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Indigenous Rights in Climate Governance: A Comparative Qualitative Study of Peru, Ecuador, and Colombia

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Abstract

This article examines how human rights paradigms are integrated into climate policymaking through institutional and regulatory governance, focusing on grassroots realities in the Global South. Addressing literature dominated by bibliometric meta-analyses and top-down normative studies, it adopts a qualitative comparative design covering Peru, Ecuador, and Colombia. Data are triangulated from key informant interviews, community observations, and legal discourse analysis. The findings reveal a persistent paradox: although international legal frameworks increasingly recognise procedural rights, market-based mitigation initiatives such as Reducing Emissions from Deforestation and Forest Degradation (REDD+) may reproduce forms of carbon colonialism. This governance architecture can bypass Free, Prior and Informed Consent (FPIC), as illustrated by the Kichwa experience in Peru's Cordillera Azul National Park. Indigenous agency has nevertheless generated legal and institutional resistance, including the December 2024 Bellavista Mixed Court ruling, the Sarayaku people's Kawsak Sacha declaration, Ecuador's Yasuní referendum, and Colombia's asymmetrical decentralisation under Decree 632 of 2018. The article also considers Inter-American Court of Human Rights Advisory Opinion OC-32/25 and highlights solastalgia as an often-overlooked psychological consequence of climate change. It concludes that formal rights recognition remains limited without power redistribution, direct territorial funding, and effective enforcement. The study is particularly relevant to SDGs 10, 13, 15, and 16, with implications for SDG 3.

Keywords: *Carbon Colonialism; Climate Governance; Indigenous Peoples*

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Introduction

The relentlessly escalating climate crisis has forced the global political order to fundamentally re-evaluate how governance institutions respond to socio-ecological threats that transcend sovereign borders. Over the past few decades, anthropogenic climate change has established itself not merely as the defining biophysical challenge of the twenty-first century, but also as a multidimensional humanitarian crisis generating extensive and urgent debate across diverse scientific disciplines (Atapattu, 2024; Behnassi, 2018; Bellinkx et al., 2022; Levy & Patz, 2015). The measurable manifestations of this planetary transformation—rising global average temperatures, the intensification of extreme weather events, shifting precipitation patterns, and accelerating polar ice melt—are overwhelmingly driven by anthropogenic activities (Caney, 2008, 2009). Yet, despite the immense scientific and political capital devoted to calculating greenhouse gas inventories, institutional governance responses remain deeply fragmented, highly uneven, and disconnected from the lived realities of populations on the frontlines of vulnerability (SIAS South Asia, 2021).

The cascading impacts of climate change extend far beyond environmental degradation. Climate-related disasters, encompassing both slow-onset events and extreme occurrences such as prolonged droughts, cyclones, and mega-wildfires, have grown increasingly frequent and destructive. These phenomena not only damage material infrastructure but also claim lives, disrupt traditional livelihood systems, and contribute to structural economic decline among historically marginalised populations (Maldonado et al., 2013; Opoku et al., 2021). Global agricultural systems face severe fluctuations that jeopardise food security and reproduce vulnerabilities to famine across the Global South. Crucially, climate change constitutes a direct threat to the enjoyment of fundamental human rights. Droughts, for instance, can deprive communities of access to clean water and sanitation, undermining their rights to health and a decent livelihood. Furthermore, forced displacement driven by an inability to adapt to environmental upheavals can leave migrant populations highly susceptible to exploitation, structural violence, and the erosion of social cohesion. In this context, the climate emergency exacerbates distributive injustice: communities in the Global South, particularly Indigenous peoples, often bear disproportionate burdens of destruction despite their comparatively limited historical contributions to global greenhouse gas accumulations (Savaresi & Auz, 2019; Savaresi & Hartmann, 2010).

The conceptualisation of climate change as a human rights issue has secured substantial normative footing within international policy forums, particularly since the 2015 Paris Agreement explicitly incorporated human rights considerations into its preamble (Bodansky, 2015; Brown, 2018). However, translating these normative commitments into effective institutional, regulatory, and operational governance mechanisms remains an unresolved challenge. This difficulty is partly attributable to an international climate governance architecture that remains strongly shaped by technocratic and top-down paradigms. The United Nations Framework Convention on Climate Change (UNFCCC), for example, frequently adopts a state-centric posture that can

constrain the participatory space available to civil society and inadequately integrate the ontological and epistemological dimensions of local communities (Belfer et al., 2019; Duyck, 2019; Nyambura, 2016; Schapper, 2018). Uneven power relations and diverging political-economic interests among nations can further reproduce injustices, as mainstream climate solutions may prioritise market-based objectives over the interests and rights of grassroots communities (Lefstad & Paavola, 2024).

A review of the state-of-the-art literature reveals an important epistemological limitation: academic discourse surrounding the human rights–climate change nexus has been heavily shaped by bibliometric approaches, doctrinal legal analyses, and macro-level policy studies (Karlsson-Vinkhuyzen et al., 2018; Zelli & Van Asselt, 2015; Zhang & Bai, 2023). Methodologies relying primarily on literature meta-analyses and quantitative indicators may fail to capture the complex socio-political dynamics through which global climate policies are experienced and implemented on the ground (SIAS South Asia, 2021). For example, market mechanisms such as carbon trading may appear successful in national emissions accounting, while macro-level studies may overlook the tenurial conflicts, land dispossession, and procedural rights violations experienced by Indigenous peoples within the geographical boundaries of such projects (Cubas-Baez et al., 2025; Durmaz & Schroeder, 2025; Jodoin, 2019).

