The Recognition of Indigenous Peoples in Latin American Climate Governance: A Review of Nationally Determined Contributions

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ABSTRACT: Indigenous Peoples' advocacy has enabled them to position themselves in global debates on climate change. Although the international community progressively acknowledges Indigenous Peoples' contributions to climate action, their effective recognition in national climate governance remains marginal. This article analyses Indigenous Peoples' recognition in the climate governance of Latin American states based on a document analysis of the Nationally Determined Contributions (NDCs) submitted between 2016 and March 2022. A content analysis and a frequency analysis were conducted on 30 documents. Mentions related to Indigenous Peoples in the NDCs are increasing; nevertheless, this recognition reproduces the multicultural approach that has characterized Latin American states' legislations and thereby undermines the coherence of climate policy. The references mainly allude to cultural diversity and climatic vulnerability without addressing the ongoing territorial conflicts that mediate the relationship between Indigenous Peoples and states. Nor do the NDCs recognize the right of Indigenous Peoples to participate at the different levels of climate change decision-making processes. Intercultural recognition of Indigenous Peoples and better standards of participation in climate change governance are mandatory. However, states must first promote institutional transformations to address the historical and institutional factors that have produced Indigenous Peoples' climate vulnerability and generate the necessary mechanisms to implement the recognition committed to in the NDCs.

SIGNIFICANCE STATEMENT: The decisions of the Conference of the Parties of the UN Framework Convention on Climate Change progressively encourage the participation of Indigenous Peoples and consider their knowledge in decision-making processes. Our article explores how this recommendation is assumed in Latin America through the analysis of Nationally Determined Contributions (NDCs)—the national pledges in the context of the Paris Agreement for the reduction of greenhouse gas emissions and adaptation to climate change. Our findings reveal that the mentions and recognition of Indigenous Peoples in NDCs are increasing. This recognition is not matched by promoting full and meaningful intercultural participation. In addition to generating mechanisms for effective participation, addressing the multiple historical and institutional drivers of Indigenous Peoples' climate vulnerability is necessary.

KEYWORDS: Climate change; Indigenous knowledge; Policy

1. Introduction

Indigenous Peoples progressively position themselves in global climate change debates (Delgado 2019; Ford et al. 2016a). They are not only highly affected by the biophysical impacts of climate change but also by the measures implemented in their territories to mitigate it (IPCC 2022). However, at the same time, the success of Indigenous knowledge systems in biodiversity conservation (Garnett et al. 2018) and climate change mitigation and adaptation (Schlingmann et al. 2021; Vogel and Bullock 2021) has attracted the attention of the international community. To achieve this recognition, Indigenous Peoples have had to overcome multiple prejudices and barriers (Delgado 2019), beginning with the fact that the United Nations Framework Convention on Climate Change (UNFCCC) does not mention them.

As a result of the sustained advocacy of the international Indigenous Peoples' movement, Indigenous Peoples have made their way into the UNFCCC processes (Sherpa 2019). Since 2001 Indigenous Peoples have their constituency,[1] which allows them to strengthen their advocacy and position recommendations to the Parties, which included them for the first time in a Conference of the Parties (COP) decision in 2005. This constituency led, in 2008, to the creation of the International Indigenous Peoples' Forum on Climate Change (IPFCC), which, in 2015, succeeded in getting the Paris Agreement to promote respect for their rights and to suggest that adaptation work should be based on and inspired by "traditional knowledge, Indigenous Peoples' knowledge and local knowledge systems" (article 7, paragraph 5). The same year, COP21 (decision 1/CP.21, paragraph 135) established the Local Communities and Indigenous Peoples Platform (LCIPP), whose functions were defined at COP23 (decision 2/CP.23, paragraph 6) and seeks to 1) disseminate Indigenous knowledge aimed at addressing climate change, 2) strengthen the capacities of Indigenous Peoples and Parties to promote

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[1] Constituencies cluster NGOs with similar interests within the UNFCCC.

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collaboration in the implementation of the Paris Agreement, and 3) facilitate the integration of diverse knowledge systems, and to strengthen Indigenous Peoples' climate action to contribute to the implementation of Nationally Determined Contributions (NDC).[2] The following year, the UNFCCC suggested that Parties consider Indigenous knowledge in climate policy (UNFCCC 2016). On this basis, Indigenous representatives have demanded that Parties consider them in the design of climate governance, and specifically in NDC processes (https://unfccc.int/sites/default/files/resource/20190426_LCIPP%20Workshop%20Report_final%20version.pdf).

Responding to these demands, the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) has encouraged Parties to provide in their NDCs information on the planning and, if available, on the implementation plans, "including, as appropriate: Domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples."[3] The CMA also encourages Parties to include "traditional knowledge, knowledge of indigenous peoples and local knowledge systems related to adaptation, where appropriate."[4] In parallel, the Intergovernmental Panel on Climate Change (IPCC) has provided strong evidence about the benefits of cooperating with Indigenous Peoples (IPCC 2022).

Despite increasing recognition, thus increasing mentions of Indigenous Peoples in COP decisions (Ford et al. 2016a), their consideration in national climate governance remains marginal (Shea and Thornton 2019). This exclusion is due to several factors, primarily the principle of state sovereignty and colonial structures that marginalize Indigenous Peoples (Ford et al. 2020). Multiple epistemological barriers also play a role (Comberti et al. 2019). Indigenous Peoples' views tend to be observed as an impediment to development (Merino 2018), and their knowledge continues to be seen as arbitrary (Smit et al. 2001). Climate policy, if it mentions Indigenous Peoples at all, generally underestimates or ignores the cultural and symbolic relationships that each people have with their territory (Comberti et al. 2019). Moreover, the IPCC reports and institutional discourses tend to represent Indigenous Peoples as victims of climate change (Ford et al. 2016b; Callison 2017; Carmona et al. 2022), positioning them as the object of policies that generally omit the very structures of inequality and exclusion that make them vulnerable (Belfer et al. 2017).

The analysis of Indigenous Peoples' engagement in climate policy has grown over the last decade (Gustafsson and Schilling-Vacaflor 2022). Most studies analyze how the domestication of international guidelines impacts Indigenous Peoples' territories (e.g., Gustafsson and Schilling-Vacaflor 2022; Ulloa 2017). Cobacango Reyes and Sacher (2021) show how climate projects impose narratives and mechanisms of territorial management that promote control practices. In reply, Indigenous Peoples have claimed respect for their rights and demanded participation. Although this advocacy has strengthened their presence in international negotiations, the literature is conclusive about their limited influence (Tormos-Aponte 2021; Shea and Thornton 2019; Belfer et al. 2019). Even dedicated spaces, such as the LCIPP, do not allow them to address the structures of inequality that led to the violation of their rights (Shawoo and Thornton 2019). These obstacles result in a lack of national-level spaces, policy incoherence and weak cross-sectoral linkages between Indigenous-led spaces (Gustafsson and Schilling-Vacaflor 2022). Although this research allows us to observe the position of Indigenous Peoples in global climate governance, the way in which this context translates into the national spheres remains unexplored (Shea and Thornton 2019), especially in Latin America.

