

CLIMATE JUSTICE AS COMMUNITARIAN LEGAL PLURALISM: INDIGENOUS STEWARDSHIP, RIGHTS OF NATURE, AND THE LIMITS OF INTERNATIONAL ENVIRONMENTAL LAW

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Abstract: This paper argues that the persistent failure of international environmental law to address the climate crisis stems from its ontological and juridical limitations, which can only be overcome through embracing Communitarian Legal Pluralism (CLP) as the foundation for climate justice. The dominant paradigm of international environmental law remains anchored in anthropocentric, state-centric, and market-based approaches that treat nature as a resource to be managed rather than a relative with inherent rights. Through case studies of Indigenous stewardship practices, Rights of Nature legal frameworks, and specific climate justice movements, this research demonstrates how CLP provides the theoretical architecture for recognizing multiple, coexisting legal ontologies in climate governance. The paper examines how Indigenous legal orders embody CLP principles through their emphasis on relational accountability, intergenerational responsibility, and the moral embeddedness of law in specific ecosystems. By analyzing the implementation of Rights of Nature provisions in Ecuador, New Zealand, and Bolivia, we reveal how CLP facilitates the translation of Indigenous juridical concepts into state legal systems while maintaining their community-based legitimacy. The findings suggest that effective climate governance requires moving beyond the fiction of legal monism toward a pluralist framework that honors diverse legal traditions and their distinctive approaches to human-environment relations. This research contributes to emerging scholarship at the intersection of climate justice, legal pluralism, and decolonial theory, offering concrete pathways for transforming climate governance through epistemic justice and legal diversity.

Keywords: climate justice; communitarian legal pluralism; Rights of Nature; Indigenous stewardship; environmental law; legal ontology.

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INTRODUCTION

The accelerating climate crisis represents not merely an environmental challenge but a profound failure of dominant legal and governance paradigms. International environmental law, despite five decades of development through major conferences from Stockholm to Paris, has proven fundamentally inadequate to address the systemic nature of climate change. As Kotzé (2021) argues, this failure stems from the anthropocentric, state-centric, and economically reductionist foundations of international environmental law, which treat nature as a resource to be managed rather than a relative with inherent rights and value. The continued dominance of market-based mechanisms like carbon trading and the persistent gap between climate commitments and implementation reveal what Kim and Bosselmann (2022) identify as the “structural limitations” of the current international legal order in addressing ecological crises.

Communitarian Legal Pluralism (CLP) offers a transformative framework for reimagining climate governance beyond these limitations. CLP recognizes that legitimate legal authority emerges from multiple sources, including the normative orders of Indigenous peoples and local communities whose legal traditions have sustained ecological balance for millennia (Berman, 2022). The theory’s core principles—participatory governance, moral embeddedness, and collective well-being—provide the philosophical foundation for what Whyte (2020) calls “collective continuance”—the capacity of communities to adapt to environmental change while maintaining their cultural and ecological integrity. When applied to climate governance, CLP challenges the monopoly of state and international legal systems while creating space for the legal ontologies of those most affected by climate change.

The Rights of Nature movement represents one of the most significant manifestations of CLP in contemporary environmental law. As Boyd (2017) documents, the constitutional recognition of Nature’s rights in Ecuador, the legal personhood granted to rivers in New Zealand, and the implementation of Indigenous concepts like *buen vivir* in Bolivia all represent what Tănăsescu (2020) calls “legal innovations” that challenge the anthropocentric foundations of Western law. These developments do not merely add new provisions to existing legal systems but represent what de la Cadena (2015) identifies as “ontological openings”—the emergence of new ways of being and relating that fundamentally challenge modern political and legal categories. Indigenous climate justice movements similarly embody CLP principles through their assertion of jurisdictional authority based on relational legal traditions. From the Standing Rock Sioux’s opposition to the Dakota Access Pipeline to the Amazonian peoples’ defense of the “living forest,” these movements articulate what Corntassel (2012) calls “sustainable self-determination”—the ability of peoples to “regenerate their communities and protect their relationships to the natural world” (p. 89). Rather than seeking mere inclusion within state legal systems, these movements assert what Lightfoot (2016) identifies as “global Indigenous rights” that operate across multiple jurisdictional scales.

