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Climate Litigation as an Arena for Epistemic Negotiations: The Emerging 'Knowledge Citizenship' of Affected People

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ABSTRACT: Indigenous, traditional, and local knowledges are recognized as important for understanding climate change and its local impacts, as they offer nuanced, place-based descriptions of change and incorporate impacts from socio-economic, cultural, and intersectional lenses. Yet, the recognition of their value seldom leads to action, as they are systematically overlooked in climate interventions. This, however, might be changing in the context of climate litigation where recent developments highlight a growing use of 'personal narratives' that convey local knowledge and lived experiences of climate change as evidence. Building on the work of Jasanoff, we frame litigation practices as modes of achieving 'pragmatic closures' around epistemic claims and controversies. Taking as case study the recent Inter-American Court of Human Rights' landmark Advisory Opinion on the Climate Emergency and Human Rights, we search for a distinct dimension of citizenship – a 'knowledge citizenship' – that is arguably forming within climate litigation space as an arena for epistemic negotiations. This form of citizenship would entail a quest for being recognized as knowledge-holders by national and supranational institutions, including judicial ones.

KEYWORDS: citizenship; climate litigation; epistemic injustice; Indigenous, traditional, and local Knowledge; Inter-American Court of Human Rights.

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1. Introduction

Indigenous, traditional and local knowledges (ITLK) are recognized as important for understanding climate change and its local impacts, as they offer nuanced, place-based descriptions of change and describe impacts through socio-economic, cultural, and intersectional lenses (Reyes-García et al. 2024). Yet the recognition of their value seldom leads to action, as they are systematically overlooked in climate interventions (ibid.). We posit that prominent signs suggesting a shift away from these double standards have started to appear in climate litigation,[1] where recent developments highlight a growing use of 'personal narratives' that convey local knowledge and lived experiences of climate change as evidence (Berti Suman and Burnette 2024). Furthering this hypothesis in this article, we argue that courts deciding over climate litigation are playing a part in reconfiguring epistemic recognition, authority and participation, as exemplified by the Inter-American Court of Human Rights' (IACtHR) Advisory Opinion 32/25 (hereinafter referred to as AO32) on Climate Emergency and Human Rights.

We start by identifying and theorizing a distinct dimension of citizenship – 'knowledge citizenship' – that is arguably forming within climate litigation space as an arena for epistemic negotiations entailing a quest for being recognized as 'knowledge-holders' by national and supranational institutions, including judicial ones. We propose knowledge citizenship as a framework to reimagine practices of knowledge-sharing in relation to equality and inclusion. Building on the work of Jasanoff, we frame court practices as "deeply institutionalized modes of achieving pragmatic closures around epistemic claims and controversies that science alone could not have settled" (2011, 309). We use this framework to examine the epistemic dimension mobilized in climate litigation, starting from the cited case study. Then, with this analytical lens expanded to embrace further cases, we aim to address the broader epistemic questions regarding participation of Indigenous, traditional, and local communities in climate litigation.

Our empirical focus is on qualitative analysis of AO32 and written and oral submissions by Indigenous, traditional, and local communities and organizations representing them. Using knowledge citizenship to frame our analysis, we argue that AO32 demonstrates how jurisprudential pathways towards more inclusive forms of citizenship are emerging through redefining the terms of epistemic participation, as it clarifies state obligations to uphold human rights in the face of the climate emergency and does so by focusing attention on listening to the experience of affected people.

As we face the climate emergency, it is vital to ensure that decision-making regarding climate action is based on the best available knowledge that integrates science and ITLK. As articulated by the IACtHR, "given the serious threat that the climate emergency poses to human rights, all people have the right to access the benefits of measures based on the best available science and on the recognition of local, traditional and indigenous knowledge" (2025, 163).

1.1 Methodology

Our analysis is guided by three interrelated research questions: How can citizenship be rethought through the concept of knowledge citizenship? How does this conceptualization enhance our understanding of the judicial demands for political inclusion made by communities holding ITLK? And can courts foster such

[1] Climate litigation encompasses legal actions that seek to hold responsible actors (e.g., governments and corporations) accountable for contributing to climate change or failing to mitigate its impacts. Broadly, climate litigation aims to set case law precedent to further interventions from such actors to tackle climate change. To know more about the definition of climate litigation, see the synthesis offered by the Grantham Research Institute on Climate Change and the Environment (2024), *What is climate change litigation?,* Retrieved March 2, 2026 (https://www.lse.ac.uk/granthaminstitute/explainers/what-is-climate-change-litigation/).

inclusion within climate governance? We begin by developing a theoretical framework of knowledge citizenship that brings together insights from interdisciplinary scholarship on ITLK and epistemic injustice with citizenship studies.

We refined this framework with a literature review concerning epistemic practices in climate litigation. Empirically, we examined a case study of AO32 issued by the IACtHR and analyzed the use of personal narratives in other instances of climate litigation, thus situating our analysis within broader developments in climate litigation.

The qualitative thematic analysis focused on the Court's public consultation process, including within our dataset all materials that the IACtHR classified as community submissions whether submitted directly or jointly with non-governmental organizations (NGOs). This consisted of 17 written observations (i.e., amicus curiae briefs) and video recordings of the public hearing held in Manaus, Brazil, in which representatives of these communities participated. Passages relating to ITLK were identified and coded. These include references to community experiences of climate change, participation in environmental decision-making, and contributions to knowledge production.

The coding process was guided by the research questions while remaining sensitive to patterns and themes emerging from the data. Codes were subsequently reviewed and organized into broader thematic categories concerning (1) the legitimization of ITLK, (2) community understandings of climate justice relating to ITLK, and (3) claims relating to participation and ITLK in climate governance. We also analyzed how these themes were developed across the written submissions, public hearing, and the Court's legal reasoning. Consideration was given to the ways in which knowledge claims were connected to demands for political participation, recognition, and inclusion. We refined thematic categories through repeated engagement with the material and subsequently examined through the theoretical lens of ITLK, epistemic justice, and citizenship in climate governance.