Responding to these methodological critiques, this article shifts its analytical lens from bibliometric and macro-level approaches towards in-depth qualitative field research. The overarching goal of this methodological orientation is to move beyond predominantly normative accounts and empirically scrutinise the effectiveness of institutional and regulatory climate governance in protecting human rights in the Global South. This study addresses the following central research question: How are climate governance mechanisms actualised on the ground, what institutional tensions emerge between global market regimes and Indigenous rights, and how can governance models be reimagined based on localised innovations and recent developments in human rights jurisprudence?

To address this question, the research pursues three analytical objectives. First, it examines the socio-ecological impacts of mainstream mitigation policies, notably Reducing Emissions from Deforestation and Forest Degradation (REDD+), on community rights in the Amazon. Second, it explores the effectiveness of bottom-up movements, including Rights of Nature declarations, asymmetrical decentralisation, and strategic climate litigation led by Indigenous peoples. Third, it synthesises these grassroots findings with recent international legal developments, including emerging debates concerning jus cogens in the context of climate protection and the recognition of mental health consequences, such as solastalgia, that are frequently marginalised in mainstream discourse. The novelty of this research lies in its integration of the lived experiences of Indigenous key informants with doctrinal analyses of recent legal developments within the Inter-American human rights system, thereby offering a holistic and critical evaluation of the evolving trajectory of climate justice.

The study is explicitly anchored in the 2030 Agenda for Sustainable Development and relates to several Sustainable Development Goals (SDGs) and their specific targets.

By documenting how REDD+ and conservation governance may bypass Free, Prior and Informed Consent (FPIC), the analysis speaks directly to SDG 16 target 16.7 (inclusive, participatory, and representative decision-making) and target 16.10 (public access to information and protection of fundamental freedoms), while the Bellavista litigation relates to target 16.3 (equal access to justice and the rule of law). The examination of forest carbon projects and protected-area governance addresses SDG 15 targets 15.2 (sustainable forest management and halting deforestation) and 15.4 (conservation of mountain ecosystems and their biodiversity). The focus on Yasuní and extractivism connects to SDG 13 targets 13.2 (integrating climate measures into national policies, strategies, and planning) and 13.3 (improving capacity and awareness regarding climate mitigation and adaptation). The emphasis on Indigenous territorial autonomy and benefit-sharing contributes to SDG 10 target 10.2 (social, economic, and political inclusion), while the analysis of solastalgia is relevant to SDG 3 target 3.4 (promoting mental health and well-being). Framing the findings through these targets clarifies how institutional and regulatory shortcomings in climate governance may constitute not only human rights concerns but also obstacles to inclusive and sustainable development.

Research Methods

To move beyond the limitations of conventional doctrinal analysis and enable a more context-sensitive examination of climate governance, this research employs a qualitative field research design combined with a comparative case study approach (de Ridder et al., 2023; Prityi, 2024). The ontological orientation guiding this inquiry is rooted in constructivism and relativism, recognising that understandings of climate governance and human rights are shaped by multiple realities and the lived experiences of actors directly affected by these policies (Contipelli, 2019; Wallbott & Schapper, 2017). This orientation enables the study to examine how dominant governance narratives may obscure localised forms of marginalisation within sustainability initiatives. A qualitative methodology is therefore appropriate for exploring the complex interactions among resource politics, institutional power asymmetries, and deeply rooted socio-ecological injustices (Alam & Razzaque, 2026; SIAS South Asia, 2021).

Field data collection relied on methodological triangulation, with Key Informant Interviews (KIIs) serving as the principal source of primary data. This technique is well suited to qualitative fieldwork because it facilitates detailed insights from individuals with direct knowledge of policy histories, customary practices, territorial disputes, and climate governance processes (Cameron & Limon, 2012; Gunaydin & Park, 2024; ten Hoope-Bender et al., 2016). Informants were selected through purposive sampling based on their active involvement in forest governance, climate litigation advocacy, territorial governance, Indigenous rights, and related environmental policy processes. A total of 42 key informants participated in the primary data collection, comprising 15 participants in Peru, primarily in relation to Cordillera Azul; 14 in Ecuador, focusing on Sarayaku and Yasuní; and 13 in Colombia, particularly in Amazonas and Guainía. Across the three sites, the informant pool included Indigenous council leaders, including representatives of

Kichwa and Sarayaku communities, environmental activists, human rights advocates, officials from national environmental authorities, legal practitioners, and scientists working on climate-related mental health impacts (Flores et al., 2025). Semi-structured interviews provided sufficient flexibility for participants to describe carbon disputes, conservation initiatives, territorial governance, and institutional interactions through locally grounded perspectives and epistemologies (SIAS South Asia, 2021).

The comparative case studies are geographically situated in Latin America within the broader context of the Global South. The region contains a substantial proportion of the Amazon biome and constitutes an important setting for legal and political contestation surrounding extractivism, Indigenous rights, forest governance, and environmental protection. Peru, Ecuador, and Colombia were selected using a diverse-case selection strategy within a broadly most-similar-systems comparative framework (Gerring, 2007; Seawright & Gerring, 2008). The three countries share several important contextual characteristics, including Amazonian territory, significant Indigenous populations, postcolonial legal pluralism, and sustained extractivist pressures, while differing substantially in the institutional arrangements through which climate governance and Indigenous rights are mediated. This combination of contextual similarity and institutional variation enables comparison of different governance responses under broadly comparable structural conditions.

In Peru, the analysis focuses on territorial conflicts associated with REDD+ governance in Cordillera Azul National Park and examines litigation initiated by Kichwa communities concerning alleged violations of Free, Prior and Informed Consent (FPIC) (Lozano Flores et al., 2024; Monterroso & Sils, 2022). Within the comparative framework, Peru represents a market-based mitigation model in which carbon finance operates through protected-area conservation and private or non-state intermediaries, creating tensions surrounding FPIC, territorial rights, access to resources, and legal remedies. The case therefore provides an opportunity to examine how market-oriented conservation governance interacts with the procedural and territorial rights of Indigenous peoples.