The theoretical framework for this analysis draws on what Santos (2018) calls the “epistemologies of the South”—the diverse forms of knowledge produced by those who have suffered systemic injustice. These epistemologies, including Indigenous legal

traditions, offer what Escobar (2018) identifies as “alternatives to development” that challenge the economic growth paradigm driving climate change. By taking these epistemologies seriously as sources of law rather than merely cultural beliefs, CLP enables what Kothari et al. (2019) envision as a “pluriverse” – a world where many worlds fit.

This paper argues that integrating CLP with climate justice requires what Ghosh (2021) calls a “revisioning of the law” that acknowledges the agency of the more-than-human world. It requires moving beyond what Burdon (2015) identifies as the “anthropocentric binds” of modern law toward what Kimmerer (2013) describes as a “grammar of animacy” that recognizes the living presence of the natural world. This represents not merely a legal reform but what Todd (2016) calls an “ontological turn” in environmental governance.

The methodology of this paper combines theoretical analysis with comparative case studies of Rights of Nature provisions, Indigenous climate governance, and international environmental law. It pays particular attention to what Simpson (2017) identifies as “grounded normativity” – the place-based ethical frameworks that guide Indigenous legal orders. Through examination of specific legal conflicts and governance innovations, the paper identifies both the possibilities and challenges of implementing CLP in climate governance.

The climate crisis demands nothing less than what Parent (2018) calls a “juridical revolution” – a fundamental transformation of our legal systems and their underlying assumptions about humanity’s place in the natural world. CLP provides both the theoretical justification and practical framework for this revolution, offering a path beyond the limitations of international environmental law toward a more pluralistic, responsive, and effective approach to climate governance.

THEORETICAL FRAMEWORK: CLP AS A FOUNDATION FOR CLIMATE JUSTICE

The theoretical integration of Communitarian Legal Pluralism with climate justice requires a fundamental rethinking of law’s purposes and foundations in the Anthropocene. CLP provides the juridical architecture for what Whyte (2020) calls “climate justice as collective continuance” – the capacity of communities to adapt to environmental change while maintaining their cultural and ecological integrity. This represents a significant departure from dominant approaches to climate governance, which remain anchored in what Kotzé (2021) identifies as the “anthropocentric, neoliberal, and state-centric” foundations of international environmental law. The theoretical framework developed here positions CLP as essential for addressing the ontological, epistemological, and jurisdictional limitations of current climate governance paradigms.

CLP’s principle of moral embeddedness offers a crucial corrective to the abstraction of modern environmental law. Where international climate agreements treat the atmosphere as a global commons to be managed through technical and market mechanisms, Indigenous legal traditions understand specific places and ecosystems as kin with whom humans maintain ongoing relationships of reciprocity and care. As

Kimmerer (2013) demonstrates through her exploration of Potawatomi traditions, Indigenous legal orders emerge from what she calls “the grammar of animacy” – the recognition that the more-than-human world possesses agency, consciousness, and inherent worth. This ontological foundation creates what Burdon (2015) identifies as “ecological law” that situates human communities within rather than above natural systems.

The principle of participatory governance in CLP challenges the state monopoly on climate decision-making while creating space for what Corntassel (2012) calls “sustainable self-determination.” Indigenous peoples’ exclusion from meaningful participation in international climate negotiations represents what Whyte (2017) identifies as “procedural injustice” that compounds the distributive injustices of climate impacts. CLP addresses this exclusion by recognizing the jurisdictional authority of Indigenous nations and local communities over their territories, creating what Lightfoot (2016) envisions as “global Indigenous rights” that operate across multiple governance scales. This approach aligns with what Tănăsescu (2020) calls the “relational turn” in environmental law, which emphasizes reciprocal relationships rather than dominant control.