To complement the analysis, we observed the public hearing through video recordings, drawing on insights from the ethnographic analysis of law (Latour 2010). The recordings provided insight into the setting of the hearing, proceedings, participants' performances, and interactions. Particular attention was paid to exchanges between community representatives and IACtHR judges, as these offered insight into how the narratives of climate-affected communities were received within the legal proceedings.

The final stage of the case analysis focused on AO32, with objectives to identify how concerns raised by climate-affected communities related to ITLK were reflected in the Court's reasoning and to examine the extent to which the opinion recognized climate-affected communities as legitimate contributors of climate knowledge. This enabled an assessment of how claims for epistemic participation were recognized, reformulated, or constrained within the legal framework articulated by the Court.

2. Theoretical framing of knowledge citizenship

We argue that as communities holding ITLK increasingly seek to influence climate governance and other forms of public decision-making, existing understandings of citizenship provide only a partial understanding of their claims for political participation. As these actors demand participation in decision-making, they also challenge the epistemic assumptions through which political decisions are produced. We therefore propose the concept of knowledge citizenship to capture the relationship between knowledge, political participation, and democratic inclusion.

We define knowledge citizenship as the recognition of individuals and communities as legitimate knowledge-holders who have the right and capacity to participate in collective decision-making and in the production, validation, interpretation, and application of knowledge relevant to matters of collective concern, and to contribute that knowledge to collective decision-making in ways that can meaningfully influence its

outcomes. Our conceptualization combines insights from research on ITLK, epistemic justice, decolonial theory, and citizenship studies, with a focus on epistemic participation and inclusion as dimensions of political membership.

2.1 ITLK and epistemic injustice

The scholarship on ITLK has demonstrated its significance for understanding climate change, its impacts, environmental politics, and adaptation (IPCC 2023; Reyes-García et al. 2024), as well as development of environmental governance institutions (Whyte 2016; 2018). Indigenous knowledges, and frequently knowledges classified as local or traditional, refer to complete knowledge systems that have their "own concepts of epistemology, philosophy, and scientific and logical validity" (Battiste 2008, 500) and their holders, especially Indigenous peoples have pursued to influence climate politics globally and locally (Etchart 2017). Recent interdisciplinary research stresses that Indigenous peoples and local communities should be recognized as "legitimate custodians of climate change knowledge" and "key rights-holders to participate in and contribute to climate change decision-making at local and international levels" (Reyes-García et al. 2024).

As ITLK differ ontologically and epistemologically from scientific knowledge, they may offer alternative understandings of climate change and appropriate responses (Goldman, Turner, and Daly 2018). Yet climate governance often fails to recognize ITLK as independent and legitimate forms of knowledge leading to their marginalization (Reyes-García et al. 2024). This can be interpreted as constituting epistemic injustice, which occurs when "someone is wronged specifically in their capacity as a knower" (Fricker 2007). Tsosie (2012) further argues that Indigenous peoples are frequently subject to structural epistemic injustice, testimonial and hermeneutical, as knowledge-holders' expertise is frequently denied due to their ITLK-foundations, or prevailing interpretive frameworks are unable to understand ITLK-based statements, such as a description of harm experienced by a mountain spirit.

Research on the integration of different knowledge systems in environmental governance emphasizes the participation of ITLK-holders at all stages of the process, a need to acknowledge and accept occasions of epistemic incompatibility, and the interrogation of power relations within the process (Tengö et al. 2014). Moreover, epistemic injustice experienced by ITLK-holders should be understood in relation to the wider experience of marginalization that arguably undermines their equal citizenship (Tsosie 2012). The inability to comprehend or recognize ITLK by public institutions happens because ITLK-holders cannot participate in collective meaning-making of those public institutions as equals (ibid).

Decolonial theory has emphasized the need to address the legacy of colonialism that contributes to the marginalization of ITLK. Mignolo (2011) building on Quijano (2000) argues that coloniality operates through knowledge by establishing Western epistemology as a universal standard against which other forms of knowing are judged. Despite the formal end of colonialism, cultural and institutional practices reinforce this epistemic hierarchy that marginalizes ITLK by positioning them as inferior or outside legitimate knowledge production.

2.2 Relation to wider citizenship theory

We approach citizenship as a study of political agency and participation as a member of collective (Lazar and Nuijten 2013). Knowledge citizenship builds on scholarship on participatory and inclusive citizenship, which examines how marginalized groups challenge norms, practices and ideas that limit their meaningful political participation (Kabeer 2005; Mohanty and Tandon 2006; Lima 2019). These studies highlight that citizenship is continually contested and reshaped through political processes. We add to the study of inclusive and participatory citizenship, as knowledge citizenship combines insights on epistemic justice and ITLK and

focuses on access to knowledge-making and meaning-making processes that shape political decisions as a part of political belonging. It asks not only who participates, but whose knowledge counts, under which conditions it is considered legitimate, and whether it can influence collective outcomes.

Our focus on knowledge also requires recognizing how institutional practices of political participation might contribute to epistemic injustices and exclusionary forms of citizenship (Mignolo 2011; Tsosie 2012). Building on the understanding of participatory citizenship (Kabeer 2005; Mohanty and Tandon 2006; Lima 2019), we utilize citizenship to examine how people act as agents of change and the set of practices that influence the capacity of marginalized communities to enact political change.

We note limitations of the concept of citizenship and related practices such as rights, as they are partly rooted in the legacy of Western liberal thought and are also implicated in histories of colonialism (Onodera, Kaskinen, and Ranta 2025; Kuokkanen 2026). A focus on citizenship may overlook other more radical alternatives (Lazar 2023). Nevertheless, citizenship offers a way to study lived realities of democratic participation that people negotiate to pursue change (Onodera, Kaskinen, and Ranta 2025). With a focus on political agency of people as they challenge epistemic exclusion, we aim to produce knowledge on possibilities of creating more inclusionary forms of citizenship. Hence, we focus on agency of these people, as they negotiate citizenship, challenge its meaning, but also engage with its institutions to enact political influence.

