

Recognition of Indigenous Peoples in Nationally Determined Contributions

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Authors:

Rosario Carmona, Center for Integrated Disaster Risk Management (CIGIDEN) and Center for Intercultural and Indigenous Research (CIIR)

Graeme Reed, International Indigenous Peoples Forum on Climate Change

James Ford, Priestley International Centre for Climate, University of Leeds

Stefan Thorsell, International Work Group for Indigenous Affairs (IWGIA)

Rocío Yon, Center for Intercultural and Indigenous Research (CIIR)

Francisca Carril, Center for Intercultural and Indigenous Research (CIIR)

Johnson Cerda, Conservation International and Dedicated Grant Mechanism for Indigenous Peoples and Local Communities

Kerrie Pickering, Environmental Sustainability Research Centre, Brock University

International Work Group for Indigenous Affairs (IWGIA) is a non-governmental human rights organisation promoting, protecting and defending the rights of Indigenous Peoples for more than 50 years. We support Indigenous Peoples' advocacy at the international climate negotiations at the UNFCCC.

Contact: iwgia@iwgia.org

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Executive Summary

Indigenous Peoples positioned themselves in multilateral climate negotiations through their advocacy. Although the international community gradually recognises Indigenous Peoples' contributions to climate governance, a rights-based approach in national climate action is still largely absent. This policy paper maps governments' climate commitments under the Paris Agreement -the Nationally Determined Contributions (NDCs)- and analyses to what degree they recognise Indigenous Peoples' rights in climate governance. Serving as input to the Global Stocktake, the analysis applies a five-pronged framework by assessing how the NDCs recognise: i. Indigenous Peoples as rights holders; ii. Indigenous jurisdiction over land; iii. Indigenous knowledge systems; iv. Indigenous Peoples' right to full and effective participation in climate governance; and v. the legacy of colonialism. Mentions related to Indigenous Peoples in the NDCs are increasing; however, questions remain about the standards of this recognition. Sufficient and appropriate mechanisms are not yet in place to operationalise this recognition. Parties must therefore make more significant efforts to ensure that the NDCs take a rights-based approach and contribute to strengthening Indigenous Peoples' role and say in climate governance.

1. Introduction

“Indigenous peoples’ knowledge and strategies to sustain their environment should be respected and taken into account when we develop national and international approaches to climate change mitigation and adaptation”

(Outcome Document of the High Level Plenary known as the World Conference on Indigenous Peoples, para 36, 2014)

Indigenous Peoples have been sounding the alarm on climate change for decades. Drawing on knowledge and observations shared by their elders and knowledge keepers, as well as their reciprocal relationships with the natural world, Indigenous Peoples have been urgently voicing concerns to warn of the impacts of climate change. Indeed, the Rio Declaration on Environment and Development in 1992 captured this well: “Indigenous people and their communities (...) have a vital role in environmental management and development because of their knowledge and traditional practices.”

Since then, and the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007, recognition of this unique role has only been growing, amplifying Indigenous Peoples’ contributions in taking urgent and transformative action against the intersecting climate, biodiversity, and health crises. In advance of the 21st session of the Conference of the Parties (COP15) under the UN Framework Convention on Climate Change (UNFCCC) – the conference responsible for the adoption of the Paris Agreement – Indigenous Peoples raised significant concern regarding the 2°C temperature goal, urging “Parties in Paris to commit to a maximum temperature increase of 1.5°C (...) and call for a review to determine whether the target should be further lowered to a maximum temperature increase of 1.0°C.”

Although these advocacy efforts were unsuccessful, Indigenous Peoples secured the inclusion of rights-based language in the preamble to the Paris Agreement: “Parties should, when taking action to address climate change, respect, promote, and consider their respective obligations on human rights, [including] the rights of Indigenous Peoples...”. And with regard

to adaptation, the Paris Agreement (Art. 7, para. 5) sets out that action should be based on and guided by “knowledge of Indigenous Peoples”. Further to this, in a separate decision, COP 15 established a platform for the exchange of Indigenous Knowledge and the sharing of best practices in mitigation and adaptation (decision number 1, p. 135). This led to the creation of the Local Communities and Indigenous Peoples Platform (LCIPP), which has been operational since 2018.

For implementation of the Paris Agreement, the Parties decided that the main climate accountability mechanism would be the production of Nationally Determined Contributions (NDCs), which set voluntary greenhouse gas emission reduction pledges (or commitments) and communicate adaptation measures. Despite several criticisms of the NDC model (see below), these pledges emerged as a “keystone of the international climate policy process” (Pauw and Klein 2020, p. 405), representing a standardised mechanism for identifying countries’ priorities from a global perspective (Shea and Thornton 2019). Parties are even developing a ‘transparency framework’ that aims to standardise the metrics, priorities, and communication of NDCs (Kuyper et al. 2018). This process is complemented by a global stocktake every five years –where the first one started in 2021 and will be completed by the end of 2023.

To date, there has been no comprehensive review of the inclusion of Indigenous Peoples, and their rights, within NDCs. Given the specific and vital role that Indigenous Peoples play in addressing the climate crisis, along with their unique susceptibility to the impacts of climate change, this policy paper seeks to address this critical oversight by exploring how the recognition of Indigenous Peoples within NDCs has changed over time. There have been some efforts exploring the first round of NDC submissions (2016-2019), which have confirmed that the consideration of Indigenous Peoples was marginal at best (Shea and Thornton 2019; Facilitative Working Group, 2021a). We expand on this by critically analysing the first (2016-2019)¹ and second (2020-2022) iterations

1. Some countries submitted their first NDC after this date but have been included in this round.

of the NDCs in two parts: first, we identify specific references related to Indigenous Peoples and, second, we assess whether these references promote or limit Indigenous Peoples' rights to self-determination. The level and quality of engagement these references promote are assessed through an analytical framework that draws on the dimensions of sustainable self-determination proposed by Reed et al. (2022). Combined, this analysis hopes to shed light on whether and how States recognise Indigenous Peoples in the context of climate change and uplift the role of Indigenous-led advocacy within the UNFCCC. Serving as input to the Global Stocktake of the Paris Agreement, this policy paper concludes by providing recommendations to strengthen the advocacy of Indigenous Peoples, especially regarding the monitoring, review, and verification of these pledges.