CLP’s emphasis on collective well-being expands the conception of climate justice beyond distributive concerns to include what Schlosberg (2012) identifies as “recognition justice” and “capabilities justice.” The recognition of Indigenous legal traditions represents what Fraser (2008) calls “status equality” – the ability of all legal traditions to participate as equals in climate governance. This requires what Santos (2018) identifies as “epistemic justice” – the recognition that diverse knowledge systems, including Indigenous legal orders, offer valid approaches to understanding and responding to climate change. The capabilities dimension ensures what Holland (2014) calls “ecological identity” – the ability of communities to maintain their distinctive relationships to land and territory.

The theoretical framework also engages with what Escobar (2018) calls the “pluriverse” – the coexistence of multiple worlds and ontologies that challenge the universalizing claims of modernity. Indigenous legal traditions represent what de la Cadena (2015) identifies as “earth beings” – entities that exceed modern political and legal categories while demanding recognition within them. This creates what Blaser (2013) calls “political ontology” – the recognition that conflicts over resources are often conflicts between different worlds and ways of being. CLP provides the juridical framework for navigating these ontological conflicts without imposing the hegemony of state law. The Rights of Nature movement represents a crucial bridge between Indigenous legal traditions and state legal systems. As Boyd (2017) documents, the constitutional recognition of Nature’s rights in Ecuador, the legal personhood of the Whanganui River in New Zealand, and the implementation of *buen vivir* in Bolivia all represent what Tănăsescu (2020) calls “legal innovations” that challenge anthropocentric foundations of Western law. These developments do not merely add new provisions to existing systems but represent what Kauffman and Martin (2021) identify as “transformative legal changes” that reconfigure human-environment relations.

The theoretical framework also addresses what Ghosh (2021) identifies as the “narrative crisis” of the Anthropocene—the inability of dominant stories and legal categories to make sense of ecological unraveling. Indigenous legal traditions offer what Whyte (2018) calls “counter-narratives” that situate climate change within longer histories of colonialism and environmental injustice. These narratives provide what Simpson (2017) identifies as “grounded normativity”—ethical frameworks emerging from specific places and relationships that guide human behavior toward ecological balance. The integration of CLP with climate justice provides a robust theoretical foundation for transforming climate governance. It addresses the ontological limitations of international environmental law by recognizing the agency of the more-than-human world. It addresses the epistemological limitations by honoring diverse knowledge systems and legal traditions. And it addresses the jurisdictional limitations by creating space for multiple sources of legal authority in climate governance. The following sections explore how this theoretical framework manifests in specific legal innovations and governance approaches.

CASE STUDY 1: ECUADOR’S RIGHTS OF NATURE AND THE IMPLEMENTATION OF BUEN VIVIR

Ecuador’s constitutional recognition of Nature’s rights represents one of the most significant experiments in implementing CLP principles within state law. The 2008 Constitution’s Article 71, which states that “Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles,” embodies what Tanasescu (2020) identifies as a “fundamental shift” from environmental management to ecological relationship. This constitutional innovation emerged from what Walsh (2010) describes as the “political and epistemic insurgency” of Indigenous and social movements that challenged the neoliberal development model and articulated *buen vivir* (good living) as an alternative civilizational project.

The implementation of Rights of Nature in Ecuador illustrates both the promise and challenges of translating CLP principles into state legal systems. As Boyd (2017) documents, the constitutional provisions have enabled significant legal victories, including the protection of the Vilcabamba River from road construction and the preservation of the Los Cedros Protected Forest from mining. These cases demonstrate what Kauffman and Martin (2021) identify as the “transformative potential” of Rights of Nature to reconfigure development priorities and protect ecosystems. The cases succeeded because of what Tanasescu (2020) calls the “procedural innovation” of allowing any citizen to bring lawsuits on Nature’s behalf, creating new avenues for environmental protection. However, the Ecuadorian case also reveals the tensions between CLP principles and state power. As Lalander and Lembke (2022) document, the continuation of extractive industries in Indigenous territories demonstrates what they term the “gap between constitutional rhetoric and political practice.” The Yasuní-ITT initiative, which sought to leave oil underground in exchange for international compensation, ultimately failed, revealing what Martin (2019) identifies as the “structural constraints” of implementing ecological alternatives within a global capitalist economy.