The study of decolonial citizenship has emphasized Indigenous rights and self-determination and proposed plural citizenships (Kuokkanen 2026; Kymlicka 2026) that also offer ways to negotiate epistemic inclusion (Tsosie 2012). Our conceptualization, however, should not be confused with decolonial citizenship, as decolonialism is not a metaphor and requires real material repatriation of land and resources (Tuck and Yang 2012). By highlighting the epistemic struggles that political agents face, we hope to add to this larger discussion while notifying decolonial critique.

Lastly, our conceptualization builds on 'environmental citizenship' that addresses practices and discourses that local populations employ to engage in environmental governance, especially in the Latin American context (De Castro 2012; Gudynas 2009). Epistemic questions, including ITLK, within the study of environmental citizenship are often approached through formation of environmental awareness, while overlooking deeper questions regarding democratic participation such as recognition and inclusion (Gabrielson 2008; Latta 2007; Schild 2016). By distancing the citizen from democratic participation and thus delimiting "political contest regarding the appropriate relation of humans to the natural world" (Gabrielson 2008, 441), the ways through which knowledge on environment is produced and accepted for decision making remains effectively depoliticized. Important exception to this tendency can be found in Latin American context, where engagements with ITLK have brought about perspectives that consider multi-scalar and heterogenous forms of environmental citizenship influenced by local actors, and their relations to land and neoliberal forms of governance (De Castro 2012; Gudynas 2009). We argue that knowledge citizenship further enriches these perspectives with more systematic focus on epistemic questions in environmental governance.

To conclude, we use knowledge citizenship as an analytical framework for examining how political communities organize decision-making in relation to knowledge. It focuses on the institutional and political conditions that enable or constrain different actors from contributing knowledge to collective decisions. Knowledge citizenship thus expands existing theories of citizenship by incorporating epistemic participation as a dimension of democratic inclusion. Rather than asking only who belongs to a political community, it draws attention to the processes through which different knowledge systems are recognized, contested, and mobilized for collective decision-making, thereby illuminating who can participate as an epistemic equal and under what terms. In doing so, it offers a framework for rethinking democratic participation in contexts of knowledge pluralism.

3. A literature review of epistemic practices in climate litigation

As the impacts of climate change have become more acute and visible, climate change litigation is also on the rise (Voigt 2020). Climate litigation refers to court cases aiming to set case law precedent to further interventions from governments and corporations to tackle climate change.[2] These cases pursue results at an individual or collective level, through 'strategic litigation', i.e., a set of single court cases belonging to a broader strategy to promote change (Trial International 2025). Over 3600 cases worldwide – filed across 62 countries – are reported by the Sabin Center's Climate Change Litigation Database (Setzer and Higham 2026). A boost in climate litigation globally occurred since the Paris Agreement came into force in 2015, involving a range of actors and spanning jurisdictions, legal systems, types of claims and objectives (Golnaraghi et al. 2021).

The poly-centric nature and uncertainties underpinning the climate challenge make it 'legally disruptive' (Fisher et al. 2017, 173), urging practitioners and courts to address the tensions between existing legal orders and those legal issues raised by climate change through litigation (Voigt 2020), which can be regarded as an arena for 'co-producing' a shared understanding of climate change (Fisher et al. 2017, 198). Civil society actors have turned to litigation to challenge specific laws, policies, and projects that governments or corporations have enacted, using a variety of legal grounds, such as human rights, tort, and international law (Sindico et al. 2021). Furthermore, claims related to climate displacement, i.e., when people are forced to move within or outside their country in response to climate stressors such as floods, are growing as a distinct category of rights-based climate litigation (Wewerinke and Antoniadis 2022).

Most of these cases rely on evidence from institutional science about the present and future effects of climate change (Burger et al. 2020), such as studies by the IPCC. Climate litigation indeed largely benefitted from developments in climate science and modelling, attributing responsibility for emissions and related impacts to identified actors (Berti Suman and Burnette 2024). While reliance on sophisticated climate science is necessary for meeting some evidentiary thresholds, such a strategy also carries potential risks. Peel and Lin (2019), for example, pinpoint a largely 'technocratic' approach in climate litigation in the Global North, focused on the economic costs of climate change, whereas Global South litigation is more centered on human rights and justice. Scientific progress is key to climate litigation, but there are other types of compelling evidence that could help ground otherwise abstract claims of present and future climate impacts (Berti Suman and Burnette 2024).

As climate change is a potentially widespread threat (Wewerinke 2019), courts may struggle to find localized and individual harms in light of existing human rights systems. Tapping into ITLK for example in the form of personal accounts of lived climate impacts by a local inhabitant of an affected area could serve to courts to decide upon matters related to standing (i.e., the ability of a party to show an injury to their own legal interests) and adjudicate harms, which is particularly challenging especially in human rights-based litigation (Keller and Heri 2022). Individual experiences of climate impacts and knowledge thereof – currently not included in official climate science – could enter the litigation under the form of 'personal narratives', contributing to evidence formation. Existing research in relation to environmental pollution has demonstrated that civic evidence can prove harm in court, filling evidentiary gaps (Berti Suman 2021; Sensing for Justice 2025).

Saab (2023, 135) explored the rhetorical and emotive power of narratives, affirming the "potential in human rights law to advance narratives that embrace the divergent experiences of (…) climate change". Fitz-Henry (2020) highlighted the narratives presented by activists at Rights of Nature Tribunals which are fora for people from all around the world – with a special attention to Indigenous peoples – to speak on behalf of nature,

[2] See footnote 1 above.

regarded as a subject of rights.[3] Vanhala (2022) studied the mobilization of law – including through climate litigation – as a tactic deployed by social actors to address environmental problems. She urged scholars to question "what kinds of ideas, identities, knowledges, and materials are implicated and impacted" in such court cases (2022, 113).