In Ecuador, the analysis explores experiments in ontological and territorial governance through the Kawsak Sacha (Living Forest) declaration developed by the Sarayaku people, together with the democratic significance of the 2023 Yasuní referendum (Naranjo et al., 2022; Peck et al., 2024). Ecuador represents a constitutional Rights of Nature model in which strong juridical recognition of environmental rights coexists with continued fiscal and economic dependence on extractive industries. The case consequently highlights tensions between constitutional and legal commitments to environmental protection and Indigenous rights, on the one hand, and continuing extractivist practices, on the other.

In Colombia, the study examines asymmetrical decentralisation, particularly Decree 632 of 2018 and its provisions concerning Indigenous territorial governance, within the context of post-conflict deforestation in the Amazon (Gustafsson & Schilling-Vacaflor, 2022; Roth et al., 2025). Colombia represents a post-conflict decentralisation model in which territorial autonomy functions as one institutional mechanism for addressing governance challenges associated with armed conflict, deforestation, and Indigenous

territorial administration. This case enables an examination of how decentralised governance arrangements may reshape relationships among state institutions, Indigenous authorities, territorial autonomy, and environmental protection.

Taken together, the three cases capture distinct institutional pathways through which Global South states seek to reconcile climate governance with Indigenous rights: market-based conservation in Peru, constitutional ecocentrism in Ecuador, and asymmetrical territorial decentralisation in Colombia. The case selection therefore maximises institutional variation while holding the broader Amazonian and Global South context relatively constant. This design enables the study to identify similarities and differences across governance arrangements and to examine how distinct institutional configurations are associated with different human rights outcomes without assuming that the observed relationships necessarily constitute direct causal effects.

To complement the primary interview data, the research incorporated discourse analysis and secondary document analysis as additional sources of evidence (Murphy & Müller, 2018). Document selection followed explicit criteria intended to strengthen analytical relevance, transparency, and comparability across the three cases. Documents were required to address directly at least one of the case contexts: REDD+ governance in Cordillera Azul in Peru, Kawsak Sacha or the Yasuní referendum in Ecuador, or Decree 632 of 2018 and Indigenous territorial governance in Colombia. Priority was given to documents produced by state agencies, including SERNANP, MINAM, the Ecuadorian Ministry of Energy, and the Colombian Ministry of the Interior; multilateral and international institutions, including the United Nations Framework Convention on Climate Change (UNFCCC), the Inter-American Court of Human Rights (IACtHR), and the International Labour Organization (ILO); Indigenous organisations, including Sarayaku, OPIAC, and Kichwa councils; and recognised non-governmental organisations, including the Forest Peoples Programme and CIMA.

The temporal scope of the documentary analysis extended from 1989, the year of ILO Convention No. 169, to 2026, with particular attention to the period from 2014 to 2026 in order to capture the operational development of REDD+ initiatives and post-2018 decentralisation reforms. The documentary corpus included legal texts, such as statutes, decrees, court rulings, and advisory opinions; policy instruments, including REDD+ project documents and benefit-sharing arrangements; institutional reports, such as protected-area management documents and organisational reports; and advocacy materials, including community statements and press releases. Documents that could not be attributed to a verifiable institutional author or that relied solely on anonymous sources were excluded. All selected documents were catalogued by country case, document type, institutional authorship, and date in a document register maintained throughout the research process. This documentary evidence was used both to contextualise interview accounts and to examine how rights, participation, territorial authority, and climate governance were formally articulated across legal and institutional settings.

The analytical process employed Braun and Clarke's (2006) six-phase thematic analysis across the full data corpus, including interview transcripts, field notes, and

documentary materials. Analysis began with familiarisation through repeated reading of interview transcripts alongside field notes and documents, during which initial analytical memos were recorded. This was followed by systematic coding using NVivo qualitative data analysis software. Coding combined deductive attention to four sensitising concepts—procedural rights failures, commodification of nature, psychological burdens, and governance innovations—with inductive coding derived from participants' accounts and documentary evidence. Codes were subsequently clustered into candidate themes through constant comparison within and across the three country cases. Candidate themes were then reviewed against the full corpus and refined where they did not adequately account for contradictory or disconfirming evidence. Each final theme was assigned an explicit definition and analytical boundaries to minimise conceptual overlap, after which the themes were developed into the analytical narrative presented in the Results and Discussion. Verbatim quotations were retained where they illustrated particular themes with sufficient clarity and contextual relevance.

Cross-case analysis was undertaken alongside thematic development to distinguish country-specific findings from patterns shared across Peru, Ecuador, and Colombia. Rather than assuming institutional equivalence across the three jurisdictions, the analysis examined each governance arrangement within its particular legal, political, and socio-ecological context before identifying comparative similarities and differences. Triangulation involved comparing interview accounts with field notes, legal and policy documents, institutional reports, and other documentary evidence. Particular attention was given to evidence that challenged or complicated emerging interpretations in order to reduce the risk of treating isolated statements or individual cases as representative of broader national patterns.

To strengthen the trustworthiness and dependability of the analysis, two independent coders reviewed a 20% subsample of the interview transcripts. Coding consistency was examined through comparison of independently coded material, and discrepancies were resolved through discussion and subsequent refinement of the codebook. An audit trail documenting coding decisions, revisions, and the development of themes was maintained throughout the analytical process to support transparency and dependability (Lincoln & Guba, 1985). The analytical categories presented in the findings—procedural rights failures, the commodification of nature, psychological burdens, and governance innovations—were therefore refined through an iterative process of coding, triangulation, and cross-case comparison rather than treated as fixed categories imposed on the empirical material.