Although identifying Indigenous Peoples is a complex issue, the United Nations estimates that Latin America has the largest percentage (8.5%), representing 11.5% of the world's Indigenous population (International Labor Organization 2019). Climate change is currently being felt throughout the region, including rising temperatures, biodiversity losses, increased water scarcity, and decreased agricultural productivity and food security (Magrin 2015). These effects have a greater impact on Indigenous communities, who depend on their ecosystems (Nakashima et al. 2012) and who have also been historically marginalized and disproportionately exposed to the socioecological impacts of activities that sustain national economies (Millaleo 2020). Because of this, understanding how Indigenous Peoples are recognized by national climate governance is crucial. Furthermore, this analysis can provide valuable inputs for strengthening their participation in the UNFCCC.

Acknowledging that Indigenous Peoples can substantially contribute to Latin American climate governance (De la Cruz 2014), this article aims to analyze how the NDCs of Latin American states recognize Indigenous Peoples. To achieve this objective, we analyzed the forms of recognition that the NDCs present. Considering how participation impacts the exercise of the other rights of Indigenous Peoples, we examine in depth the recognition of the right to participation. Finally, we characterize the climate action proposals that explicitly involve Indigenous Peoples in the NDCs.

2. Climate change and Indigenous Peoples in Latin America: A call for recognition and redistribution

The marginalization of Indigenous Peoples is a structural problem in Latin America (International Labor Organization 2019). Some scholars identify this marginalization as a recognition problem (Taylor 1992; Honneth 2006). According to more critical perspectives, historical patterns of nonrecognition are intertwined with the inequitable distribution of power, determining a problem of justice (Fraser 2006). These patterns were established with the modern project and have been reproduced with the contemporary model of capitalism, generating new power/knowledge hierarchies that subordinate

[2] The NDCs establish the pledges of UNFCCC member states, which have ratified the Paris Agreement, to the international community for the reduction of greenhouse gas emissions and adaptation to climate change.

[3] Decision 4/CMA.1 (https://unfccc.int/sites/default/files/resource/cma2018_03a01E.pdf).

[4] Decision 9/CMA.1 (https://unfccc.int/sites/default/files/resource/cma2018_03a01E.pdf).

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Indigenous Peoples (Quijano 2014). In this scenario, Indigenous movements in Latin America have advocated for specific rights and recognition, both through autonomous and institutional processes (Fuentes and de Cea 2017).

The analysis of institutional recognition suggests that there are different levels, which range from denying cultural diversity to interculturalism and empowerment of first nations (Burguette 2008; Yrigoyen 2010). Conceptually, the recognition debate in Latin America mainly revolves around two approaches: multiculturalism and critical interculturalism. Multiculturalism is a liberal approach that addresses the rights of minorities through the recognition of cultural diversity (Kymlicka 1996), omitting relationships between different cultures. Multiculturalism's great contradiction is reducing differences to a cultural perspective—as if culture had a value in itself and not thanks to the contents and meanings people give in practice (Martínez-Novo 2011). In contrast, critical interculturalism is understood as a counterhegemonic project based on the historical experience of Indigenous Peoples and movements against colonialism (Tubino 2002; Walsh 2006). While multiculturalism recognizes cultural differences while ignoring the historical processes of constructing power hierarchies around them, interculturalism questions these processes. Legally, intercultural recognition is a form of coexistence within the framework of the state that recognizes the preexistence of nations with the right to self-determination (Carril et al. 2021).

Multiculturalism has been the predominant approach in the region, albeit with various nuances. Countries such as Bolivia and Ecuador have declared themselves constitutionally plurinational and intercultural, but this recognition has not guaranteed interculturalism in practice, particularly when it threatens extractivist interests (Schavelzon 2015). Other countries do not define a formal type of recognition; however, their constitutions recognize some specific rights (Fernández and Fuentes 2018). For example, Argentina, Brazil, and Panama recognize Indigenous lands and intercultural education. Peru and Colombia additionally recognize autonomy, systems of self-representation, official languages, and natural resources (Fernández and Fuentes 2018). However, this recognition often does not include enforceable measures to promote effective participation of Indigenous Peoples that would allow for the redistribution of power (Bello 2004).

In contexts of weak institutional recognition, participation is required to promote debates on redistribution and the construction of intercultural relations (Tubino 2002; Fuentes and de Cea 2017). Various efforts have been made to conceptualize participation, its scope and levels (Arnstein 1969; de la Maza et al. 2008). Some authors understand participation as the involvement of civil society in public decisions in order to resolve, address and influence issues of concern (Guillen et al. 2009). Others, as a complementary way of understanding democracy that allows the influence of specific groups, such as Indigenous Peoples (Henríquez Ramírez 2013). Nevertheless, participation is not a neutral concept; it occurs in specific frameworks of power relations. Some authors have warned that participation can generate new mechanisms of domination and denial of difference by shaping demands through an institutional lens (Bolados 2009; Boccara and Bolados 2009). Therefore, to be effective, participation must promote dialogue about the conditions under which participation is assumed (Benhabib 2006). This involves analyzing proposed participation rules and how these are constructed (Fraser 2006). Mouffe (1999) points out that, although additional spaces for participation do not ensure greater recognition and redistribution, they are needed to promote democratic contestation of power relations that contribute to the construction of cultural pluralism.

In the case of Indigenous Peoples, the right to self-determination should set the norms that regulate participation (Henríquez Ramírez 2013). Indigenous participation differs from civil society participation because the quality of the recognized subject is collective, with its own culture and rights (Clavero 2005 in Henríquez Ramírez 2013). The right of Indigenous Peoples to participate in the adoption of measures that may affect them directly impacts the exercise of their other rights [Comisión Económica para América Latina y el Caribe (CEPAL) 2014]. Because of this, international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and International Labor Organization (ILO) Convention 169 have provisions that oblige states to institutionalize Indigenous Peoples' participation (CEPAL 2014). Despite this substantive difference, Indigenous Peoples are commonly called upon to participate in activities aimed at civil society.

Concerning climate governance, over the last decade we have observed a progressive increase in the spaces for Indigenous Peoples' participation at the international level. However, the conditions of inequity that determine the specific vulnerability of Indigenous Peoples remain unresolved. Moreover, these advances have not yet impacted the structures of inequality that constrain their self-determination in the context of multilateral climate governance (Belfer et al. 2019). Emblematic is the case of mitigation projects in the Amazon designed under the reduction of deforestation and forest degradation (REDD+)[5] approach, which has diminished Indigenous Peoples' rights, local governance, and land tenure (Loaiza et al. 2017). Such conflicts have pushed the creation of international safeguards that, among others, promote the participation and recognition of Indigenous communities, however, often reconfiguring their territories and impacting local dynamics (Ulloa 2011).

Indigenous Peoples in Latin America have denounced the lack of recognition in climate governance and articulated transnational and interregional responses (Sherpa 2019). In 2010, during the World People's Conference on Climate Change and the Rights of Mother Earth, Indigenous Peoples of Latin America demanded the recognition of their knowledge, consultation, participation and free, prior, and informed consent (https://cimi.org.br/2010/04/30192/).