1.1. Indigenous Peoples' involvement in the UNFCCC

Indigenous Peoples' demands for recognition in multilateral climate change governance derive from their efforts to defend their territories and claim self-determination. Indigenous Peoples have been demanding participation at the United Nations since the 1970s, when the climate change problem began to be addressed multilaterally (Sherpa, 2019). At the same time, they have been advancing their own visions of how the climate and biodiversity crises should be approached and how their knowledge should be considered in this process (McGregor, 2020).

From the outset, the UNFCCC, and by extension all UN-processes, have structurally excluded the participation of Indigenous Peoples, especially as *Indigenous nations* and *Indigenous governments*, as the multilateral system is premised on the concept of 'Nation-States'. Despite these structural barriers, Indigenous Peoples' advocacy at the UNFCCC began in earnest in 2001 with the establishment of their own constituency and emerged as the International Indigenous Peoples Forum on Climate Change (IIPFCC) in 2008. This has allowed Indigenous Peoples to overcome barriers and force a recognition of their presence.

Since the adoption of the Paris Agreement in 2015, Indigenous Peoples have pushed for the inclusion of their knowledge, rights, and governance in the design and implementation of domestic climate action, often expressed in NDCs. The UNFCCC has amplified this demand (UNFCCC 2016) and, progressively, COP and CMA² decisions have promoted the participation of Indigenous Peoples and the consideration of their knowledge (IIPFCC and CIEL 2021). These calls were reinforced during COP26 in Glasgow, which "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" (italics in the original).³ However, the consideration, and tangible inclusion, of Indigenous Peoples continues to depend on the will of State actors upholding the 'party-driven' process. Although references related to Indigenous Peoples have progressively increased, recognition of their rights and strengthening of their self-determination remain a challenge (Gustafsson and Schilling-Vacaflor 2022; Reimerson 2013; Ford et al. 2016; Belfer et al., 2019).

1.2. Nationally Determined Contributions: A brief overview

The mechanism for climate accountability within the UNFCCC has been built primarily on the development and communication of voluntary pledges by individual States or Parties. Before 2015, Parties communicated these voluntary pledges (or commitments) through Intended Nationally Determined Contributions, which laid the foundation for the concept of Nationally Determined Contributions (NDCs) in the Paris Agreement (Article 4). NDCs shifted the locus of control back to individual Parties, requiring the development of medium-term, country-driven action plans grounded within bounded self-differentiation (Pauw and Klein 2020). This non-binding approach allows NDCs to adjust to uncertainty, and has been associated with increased ambition and credibility (Victor et al. 2022). Nevertheless, while all Parties that have ratified the Paris Agreement are required to submit their NDC, this approach has also been criticised. Voluntary pledges have raised concerns

2. CMA refers to the 'Conference of the Parties serving as the meeting of the Parties to the Paris Agreement,' the group of countries who have signed and ratified the Paris Agreement.

3. See <https://unfccc.int/process-and-meetings/conferences/glasgow-climate-change-conference-october-november-2021/outcomes-of-the-glasgow-climate-change-conference>

about their ability to produce concrete results (Geden 2016). Furthermore, there are no standardised design guidelines or mechanisms to verify their compliance (Victor et al. 2022; IISD 2022).

Following the ratification of the Paris Agreement, all Parties were required to submit an NDC to the UNFCCC, outlining their strategy to reducing greenhouse gas emissions in line with the Paris target – to limit global warming to below 2, and preferably 1.5, degrees Celsius compared to pre-industrial levels – and adaptation targets. Parties that included targets (i.e. greenhouse gas emission reduction targets) up to 2025 in their first submission were required to ‘communicate’ a new NDC by 2020 (Pauw and Klein 2020), and Parties with targets up to 2030 or later – representing the majority of countries– were required

to ‘update’ their NDCs by 2020. In neither circumstance is there an established definition for ‘communicate’ and ‘update’, enabling Parties to interpret and communicate them differently (Pauw and Klein 2020). While some Parties updated minor changes and adjustments alongside a report outlining their achievements, the majority of countries submitted an updated or, in some circumstances, an ‘enhanced’ version that represents a significant improvement compared to their first NDC. Despite this somewhat increased ambition, NDCs remain non-binding and formally non-punitive (Victor et al 2022). They often overlook the measures that will be taken to enable their implementation, giving rise to various interpretations and concerns about successful and coherent action (Geden 2016; Pauw and Klein 2020).

2. How do Nationally Determined Contributions recognise Indigenous Peoples?

To identify and examine how NDCs consider Indigenous Peoples, we reviewed all NDCs that had been submitted to the UNFCCC by May 2022 (n = 295) and identified the references related to Indigenous Peoples. The findings give an indication of how the growing recognition of Indigenous Peoples within the UNFCCC is translated into recognition of Indigenous Peoples in national climate governance. For clarity, Intended and First NDCs were grouped as 'first submissions' (n = 165), while Updated, Enhanced and Second NDCs were combined as 'second submissions' (n = 130).

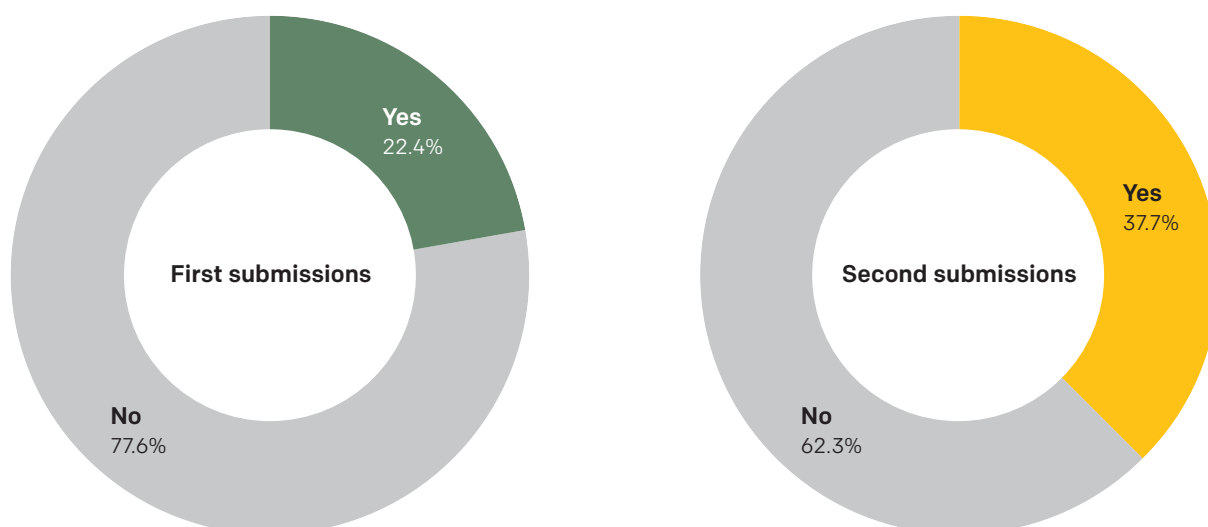
We began by counting the number of references related to Indigenous Peoples in NDCs, within both the first and second submissions. These include references to "Indigenous Peoples", "Indigenous knowledge", "Indigenous Peoples' rights" (for more details on how we coded and analysed the documents, see the Annex). These references were then organised through categories previously defined on the basis of a four-pronged framework of sustainable self-deter-