The research was conducted over a twelve-month period from August 2025 to July 2026. During August and September 2025, the research design, semi-structured KII protocol, interview instruments, ethical clearance procedures, research permits, and field logistics were finalised. From September to December 2025, the purposive sampling framework was refined and key informants were recruited, while a pilot KII was conducted in September 2025 to test and refine the interview protocol. Primary fieldwork then proceeded sequentially across the three country cases, with 15 KIIs conducted in Peru in October 2025, 14 in Ecuador in November 2025, and 13 in Colombia

in December 2025. Transcription, consolidation of field notes, and preparation of initial analytical memos were undertaken alongside the fieldwork from October 2025 to January 2026.

In parallel with the primary fieldwork, the documentary corpus and document register were assembled between September 2025 and February 2026, followed by discourse and secondary document analysis from December 2025 to February 2026. The six-phase thematic analysis was undertaken from January to May 2026, beginning with familiarisation and initial coding in January and February, followed by the generation and review of candidate themes through cross-case comparison in February and March. Themes were further defined and refined in March and April, while trustworthiness procedures, including independent review of a 20% subsample, codebook refinement, and maintenance of the audit trail, were undertaken in April and May. Final thematic synthesis, triangulation, and verification against disconfirming evidence were completed in May 2026. The Results and Discussion were drafted between May and June 2026, with final revision and methodological auditing completed between June and July 2026.

Results and Discussion

This section examines the empirical findings derived from the comparative field investigation, focusing on the interactions between market-based mitigation mechanisms, extractive governance arrangements, and the protection of Indigenous rights. Across Peru, Ecuador, and Colombia, the findings reveal distinct institutional configurations but a recurring tension between the formal recognition of rights and their practical implementation. The analysis also identifies community-led innovations, legal resistance, territorial governance arrangements, and emerging jurisprudential developments that shape the relationship between climate governance and human rights.

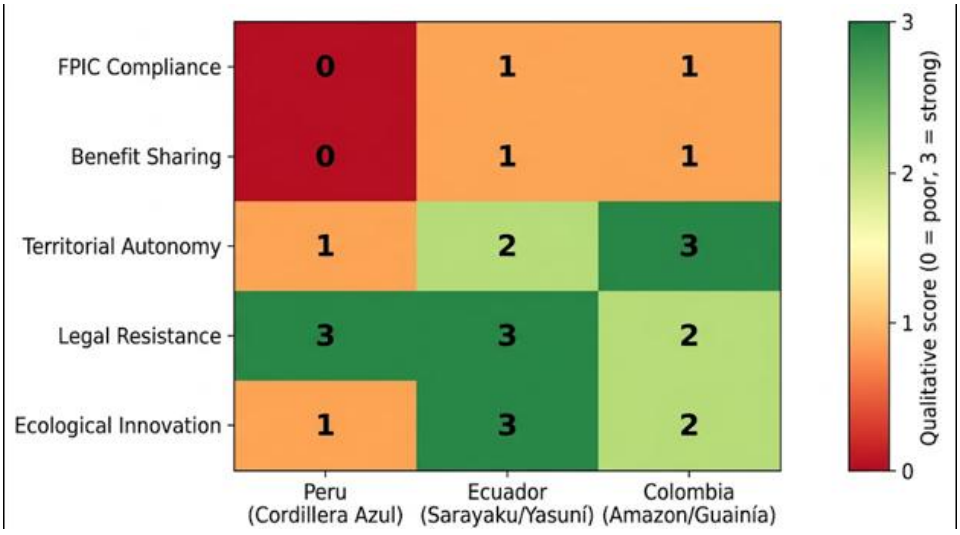


Figure 1. Comparative Governance and Indigenous Rights
Source: Processed by the Authors (2026)

Figure 1 provides an initial comparative synthesis of the three cases across five dimensions: Free, Prior and Informed Consent (FPIC) compliance, benefit-sharing, territorial autonomy, legal resistance, and ecological innovation. The figure is intended as a qualitative visual synthesis rather than a statistical ranking. It illustrates that no single case demonstrates consistently strong performance across all dimensions and that different governance arrangements generate different combinations of institutional strengths and limitations.

The comparative pattern indicates particularly weak FPIC compliance and benefit-sharing in the Peruvian case, stronger ecological innovation in Ecuador, and comparatively greater territorial autonomy in Colombia. Legal resistance is prominent in both Peru and Ecuador, although it operates through different institutional pathways. These differences provide an initial indication that climate governance performance is multidimensional and cannot be assessed solely through the existence of formal legal or policy instruments.

REDD+ and Carbon Colonialism in Peru

Reducing Emissions from Deforestation and Forest Degradation (REDD+) has been positioned within multilateral climate negotiations as a financial mechanism capable of shifting incentives away from forest exploitation towards environmental conservation (Dehm, 2021; Olawuyi, 2016). From an institutional governance perspective, REDD+ seeks to align global carbon-emission reduction targets with improvements in local forest governance. However, the qualitative findings indicate that, in the absence of effective human rights safeguards, REDD+ may reproduce exclusionary conservation practices and contribute to the commodification of forests and the spatial dispossession of local communities (Barletti et al., 2021; Villhauer & Sylvester, 2021).

In Peru, these tensions are particularly visible in the governance of Cordillera Azul National Park (PNCAZ). Established in 2001, PNCAZ encompasses a substantial area of Amazon rainforest historically inhabited, used, and managed by Indigenous Kichwa communities (Flores et al., 2025). Documentary evidence and interviews with local informants indicate that communities living within and around the area were not meaningfully consulted when the park was established. Historical records dating from the 1990s further indicate that communities such as Puerto Franco had engaged in subsistence activities in the area before the establishment of conservation boundaries. These findings suggest that subsequent protected-area governance did not fully accommodate pre-existing patterns of territorial use and customary governance.