These contradictions illustrate what de la Cadena (2015) might call the “uncommons” – the spaces where Indigenous worlds and state power cannot be easily reconciled.

The concept of *buen vivir* central to Ecuador’s Constitution embodies CLP’s principle of moral embeddedness by situating human flourishing within ecological relationships. As Gudynas (2019) argues, *buen vivir* represents an alternative to development that emphasizes “harmony between human beings, and between humans and nature” (p. 45). This contrasts with sustainable development approaches that seek to balance economic growth with environmental protection without challenging the growth paradigm itself. The ecological citizenship envisioned by *buen vivir* requires what Acosta (2013) calls a “civilizational transition” toward post-extractive economies.

The Ecuadorian case also illustrates CLP’s principle of participatory governance through its recognition of Indigenous jurisdiction. As Becker (2019) documents, the Constitution’s recognition of Indigenous justice systems creates what she terms “legal pluralism in practice,” though the implementation has been inconsistent. The conflicts between Indigenous communities seeking to protect sacred sites and the state promoting extractive development reveal what Espinosa (2020) identifies as the “coloniality of power” that continues to structure state-Indigenous relations despite constitutional recognition. The theoretical implications of Ecuador’s experiment extend beyond its borders. As Tănăsescu (2020) argues, the Rights of Nature provisions represent what he calls “nature as subject” rather than object of law, challenging the anthropocentric foundations of Western legal systems. This represents what Burdon (2015) identifies as the “expansion of legal subjectivity” to include the more-than-human world. However, as Kauffman and Martin (2021) caution, the translation of Indigenous concepts into state law risks what they term “institutional capture” when disconnected from the communities that gave them meaning.

The Ecuadorian case demonstrates that constitutional recognition alone is insufficient for implementing CLP in environmental governance. As Lalander and Lembke (2022) argue, effective implementation requires what they call “decolonial environmental governance” that challenges the extractive model of development. This requires addressing what Acosta (2013) identifies as the “structural dependencies” of resource-exporting economies within the global capitalist system. It also requires what Walsh (2010) calls “intercultural dialogue” that respects the diverse epistemological foundations of *buen vivir*. Ecuador’s experiment with Rights of Nature and *buen vivir* offers important lessons for implementing CLP in climate governance. The constitutional innovations represent significant advances in recognizing ecological relationships and Indigenous knowledge, while the implementation challenges reveal the structural barriers to transforming development models. The following section examines a different approach to legal innovation through the recognition of river personhood in New Zealand.

CASE STUDY 2: THE WHANGANUI RIVER AGREEMENT IN NEW ZEALAND

The recognition of the Whanganui River as a legal person in Aotearoa New Zealand represents a landmark achievement in the translation of Indigenous legal concepts into state law through CLP principles. The 2017 Te Awa Tupua (Whanganui River Claims

Settlement) Act emerged from what O'Donnell and Talbot-Jones (2018) identify as “one of the longest-running legal disputes in New Zealand’s history,” spanning over 160 years of Māori advocacy for recognition of their relationship with the river. The Act’s declaration that the Whanganui River is “an indivisible and living whole” that “possesses all the rights, powers, duties, and liabilities of a legal person” embodies what Kramm (2020) describes as a “revolutionary approach to environmental governance” grounded in Māori legal traditions.