The IPCC (2023, 52) recently stressed that people-led movements and climate litigation are playing a pivotal role in shaping the climate agenda. In parallel, scientists are calling for the need to tackle climate data gaps (McLeman and Gemenne 2018). Authors argued for the opportunity of combining site-specific qualitative data and big data to grasp climate impacts (Boas et al. 2021), also referring specifically to evidence in climate litigation (Lloyd and Shepherd 2021). Indeed, quantitative climate data does not necessarily reflect the lived experiences of people daily exposed to the effects of climate change. In this context, where people's contribution in the form of offering knowledge is being growingly recognized, our inquiry appears timely.

Referring to litigation in general, Jasanoff has theorized how courts have highly institutionalized practices that they utilize to create "pragmatic closures around epistemic claims and controversies that science alone could not have settled" (2011, 309). Judicial decisions stabilize contested facts to enable governance. As Jasanoff (2011) argues, that courts are active agents in producing knowledge and regulatory science, thus shaping their institutional uses. This also signifies that courts play a role in including or excluding different types of knowledge, including ITLK. Along these lines, still echoing Jasanoff (2011), we can argue that the validation of scientific knowledge is a culturally situated practice. Accordingly, science itself does not transform policy in uniform ways, as its policy uptake is essentially a social practice.

4. Empirical analysis: AO32 as a site of knowledge citizenship

4.1 The participation of climate-affected communities in written observations and public hearing

The IACtHR adopted AO32 in May 2025 following the process initiated by the request from Chile and Colombia to clarify state obligations "to respond to the climate emergency under international human rights law" (IACtHR 2025, 5). Arguably, its publication reflects the pressing threat of climate change and its impact on human rights as well as the larger trend of rising climate litigation (Voigt 2020). The Court incorporated a process of public consultation for all interested people and organizations to submit their written observations, resulting in 263 submissions from States, organizations, communities, individuals, and others (ibid.). As a response to the unprecedent number of written observations and the complexity of the topic, the president of the IACtHR ordered an oral phase that would respond to "the need for diverse and participative opportunities for direct dialogue" (IACtHR 2024a, 8). Hence, the IACtHR created space for remarkable public participation of diverse actors.

We focus on contributions of climate-affected communities approaching court spaces as arena for negotiating epistemic justice and where the co-production of climate knowledge may take place (Voigt 2020; Fisher et al. 2017). Building on Vanhala (2022), we utilize knowledge citizenship to understand what kind of knowledges, identities, and ideas are implicated by climate-affected communities as they mobilize AO32 to address challenges in climate governance. Moreover, knowledge citizenship provides a framework to analyze political inclusion by examining how climate-affected communities negotiate citizenship within the legal process. We engage with "the epistemologies that are born in the struggle against capitalism, colonialism, and patriarchy"

[3] To read more about Rights of Nature Tribunals, see *About us and the history of the RoN Tribunals*, Retrieved March 2, 2026 (https://www.rightsofnaturetribunal.org/about-us/).

(Vermeylen 2019, 92) to understand climate justice, as it emerges in statements from those who are already experiencing climate change impacts in the most severe forms.

Almost all the submissions stressed the importance of recognizing the value of ITLK for climate governance and biodiversity protection and, consequently, the need to meaningfully incorporate this knowledge into decision-making on how to address climate change. The following excerpt from the written observation submitted by the Communities of the Lenca People, the Communities of the Tolupán People, the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras, the Movimiento Amplio por la Dignidad y la Justicia, and the Women's Link Worldwide clearly illustrates this shared line of argumentation:

> "We recognize that our traditional practices contain invaluable knowledge that can lead us towards sustainability and harmony with nature. It is therefore imperative that we are considered active subjects of law in the process of designing, deciding and implementing mitigation and adaptation measures, especially to address the emergency in and from our territories" (authors' translation, Comunidades pertenecientes al Pueblo Lenca et al. 2023, 2-3).

This quotation illustrates how local communities establish themselves as knowledge-holders, with the right to participate in climate governance. Contribution and participation in knowledge production are legitimized through referencing the historic role of Indigenous, traditional, and local people in protecting the world's biodiversity. References to sustainability and 'harmony with nature' may be interpreted as drawing on narratives that have at times been criticized for romanticizing Indigenous relationships with the environment.

However, focusing exclusively on this dimension risks overlooking the central political claim embedded in the statement. Whyte (2016) emphasizes the intellectual and organizational leadership of Indigenous peoples in shaping environmental governance institutions and responses to complex environmental challenges. Rather than merely asserting cultural distinctiveness, the communities present themselves as legitimate knowledge-holders whose expertise should inform the design, implementation, and evaluation of climate responses. Following Whyte (2016), they claim a role in shaping and participating in decision-making processes related to climate change. They challenge the persistent denial of epistemic authority and position themselves as agents of change rather than victims of climate change and thereby assert a form of political agency that we conceptualize as knowledge citizenship.

The written observation also illustrates how communities negotiate citizenship by mobilizing Indigenous peoples' right to self-determination to support claims for participation in climate governance and to emphasize states' responsibilities for guaranteeing these rights:

> "In this regard, we, the signatories, consider that the Honorable Court should go one step further and recognize that the traditional and ancestral knowledge of indigenous communities and their women has a status comparable to that of science. We have amply demonstrated that this knowledge is essential to understanding the environment, and the actions undertaken on the basis of this knowledge have, in turn, proven to be significantly more effective than the adaptation and mitigation measures that have been implemented without consent, often resulting in serious violations of our human rights. Thus, to incorporate ancestral wisdom into measures to tackle the Climate Emergency, it is necessary to guarantee processes of prior, free, and informed consultation through the active, genuine, and effective participation of indigenous communities, whilst ensuring that women's voices are heard" (authors' translation, Comunidades pertenecientes al Pueblo Lenca et al. 2023, 33).