Since 2014, the national park has been managed by the Centro de Conservación, Investigación y Manejo de Áreas Naturales (CIMA) in partnership with Peru's national protected areas authority, SERNANP. CIMA obtained operational financing through the Althelia Climate Fund, with repayment linked to the production and sale of carbon credits. In 2021, the Peruvian government announced the sale of approximately US$87 million worth of carbon credits associated with PNCAZ to major corporations, including TotalEnergies and Shell. Interviews with Kichwa leaders, however, revealed substantial concerns regarding the implementation of FPIC. Informants described limited access to

information, restricted participation in governance, and constraints on traditional livelihood activities, including access to hunting areas. One informant from the Chambira community explained that the lack of accessible information initially led community members to understand the carbon initiative as a conventional mining project. This account illustrates the information asymmetries that may arise when technically complex carbon-market mechanisms are introduced into Indigenous territories.

These governance concerns subsequently became the subject of strategic litigation. With support from the Forest Peoples Programme, the Puerto Franco community initiated legal proceedings in 2020 against several state institutions, focusing on the absence of formal territorial recognition and alleged violations of consultation requirements under ILO Convention No. 169. On 13 December 2024, the Bellavista Mixed Court in San Martín ruled in favour of the Kichwa community. The ruling addressed territorial titling, consultation, and the governance of conservation and carbon-market activities affecting Indigenous territories. It therefore illustrates how disputes surrounding REDD+ extend beyond carbon accounting to questions of territorial rights, procedural participation, and benefit-sharing.

Table 1. Comparative Climate Governance Models Across the Three Cases
Source: Processed by the Authors (2026)

Country and Case	**Governance Model**	**Rights-Related Challenges**	**Community and Institutional Responses**
Peru (Cordillera Azul)	Protected-area conservation, REDD+, and international carbon markets (Cubas-Baez et al., 2025)	FPIC concerns, contested territorial rights, and forest commodification without equitable benefit-sharing (Durmaz & Schroeder, 2025)	Strategic litigation, territorial claims, consultation, and demands for equitable benefit-sharing
Ecuador (Sarayaku and Yasuní)	State extractivism alongside constitutional Rights of Nature	Tensions among environmental protection, oil extraction, biodiversity conservation, and Indigenous rights	The 2023 Yasuní referendum and the *Kawsak Sacha* (Living Forest) declaration
Colombia (Amazonas and Guainía)	Post-conflict governance and asymmetrical territorial decentralisation	Deforestation, land grabbing, illegal mining, violence, and institutional fragmentation	Decree 632 of 2018 and the strengthening of Indigenous territorial governance

Table 1 places the Peruvian experience alongside the institutional configurations identified in Ecuador and Colombia and relates these cases to broader debates

concerning rights-based climate governance (Schade & Obergassel, 2014; Vilavicencio Calzadilla, 2018). The comparison demonstrates that, although the three countries employ different governance models, questions of participation, territorial authority, institutional accountability, and the distribution of environmental benefits recur across the cases.

The Peruvian case consequently illustrates how the effectiveness of market-based conservation depends on the institutional safeguards surrounding its implementation. Limitations in FPIC are directly relevant to SDG 16 targets 16.7 and 16.10 on inclusive decision-making and access to information, while the Bellavista litigation relates to target 16.3 on access to justice and the rule of law. Questions of territorial tenure are also relevant to SDG 1 target 1.4, while the governance of Cordillera Azul relates to SDG 15 targets 15.2 and 15.4 concerning sustainable forest management and ecosystem conservation.

Rights of Nature in Ecuador

The Ecuadorian case presents a different configuration of climate governance and Indigenous rights. Ecuador has received considerable international attention for incorporating the Rights of Nature (Pachamama) into its 2008 Constitution and recognising nature as a subject of legal protection (Vernaza Arroyo & Cruel Preciado, 2024). Nevertheless, the findings indicate that constitutional recognition does not automatically resolve the political-economic tensions associated with extractive development.

Against this institutional context, the Kichwa Sarayaku people of the Ecuadorian Amazon have advanced the Kawsak Sacha (Living Forest) declaration as an alternative approach to territorial and environmental governance. Presented internationally in 2018, Kawsak Sacha conceptualises the forest as a living territory constituted by ecological, cultural, and spiritual relationships rather than merely as a collection of exploitable resources. Through this framework, the Sarayaku articulate claims to self-determination and territorial protection while challenging approaches that reduce forests primarily to extractive resources or carbon sinks (Newell, 2011; Orellana, 2016). The declaration therefore represents an alternative governance perspective in which environmental protection is embedded within relational understandings of territory and community.

The 2023 Yasuní referendum provides another important example of public participation in environmental governance. On 20 August 2023, Ecuadorian voters participated in a national referendum concerning oil extraction in Block 43 of Yasuní National Park. The area is both an internationally significant biodiversity zone and the territory of Indigenous peoples living in voluntary isolation, including the Tagaeri and Taromenane. Nearly 60% of voters supported ending oil extraction in Block 43, illustrating the capacity of direct democratic mechanisms to influence national decisions concerning extractive development (Naranjo et al., 2022; Peck et al., 2024).

The implementation of the referendum, however, has generated continuing institutional and economic tensions. Evidence considered in this study points to delays in

implementation and continued debate over the fiscal implications of reducing hydrocarbon production. The Yasuní case therefore illustrates the difficulty of translating successful procedural participation into effective policy implementation when environmental commitments interact with state dependence on extractive revenues. Rather than demonstrating a simple opposition between democratic participation and extraction, the case reveals the institutional and fiscal constraints that can emerge after participatory decisions have been made.