mination proposed by Reed et al. (2022), along with a fifth category that we added. Each category was broken down into separate sub-categories. Accordingly, we look specifically at how the NDCs recognise: i) Indigenous Peoples' rights; ii) Indigenous jurisdiction over land; iii) the role of Indigenous Knowledge Systems in climate action; iv) the right to participate in climate governance; and, finally, v) the legacy of colonialism in relation to climate change.

2.1. The number of references related to Indigenous Peoples in NDCs, spread across all five categories, are increasing globally

The number of references related to Indigenous Peoples in NDCs are clearly increasing. Out of a total of 295 documents, we identified 86 that had such references: 37 from the first round of submissions (22% of the 165 NDCs) and 49 from the second (38% of 130 NDCs). This can clearly be seen from Figure 1.

Figure 1: References related to Indigenous Peoples in the first and second submissions

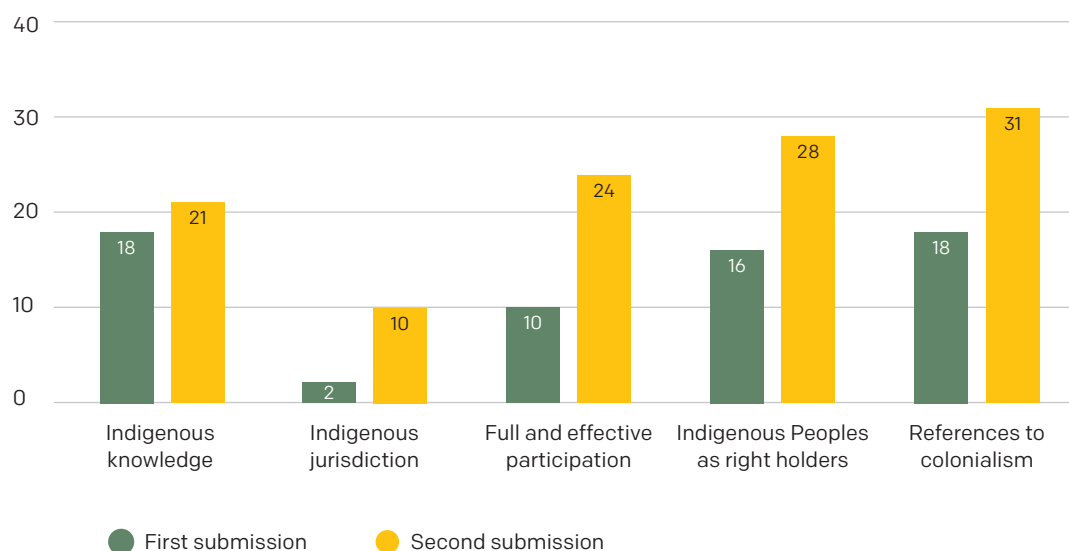


Among the 37 Parties that had references related to Indigenous Peoples in their first submission, 26 (70%) have since submitted a second or updated NDC. Of these, the majority (92%) include such references again, with the exception of Lao People’s Democratic Republic and Sri Lanka –Parties that only referred to Indigenous knowledge in their first NDCs. Out of the 49 references in the second submissions, 25 (51%) of them thus include references related to Indigenous Peoples for the first time.

In the first round of submissions, the most common reference was a superficial acknowledgement of the role of Indigenous knowledge within climate action (n = 18), followed by references that highlight

the impacts of colonialism by recognising the unique vulnerability of Indigenous Peoples (n = 18). All reference categories increased in the second submissions; however, the most significant increase was seen in the promotion of ‘participation’ (n = 24) where the number of references nearly doubled. Another significant increase was in the number of references to ‘jurisdiction’ –jumping from 2 NDCs in the first round to 14 in the second. NDCs mentioning ‘Indigenous knowledge’ in the second round of submissions only increased by 3, representing the lowest increase across all five categories. The most common reference in the second submission are references to the ‘impacts of colonialism’ (n = 31).

Figure 2: **Type of Indigenous Peoples’ recognition in first and second submissions**



No submissions in the first round have references across all five categories but the Democratic Republic of the Congo, Costa Rica, and Canada do in the second round. Canada’s updated NDC in the second round differentiates itself by expressing specific references to Indigenous Peoples, many of which form part of a dedicated annex drafted by representatives of the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council, the three National Indigenous Organisations.

2.2. Recognition of the rights of Indigenous Peoples is not only increasing within NDCs but also becoming more concrete

Within the category of Indigenous Peoples as rights-holders, the number of references not only increases between the first and second round of submissions but has become more substantial. For instance, NDCs making overall reference to Indigenous Peoples’ rights have nearly doubled from 16 to 28. In the following, we break down these references into their respective sub-categories.