Against this backdrop, it is relevant to observe how states respond to and integrate demands for recognition into climate governance. We understand national climate governance as

[5] REDD+ refers to mitigation through the reduction of deforestation and forest degradation.

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how states coordinate their efforts on climate change, including diplomacy, mechanisms, and specific response measures (Jagers and Stripple 2003). Within these measures are climate policies, which regulate institutional infrastructure, pledges, plans, and programs to mitigate greenhouse gases and respond to climate change impacts. The fulfilment of this policy is determined by activating specific processes, which are understood as climate action (Moraga and Araya 2016).

National climate governance has been built primarily on voluntary pledges to the UNFCCC, which have been characterized more by remaining in intentions than in producing concrete results (Geden 2016). Since 2016, these commitments have been organized as Nationally Determined Contributions. NDCs are medium-term, country-driven climate action plans formulated within the context of bounded self-differentiation (Pauw and Klein 2020). Although all countries that have ratified the Paris Agreement are required to submit them, design guidelines are still scarce, and there are no mechanisms to verify their compliance (Allan et al. 2022). NDCs are not binding, and countries generally do not clarify the measures that will be taken to enable their implementability, giving rise to various interpretations (Geden 2016). Furthermore, the literature has demonstrated that these pledges are not always followed by a successful and coherent implementation (Pauw and Klein 2020).

Despite the above, NDCs have become a "keystone of the international climate policy process" (Pauw and Klein 2020, p. 405). Although NDCs are not binding, they are the implementation mechanism for a legislation that does, that is, the Paris Agreement. To mitigate inconsistency, the Paris Agreement promotes a "transparency framework" that aims to secure similar metrics and formats that allow for harmonization in the formulation of the NDCs (Kuyper et al. 2018), a process complemented by a "Global Stocktake" every five years.

Furthermore, NDCs have political implications (Mills-Novoa and Liverman 2019). They identify the problems the states intend to address, the mechanisms and instruments they will apply, and the actors responsible for implementation. They represent a standardized mechanism for identifying countries' priorities from a global perspective (Shea and Thornton 2019). Because recommendations to include Indigenous Peoples in climate governance are increasing in the context of the UNFCCC, the analysis of the NDCs sheds light on how states recognize Indigenous Peoples in the context of climate change and provides valuable outputs to strengthen the advocacy of Indigenous Peoples, especially with regard to the monitoring, review, and verification of these commitments.

3. Materials and methods

a. Document analysis of the NDCs

Taking as a starting point the analysis of the first NDCs carried out by Shea and Thornton (2019), and intending to deepen the implications for Latin America while comparing the advances between the first and second NDCs, we conducted a document analysis (Valles 1999) of the Latin American NDCs presented between 2016 and March 2022—downloaded from the UNFCCC website.

Document analysis is based on the principle that documents contain latent meanings, which we can access through how they present or omit specific issues (Berelson 1952). Beyond setting goals, NDCs "are important discursive documents that are contested, negotiated, and ongoing" (Mills-Novoa and Liverman 2019, p. 1). They express the willingness of states to recognize Indigenous Peoples and to promote their participation in the context of climate change. In this case, mentions and omissions of Indigenous Peoples in the NDCs allow us to access the values, interests and purposes of those who commissioned or produced these pledges (López Noguero 2002).

We considered as cases of analysis the countries of continental Latin America whose official language is Spanish or Portuguese and that also have statistical information on Indigenous Peoples (Fig. 1): Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. All these countries submitted their first NDC between 2016 and 2019; 12 of them have updated it since 2020, and one submitted its second version (Table 1).[6] To facilitate analysis, we will refer to the first NDCs as "first submissions" and to the updates and second NDCs as "second submissions."

b. Methods

We coded the NDCs with the assistance of NVivo software (12) by searching for the words: Indigenous, people, ethnic, native, community, local, traditional, and original (*originario* in Spanish). The three authors read the NDCs to check the coding of the keywords and their paragraphs thoroughly. Each author reviewed one set of NDCs. For the analysis, we selected all NDCs that mentioned the word Indigenous—related to Indigenous Peoples—at least once.

Based on the count of the coded references, we conducted a frequency analysis to develop a regional overview and observe trends between first and second submissions. This overview was complemented and deepened through content analysis. We analyzed the context of the automatically coded words. We noticed that paragraphs often contained more

[6] We have consulted the UNFCCC Secretariat to clarify this classification. According to UNFCCC officials, the difference between the updated and the second NDCs comes from the national determination to name the NDC. There are stricter requirements for the second NDC, whereas there are less strict requirements for the first. According to Pauw and Klein (2020), countries with NDC targets up to 2025 were required to "communicate" a new NDC by 2020. While those with targets until 2030 or later—representing the majority of countries—were required to "update" their NDCs by 2020. However, there is no established definition of "communicate" and "update," and states have assumed them differently (Pauw and Klein 2020). Although an update could be assumed to be minor changes and adjustments, along with a report on what has been achieved, many countries have submitted more detailed and ambitious updates than their first versions, resulting in entirely different documents.

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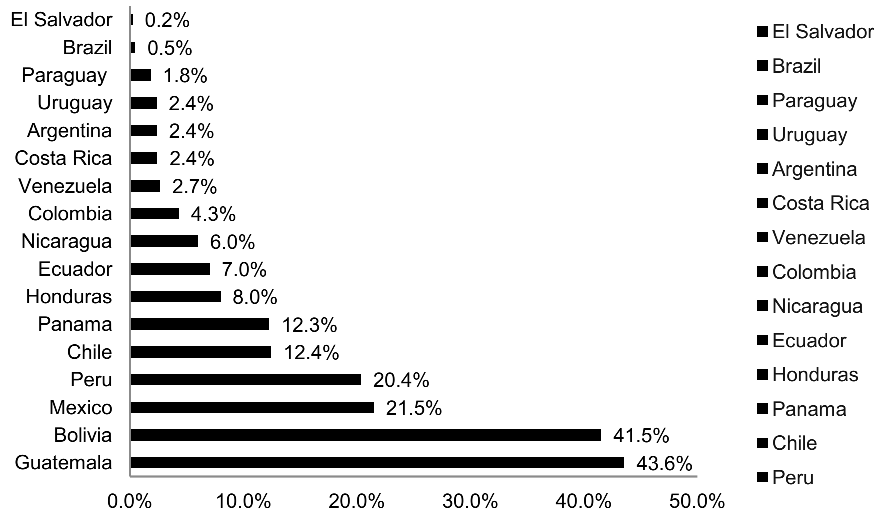

FIG. 1. Percentage of Indigenous population in Latin American countries. Source: Observatorio Derechos Humanos de los Pueblos Indígenas.

than one keyword. Through content analysis we identified the relationship between these keywords, which allowed us to define paragraphs that, while not referring to the word "Indigenous," did have implications for Indigenous Peoples—for example, recognition of traditional knowledge when in another paragraph the NDC linked traditional knowledge to Indigenous Peoples. The process was coordinated and discussed in weekly meetings where the findings and interpretations were discussed in order to unify the criteria. When we completed the coding, one of the authors reviewed all codes to verify that the coding criteria were consistent.