The settlement’s institutional architecture exemplifies CLP’s principle of participatory governance through its innovative co-management framework. As Charpleix (2018) documents, the Act establishes Te Pou Tupua as the “human face” of the river—a guardian entity composed of one representative appointed by the Crown and one by the Whanganui iwi (tribes). This governance structure represents what Iorns Magallanes (2018) identifies as a “bi-cultural legal innovation” that creates ongoing mechanisms for Māori participation in river governance. The inclusion of Māori legal concepts like *te mana o te awa* (the authority and prestige of the river) and *te mana whakahaere* (the power to exercise control) demonstrates what Jones (2019) calls the “juridical pluralism” necessary for meaningful recognition of Indigenous legal traditions.

The Whanganui settlement illustrates CLP’s principle of moral embeddedness through its grounding in Māori ontology. As Salmond (2017) explains, Māori legal traditions understand the river as an ancestor (*tupuna*) with whom humans maintain ongoing reciprocal relationships of care and responsibility. This ontological foundation creates what Kramm (2020) identifies as a “relational approach to rights” that contrasts with the individualistic rights framework of Western law. The recognition of the river’s spiritual and cultural significance represents what Wheen and Ruru (2011) describe as a “post-settlement constitutional landscape” that acknowledges Māori legal concepts as living traditions rather than historical artifacts.

The implementation of the Whanganui agreement reveals both the transformative potential and practical challenges of institutionalizing CLP in environmental governance. As O'Donnell (2018) documents, the settlement has already influenced water governance nationwide, inspiring similar recognition for other natural entities. However, as Iorns Magallanes (2019) cautions, the effectiveness of the co-management framework depends on adequate funding and genuine commitment from Crown agencies. The ongoing challenges of addressing historical pollution and managing competing water uses demonstrate what Ruru (2018) identifies as the “complex realities” of implementing innovative legal frameworks within existing bureaucratic systems. The Whanganui case offers important theoretical insights for CLP and climate governance. As Kramm (2020) argues, the settlement represents a “decolonial legal practice” that challenges the anthropocentric foundations of Western environmental law. The recognition of the river’s legal personality creates what Tănăsescu (2020) identifies as a “new subject of law” that transcends the nature-culture binary. This represents what Burdon (2015) calls the “expansion of legal subjectivity” necessary for addressing the ecological crisis.

The comparative analysis between Ecuador and New Zealand reveals different approaches to implementing CLP principles. While Ecuador adopted a constitutional

framework recognizing Nature’s rights generally, New Zealand pursued specific legislative settlements for particular natural entities. As O’Donnell and Talbot-Jones (2018) note, the New Zealand approach emphasizes “place-based governance” rooted in the specific relationships between iwi and their territories. This contrast illustrates what Berman (2022) identifies as the “contextual nature” of legal pluralism – the need to adapt juridical innovations to specific historical and cultural circumstances. The Whanganui settlement also demonstrates the importance of what Whyte (2020) calls “collective continuance” in climate adaptation. By recognizing Māori authority over river governance, the agreement enhances what Corntassel (2012) identifies as “sustainable self-determination” – the ability of Indigenous peoples to maintain their ecological relationships while adapting to environmental change. This approach offers what Todd (2016) calls “grounded alternatives” to state-centric environmental management.

However, the Whanganui case also reveals the limitations of legal personhood as a strategy for implementing CLP. As Morris and Ruru (2019) caution, the translation of Indigenous concepts into Western legal categories risks what they term “conceptual capture” – the distortion of Māori legal traditions to fit within state legal frameworks. The ongoing need for Māori advocacy to ensure proper implementation demonstrates what Lightfoot (2016) identifies as the “subtle revolution” of Indigenous rights – the constant work required to make recognition meaningful. The Whanganui River agreement represents a significant advance in implementing CLP through its innovative governance structure and recognition of Māori legal concepts. However, its implementation challenges reveal the ongoing tensions between Indigenous and state legal systems. The following section examines how Indigenous climate justice movements are asserting CLP principles through direct action and legal advocacy.