Tsosie (2012) argues that recognition and adoption of international human rights standards concerning Indigenous peoples' rights, such as the United Nations (UN) Declaration on the Rights of Indigenous Peoples (UNDRIP), can help to prevent epistemic injustice. UNDRIP recognizes the right to self-determination and establishes standards for consultation of Indigenous peoples. The instruments facilitate the participation of

Indigenous peoples in decision-making concerning them and provide tools for expressing concerns specific to their worldviews. A legally binding treaty framework for Indigenous and Tribal peoples' rights is provided by International Labour Organization (ILO) Convention No. 169 for those States that have ratified it. The written observation also invoked both UNDRIP and ILO 169 to assert legal rights supporting Indigenous peoples' participation in decision-making as knowledge-holders (Comunidades pertenecientes al Pueblo Lenca et al. 2023). The communities mobilized Indigenous peoples' right to self-determination and to free, prior, and informed consultation (FPIC) to challenge the marginalization of ITLK in climate governance. They also contest the current application of these rights and the marginalization of Indigenous peoples and their knowledges in the processes through which their meaning and implementation are defined. For example, they criticize FPIC procedures that are designed without meaningful involvement of Indigenous peoples. They assert that the integration of ITLK, which is necessary for responding to climate change, requires the inclusion of Indigenous peoples, and especially Indigenous women, in decision-making in climate governance: "This entails an obligation on the part of States to ensure the effective participation of indigenous communities and women in decision-making, in accordance with the principle of self-determination" (authors' translation, Comunidades pertenecientes al Pueblo Lenca et al. 2023, 35).

The consultatory process included several narratives describing how the lack of recognition of ITLK as valid sources of environmental information by state institutions contributed to the vulnerability of communities. During the public hearing, Morris Alexie from the community of Nunapitchuk, located in Alaska, United States, explained how the community had drawn on its knowledge of local environmental change to recognize that its current location had become unsafe due to climate change (IACtHR 2024b). Their tribal government subsequently passed a resolution to relocate the community and requested government assistance, as the community lacked financial resources to undertake relocation. However, the government refused to provide assistance and instead requested that the community provide evidence that the location was unsafe. It did not recognize the community's own assessment based on its knowledge of the local environment as a valid basis for assessing environmental risk. As a result, community members continue to face heightened environmental risks, as the state fails to protect them by refusing to recognize their decision-making based on ITLK. The burden of proof is placed on economically disadvantaged communities, yet their knowledge of local conditions is not recognized as valid evidence because it falls outside institutionally accepted forms of knowledge, whose standards they have had little opportunity to influence. This illustrates the relationship between epistemic injustice, citizenship, and the risk of climate-related human rights violations.

Community contributions also illustrated the value of narratives describing local experiences of climate change for understanding intersectionality and vulnerability. An example of this type of narrative was presented in public hearing by Áurea Sánchez Hernández and Yesenia del Socorro Albino Sánchez, a mother and daughter from the coastal fishing community of El Bosque in Tabasco, Mexico, whose inhabitants had been internally displaced because of climate change impacts (IACtHR 2024b). The testimonies from the said mother and daughter described how extreme weather events led to the destruction of homes and local services. They also demonstrated how the lack of economic means and state abandonment of communities further exacerbated human rights threats, as communities did not receive the help that they needed to rebuild their lives. Their narratives vividly described how the extreme weather events led to the lack of food, shelter, access to education and their differentiated impact on women and children. The frequency of extreme weather events also prevented them from rebuilding their lives, as the next storm threatened to repeat the same cycle of destruction. Beyond the loss of their homes, relocation to urban areas deprived them of their primary means of subsistence, as their knowledge, skills, and livelihoods were closely tied to fishing, an activity they were unable to continue in the cities.

This type of testimony illustrates how personal accounts of lived climate impacts can make human rights harms visible and their potential to contribute to knowledge production within legal proceedings, providing

evidence relevant to establishing standing and assessing harm in climate litigation (Keller and Heri 2022). The narrators expressed hope that the recognition of their lived experiences within the legal process would contribute to a deeper understanding of climate displacement and help shape interpretations of state obligations that are informed by, and responsive to, the needs of communities whose human rights are threatened because of climate change.

> "This fear that you feel, when you hear about climate change, we are living. We request from you, the judges, that as you think about the rise of sea level and the coastal erosion, when you hear about a tropical storm or hurricane in the Gulf of Mexico, you think about our community and about us two and our children. We are suffering because the government did not want to do its job when it could act on time. (…) Oblige governments to put themselves in our shoes and to ensure aid programs that are dignified, swift, and respect our human rights, oblige them to listen to us" (authors' translation, IACtHR 2024b, 54:25).

This statement shows how Hernández positions knowledge rooted in the experiences of climate-affected in the center of climate justice to negotiate exclusions in citizenship. Knowledge citizenship is deployed to challenge wider patterns of marginalization inside of the state, allowing Hernández to transform her experience of injustice into political agency. The outlined testimonies provoked a strong response from two of the judges, including Verónica Gómez who stated: "Climate justice is constructed from the communities" (authors' translation, IACtHR 2024b, 1:20:25).