After identifying the references related to Indigenous Peoples, and on the basis of the theoretical discussion on the concepts of recognition and participation, we established Indigenous Peoples' recognition as a unit of analysis. Two previously established categories were included in this unit: 1) forms of recognition of Indigenous Peoples and 2) promotion of Indigenous Peoples' participation (Table 2). The first deductive category identifies how states recognize Indigenous Peoples in the NDCs. This category yields two different forms, with two levels each. The first is the recognition of Indigenous Peoples in the national context. At its lowest level, this refers to the mention of Indigenous Peoples in the country's demographic composition or the acknowledgment of the national diversity, and at its highest level, it recognizes Indigenous Peoples as right holders. The second is the recognition of Indigenous Peoples in the context of climate change. At its lowest level, it refers to the recognition of Indigenous Peoples as vulnerable, and at its highest level, it recognizes Indigenous Peoples as part of the solution, as it acknowledges their contributions to climate governance.

TABLE 1. Submitted NDCs. Source: UNFCCC (https://unfccc.int/).

	First NDC	First updated NDC	Second NDC
Argentina	2016		2020
Bolivia	2016		
Brazil	2016	2020	
Chile	2017	2020	
Colombia	2018	2020	
Costa Rica	2016	2020	
Ecuador	2019		
El Salvador	2017	2022	
Guatemala	2017		
Honduras	2016	2021	
Mexico	2016	2020	
Nicaragua	2018	2020	
Panama	2016	2020	
Paraguay	2016	2021	
Peru	2016	2020	
Uruguay	2017		
Venezuela	2018	2021	

The second deductive category, Promoting Indigenous Peoples' involvement in climate governance, identifies the willingness of states to consider Indigenous Peoples in climate governance and to promote their engagement. Three subcategories emerge from this category: 1) acknowledges Indigenous knowledge, which enquires into how the NDC promotes their consideration in climate governance; 2) considers Indigenous Peoples' participation during the preparation of the NDC, which explores whether and how Indigenous Peoples were considered during the NDC preparation; and 3) promotes Indigenous Peoples' participation, which enquires whether the NDC mentions Indigenous Peoples' participation in climate governance and refers to or encourages the creation of mechanisms to facilitate it. For participation during the preparation, we explored the forms of representation these processes promoted: (i) individual and nondifferentiated participation—that is, Indigenous actors participate in activities aimed at civil society in general and their views are integrated with those of the group; (ii) individual and differentiated participation—Indigenous representatives participate as a differentiated group in an activity that includes other

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TABLE 2. Content analysis.

Analysis unit	Categories		Subcategories
Indigenous Peoples Recognition	1. Forms of recognition of Indigenous Peoples	1.1 At the national level	1.1.1 Indigenous Peoples as part of the national diversity
			1.1.2 Indigenous Peoples as rights holders
		1.2 In the context of climate change	1.2.1 Indigenous Peoples as vulnerable
			1.2.2 Indigenous Peoples as part of the solution
	2. Promoting Indigenous Peoples' involvement in climate governance		2.1.1 Acknowledges Indigenous knowledge
			2.2.1 Considers participation in the preparation
			2.2.2 Promotes participation
	3. Climate action among Indigenous Peoples		

groups, and their opinions are considered independently; and (iii) collective differentiated participation—Indigenous Peoples have a dedicated participation process. We analyzed the references on the basis of these categories.

In addition, through the coding process, we identified initiatives in the NDCs that are implemented in Indigenous territories or communities but do not explicitly refer to their participation or contributions. These references were grouped into a third inductive category, which we named climate action among Indigenous Peoples. The results of this analysis are presented below. The textual quotations correspond to extracts from broader references, all of which have undergone the abovementioned analysis.

4. Results

a. *Forms of Indigenous Peoples' recognition in the Latin American NDCs*

Of the first 17 NDCs submitted to the Convention, 12 (79.6%) mention Indigenous Peoples: Bolivia, Brazil, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela (Table 3). Note that Bolivia's NDC does not mention Indigenous but refers to Peoples, plurinationality, and good living throughout the document. For their part, all second submissions mention Indigenous Peoples (Table 4).

Among the first submissions, five (29.4%) refer to Indigenous Peoples and/or Indigenous Peoples territories as part of cultural and geographic national diversity. These are the NDCs of Ecuador, Guatemala, Nicaragua, Paraguay, and Panama—in the latter case, the mention only refers to the participatory process. It is worth noting that Guatemala recognizes diversity as a richness that contributes to implementing the NDC. This form of recognition is the only one that declines in the second submissions (Fig. 2). Only Argentina, Brazil, and Chile (23%), which did not provide demographic information in their first version, refer to it.

For recognizing Indigenous Peoples as rights holders, we identified five NDCs among the first submissions (29.4%): Bolivia, Brazil, Costa Rica, Guatemala, and Honduras. However, only Guatemala specifically mentions "Indigenous Peoples' rights." The other countries mention a rights-based approach

TABLE 3. Forms of recognition of Indigenous Peoples in first submissions.

	Recognition in the national context		Recognition in a climate change context	
Country	Indigenous Peoples as part of diversity	Indigenous Peoples as rights holders	Indigenous Peoples as vulnerable	Indigenous Peoples as part of the solution
Argentina				
Bolivia		X		X
Brazil		X	X	
Chile				
Colombia				
Costa Rica		X		
Ecuador	X			X
El Salvador				
Guatemala	X	X	X	X
Honduras		X	X	
Mexico				
Nicaragua	X			
Panama	X			
Paraguay	X			
Peru			X	
Uruguay				
Venezuela				X

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TABLE 4. Forms of recognition of Indigenous Peoples in second submissions.

Country	Recognition in the national context		Recognition in a climate change context	
	Indigenous Peoples as part of the national diversity	Indigenous Peoples as rights holders	Indigenous Peoples as vulnerable	Indigenous Peoples as part of the solution
Argentina	X		X	X
Brazil	X	X		
Chile	X		X	X
Colombia		X		X
Costa Rica		X	X	X
El Salvador		X	X	X
Honduras		X	X	
Mexico		X	X	X
Nicaragua			X	
Panama		X	X	
Paraguay		X	X	X
Peru				X
Venezuela		X	X	

that includes various groups, among them Indigenous Peoples. Honduras, for example, ensures "a cross-cutting perspective of human rights and gender equity, guaranteeing that women, Indigenous Peoples and Afro-Hondurans have full and effective participation" (Government of Honduras 2016, p. 1). None of these five NDCs mentions a particular treaty or legislation. In the second submissions, this form of recognition increases to nine NDCs (69.2%), those of Brazil, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Panama, Paraguay, and Venezuela. In addition, Brazil and Honduras also mention their commitment within the framework of international conventions such as ILO Convention 169, Costa Rica connects these rights with respect for Indigenous cosmovisions, and Mexico promotes the recognition of Indigenous knowledge based on the principle of intergenerational equity.