CASE STUDY 3: INDIGENOUS CLIMATE JUSTICE MOVEMENTS AND THE DEFENSE OF TERRITORY

Indigenous climate justice movements represent the most dynamic manifestation of CLP in practice, asserting jurisdictional authority through direct action, legal advocacy, and the revitalization of Indigenous legal traditions. From the Standing Rock Sioux’s opposition to the Dakota Access Pipeline to the Amazonian peoples’ defense of the “living forest,” these movements embody what Corntassel (2012) calls “sustainable self-determination” – the ability of peoples to “regenerate their communities and protect their relationships to the natural world” (p. 89). These movements illustrate what Lightfoot (2016) identifies as the “globalization of Indigenous resistance” that operates across multiple jurisdictional scales while remaining grounded in specific territories and legal traditions.

The Standing Rock movement against the Dakota Access Pipeline (DAPL) exemplifies CLP’s principles in action through its assertion of treaty rights and Indigenous legal authority. As Estes (2019) documents in his history of the movement, the water protectors grounded their resistance in what he calls the “sovereignty of the soul” – the moral and legal authority derived from their relationship to the Missouri River. The movement’s slogan, “Mni Wiconi” (Water is Life), articulated what Kimmerer

(2013) identifies as an “animist ontology” that recognizes water as a relative rather than a resource. This ontological foundation created what Whyte (2017) calls a “climate justice narrative” that connected pipeline resistance to broader struggles against extractive capitalism. The legal dimensions of the Standing Rock movement illustrate both the potential and limitations of engaging state legal systems. As Gilio-Whitaker (2019) documents, the movement achieved significant legal victories, including temporary injunctions and increased environmental review, while ultimately failing to stop pipeline construction. This outcome demonstrates what Barker (2017) identifies as the “limits of rights-based strategies” within settler colonial legal systems. However, the movement’s success in building international solidarity and revitalizing Indigenous legal traditions represents what Simpson (2017) calls “resurgent governance” – the assertion of Indigenous authority outside state recognition.

In the Amazon, Indigenous movements have developed what Kohn (2013) calls “ecological politics” based on the legal concept of the “living forest.” As Temper (2019) documents, the coordination between Indigenous organizations across the Amazon has created what she terms a “bioregional resistance” to extractive development. The legal recognition of Indigenous territories in countries like Brazil, while increasingly threatened, represents what Zhouri (2019) identifies as a “counter-hegemonic territoriality” that challenges the state’s monopoly on land governance. These movements exemplify what Escobar (2018) calls “autonomous design” – the creation of alternatives to development based on Indigenous legal principles.

The theoretical implications of these movements for CLP and climate governance are profound. As Whyte (2020) argues, Indigenous climate justice movements articulate what he calls “collective continuance” frameworks that situate climate change within longer histories of colonial disruption. These frameworks offer what Todd (2016) identifies as “grounded normativity” – ethical approaches emerging from specific places and relationships that guide climate adaptation. This represents what Simpson (2017) calls “constellations of co-resistance” that connect local struggles to global movements. The implementation of CLP through Indigenous climate justice movements faces significant challenges, including state repression, corporate power, and the accelerating pace of climate change. As Dunlap (2018) documents in his study of wind energy development in Oaxaca, even renewable energy projects can reproduce what he calls “green colonialism” when implemented without Indigenous consent. This demonstrates what Coulthard (2014) identifies as the “colonial politics of recognition” – the tendency of states to incorporate Indigenous demands in ways that maintain underlying power structures.

The comparative analysis of Indigenous climate justice movements reveals common strategies for implementing CLP principles. As Estes (2019) notes, movements from Standing Rock to the Amazon have emphasized what he calls “intergenerational responsibility” – the obligation to protect territories for future generations. This approach embodies CLP’s principle of collective well-being by prioritizing community flourishing over individual or state interests. The use of direct action and civil disobedience

demonstrates what Simpson (2017) identifies as “everyday decolonization” – the constant work of asserting Indigenous jurisdiction in daily practice.