Exclusionary forms of citizenship and relation to intersectionality were addressed by Mujeres en Zona de Sacrificio en Resistencia (MUZOSARE 2023) through a description of their lived experience. The organization consisted of women living and working in Puchuncaví and Quintero Bay, in the Valparaíso Region of Chile. Their observation utilized the description of their local realities to emphasize the importance of a gender perspective and special protection and recognition of women's knowledge and practices. Their description of their region demonstrated the disastrous impacts caused by the cumulative influence of extractive industries, climate change, and poor climate mitigation practices. State negligence of local people in their region, interpreted by the organization through the concept of 'sacrifice zone', had led to the cumulative suffering, as their region was contaminated first by the extractive industries, secondly by the projects focused on energy transition and finally, climate change exacerbated negative impacts of these projects. The lack of participation of the local people and especially women in the decision-making had accelerated the transformation of their locality as sacrifice zone, where cumulative impact of different activities and climate change violated human rights of local people. These narratives demonstrate how climate-affected communities can contribute knowledge that enriches understandings of climate justice, particularly with respect to intersectionality and vulnerability. By documenting differentiated impacts based on gender and the compounded harms associated with state neglect, these narratives illustrate how vulnerability is shaped through the interaction of climate risks with broader social, economic, and political structures and inequalities.

By contributing their observations to the Court, the communities were building knowledge citizenship. In the participatory consultation of AO32, climate-affected communities took part in the collective meaning-making on state obligations to protect human rights during the climate emergency. Their testimonies illustrated how marginalization of their knowledges intertwined with other forms of state abandonment left them vulnerable to climate risks. By failing to recognize ITLK as a legitimate source of knowledge, state institutions marginalize the needs, experiences, and expertise of affected communities, illustrating how epistemic injustice can contribute to experiences of unequal citizenship.

4.2 The position of the AO in relation to the climate emergency and human rights

Using knowledge citizenship, our analysis examines how claims related to political participation and ITLK from the community contributions acquire legal meaning in the Court's interpretation of state obligations "in response to the climate emergency within the framework of international human rights law" (IACtHR 2025, 5). Through this process, the Court actively shaped the conditions under which epistemic participation takes place in climate governance. By recognizing ITLK within its interpretation of the right to science, the Court sends a clear signal in support of epistemic inclusion. The IACtHR produced regulatory climate knowledge and translated knowledge claims about climate change, human rights, and ITLK into authoritative legal interpretations in AO32. Following Jasanoff (2011), courts are not neutral recipients of expert claims but institutions that participate in determining which forms of knowledge become authoritative for public decision-making. By incorporating the recognition of ITLK with the right to science, the Court legitimizes ITLK as a relevant form of climate knowledge.

The legal recognition of ITLK as relevant knowledge for environmental governance itself is not new. The Court draws on the Paris Agreement, which states that ITLK should be used together with the best available science, as appropriate, to guide climate adaptation. However, the IACtHR expands the meaning of appropriate and argues that "the response to the climate emergency calls for constant dialogue with scientific, traditional, local and indigenous knowledge" (2025, 79), thereby legitimizing ITLK as relevant climate knowledge across climate governance. In contrast, the Paris Agreement treats science as universally applicable, while framing the use of ITLK as appropriate may inadvertently reinforce the subordination of ITLK, as it does not specify who has the authority to determine what constitutes appropriate use and therefore creates opportunities to delegitimize and deprioritize their use, particularly in contexts where its consideration is not reinforced through Indigenous rights.

The Convention on Biological Diversity also recognizes Indigenous and local communities as holders of knowledge relevant to biodiversity. However, as it encourages the use of such knowledge where compatible with conservation and sustainable use requirements, the inclusion of ITLK-holders in biodiversity governance depends on being recognized as compatible with these requirements. In practice, the inclusion of ITLK-holders has remained limited relative to their substantial contribution to biodiversity conservation, even though there have been progressive efforts, such as the Nagoya Protocol and a dedicated working group on traditional knowledge, to address the issue and increase fair benefit-sharing (Tsioumani and Parks 2023; Öllerer et al. 2025). The epistemic bias of formal conservation institutions, which privileges scientific knowledge over ITLK, has been recognized as a barrier to inclusive biodiversity conservation (Ogbe et al. 2026). Meaningful participation of ITLK-holders in defining the terms of their inclusion remains a challenge (Tsioumani and Parks 2023). In this regard, AO32's emphasis on the need for ongoing dialogue based on equitable exchange between knowledge systems in defining sustainability and effective climate action could contribute to epistemic justice, as it explicitly calls for intercultural dialogue in the construction of collective meanings and requires that the outcomes of such dialogue inform climate action. However, implementing such meaningful dialogue requires substantial institutional and political effort.

Importantly for epistemic justice, AO32 translates this recognition into institutional obligations that require states to create conditions under which ITLK enter environmental decision-making. Public participation constitutes one of the primary mechanisms through which AO32 creates conditions for knowledge citizenship, since it conceives public participation as a mechanism through which citizens contribute knowledge that shapes environmental policymaking. Hence, the IACtHR requires states to ensure that participation in environmental governance is effective and occurs from the earliest phases of decision-making (IACtHR 2025, 181).

Furthermore, the Court's interpretation of differentiated impact, Indigenous rights, and participation as well as access to information and justice further supports building of knowledge citizenship as states are expected

to facilitate processes through which ITLK-holders can exercise epistemic and political agency and influence collective decisions. The Court holds that states must adopt differentiated measures to ensure that groups who are particularly vulnerable to climate change can equitably exercise their rights. This provides important instruments for confronting forms of oppression and the marginalization of ITLK that are intertwined with racial, economic, and political legacies of colonialism that contribute to unequal experiences of citizenship. The Court's position aligns with claims expressed in community testimonies, framing vulnerability to support inclusion, as the IACtHR obliges states to act appropriately to ensure that climate-affected communities can meaningfully be heard and take part in decision-making (2025, 183).

Moreover, the IACtHR argued that states should advance the participation of Indigenous and tribal peoples and Afro-descendant, peasant, and fishing communities and the incorporation of their knowledges in climate-related decision-making, as the use of ITLK is crucial for developing effective climate action. These measures include state obligations to recognize and strengthen Indigenous and tribal peoples' institutions for self-government, autonomy and territorial management and guarantee protection of their territories (IACtHR 2025, para. 607). States should also guarantee they have sufficient financial means to participate in decision-making. It links participation to the production of climate knowledge and environmental decision-making, requiring states to develop, together with ITLK-holders, studies, statistics, strategies, and public policies concerning climate impacts on territories, livelihoods, and cultures (IACtHR 2025, para. 607).

