

My thesis is based on the philosophical-scientific notion of "epistemic complexity" and how that has been "incorporated" in the contemporary environmental law that has already an "interdisciplinary" nature, since on the border between law, science, ethics and economics. It constitutes the "scene" where the need of reweaving the idea of development, unlimited growth and progress manifests both at national and international level through a reorientation of the objectives and the economical political strategies of the last forty years . A key element of this "legal branch" is represented by the precautionary principle (expressly recognized as "mandatory" by the international community since 1992 in the Rio de Janeiro Declaration), which provides a general "duty to act" for the protection of the environment, even if there is no absolute certainty of the risk of serious and irreparable damage. Therefore, several responsibilities arise from both the political decision makers and in the scientific and economic world relatively to the possible risks that a particular "community" could face, accepting the relative consequences. For this reason even not "sectorial" mind-sets appear gradually at substantial legal level of the natural environment, as well as a conception of "strong" environmental sustainability (and "ecological modernization"), not limited to a mere "technical adjustment", nor to precautionary action on an economic cost-benefit analysis of environmental protection; procedurally new "forms" and "spaces" of deliberative "reflexive" democracy (i.e. not simply "pragmatic" ones) are created where rights to information, participation, access to the courts can be practiced more broadly beyond individual preferences of people, not only towards an "individualistic" or "communitarian" perception, but also towards an "ecological" one (inter-relationships between parts and the whole, where the whole has not to be interpreted as the mere sum of the parts). Forms and spaces of an "ecological democracy" which find again in the state, and particularly in a not "interventionist" and not "competitive" state, not enslaved to the logic of competition, market and "financial thinking", their starting point and contemporaneously their "development". At the same time they should and could turn even the state itself into a continuous "process", within "deliberative systems" (on a "transnational" scale), focused on "anthropo-decentralized" ethics. The experiences of Andes neo-constitutionalism (Ecuador and Bolivia cases particularly) finally mark the transition to a new "state based" paradigm oriented to the concept of "multinationality" where "Western" and "indigenous" ideas of "Nature" are harmonized, encouraging to enrich in this way the "systemic" framework for a possible transnational "ecological democracy" towards new ways of considering law, economy, welfare and happiness, different from the material accumulation or simply from the mere "personal life plan"; in other terms towards a new "common sense" and a new "right" to an alternative form of individual and collective life.