Concerning the recognition of Indigenous Peoples in the context of climate change, it is possible to identify, among the first submissions, four (23.5%) that recognize them as vulnerable to climate change: Brazil, Guatemala, Honduras, and Peru. Climate vulnerability in these documents is mainly attributed to the dependence of Indigenous livelihoods on the territories they inhabit. In second submissions, this form of recognition increases considerably. Ten NDCs (76.9%) recognize Indigenous Peoples as highly vulnerable to climate change: Argentina, Chile, Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, and Venezuela. In

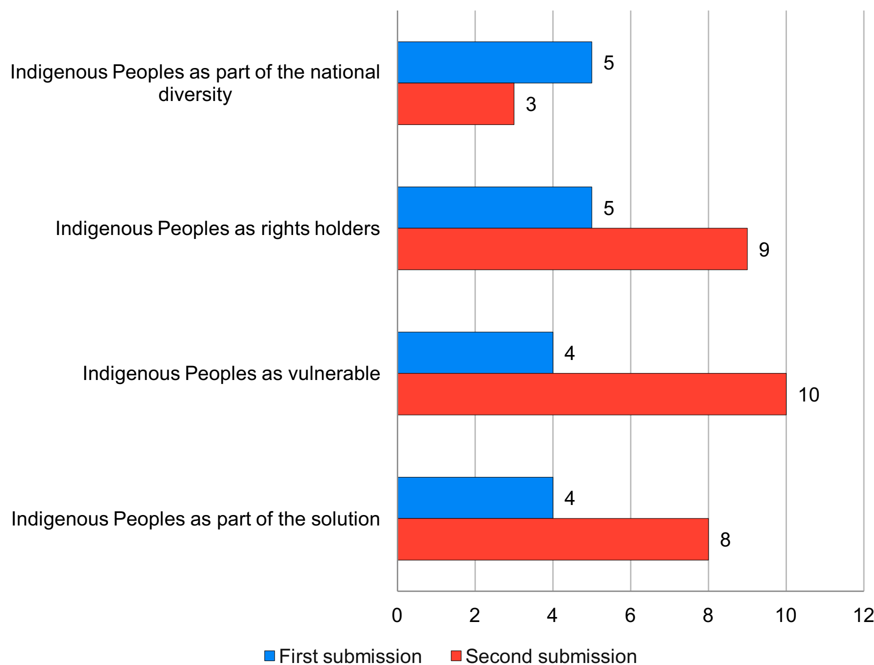

FIG. 2. Forms of recognition in the NDCs.

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FIG. 3. Levels of recognition of Indigenous Peoples according to the latest NDC submitted.

most cases, Indigenous Peoples are included in a broader vulnerable group, including women, Afro-descendant communities, children, and people with disabilities. The reasons for Indigenous Peoples' specific vulnerability are not clarified in any case. Nevertheless, the NDCs of Argentina, Costa Rica, Mexico, and Panama recognize underlying factors; they link vulnerability to inequality. For example, Mexico recognizes "the legacy of a structural system that has systematically placed vulnerable groups, especially women, at a disadvantage" (Government of Mexico 2020, p. 32), and Argentina recognizes that Indigenous Peoples have "limited participation in decision-making and access to resources" (Ministerio de Ambiente y Desarrollo Sostenible 2020, p. 33).

Last, the recognition of Indigenous Peoples as part of the solution is present in four former submissions (23.5%). These are those of Bolivia, Ecuador, Guatemala, and Venezuela, which acknowledge Indigenous Peoples' contributions in the face of climate change. This recognition is primarily based on the value of Indigenous knowledge, as illustrated by Ecuador's NDC, which recognizes "knowledge of ancestral peoples as a mechanism that contributes to local awareness of the effects of climate change" (Government of Ecuador 2019, p. 33). In the second submissions, eight NDCs (61.5%) express this form of recognition: Argentina, Chile, Colombia, Costa Rica, El Salvador, Mexico, Paraguay, and Peru (Fig. 3). Similarly, this recognition is attributed mainly to Indigenous knowledge. For example, Argentina's NDC refers to the "recognition and integration of local knowledge, ancestral knowledge and practices, values and cultural patterns, systems, habits and communities in climate actions, taking into account and respecting the laws and regulations in force" (Ministerio de Ambiente y Desarrollo Sostenible 2020, p. 27).

b. Promoting Indigenous Peoples' participation in climate governance

From the forms of recognition in the context of climate change expressed by the NDCs, we can observe in more detail how these pledges promote and ensure the engagement of Indigenous Peoples in climate governance. This inclusion is expressed in two main types of mention. First, the recognition of the value of Indigenous knowledge. Second, the promotion of Indigenous Peoples' participation.

1) RECOGNIZING INDIGENOUS KNOWLEDGE

As mentioned, the recognition of Indigenous Peoples as part of the solution to climate change is primarily based on

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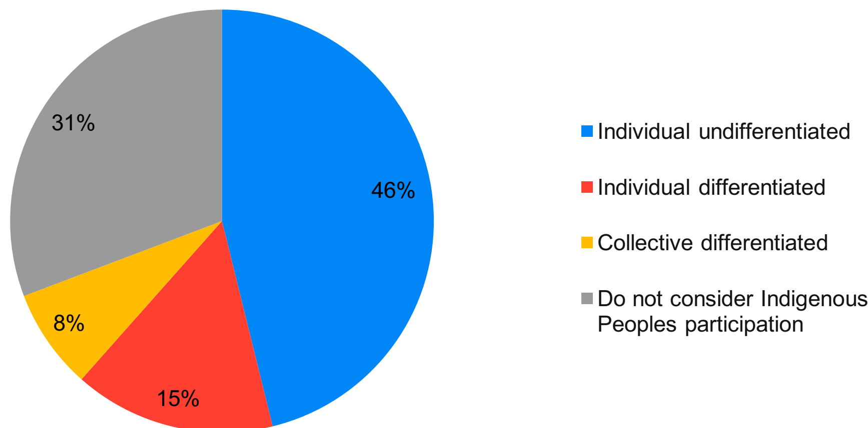

FIG. 4. Type of Indigenous participation in the preparation of the second submission.

the value of their knowledge. Among the first submissions, four NDCs (23.5%) mention and promote the consideration of Indigenous knowledge, those of Bolivia, Ecuador, Guatemala, and Venezuela. Venezuela, for example, encourages and guarantees "new processes of production and valuing of scientific, ancestral, traditional and popular knowledge, as well as new relationships between them" (Government of Venezuela 2018, p. 33). In the second submissions, this promotion increased to seven NDCs (53.8%): Argentina, Chile, Colombia, Costa Rica, El Salvador, Mexico, and Paraguay. For example, Costa Rica's NDC "recognizes that Indigenous Peoples and Afro-descendant communities hold knowledge and traditions based on their respective cosmovisions and the relationships with nature that these entail that is invaluable and that should be the basis for addressing climate action with these populations" (Government of Costa Rica 2020, p. 13). However, it is unclear how this knowledge will be approached and integrated into climate policy, as illustrated by Chile's NDC, which "will analyze traditional knowledge of indigenous people and local knowledge systems, where available" (Government of Chile 2020, p. 26).