The Yasuní referendum and the Kawsak Sacha declaration demonstrate how direct participation and ontological pluralism are relevant to SDG 16 target 16.7 and SDG 13 targets 13.2 and 13.3, while also supporting biodiversity objectives reflected in SDG 15 targets 15.1 and 15.5. At the same time, difficulties in implementing participatory decisions indicate that formal political inclusion does not necessarily translate into substantive institutional outcomes, with implications for SDG 10 target 10.2.

Territorial Autonomy in Colombia

In Colombia, the relationship between human rights and climate governance is closely connected to the institutional consequences of armed conflict and post-conflict territorial transformation. Following the 2016 Peace Agreement, parts of the Colombian Amazon experienced changing patterns of territorial control alongside continued deforestation, land grabbing, illegal mining, and activities involving armed groups. These conditions complicate conventional state-centred approaches to environmental governance and have increased attention to alternative institutional arrangements based on territorial autonomy and decentralisation.

One such mechanism is asymmetrical decentralisation, which differs from uniform administrative devolution by allowing governance arrangements to reflect the historical, institutional, and territorial characteristics of particular regions. In Colombia, this approach is reflected in Decree 632 of 2018, which provides a regulatory framework for Indigenous territorial governance in non-municipal areas.

Decree 632 provides mechanisms through which Indigenous authorities may exercise greater administrative responsibility over their territories in accordance with local governance arrangements and ecological conditions. The framework is therefore relevant not only to political autonomy but also to forest governance and environmental protection. Indigenous organisations, including the National Organization of Indigenous Peoples of the Colombian Amazon (OPIAC), have emphasised the close relationship between territorial autonomy and the protection of Amazonian ecosystems (Gustafsson & Schilling-Vacaflor, 2022; Roth et al., 2025).

Nevertheless, the operationalisation of Decree 632 continues to face institutional and financial constraints. Interviews and documentary evidence indicate that bureaucratic barriers and limitations in the direct allocation of climate finance can restrict the capacity of Indigenous territorial institutions to exercise governance responsibilities effectively. The Colombian case therefore suggests that formal decentralisation alone may be insufficient when administrative authority is not accompanied by adequate institutional capacity and financial resources.

Colombia's territorial governance framework is relevant to SDG 16 targets 16.6 and 16.7, particularly regarding accountable institutions and participatory governance, and to SDG 15 target 15.2 through the relationship between territorial autonomy and forest protection. Limitations in the direct allocation of climate finance to Indigenous institutions also have implications for SDG 10 target 10.2 and SDG 13 target 13.2, highlighting the importance of connecting institutional decentralisation with meaningful fiscal capacity.

Solastalgia and Indigenous Well-Being

A further dimension emerging from the analysis concerns the psychological consequences of environmental transformation. Climate governance literature increasingly recognises that environmental degradation can affect not only physical health and material livelihoods but also psychological well-being (Ayalon et al., 2021; Hayes et al., 2018; Kelman et al., 2021). Interviews with participants familiar with climate-related health impacts further highlighted the importance of incorporating mental health considerations into rights-based approaches to climate governance.

For Indigenous communities such as the Kichwa and Sarayaku, individual and collective identities are closely connected to relationships with ancestral territories and surrounding ecosystems. Changes to these landscapes resulting from extractive activities, conservation restrictions, or climate-related environmental degradation may therefore generate forms of emotional, cultural, and psychological distress. Albrecht (2005) conceptualised this experience as solastalgia, referring to distress associated with the deterioration or transformation of one's home environment.

The findings suggest that solastalgia provides a useful conceptual lens for understanding dimensions of climate-related harm that are not adequately captured by conventional measures of economic loss or physical displacement. Such impacts may be particularly significant for communities whose cultural practices, social relationships, and collective identities are closely connected to particular territories. The evidence considered in this study further indicates that psychosocial dimensions remain comparatively underdeveloped within many climate mitigation and adaptation frameworks.

Recognising solastalgia within rights-based climate governance links psychological well-being to SDG 3 target 3.4 and to the resilience and adaptive-capacity dimensions of SDG 13 target 13.1. Incorporating psychological and cultural dimensions into climate governance may therefore broaden the understanding of climate-related harm beyond its material and economic consequences.

ACtHR Advisory Opinion OC-32/25

The Inter-American Court of Human Rights (IACtHR) Advisory Opinion OC-32/25 represents an important recent development in the relationship between climate governance and human rights within the Inter-American system (Arévalo-Ramírez & Rousset-Siri, 2025; Lantes, 2025). Issued following a joint request by Chile and Colombia, the Advisory Opinion addresses state obligations concerning the climate emergency

within the framework of international human rights law (Auz, 2024; Chen, 2025; Tigre & Viveros-Uehara, 2025).

The significance of OC-32/25 lies in its articulation of climate protection through human rights obligations concerning prevention, due diligence, participation, access to information, access to justice, and the protection of vulnerable populations. Table 2 summarises the principal legal concepts considered in this study and their potential implications for national climate governance. These concepts are best understood as components of an evolving jurisprudential framework rather than as automatically self-executing domestic obligations.