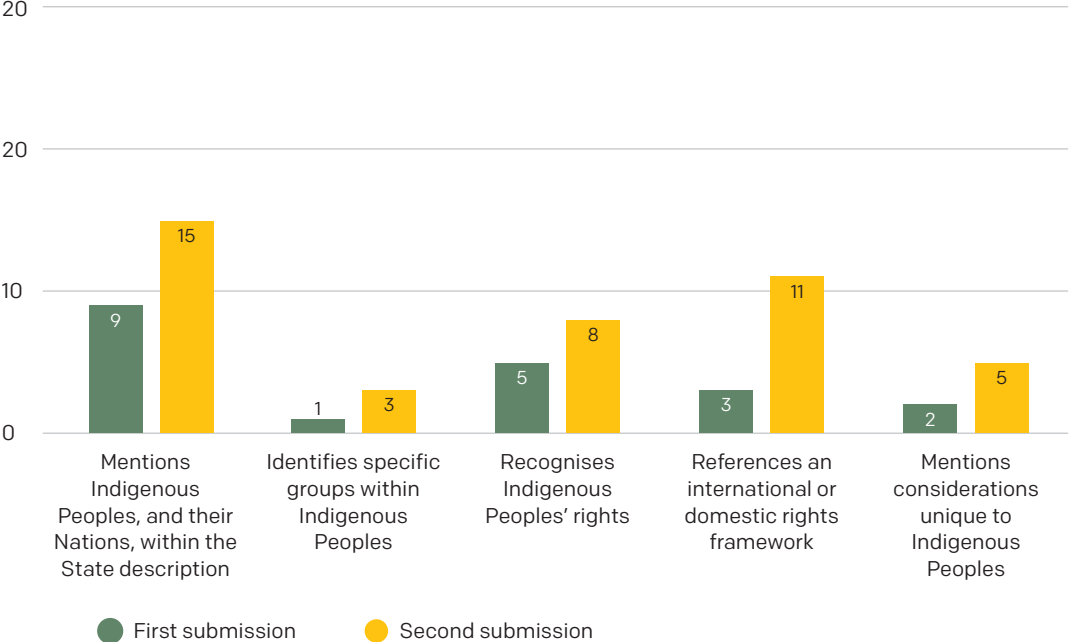
In the first round of submissions, 9 NDCs (5%) acknowledged the existence of Indigenous Peoples within their national territory, while in the second round of submissions, this number has grown to 15 (12%). Among the NDCs that mention Indigenous Peoples, whether in the first or second round of submissions, those who do not reference the rights of Indigenous Peoples also have correspondingly fewer references to their full and effective participation (described further in section 2.5). On Indigenous women, only Guatemala refers to them in the first round of submissions (0.6% of 165), and only Panama and Vietnam reference them in the second round of submissions (1.5% of 130). In both cases, the reference relates to the specific vulnerability that Indigenous women face.

In the first round of submissions, only 8 (5%) explicitly reference Indigenous Peoples’ rights, 3 mention an international or domestic rights framework, and only 2 NDCs reference consultation or consent (Figure 3). For instance, Guyana and Costa Rica refer to free, prior, and informed consent (FPIC) in the context

of Reducing Emissions from Deforestation and Forest Degradation (REDD+) projects. Within the second round of submissions, the NDCs that make reference to Indigenous Peoples’ rights increased to 14% of the total number of submitted NDCs. In particular, we can observe that 8 NDCs expressly mention that they recognise Indigenous Peoples’ rights and 11 refer to specific international or domestic rights frameworks, compared to 5 and 3 NDCs in the first round. There are 4 NDCs that refer to both issues, such as Aotearoa-New Zealand, which states that it respects the interests and rights of Indigenous Peoples and that it will take into consideration the Treaty of Waitangi. There are only 5 NDCs that mention consultation or FPIC: Nepal and El Salvador reference FPIC (2); Costa Rica and Panama refer to consultation (2); and Canada refers to self-determination (1).

Overall, in both the first and second round of submissions, recognition of rights tends to be associated with other categories such as the full and effective participation of Indigenous Peoples and recognition of Indigenous knowledge.

Figure 3: Indigenous Peoples as rights-holders



2.3. References to Indigenous jurisdiction within NDCs remain marginal

Recognition of Indigenous Peoples’ jurisdiction remains marginal although the number of NDCs referencing Indigenous Peoples’ land rights has increased considerably between the first and second round of submissions (Table 1).

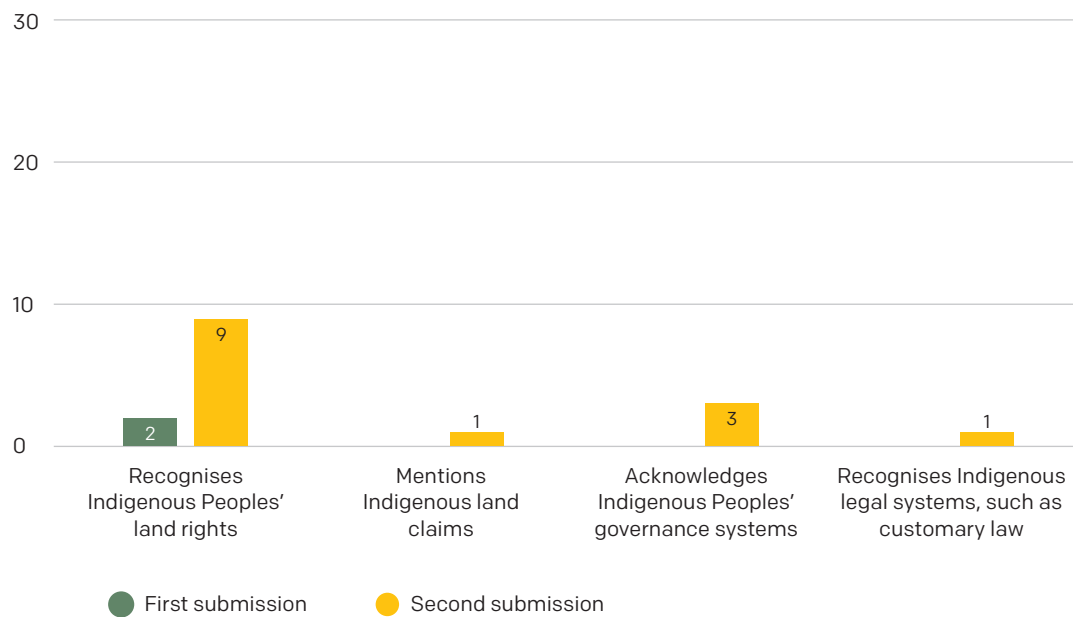
Table 1: NDCs with references to Indigenous jurisdiction

Country	NDC	Year	Recognises Indigenous Peoples’ land rights	Mentions Indigenous land claims	Acknowledges Indigenous Peoples’ governance systems	Recognises Indigenous legal systems
DR Congo	First updated	2021				
Cambodia	First updated	2020				
Norway	First updated	2021				
Brazil	First	2016				
Brazil	First updated	2020				
Colombia	First updated	2020				
Costa Rica	First updated	2020				
Guyana	First	2016				
Nicaragua	First updated	2020				
Canada	First updated	2021				
USA	First updated	2021				
Papua New Guinea	Second	2020				

In the first round of submissions, only 2 NDCs (1% of 165), those of Brazil and Guyana, loosely referenced Indigenous land rights while, in the second round of submissions, a total of 10 NDCs could be found (8% of 130). In both the first and second round of submissions, most references acknowledge the specific role of Indigenous territories within conservation efforts. These references are expanded in the second round of submissions where, for instance, Nicaragua details its specific legal framework protecting Indigenous

territories and land rights. Canada is the only country that explicitly references Indigenous land claims and customary laws; however, these references are found in the Annexes prepared by the National Indigenous Organisations (described above). Three NDCs –Canada, Norway, and the United States of America– reference Indigenous governance, referring to First Nations, the role of the Sámediggi, and the authority of Tribal Governments, respectively.

