, first, by access to information and meaningful citizen participation by affected communities and, second, by effective mechanisms for access to justice (Amaya Arias, 2022).

The right to information therefore allows interested parties, particularly communities that may be affected, to exercise political and judicial oversight over administrative and/or legislative decisions capable of affecting the enjoyment of a healthy environment not only for those communities but also for future generations (Mendoza, 2018).

The principal objective is environmental protection and the promotion of sustainability. However, the social, economic, and cultural dimensions of territories must not be

overlooked; environmental equity and justice must also be guaranteed. Participatory processes are therefore essential to strengthen support for, recognition of, and legitimacy of environmental decisions and to ensure continuity and oversight in monitoring the orders that are implemented (Amaya Arias, 2022).

In addition, the Escazú Agreement is a regional treaty intended to promote the right to timely and effective access to environmental information, participation in decision-making processes affecting the environment, and access to justice to guarantee compliance with environmental laws and rights (Sierra, 2020).

In Judgment C-359 of 2024, the Constitutional Court held that the provisions of Law 2273 of 2022 approving the Escazú Agreement were consistent and compatible with the Political Constitution. The Court also determined that prior consultation was not required because the Agreement itself did not contain specific regulations directly affecting ethnic communities.

Environmental protection is of particular importance within Colombia's constitutional design. Both private persons and the State have duties to protect, conserve, and maintain Nature; in the case of the State, these duties include adopting the legislative and public-policy measures necessary to protect the environment.

The High Court reiterated that participation in environmental matters is indispensable to the effectiveness and efficiency of environmental management: "The right to participation in environmental matters is guaranteed through three elements: (i) access to information; (ii) public and deliberative participation; and (iii) the existence of administrative and judicial mechanisms for the defense of these rights" (C-359-24, Constitutional Court).

On this basis, the Escazú Agreement is complementary to and harmonious with the Colombian constitutional order. Its implementation provides an opportunity to reaffirm the commitments established by the Ecological Constitution and may also help overcome current ambiguities in environmental legislation (Muñoz-Ávila & Lozano-Amaya, 2021).

In conclusion, the access rights recognized in environmental matters - information, participation, and justice - can operate as components of the legitimacy and effectiveness of structural remedies, particularly when compliance requires sustained and coordinated decision-making between authorities and communities.

3.2. Forced Displacement Due to Environmental Factors: A New Expression of Structural Intervention

Forced displacement caused by environmental factors has acquired particular relevance in the Colombian legal system following judicial recognition of its effects on multiple constitutional rights. Judgment T-123 of 2024 emphasized that this phenomenon produces uprooting, alters people's living conditions, and generates complex harms requiring a comprehensive State response.

This judgment is especially significant because the Constitutional Court recognized the need to deploy structural measures aimed at reducing and controlling forced displacement caused by environmental factors, acknowledging that this form of displacement requires coordinated and comprehensive action for its prevention and mitigation.

Through this decision, the Court articulated an obligation on public authorities to adopt structural measures grounded in a human-rights approach for persons affected by natural disasters and, more broadly, for all those who have experienced this type of forced displacement.

The decision is particularly important because it recognized that the existing regulatory framework was partial, failed to acknowledge the phenomenon, and lacked comprehensive and definitive tools. The Court therefore adopted measures illustrating the structural approach discussed throughout this study, including inter communis effects, the involvement of multiple State institutions in implementation, and the extension of protective guarantees to persons other than the original claimants.

This inter communis extension demonstrates precisely that protection may reach beyond the claimants without attributing erga omnes effects to the judgment.

The Court also urged the legislative branch to formally recognize the phenomenon, adopt progressive measures for its protection, and eventually develop public policies aimed at addressing it.

These orders had a significant legislative impact with the enactment of Law 2577 of 2026, which materially corresponds to several of the elements identified by the Court, particularly institutional coordination, public policy, participation, prevention, assistance, and monitoring. The law expressly recognizes displacement caused by climate change, environmental degradation, and disasters, establishes identification criteria, and creates a Unified Registry of Environmental Displacement in order to categorize information and facilitate timely protective action.

In this way, the legislation reflects the structural logic articulated by the Court by guaranteeing institutional coordination and establishing public mechanisms for participation, prevention, and monitoring. It also orders the creation of an interinstitutional working group composed of national and territorial entities, academic institutions, and civil-society representatives to formulate, implement, and evaluate relevant public policies.

In light of the foregoing, the sequence formed by Judgment T-123 of 2024 and the subsequent enactment of Law 2577 of 2026 can be understood as a particularly significant example of interaction between constitutional adjudication and the legislature in response to a complex deficit of environmental and social protection.

Conclusions

Within the model of the Social State under the Rule of Law, structural remedies constitute a form of judicial response to massive, systematic, and prolonged violations of fundamental rights, especially in contexts of structural vulnerability and environmental crisis. The Constitutional Court, as the court of final constitutional review, has adopted decisions that extend beyond inter partes effects and seek to influence the structural transformation of social, institutional, and normative realities, particularly in contexts of institutional weakness and insufficient protection of vulnerable populations, without those decisions automatically amounting to structural judgments.

In environmental matters, some of the decisions examined incorporate complex orders, coordination mechanisms, and forms of monitoring that project techniques characteristic of structural remedies. Their scope may extend beyond the original claimants without necessarily producing erga omnes effects or constituting a structural judgment in the strict sense.

These decisions are characterized by their complex structure and their capacity to impose progressive and continuing compliance obligations on public authorities, thereby generating a new paradigm in the relationship among courts, public power, and citizens, together with continuing supervision and review by the judiciary. Strengthening structural remedies therefore requires participatory and coordinated environmental governance

grounded in a human-rights approach, capable of enabling effective implementation of judicial orders and ensuring ecosystem sustainability in a context of climate crisis.

This analysis is further reinforced by the precedent established in Judgment T-123 of 2024, which illustrates the importance of interinstitutional coordination in addressing the systematic violations at issue. In this way, forced displacement caused by environmental factors - legally recognized by Law 2577 of 2026 in response to the aforementioned judgment - constitutes a particularly relevant setting for analyzing the articulation among structural judicial remedies, public policy, and subsequent legislative action.

Ultimately, the research distinguishes among structural judgments, structural remedies, and complex orders. The first identifies a form of judicial decision aimed at confronting structural violations; the second comprises measures intended to transform the institutional conditions that produce or perpetuate those violations; and the third constitutes one of the instruments through which those measures may be implemented. This distinction allows for a more precise explanation of the expansion of structural techniques in Colombian environmental justice without unduly broadening the category of structural judgment.

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