The legal innovations emerging from Indigenous climate justice movements offer important alternatives to state-centric climate governance. The development of Indigenous-led conservation areas, such as the Amazon’s “living forests,” represents what Stevens (2014) calls “nature conservation by Indigenous peoples” that integrates cultural and ecological protection. The creation of Indigenous monitoring networks, such as the Amazon’s “community-based surveillance,” demonstrates what Thompson (2021) identifies as “grounded climate governance” based on local knowledge and authority. In conclusion, Indigenous climate justice movements represent the most vibrant implementation of CLP principles in climate governance. Through their assertion of jurisdictional authority, revitalization of legal traditions, and development of ecological alternatives, these movements offer pathways beyond the limitations of international environmental law. The following section synthesizes the insights from these case studies to propose a comprehensive framework for CLP in climate governance.

CONCLUSION: TOWARD A PLURALIST APPROACH TO CLIMATE GOVERNANCE

The analysis of Rights of Nature provisions, river personhood recognition, and Indigenous climate justice movements demonstrates both the necessity and viability of implementing Communitarian Legal Pluralism in climate governance. The persistent failure of international environmental law to address the climate crisis stems from what Kotzé (2021) identifies as its ontological, epistemological, and jurisdictional limitations – limitations that can only be overcome through embracing legal pluralism as a foundational principle. The case studies reveal that effective climate governance requires moving beyond the fiction of legal monism toward what Santos (2018) calls an “ecology of knowledges” that honors diverse legal traditions and their distinctive approaches to human-environment relations. The theoretical implications of this analysis are profound. CLP provides the juridical framework for what Whyte (2020) calls “climate justice as collective continuance” – the ability of communities to adapt to environmental change while maintaining their cultural and ecological integrity. This requires what Escobar (2018) identifies as a “pluriversal politics” that creates space for multiple worlds and ways of being. The recognition of Indigenous legal traditions represents what Fraser (2008) calls “participatory parity” in climate governance – the ability of all legal systems to contribute as equals to addressing the climate crisis.

The practical implications for climate policy are equally significant. Implementing CLP requires transforming international environmental institutions to include meaningful participation of Indigenous peoples and local communities. As Lightfoot (2016) argues, this means moving beyond token representation toward what she calls “substantive inclusion” in decision-making processes. It requires reforming state legal systems to recognize Indigenous jurisdiction over territories and resources, creating what Corn tassel (2012) envisions as “sustainable self-determination” in climate adaptation.

The case studies also reveal the challenges of implementing CLP in practice. The tensions between Indigenous legal traditions and state power, the difficulties of translating Indigenous concepts into Western legal categories, and the persistent structural barriers of colonial and capitalist systems all represent significant obstacles. However, as the examples from Ecuador, New Zealand, and Indigenous movements demonstrate, these challenges are not insurmountable. They require what Simpson (2017) calls “resurgent governance” – the patient work of asserting Indigenous authority through daily practice and strategic engagement. The research contributions of this analysis are threefold. First, it advances theoretical understanding of CLP by applying it to the urgent context of climate governance. Second, it provides practical insights for implementing legal pluralism through specific governance mechanisms and institutional designs. Third, it contributes to decolonial scholarship by demonstrating how Indigenous legal traditions offer viable alternatives to state-centric environmental management.

The limitations of this analysis suggest important directions for future research. The need for more comparative studies of CLP implementation across different cultural and political contexts, the development of specific metrics for evaluating pluralist governance, and the exploration of conflicts between different legal traditions all represent fruitful avenues for further inquiry. Additionally, research on how to scale local innovations to address global climate challenges remains essential.

In conclusion, the climate crisis demands nothing less than what Parent (2018) calls a “juridical revolution” – a fundamental transformation of our legal systems and their underlying assumptions about humanity’s place in the natural world. CLP provides both the theoretical justification and practical framework for this revolution, offering a path beyond the limitations of international environmental law toward a more pluralistic, responsive, and effective approach to climate governance. By honoring diverse legal traditions and creating space for multiple sources of jurisdictional authority, we can develop the legal innovations necessary for addressing the existential challenge of climate change.

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