2) PROMOTING INDIGENOUS PEOPLES' PARTICIPATION

To identify how the NDCs promote Indigenous Peoples' participation, we must begin by looking at how the states involved them in the preparation process of the documents. In the first NDCs, only two countries (12.5%) considered the participation of Indigenous Peoples, Panama and Peru. In both cases, the participation was individual and nondifferentiated; Indigenous participants were included within a broad group of nonstate actors—in hearings in the former case and consultations in the latter.

During the preparation of the second submissions, participation increased: 69.2% of the countries convened Indigenous individuals or groups—Chile, El Salvador, Mexico, and Venezuela omitted it. Six cases (46.2%) applied nondifferentiated individual participation processes through diverse mechanisms (Fig. 4). Specifically, Brazil generated the Brazilian Climate Change Forum, which considered participation and engagement with Indigenous Peoples at the governmental level; Costa Rica promoted conversations with Indigenous Peoples; Nicaragua conducted multisectoral and multicultural dialogues; Panama implemented virtual workshops on active and participatory listening; Peru conducted dialogues with various nonstate actors; and Honduras, even though it does not refer to a participation mechanism, mentions active listening toward Indigenous Peoples. Two cases (15.4%), Argentina and Paraguay, considered differentiated individual participation by implementing a roundtable that included Indigenous representatives. Only one country (7.7%), Colombia, implemented differentiated collective participation through dialogues with various groups.

When defining actors to address climate change, among the first submissions, six NDCs (35.2%) promote the participation of Indigenous Peoples, which correspond to the countries of Bolivia, Guatemala, Honduras, Mexico, Panama, and Uruguay. These documents recognize the relevance of Indigenous Peoples' participation in future climate processes, such as Honduras, which ensures "that women, Indigenous Peoples and Afro-Hondurans have full and effective participation in decision-making" (Government of Honduras 2016, p. 1). However, participation is primarily considered in local climate action, not climate diplomacy, mechanisms or national measures. Only one NDC (5.6%) mentions a concrete mechanism to make this participation effective. This corresponds to Guatemala, which through its Framework Law on Climate Change, includes Indigenous Peoples as a member sector of the National Climate Change Council (Art. 8) and established an Indigenous Peoples Climate Change Roundtable.

Higher participation during preparation coincides with increased promotion of participation (Fig. 5). Nine of 13 NDCs (69.2%) encourage Indigenous Peoples' participation in developing national climate policies and measures. For example, Colombia's NDC "recognizes the central role played by local communities in achieving climate action objectives. The participation of these communities in the definition of climate actions and the strengthening of their governance will strengthen climate change management in the territory" (Government of Colombia 2018, p. 3). In contrast, Chile, Brazil, El Salvador, and Venezuela do not refer to this issue.

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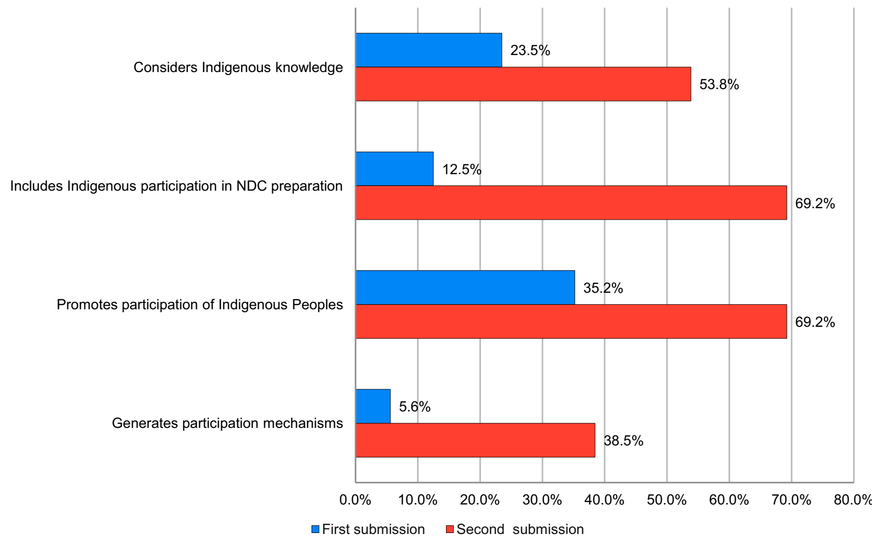

FIG. 5. Methods of promoting Indigenous Peoples' engagement in climate governance.

Furthermore, five (38.5%) second submissions mention specific mechanisms to include Indigenous Peoples in climate governance. These countries are Argentina, Colombia, Costa Rica, El Salvador, and Paraguay. Argentina mentions that climate change governance comprises various bodies, including an Expanded Roundtable and an Advisory Council, which include Indigenous communities. Colombia notes the formation of self-governance bodies for ethnic minorities for the integrated management of the mangrove ecosystem and the strengthening of local organizations. Also, the "support to Indigenous organizations' information systems that allow for the compilation and integration of information related to vulnerability, risk and adaptation to climate change" (Government of Colombia 2020, p. 76). Finally, Costa Rica proposes a Just Transition Governance scheme, which will include "permanent and ad hoc spaces for dialogue that allow for the promotion of tripartite social dialogue between government, employers and workers representatives, as well as a broad social dialogue that integrates . . . Indigenous Peoples" (Government of Costa Rica 2020, p. 15). Among its actions, the Costa Rican NDC indicates that a national strategy for climate empowerment that includes Indigenous Peoples will be operationalized during the first two years of implementation. Through its contribution 10.9, the country commits to developing "spaces for dialogue and participation, both virtual and face-to-face, for groups particularly vulnerable to climate change, including the Afro-descendant community, organized women's groups, youth, the transgender community, Indigenous Peoples" (Government of Costa Rica 2020, p. 50). It also proposes the incorporation of Indigenous Peoples into the Territorial Forest Environmental Plans, training programs and climate empowerment strategies.

3) INCLUDING INDIGENOUS PEOPLES IN CLIMATE ACTION

The consideration of Indigenous Peoples in concrete climate action is mainly seen through measures addressing their vulnerability. This is the case of four first submissions (23.5%), corresponding to Ecuador, Guatemala, Honduras and Mexico. Mexico promotes capacity building. The other three cases commit to strategies that mainly target the conservation of ecological systems. For example, Guatemala refers to its National Biodiversity Strategy, which aims at "the integration of biodiversity in climate change adaptation and mitigation and the valuation of Indigenous Peoples' ancestral knowledge" (Government of Guatemala 2017, p. 11). Ecuador commits to a "national water culture strategy, including practices and knowledge of ancestral peoples, as a mechanism to contribute to local awareness of the effects of climate change" (Government of Ecuador 2019, p. 33). Honduras does not refer to any specific strategy. Although governments will implement these measures in Indigenous territories, therefore, have the potential to affect them, the NDCs generally do not make it clear whether they will consider participatory processes.