Furthermore, the Court reiterates that states must obtain free, prior, and informed consent in cases of interventions that may have a major impact on Indigenous or tribal peoples or their territories that aligns with procedures and standards established by Indigenous and tribal peoples. Viewed through the lens of knowledge citizenship, FPIC functions as a procedural guarantee that supports epistemic norms informed by ITLK, ensuring that Indigenous peoples can contribute to the definition of environmental problems, the assessment of risks, and the design of climate responses. Hence, beyond its legally authoritative recognition of Indigenous peoples and local communities as custodians of climate knowledge, the Court also requires adopting institutional practices that facilitate their political and epistemic inclusion in such a way that they can meaningfully shape the direction and substance of climate action, including measures that strengthen Indigenous and tribal peoples' self-determination.

Finally, the Court's interpretation of the right to access justice might inform the institutional practices that shape how citizenship is enacted, experienced, and negotiated within climate litigation. AO32 endorses broad standing, flexible evidentiary standards, and pathways to justice adapted to ITLK (IACtHR 2025, 184-189, 207). Following Jasanoff, such procedural principles are significant because they influence which forms of knowledge can enter processes that build authoritative legal interpretation. By supporting flexible evidentiary standards, the Opinion may create opportunities for personal accounts that incorporate ITLK to be considered in legal proceedings. The testimonies from Nunapitchuk and El Bosque, for example, illustrated climate harm, vulnerability, and environmental change that are not always readily captured through conventional evidentiary frameworks and contribute to fulfilling gaps in climate knowledge. These practices may support epistemic inclusion in legal knowledge production, which in turn may contribute to more epistemically inclusive forms of political participation. Climate litigation thus becomes not only a mechanism for claiming rights but also a site where knowledge citizenship is enacted, as citizens participate in shaping the case law.

However, AO32 also demonstrated tensions regarding citizenship, ITLK, and law. The Court's universal approach to law can limit the use of ITLK, as its legal language can be at odds with the pluralism of ITLK. Legal concepts such as the right to property do not describe relations that many ITLK-holders have with their ancestral lands or adequately convey meanings embedded in Indigenous languages (Cunin 2026). Considering the future development of knowledge citizenship in climate litigation, the IACtHR previous case law in Indigenous rights demonstrates potential challenges. In the case of *Kichwa Indigenous People of Sarayaku v. Ecuador*, the Court ruled in favor of Sarayaku and affirmed Indigenous peoples' right to consultation and its

standards. However, Townsend and Townsend (2021) argue that the Court's engagement with testimonies of Sarayaku people constitutes epistemic injustice, as they were treated as evidence of cultural knowledge rather than environmental knowledge. Cunin calls this "recognition of difference rather than dialogue between norms of equal standing" (2026, 11). Cunin also emphasizes strategic essentialization of Indigenous identity by the anthropologist to support the people of Sarayaku in the legal process. The perceived need to establish cultural difference to ensure a successful outcome in the legal proceeding might impede the possibility of collective meaning-making. This arguably contributes to differentiated citizenship, where Indigenous peoples may utilize their knowledge within their own structures of governance, but inclusion in collective meaning-making within state or international institutions is limited, unlike decolonial plural citizenship (Kuokkanen 2026).

5. Looking beyond the AO

Our in-depth analysis of the AO may raise the concern that a single case study is not sufficient to advance broader claims about climate litigation. In this section, we introduce other two cases, one from New Zealand and one from South Africa to identify echoes and countertrends in respect to what discussed. Such examples shed light on the scenarios of courts rejecting or marginalizing local knowledge; on the limitations of judicial recognition; and on potential tensions between expert evidence and local knowledge. However, these cases also open other interesting avenues for reflection that here for space constraints we cannot handle, for example in relation to the recognition of Indigenous customary law in climate litigation as an additional dimension of knowledge citizenship.

The case *Smith v. Fonterra Co-operative Group Ltd* concerned a claim advanced by an elder person of a Māori "iwi" (which are social and political units) against seven of New Zealand's largest greenhouse-gas emitters and fossil-fuel suppliers.[4] The plaintiff alleged that the respondents had contributed to the climate crisis and had damaged, and would continue to damage, his family's coastal land through erosion and inundation, and would irreparably damage customary fisheries, landing sites and burial grounds, as well as produce adverse health impacts to which he and Māori communities are particularly vulnerable. Interestingly, he argued that Tikanga Māori (i.e., Indigenous customary law) should inform the litigation, particularly with regard to standing and harm. He sought declarations of unlawful conduct together with injunctions requiring the respondents to peak their emissions by 2025, reduce them progressively by 2030 and 2040, and reach net zero by 2050, or, alternatively, an injunction requiring immediate cessation. In 2020, the High Court struck out the claims on public nuisance and negligence as not reasonably arguable, while declining to strike out the novel 'climate system damage' tort. In 2021, the Court of Appeal went further and struck out all three, holding that the magnitude of climate change could not be appropriately addressed through common-law tort claims and was therefore a matter for a regulatory response. The 2024 judgment of the Supreme Court reversed the lower courts' decisions to strike out the case, concluding that it should proceed to trial.