Figure 4: Indigenous jurisdiction over land

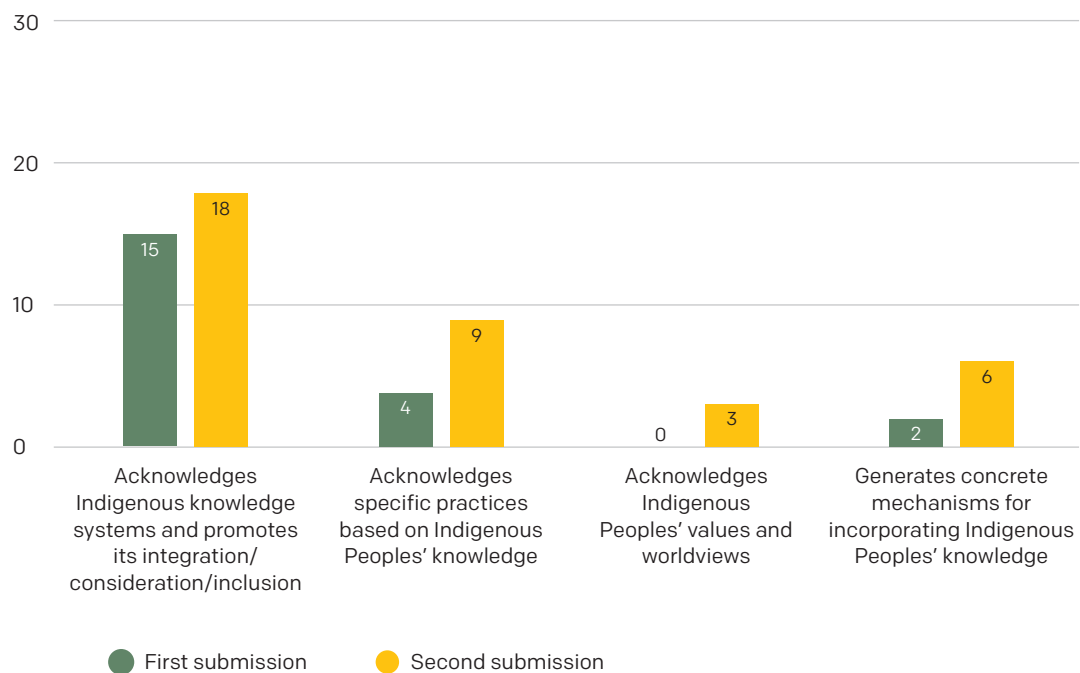


2.4. References to Indigenous knowledge systems are slowly increasing; however, questions remain as to their sincerity and commitment to implementation

References to Indigenous knowledge are the highest across all five categories in the first round of submissions (see Figure 1). They are present in 11% of the submissions. This recognition, however, is quite superficial as only 4 NDCs describe specific practices used by Indigenous Peoples, and only 2 NDCs promote mechanisms to integrate this knowledge. For instance, Guyana states that the “culture and traditions of Guyana’s [I]ndigenous [P]eoples are rooted in sustainable use of nature, evident in the forests and other natural ecosystems maintained through centuries on the lands they have customarily occupied and used” (p.17). Venezuela, for example, describes a path of action that seeks to rescue the ancestral knowledge of Indigenous Peoples for the development of sustainable technologies. There are no NDCs that recognise Indigenous Peoples’ visions and values.

Although the increase in references to Indigenous knowledge was smaller than for the other categories (16% of second submissions), the second round of submissions included more specific references. Of these submissions, 18 NDCs, representing 14% of second submissions, directly promote a consideration of Indigenous knowledge. There are also specific references to the practices used by Indigenous Peoples (9 NDCs in total) as well as references to Indigenous Peoples’ values and visions (3 NDCs, compared to 0 in the first round of submissions). For example, Paraguay, in its updated NDC, notes that it embraces Indigenous Peoples’ cosmovision for territorial and centralised climate action. There is also an increase in the number of references to concrete mechanisms for incorporating Indigenous Peoples’ knowledge (6 NDCs compared to 2 in the first round of submissions). Guatemala and Costa Rica, for instance, commit to channelling information to Indigenous Peoples through Agroclimatic Technical Roundtables and platforms. Aotearoa-New Zealand commits to promoting Māori-focused research and supporting Māori to create their own transition strategy, based on Māori knowledge and responding to Māori’s specific priorities and needs.

Figure 5: Indigenous knowledge systems



2.5. References to the full and effective participation of Indigenous Peoples continue to increase, especially with regard to the involvement of Indigenous Peoples in the implementation of climate policy