This type of mention increases in the second submissions and is observed in eight NDCs (61.5%), corresponding to Colombia, Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, Paraguay, and Venezuela (Fig. 6). Of particular note are Venezuela, which contains a section dedicated to Indigenous Peoples, Colombia, which promotes the strengthening of Indigenous Peoples' governance, and Costa Rica, which also aims to strengthen Indigenous Peoples' capacities and participation, ensuring their empowerment in the climate agenda. The other NDCs present proposals that are less concrete. For example, Honduras promotes the creation of early warning systems for floods and drought, and Nicaragua commits to the restoration and conservation of natural resources and forests that contribute to the sustainability of Indigenous livelihoods.

5. Discussion

Indigenous Peoples' recognition in Latin American climate governance is increasing. However, this recognition is mainly

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FIG. 6. Countries promoting climate action in Indigenous territories according to their latest submitted NDC.

nominal and has a multicultural orientation. The mechanisms that Latin American states have created to engage Indigenous Peoples do not integrate their advocacy actions into decision-making processes nor promote structural transformations, maintaining the patterns that distribute power and legitimize certain knowledge (Fuentes and de Cea 2017). Latin American NDCs illustrate the persistent gap in states' commitments to Indigenous Peoples' rights (Yrigoyen 2010), and specifically the right to participation, as stated in the UNDRIP, the ILO Convention 169 (ratified by 14 of the 17 states analyzed), and the American Declaration on the Rights of Indigenous Peoples. Moreover, most of the first NDCs represent a denial of Indigenous Peoples' environmental rights (Millaleo 2020) and a weak recognition of the participation right, which is crucial to the effective exercise of other rights and the promotion of intercultural dialogue (CEPAL 2014).

Before analyzing the results, it is worth mentioning that countries provided limited information on participatory processes during the preparation of NDCs. Although some countries have officially published information about the participation of Indigenous Peoples during the preparation of the NDC, such as Peru (Government of Peru 2015), this information is not standardized and therefore does not allow for comparative analysis. We may not have accessed information on possible participatory processes not reported to the Convention—or even not documented. Moreover, different participatory mechanisms may not mean the same thing for all countries, leading to identifying more or fewer mechanisms. The absence of detailed information on these activities illustrates the lack of significance attributed to Indigenous Peoples' participation.

Nevertheless, our findings show that, albeit deficiently, Latin American states are following the recommendations to engage Indigenous Peoples and report on how they are doing it. In this context, it can be seen that although participation in the preparation has increased, civil society participation co-opts the right to participation; the representation is mainly undifferentiated. This approach represents a denial of collective rights as per the UNDRIP declaration. Although Argentina, Colombia, and Paraguay implemented differentiated processes, the mechanisms through which representatives were defined are unclear, so it is impossible to assess whether this participation recognized Indigenous organization and representation systems. For the same reason, it is not possible to identify in these documents a correlation between levels of participation in the preparation and forms of recognition. For example, in the case of Argentina's NDC, the recognition is limited to Indigenous Peoples as part of the national diversity and as vulnerable. In contrast, Colombia recognizes Indigenous Peoples as rights holders and as part of the solution.

The increasing mentions of Indigenous Peoples in Latin American NDCs can be explained by the operationalization of the LCIPP and following COP and CMA decisions, which currently "emphasizes the important role of indigenous peoples and local communities culture and knowledge in effective action on climate change, and urges Parties to actively involve indigenous peoples and local communities in designing and implementing climate action."[7] Nevertheless, this recognition can be understood as multicultural (Kymlicka 1996), as it is mainly about cultural diversity. As this recognition is based on official statistics, it only applies to Indigenous Peoples recognized by law, potentially excluding other groups. Although recognition of their contributions has increased, it is generally limited to broad mentions of their knowledge. The multicultural recognition also continues to emphasize the vulnerability of Indigenous Peoples. The vulnerability discourse, which aligns with official representations and IPCC reports (Callison 2017; Ford et al. 2016b; Carmona et al. 2022), is highly problematic; it contains the demands, perpetuates colonialist dynamics, and even promotes assimilation (Whyte 2021). Moreover, recognizing Indigenous Peoples' vulnerability is not matched with concrete collaborative measures to reduce it. The few actions proposed position Indigenous Peoples as victims and recipients of measures that primarily address the biophysical consequences of climate change. Most NDCs fail to clarify and exemplify the historical, political, and institutional factors—installed from the colonies (Tubino 2002)—that determined socioecological vulnerability in the first place.

As long as the historical and institutional factors that constrain resilience and determine Indigenous Peoples' climate vulnerability are not addressed, the measures implemented may increase it (Carmona 2022; Townsend et al. 2020). Because of this, Indigenous Peoples' participation in state climate governance is a matter of urgency. Although the NDCs progressively promote participation, in most cases, the description of the mechanisms is vague, and Indigenous Peoples tend to be presented as a homogenous sector. They are often

[7] Decision 1/CMA.3 paragraph 93 (https://unfccc.int/sites/default/files/resource/cma2021_10_add1_adv.pdf).

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included within a larger group of vulnerable populations, such as the elderly, women, children, and the disabled, allowing them to participate only in the diagnostic stages. The activities do not make it possible to question the patterns of recognition and power distribution that have determined Indigenous Peoples' vulnerability. Nor are there guarantees that ensure effective intercultural participation and allow for processes of coconstruction of knowledge that transform political practices.

Moreover, no NDC promotes an institutional pathway for self-determination, one of the critical demands of Indigenous Peoples in the face of climate change (Tsosie 2007). Nor do they recognize the needs of particular groups, such as Indigenous women, who constitute one of the most vulnerable groups to climate change in the region, precisely because of their exclusion (Ulloa 2011). Therefore, climate policies will likely reproduce gender inequalities within the same communities (Prior and Heinämäki 2017).

In line with the growing recognition of Indigenous knowledge in the IPCC reports (Ford et al. 2016b; Carmona et al. 2022), references to this knowledge are increasing in the NDCs. However, the NDCs are informed mainly by scientific and technical knowledge, considering Indigenous knowledge only when "available." Consequently, this recognition does not allow Indigenous Peoples to present and implement their solutions. On the contrary, it reduces Indigenous knowledge to *good practices*, that is, tools that serve hegemonic climate agendas (Petzold et al. 2020). This approach also conceives Indigenous knowledge as undifferentiated and immutable, overlooking its holistic and dynamic character (Berkes 2009). In contrast, an intercultural recognition would not fragment knowledge or reduce it to particular practices. It must conceive it as part of a system that includes customary laws, cosmovisions, and spirituality, elements absent in NDCs. Last, the lack of right-based mechanisms calls into question the willingness to include Indigenous knowledge in a meaningful way.