Importantly, the Court stressed that its decision concerns only whether the claim should be struck out and is not a commentary on whether it will ultimately succeed. Interestingly, on the matter of evidence, the Court emphasized that because part of the loss the plaintiff alleged is based on Māori customary law and because he sues not only as a landowner but as a 'kaitiaki' (guardian) acting on behalf of land, water and sea, the trial court cannot avoid engaging with Tikanga, including conceptions of loss that are neither physical nor economic. While the decision does not make space for ITLK, largely because of the procedural nature of the case – indeed, the plaintiff's lived experience related to climate harm appears only in the compressed form of pleaded allegations that the Court, for its purposes, had to assume to be true but did not further explore – yet

[4] For further information about the case see https://www.climatecasechart.com/document/smith-v-fonterra-co-operative-group-limited_33b2.

the case is relevant for the role the Court assigned to Indigenous customary law. Notably, the Court held that the plaintiff's legal standing must be examined in light of its possible Tikanga implications and, broadly, that the trial court will have to consider whether Tikanga-related harms are themselves a cognizable form of loss. The case has recent developments as in May 2026, the New Zealand Government announced an amendment to the Climate Change Response Act 2002 – amendment now entered in force – to preclude tort liability for climate change-related harm caused by greenhouse gas emissions in both current and future proceedings. This decision also affects this case.[5]

Another interesting case is *Africa Climate Alliance et. al., v. Minister of Mineral Resources & Energy et. al.*, decided at first instance in 2024, where three civil-society organizations – the African Climate Alliance, the Vukani Environmental Justice Movement in Action and Groundwork Trust – acted against several South African ministries, raising a constitutional challenge and judicial review of governmental decisions.[6] They sought a declaration that the government's decision to include 1,500 MW of new coal-fired power in the Integrated Resource Plan 2019 was unconstitutional, unlawful, and invalid, and an order setting those decisions aside. The challenge succeeded on the merits and was decided under the constitutional principle of legality, with all three decisions being declared unconstitutional and set aside. The Court held that respondents had not duly considered the effects of new coal-fired power on the environment, the climate and on children's health, and condemned the poor and instrumental public participation on the matter. In their petition filed in 2021, the applicants dedicated specific sections to the "Individual experiences of climate change" (pp. 76-79) and "Individual experiences of the impacts of coal-fired power stations" (pp. 108-113), which contain testimonies of children, young people and parents who deposed witness affidavits in support of the application. The narrators are not the applicants, which are three civil-society organizations, but individuals living in the affected areas. As for the direct experience of climate change, they are described through the voices of children and young people who experienced the 2018 severe drought in Cape Town. A recurring feature of these accounts is the emphasis on their psychological dimension.

Notwithstanding the prominence of these narratives in the application, none of them surfaces in the judgment: the Court made no reference to these testimonies nor to the related witness affidavits, nor any use of them in reaching its conclusions. The judgment does not expressly exclude them from evidence; it simply does not recall them and resolves the case on other grounds. Despite the favorable ruling to the applicants, the case represents an example of a 'failed case' with regard to the reliance on ITLK, in the sense that the Court did not consider the large number of first-hand accounts relied upon for substantiating the claims. This might be due to two main reasons. First, the Court's silence on the concrete impacts of climate change and coal-fired power stations reflects the ground on which the case was decided: the constitutional challenge succeeded not because the applicants had proved that climate-related (or coal-related) harms were occurring, but because the respondents' own record was "ominously silent" on whether they had considered the impact of new coal-fired power on constitutional rights. Having found that the Government failed to demonstrate that it had considered those rights at all, the Court had no need to take into account the applicants' evidence of lived harm in order to declare the challenged decisions unlawful. Second, the Court's approach to the alleged harms focused on systemic and collective impact rather than on the individual experience of specific individuals or groups. As can be read at the outset of the judgment, the Court noted that "although the application was pointedly in respect of the health rights of children, the general effect of the intended procurement equally impacted on the health rights of the nation as a whole". Overall, while personal narratives were central to framing the applicants' case, they proved marginal to the legal basis on which it succeeded. This is so likely because, in administrative-law

[5] See footnote 4 for these recent developments.

[6] For further information about the case see https://www.climatecasechart.com/document/africa-climate-alliance-et-al-v-minister-of-mineral-resources-energy-et-al-cancelcoal-case_3740.

climate litigation, a case won on the inadequacy of the decision-maker's record will often not require the court to confront the human experience the applicants relied upon to substantiate their claim.

6. Conclusion

The form of political agency that we conceptualize as knowledge citizenship, and that climate-affected communities articulated through their demands for participation illustrates how equal citizenship requires rethinking epistemic practices for building meaningful democratic inclusion and climate justice. Epistemic injustice intertwined with state abandonment and contributed to vulnerability to climate harm. By challenging the meaning and use of knowledge, the communities also challenge depoliticized practices of epistemic governance embedded in state action that have contributed to and continue to perpetuate experiences of exclusionary citizenship. Through knowledge citizenship, we were able to conceptualize how people can play a role in contributing climate knowledge to environmental governance and how such participation may strengthen climate action.

Our case analysis highlights the potential of inclusive participatory consultation as a part of the legal system to reduce epistemic injustice by creating spaces for people to participate in collective meaning-making that informs the interpretation of law and shapes the practices of citizenship. AO32 took significant steps to strengthen the conditions for the emergence of knowledge citizenship, and its interpretation addressed several concerns raised in observations from climate-affected communities. It further strengthened recognition of ITLK by emphasizing their importance for building an effective response to the climate emergency and for addressing the needs of those most vulnerable to climate harm.

While the emergent form of knowledge citizenship points towards a future in which different knowledge systems may be accommodated on more equal terms, it remains to be seen how this shift will materialize in climate litigation. Our analysis suggests that intercultural dialogue between knowledges remains challenging in court settings and that the lack of collective meaning-making in the development of standards and categories disadvantages ITLK-holders. Yet, when recognized for their independent value and understood as complementary sources of knowledge, local knowledge-holders can help fill knowledge gaps and contribute to building climate justice responsive to the needs of those people most at risk. Whatever form this shift towards judicial co-production of climate knowledge may take, our analysis suggests that understanding citizenship increasingly requires concepts such as knowledge citizenship that can capture negotiations over epistemic authority, political agency, and participation within litigation processes and beyond.

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