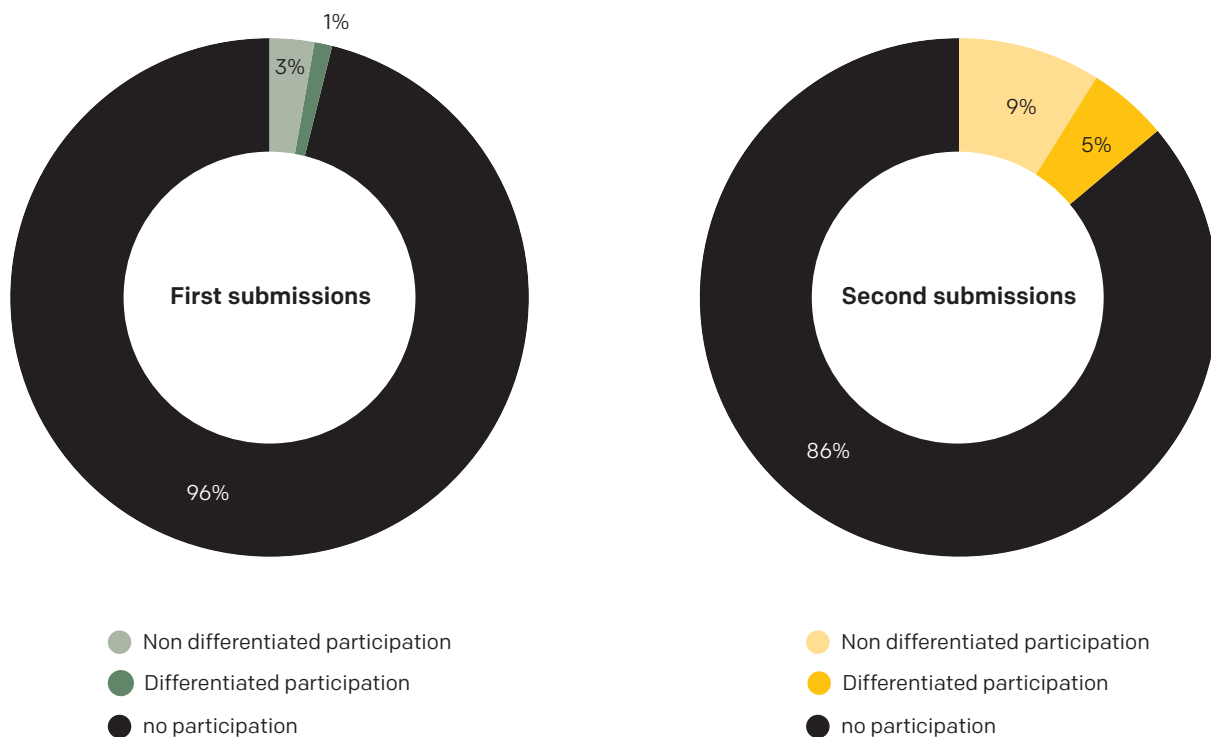
Reviewing references to the participation of Indigenous Peoples within NDCs is important for two reasons: first, we can observe how the involvement of Indigenous Peoples in the preparation of the NDC has been described; and second, we can assess whether or not the engagement of Indigenous Peoples in climate governance and action is being promoted.

Only 3% of the first round of submissions, corresponding to 5 NDCs, considered the participation of Indigenous Peoples during the preparation of these documents. Of these, only two countries conducted consultative processes that considered Indigenous Peoples as distinct actors in the climate policy discussion: i) Panama held public hearings with representation from Indigenous Peoples' representative institutions, which demanded involvement in the planning, implementation and monitoring, reporting and verification of the NDC; and ii) Guyana presented the draft of the NDC at a meeting targeted at repre-

sentatives of Indigenous organisations and communities.

In the second round of submissions, NDCs with references to the participation of Indigenous Peoples during preparation increased from 5 to 18 (14% of 130). Of these NDCs, 7 describe the specific and differentiated processes that Parties took to include Indigenous participation. The participation was, however, different: 5 described a process whereby Indigenous Peoples and their representative institutions participated in sessions that included stakeholders and other non-Indigenous organisations; and only 2 described a process whereby Indigenous Peoples were convened in an Indigenous-specific process. As regards the former, Argentina's second NDC, for instance, describes a roundtable process that included Indigenous participation. As regards the latter, Colombia mentions in its updated NDC that it hosted dialogues with Indigenous Peoples, and Canada that it built its updated NDC on collaborative relationships with the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council, specifically through the establishment of "three distinctions-based senior bilateral tables based on the recognition of rights, respect, co-operation, and partnership" (p. 16).

Figure 6: Indigenous Peoples' participation in NDC preparation

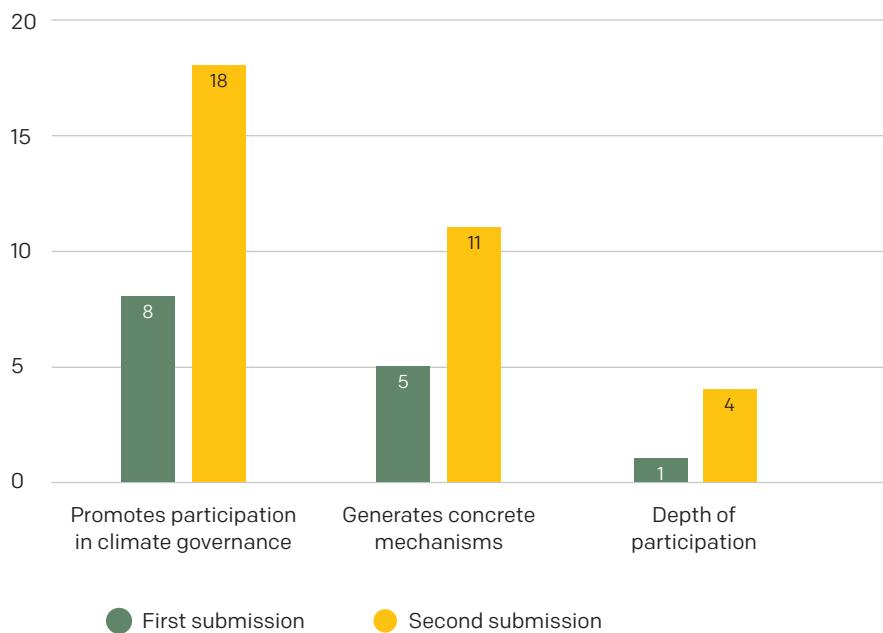


References to Indigenous Peoples' participation in implementation plans grew significantly between the first and second round of submissions. In the first round of submissions, there were 8 NDCs that made reference to promoting participation in climate governance (out of 165 NDCs, or 5% of the total) and 5 NDCs that described concrete mechanisms for supporting this participation (out of 165 NDCs, or 3% of the total). As regards the former, Indonesia, for example, referenced Indigenous Peoples' participation in conservation measures whereas, for the latter, Peru encouraged the participation of Indigenous organisations in climate action. Canada was the only country that referred to the depth of this participation, describing it as "meaningful engagement" (p. 7).