Table 2. Key Legal Concepts in IACtHR Advisory Opinion OC-32/25
Source: Processed by the Authors (2026)

Legal Concept	Core Principle	Potential Governance Implications
Jus cogens-related environmental obligations	Connects the prevention of severe and irreversible environmental harm with fundamental international legal obligations	May strengthen the normative basis for stringent state duties concerning serious climate-related harm
Right to a Healthy Climate	Frames climate protection within autonomous human rights protection	May expand rights-based pathways for addressing climate-related harms
Heightened Due Diligence	Requires state conduct to reflect the seriousness and foreseeability of climate-related risks and relevant scientific evidence	Supports stronger regulatory frameworks for public and private actors contributing to climate harm
Rights of Nature	Strengthens recognition of ecological protection beyond exclusively anthropocentric interests	May reinforce legal protection for ecosystems and environmentally sensitive territories
Climate-Related Mobility	Addresses the human rights implications of displacement and mobility associated with climate change	Requires states to consider human rights protections when responding to climate-related displacement

These developments strengthen the normative relationship between climate protection and human rights but do not eliminate the institutional challenges associated with implementation. The Advisory Opinion also contributes to continuing debates regarding state responsibility for transboundary climate harm and the extraterritorial dimensions of human rights obligations (Jamali, 2025; Pedersen, 2011; Venn, 2023; Voigt, 2022). Its significance therefore lies not in establishing a single enforcement mechanism,

but in strengthening the legal framework through which state responsibilities, procedural rights, corporate regulation, and access to justice may be interpreted.

Figure 2 places OC-32/25 within a broader chronology of Indigenous legal resistance and climate governance developments between 2001 and 2025. The sequence demonstrates that regional jurisprudential developments have emerged alongside domestic constitutional reforms, strategic litigation, territorial decentralisation, community declarations, and direct democratic action.

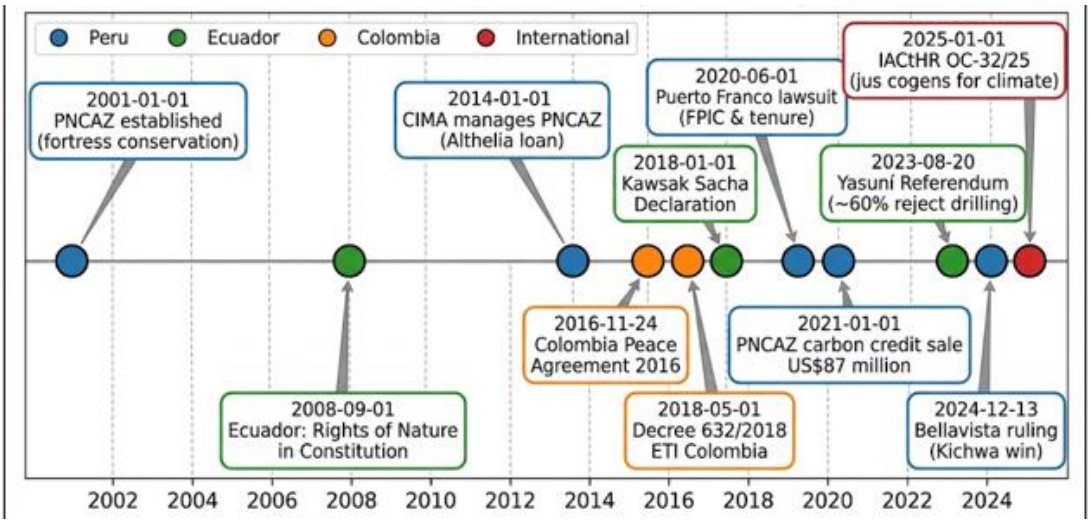


Figure 2. Indigenous Legal Resistance and Climate Governance (2001–2025)
Source: Processed by the Authors (2026)

The timeline further illustrates that legal and institutional innovation has not followed a single pathway. Ecuador's constitutional recognition of the Rights of Nature, Colombia's Decree 632, Kichwa litigation in Peru, the Yasuní referendum, and OC-32/25 represent distinct mechanisms through which environmental governance and rights claims have been advanced. Their coexistence reinforces the comparative finding that climate governance increasingly operates through multiple levels of authority rather than through state regulation alone.

From an SDG perspective, OC-32/25 is particularly relevant to SDG 16 targets 16.3 and 16.10 through its emphasis on access to justice and information, and to SDG 13 target 13.2 through the integration of climate-related obligations into national governance frameworks. Its attention to differentiated vulnerability is also relevant to SDG 10 target 10.2, particularly in relation to historically marginalised communities.

Comparative Synthesis

Across the three country cases, the findings reveal a common tension between formal climate governance mechanisms and the institutional conditions required to protect Indigenous rights effectively. In Peru, market-based conservation demonstrates how climate mitigation can generate conflict when carbon-market arrangements intersect with unresolved territorial claims and insufficient implementation of FPIC. In

Ecuador, constitutional recognition of the Rights of Nature and the Yasuní referendum illustrate the potential of legal innovation and direct democracy, while also revealing the constraints associated with continued dependence on extractive revenues. In Colombia, asymmetrical decentralisation demonstrates the potential contribution of territorial autonomy to environmental governance, although its effectiveness remains dependent on administrative capacity, institutional recognition, and access to financial resources.

Read together with the comparative pattern presented in Figure 1, these country-level findings demonstrate the multidimensional character of rights-based climate governance. Ecuador combines relatively strong legal resistance and ecological innovation with weaker performance in FPIC and benefit-sharing, while Colombia demonstrates comparatively greater territorial autonomy but more moderate legal resistance and ecological innovation. Peru, by contrast, combines strong legal mobilisation with comparatively weak procedural and distributive outcomes in the Cordillera Azul case. These differences caution against evaluating national climate governance through a single institutional indicator.

Despite these differences, a common pattern across the three cases is that formal recognition alone does not guarantee substantive rights protection. Legal provisions, participatory procedures, and decentralised institutions become meaningful only when accompanied by effective implementation, access to information, territorial authority, adequate financial resources, and enforceable accountability mechanisms. The comparative evidence therefore suggests that climate governance outcomes are shaped not simply by the existence of rights-based institutions but also by the distribution of authority, resources, and decision-making power within those institutions.