The recognition of Indigenous Peoples in the NDCs opens up multiple questions about its scope and implementation, which also depend on multiple factors. First, the internal regulations of each country (Yrigoyen 2010). Although a detailed analysis is beyond the scope of this article, it is necessary to recall that the NDCs are in dialogue with national legislations—and their deficiencies. In several countries that recognize Indigenous Peoples in their NDCs, such as Venezuela and Costa Rica, the demarcation of Indigenous territories remains a pending debt (Inter-American Commission on Human Rights and IWGIA 2021), restricting communities' capacity to respond. In other countries, legislation aimed precisely at recognition poses severe barriers to self-determination (Burguette 2008). For example, the Chilean Indigenous Peoples Law 2.553, which seeks the communities' development, has allowed the expansion of the neoliberal system and, therefore, rather than addressing the intercultural conflicts inherited from colonial processes, has increased them (Bauer 2021). Furthermore, the applicability of Indigenous consultation continues to be a challenge in the region, especially with regard to environmental matters. Prior consultation, led by governments and companies, has become just another prerequisite within environmental projects' legal and bureaucratic requirements (Merino 2018). These tensions restrict Indigenous Peoples' rights and their capacity to respond and advocate.

Besides, it is worth mentioning that many countries in the region are enacting Climate Change Framework Laws, whose guidelines should be aligned with the NDCs. In these laws, countries such as Peru and Guatemala recognize the contribution of Indigenous Peoples and their knowledge, while others, such as Chile, continue to perpetuate the political, economic and epistemological exclusion Indigenous Peoples have suffered in climate governance (Millaleo 2020). Considering the dialogue between the NDCs and these pieces of legislation will be decisive when observing how Latin American states commit to, but above all comply with, the effective recognition of Indigenous Peoples.

The NDCs must also be contextualized within the economic growth models in the region, which are primarily based on extractive activities (Zárate et al. 2020) that violate Indigenous Peoples' rights (Inter-American Commission on Human Rights and IWGIA 2021). While several countries that recognize the role of Indigenous Peoples, such as Ecuador, Argentina, and Brazil, were drafting and submitting their pledges, they were at the same time granting oil licenses. For instance, in Ecuador, and despite opposition from the Confederation of Indigenous Nationalities of Ecuador, multiple oil licensing rounds have expanded oil and gas extraction in Indigenous territories, including the Yasuní National Park, inhabited by uncontacted Waorani communities (https://amazonwatch.lamula.pe/2018/12/06/gobierno-ecuatoriano-anuncia-la-licitacion-de-bloques-petroleros-en-la-amazonia-y-la-ampliacion-de-operaciones-en-el-parque-nacional-yasuni/amazonwatch/). The so-called *green mining* is also advancing. Emblematic is the case of lithium, which poses multiple threats to Likan Antai communities in the Salar de Atacama (Bonelli and Dorador 2021). States counter resistance to these processes through criminalization and even increasing murder of environmental defenders, affecting Indigenous Peoples to a greater extent (Global Witness 2021).

Despite all of these constraints, Indigenous Peoples continue to demonstrate their resilience. Multiple Indigenous movements have emerged, exercising social pressure to generate the conditions for higher levels of legal recognition (Fuentes and de Cea 2017). In addition to supporting local struggles in the face of the economic agenda of different governments, these groups open up the participation of Indigenous Peoples in the national, regional and multilateral arenas. It is worth highlighting the role of organizations such as the Coordinator of Indigenous Organizations of the Amazon River Basin (COICA) and the Mesoamerican Alliance of Peoples and Forests (AMPB), who are protagonists in climate negotiations. Organized through the IPFCC, these movements deploy diverse strategies to influence the positions of the parties and advance their demands at the international level. These experiences strengthen their advocacy at the territorial level and lead them to establish alliances that transcend national territories, proposing alternatives to the current situation. For example, through COICA, Amazonian communities proposed Amazon Indigenous REDD+, which incorporates

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traditional governance systems into forest management (Cifuentes 2021). In Peru, Indigenous organizations inspired by the LCIPP demanded the creation of an Indigenous Peoples Platform to address climate change, which led to a new regulation in the Ministry of Environment (https://www.gob.pe/institucion/minam/campa%C3%B1as/5066-plataforma-de-los-pueblos-indigenas-para-enfrentar-el-cambio).

Indigenous Peoples are willing to collaborate and have demanded to be considered in climate governance. Extensive research supports their capabilities (Hosen et al. 2020; IPCC 2022; Schlingmann et al. 2021), especially in Latin America (De la Cruz 2014). In the region, these capacities are explained by Indigenous livelihoods, which favor diversity over specialization and thus better withstand variability and change (Nakashima et al. 2012). Until Latin American states address the epistemological and political barriers that limit the recognition and restrict the participation of Indigenous Peoples, they will miss the opportunity to respond to climate change from a more just and sustainable approach.

6. Conclusions

Indigenous Peoples' international advocacy for recognition in climate governance is rooted in multiple local and longstanding struggles to defend the right to self-determination. Although references to Indigenous Peoples are increasing in the NDCs, the forms of recognition they express do not meet the demands of the Indigenous Peoples that promoted these mentions in the first place. On the contrary, they reproduce the multicultural approach that characterizes national legislation, which has restricted the right of self-determination. Participation standards are deficient and do not facilitate spaces to address the underlying causes of Indigenous Peoples' vulnerability, including the conditions under which their participation is defined.

Most NDCs lack transparency around the engagement of Indigenous Peoples, because they do not clarify how they will implement their commitments. Through vague mentions that position Indigenous Peoples as a homogenous vulnerable group, the NDCs reinforce the inconsistency that has characterized a climate policy based mainly on neither binding nor punitive commitments and with no verification mechanisms. In this case, the inconsistency lies in recognizing rights with no mechanisms to guarantee their exercise. To reverse this situation, NDCs must ensure Indigenous Peoples' effective participation in the planning, implementation, monitoring, reporting and verification of climate measures. These collaborations will strengthen climate policy coherence and pave the way for restoring Indigenous Peoples' trust in institutional processes, two matters of urgency. They will also influence the identification of priorities and solutions that set the negotiating positions of the states at the international level, contributing to Indigenous Peoples' efforts to transform the geopolitics of climate change.

While the NDCs set the direction for national climate governance, their implementability is not assured. Institutional transformations are needed. These processes require a review of policy implementation patterns at the national level. Even more importantly, this transformation demands the inclusion of diverse knowledge and value systems that challenge the beliefs that underpin the political and economic agendas that have produced climate change while marginalizing Indigenous Peoples. Since the criteria for assessing progress on NDCs are not established, more research is needed to analyze how these commitments are defined and implemented at the national level, paying particular attention to their impacts and stakeholder assessments.

Recognizing Indigenous Peoples in climate governance is a matter of justice that demands urgent attention and bold action. It is not about mentioning or including them in technocratic measures that reproduce the top-down approach that characterizes the policies implemented—and imposed—in Indigenous territories that reinforce the same power relations that exclude them. It is about questioning, and overcoming, the political and economic assumptions that shape their vulnerability, which today are reproduced through climate policy. Simply put, it is responding to what Indigenous Peoples have demanded for centuries.

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