In the second round of submissions, 18 NDCs (out of 130, or 14% of the total) encouraged the participation

of Indigenous Peoples within climate governance and 11 (8%) mentioned concrete mechanisms to help facilitate it. For example, the Democratic Republic of the Congo's updated NDC notes that its operationalisation will only be possible through an inclusive approach that incorporates Indigenous Peoples, directing the Ministry of Environment and Sustainable Development to collaborate directly with them. Similarly, Nepal's second NDC refers to the development of specific programmes and dedicated resources to ensure the participation of Indigenous Peoples, as well as the creation of forest management committees composed of Indigenous Peoples' representatives. With regard to the depth of participation (n = 4), the Democratic Republic of the Congo, Myanmar and Nepal refer to a partnership with Indigenous Peoples, and Canada even refers to Indigenous Peoples' leadership.

Figure 7: **Promotes Indigenous Peoples' participation in implementation plans**

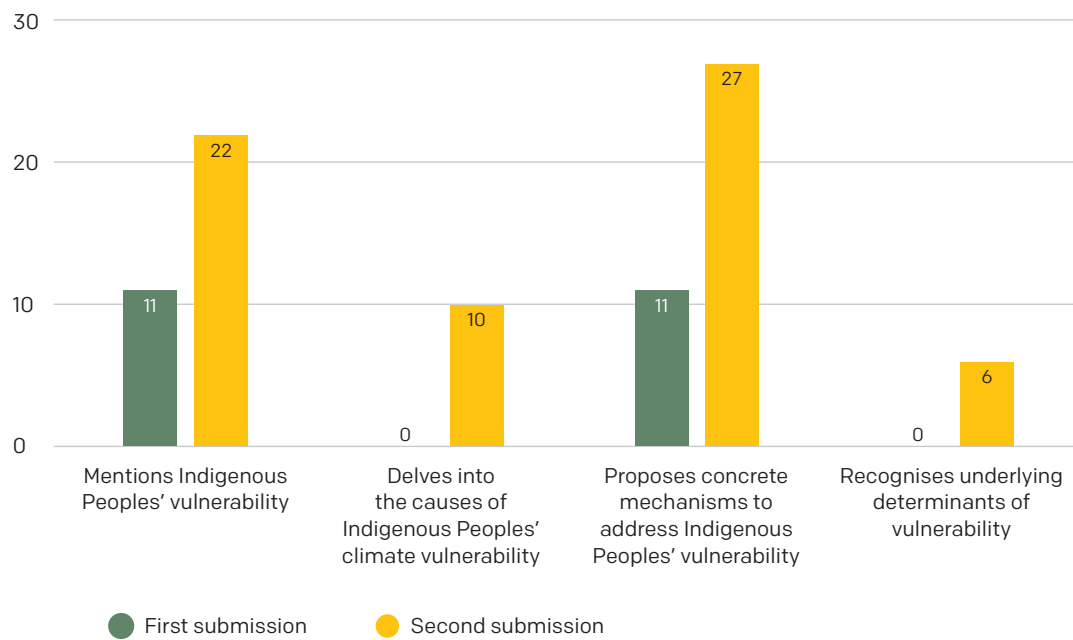


2.6. Explicit recognition of the legacy of colonisation is rare; however, references to the vulnerabilities of Indigenous Peoples to climate change are common.

Canada and Bolivia are the only two Parties that directly acknowledge the impact of colonisation on Indigenous Peoples. There are, however, numerous indirect references to this impact, often captured within the description of the climate change impacts faced by Indigenous Peoples (Figure 8). In the first round of submissions, 11 NDCs identify that Indigenous Peoples are among the most affected groups. For instance, Vanuatu describes how climate change will affect all areas for the Ni-Vanuatu people. Despite this, there are no NDCs that elaborate on the causes of this vulnerability beyond their dependence on

and relationship to the land, water, and territories. Furthermore, 11 NDCs (7% of 165) refer to concrete climate action being implemented within Indigenous territories, though often not led by Indigenous Peoples. These measures range from capacity building, as expressed by Cameroon and Mexico, to adaptation strategies, as noted by Vietnam, and ecosystem repair, described by Honduras and Nicaragua. Canada is the only country that commits a specific budget for these measures, pledging support for Indigenous communities' energy transition. While all of these actions are relevant, it is worth mentioning that most of them do not refer to participation mechanisms but instead take a top-down approach. Finally, among the first round of submissions, no NDCs directly referenced the underlying determinants of vulnerability such as marginalisation, inequality and colonisation.

Figure 8: **Recognises the legacy of colonialism**



NDCs explicitly mentioning Indigenous Peoples' vulnerability to climate change doubled in the second submissions, accounting for 17% (22 out of 130). Of these, Vietnam is the only one to elaborate on the causes of this vulnerability, describing how Indigenous Peoples living in mountains are exposed to floods and storms. In describing these impacts, it also refers to non-economic losses –which the NDC recognises are greater than economic losses– such as health impacts, those associated with relocation, loss of land due to erosion, loss of cultural heritage and local knowledge, and loss of biodiversity and ecosystem services.

The second round of submissions show a considerable increase in the references to concrete measures that help respond to the vulnerability of Indigenous Peoples, amounting to 27 NDCs, or 21% of the total. The majority of these provide a further description of the number of measures used to respond, as can be seen in Table 2. However, most of these measures

do not refer to concrete participation mechanisms. Among the countries that do make mechanisms explicit, El Salvador can be mentioned, whose NDC refers to the creation of methodologies to ensure the appropriate participation of Indigenous Peoples. There is also an increase in references to the underlying causes of Indigenous Peoples' climate vulnerability (6 NDCs out of 130, representing 5% of the total). For example, these causes include: a gap in access to education (Vietnam); marginalisation (Guatemala); poor participation in decision-making (Argentina and Bolivia); the impact of colonisation (Canada); and inequality and a structural system that creates vulnerability (Mexico). The annex produced by the Assembly of First Nations in Canada makes this reference explicit, stating that "it is clear that climate efforts must incorporate and address the systemic inequities and gaps that have resulted from the historical and ongoing impacts of colonisation, land dispossession, and assimilationist policies" (p. 39).