The findings also demonstrate the importance of recognising alternative environmental epistemologies within climate governance. The Sarayaku concept of Kawsak Sacha, Indigenous territorial governance in Colombia, and Kichwa claims concerning Cordillera Azul each challenge governance models that treat forests primarily as economic assets or carbon repositories. These approaches instead emphasise relational understandings of territory, ecological integrity, community, and self-determination. In this respect, Indigenous governance arrangements do not merely constitute local responses to climate policy but also offer alternative conceptions of how human–environment relationships can be institutionally organised.

Recent developments in Inter-American human rights jurisprudence provide an additional framework through which these local struggles can be interpreted. Advisory Opinion OC-32/25 strengthens the normative relationship between climate protection and human rights, while the Bellavista litigation illustrates how domestic legal processes can provide mechanisms through which Indigenous communities contest exclusionary conservation practices. However, these developments should not be interpreted as automatically resolving institutional conflicts. Their practical significance depends on implementation, domestic legal enforcement, administrative capacity, and access to effective remedies.

Collectively, the findings are relevant to SDG 10 target 10.2, SDG 13 targets 13.2 and 13.3, SDG 15 targets 15.1, 15.2, 15.4 and 15.5, SDG 16 targets 16.3, 16.6, 16.7 and 16.10,

and SDG 3 target 3.4, with additional relevance to SDG 1 target 1.4. The comparative evidence indicates that progress towards these targets may be constrained when climate governance institutions are disconnected from Indigenous rights, territorial autonomy, meaningful participation, and access to financial resources. The SDGs can therefore provide an additional framework for assessing whether climate governance arrangements combine environmental protection with inclusive and rights-based institutional development.

These comparative findings also point to several policy priorities for strengthening rights-based climate governance (Jodoin et al., 2021; Knox, 2014). First, national climate and environmental frameworks should more clearly incorporate human rights obligations and heightened due diligence standards, particularly where extractive activities, carbon markets, or conservation projects affect Indigenous territories. Recent developments within the Inter-American human rights system provide an important normative reference for strengthening such obligations.

Second, climate-finance mechanisms should incorporate stronger safeguards concerning Indigenous territorial rights, FPIC, transparency, participation, and benefit-sharing (Antoniazzi, 2023; Brunelli & Falivena, 2025; Choy, 2026; Larrea, 2024; Purdon, 2024). Where climate projects overlap with unresolved territorial claims, affected communities should have meaningful access to information, consultation, decision-making processes, and legal remedies before projects are implemented or substantially modified.

Third, participatory mechanisms such as the Yasuní referendum demonstrate that democratic environmental decisions require credible implementation arrangements. Governments should therefore align environmental commitments with fiscal and economic planning so that dependence on extractive revenues does not systematically undermine decisions reached through legitimate participatory processes.

Fourth, asymmetrical decentralisation should be accompanied by sufficient administrative authority, institutional support, and financial capacity. Climate adaptation and conservation finance should be structured in ways that enable Indigenous territorial institutions to participate directly in environmental governance while maintaining appropriate mechanisms for transparency and accountability.

Finally, climate mitigation and adaptation policies should more systematically incorporate mental health and psychosocial well-being. Recognition of solastalgia and climate-related psychological distress can help ensure that assessments of climate harm encompass not only economic and physical impacts but also their cultural, emotional, and community dimensions. Taken together, these policy priorities reinforce the central comparative findings of this study: rights-based climate governance requires not only formal legal recognition but also the institutional capacity, territorial authority, financial resources, and accountability mechanisms necessary to make such rights effective in practice.

Conclusion

This article has demonstrated that the meaningful integration of human rights into climate policymaking remains limited when it relies primarily on documentary indicators or declaratory global commitments. Through qualitative field research across Peru, Ecuador, and Colombia, the study shows that technocratic market-based instruments, notably the REDD+ project in Cordillera Azul, may reproduce forms of carbon colonialism when Indigenous peoples are excluded from decision-making and their territorial rights are insufficiently protected. At the same time, the findings indicate that community-driven innovation can reshape governance arrangements: the Kichwa legal victory in Peru, the Sarayaku people's Kawsak Sacha declaration, Ecuador's Yasuní referendum, and Colombia's asymmetrical decentralisation through Decree 632 of 2018 all illustrate the importance of local democratic mobilisation and territorial autonomy in advancing environmental justice.

These forms of resistance have also gained additional normative support through the Inter-American Court of Human Rights Advisory Opinion OC-32/25, which strengthens the relationship between climate protection and fundamental human rights obligations, including those concerning severe and irreversible environmental harm. Viewed through the 2030 Agenda, the findings are particularly relevant to SDG 16 targets 16.3, 16.6, 16.7 and 16.10 on access to justice, accountable and participatory institutions, inclusive decision-making, and public access to information; SDG 13 targets 13.2 and 13.3 on integrating climate measures into national policy and strengthening adaptive capacity; SDG 15 targets 15.1, 15.2 and 15.5 on sustainable forest management, conservation, and halting biodiversity loss; SDG 10 target 10.2 on the social, economic, and political inclusion of Indigenous peoples; and SDG 3 target 3.4 on mental health and well-being, with additional relevance to SDG 1 target 1.4 on secure tenure rights.

The article therefore concludes that formal human rights recognition within the global climate regime remains insufficient unless accompanied by meaningful power redistribution, direct funding for Indigenous territorial institutions, and enforceable accountability mechanisms applicable to both state actors and extractive corporations. Without these institutional conditions, progress towards the relevant SDG targets may remain constrained. Future research should extend comparable qualitative and ethnographic inquiry to jurisdictions in the Asia-Pacific and Sub-Saharan Africa and examine how domestic courts, human rights defenders, Indigenous communities, and climate mitigation experts can collaborate to strengthen the effective implementation and monitoring of climate regulations on the ground.

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