Table 2: **Measures to address Indigenous Peoples' vulnerability**

Measure	Country
Raise awareness	Burundi
Enhance capacities	Congo, South Africa, South Sudan, Belize, Nicaragua, Venezuela
Generate differentiated information	Chile, Colombia, Costa Rica
Improve biodiversity management and agriculture	Myanmar, Nepal, Argentina, Belize, Bolivia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, Suriname
Strengthen resilience and risk management	Mauritania, Bolivia, Paraguay
Support adaptation	Central African Republic, Democratic Republic of the Congo, Seychelles, Belize, Costa Rica, Nicaragua, Paraguay
Support energy transition	Central African Republic, Venezuela, Canada, New Zealand

3. Recognition of Indigenous Peoples in NDCs is on the rise yet many questions remain

Indigenous Peoples' advocacy in national and international climate policy, together with the gradual recognition of their contributions to climate action (IPCC 2022; IIPFCC & CIEL 2021), are the likely reasons behind the increasing recognition of their rights and contributions in the NDCs. References related to Indigenous Peoples are not only increasing but the depth of these references is also growing. In addition to Indigenous Peoples' advocacy in the multilateral sphere, this progress can be attributed to the advocacy of Indigenous Peoples in creating spaces for participation and engagement within climate governance at the national level.

As can be seen, the engagement of Indigenous Peoples during the design of the NDCs has increased in the second submissions compared to the first, including an increase in activities involving them in Indigenous-specific processes. This increase can perhaps be attributed to UNFCCC Decision 4/CMA of 2018, which has encouraged the Parties to provide information on planning and, if available, implementation plans in their NDCs, "including, as appropriate: Domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples."

In a similar vein, the Facilitative Working Group made specific recommendations to the Subsidiary Body for Scientific and Technological Advice to "Increase engagement and collaboration with indigenous peoples and local communities at the national level including through formal, ongoing participation in the development and implementation of the NDCs, NAPS and all types of climate actions, programs, and policies" and "Strengthen the engagement of indigenous peoples and local communities in the design and implementation of climate policies, actions and communications under the Convention, such as NDCs, NAPs and other communications" (Facilitative Working Group 2021b).

Many Parties explicitly respond to this recommendation in their second submission. However, few of them provide details of this participation and it is therefore not possible to identify whether or not the procedures implemented are consistent with Indigenous Peoples' systems of representation and governance. Nor do the NDCs make explicit precisely how Indigenous Peoples' contributions during these activities were integrated into the document.

Similarly, while there have also been increased commitments to engage Indigenous Peoples in the NDCs' implementation plans, in most cases, this engagement is limited to specific actions in their territories. The creation of specific mechanisms for their engagement remains low, restricting Indigenous Peoples' ability to contribute to climate governance in a more integrated, sustained and proactive way.

There is also a perceived lack of concrete mechanisms for taking Indigenous knowledge into account. While there seems to be a gradually increasing consensus as to the value of Indigenous Peoples' knowledge, which is also reflected in the COP and CMA decisions, the approach to and treatment of Indigenous knowledge is inadequate. Moreover, in most cases, this integration demonstrates a somewhat limited understanding of Indigenous Peoples' knowledge systems, which are often framed as requiring validation from scientific and technical knowledge. This limited understanding is reinforced by the absence of references to horizontal collaboration or partnership.

The exercise of Indigenous Peoples' rights is possible only as long as their land rights and governance systems are recognised. The recognition of Indigenous Peoples' jurisdiction and governance systems remains marginal. This gap opens up many questions regarding the application of measures to be implemented in Indigenous territories – which are also increasing. Thus far, the dynamics of colonialism have not only pushed Indigenous Peoples into scenarios of increased vulnerability associated with the

biophysical impacts of climate change but have also subjected them to climate policies – and especially mitigation policies – that intervene in their territories and even violate their rights. The demarcation of Indigenous Peoples’ territories is an unresolved issue in many of the countries that mention Indigenous Peoples in their NDCs. Until this crucial issue is integrated into climate policy, NDCs will likely continue to reproduce the practices that produce climate vulnerability.

In its latest report, the IPCC recognises that Indigenous Peoples’ vulnerability is largely a legacy of colonialism which, in addition to excluding them from decision-making processes, currently limits their capacity to respond (IWGIA 2022). Although a large percentage of NDCs recognise Indigenous Peoples as vulnerable to the impacts of climate change, only 10 Parties elaborate on the specific causes and 8 recognise the underlying determinants of this condition. Until the biophysical, institutional and structural causes of climate vulnerability are recognised, it will not be possible to reverse this vulnerability.

With respect to vulnerability, it is also striking that almost no NDCs refer to the intersectional vulnerability of certain groups within Indigenous Peoples. References to Indigenous women, youth and elders are scarce. Their omission from climate policy may result in an increase in existing inequalities and, accordingly, an increase in their vulnerability. However, the omission of their contributions is also worrying. Women, youth and elders play a vital role in the intergenerational transmission of Indigenous knowledge. Because of this, their marginalisation can also translate into an inappropriate and ineffective inclusion of Indigenous Peoples’ knowledge and, with it, their contributions.

In reviewing the NDCs submitted so far, there is no doubt that the Parties are missing a great opportunity, namely, to build trust with Indigenous Peoples and thereby enable the conditions that will allow them to contribute to climate governance. Climate change is an existential threat to humanity; there is no doubt that we need urgent action. Nevertheless, this urgency should not be an excuse for failing to respond through a coherent, just and rights-based approach. Such coherence will only be possible if we can succeed in integrating all the challenges we face into our responses, including the historic debt we owe to Indigenous Peoples.

3.1. Recommendations

Serving as input to the current Global Stocktake of the Paris Agreement, the following recommendations can be taken from the above conclusions:

1. **Rights:** NDCs must respect, promote and consider their respective obligations with regard to human rights and the rights of Indigenous Peoples. NDCs should be consistent with the minimum standards established by UNDRIP, including the right to self-determination. In particular, NDCs must consider how activities and decisions may affect Indigenous Peoples’ rights, knowledge systems, practices and ways of life. All activities that directly affect Indigenous Peoples must specify how the Parties will ensure that their rights are respected, as well as identify and promote good practices for the engagement of Indigenous Peoples. All plans and means of implementation must be decided and implemented based on free, prior and informed consent.
2. **Jurisdiction:** NDCs should explicitly state how their implementation considers Indigenous Peoples’ land and water rights and respects Indigenous governance systems. Furthermore, NDCs must clarify how Indigenous jurisdiction is integrated into climate policy.
3. **Knowledge:** NDCs must promote processes of co-production of knowledge through respectful, ethical, and equitable collaboration and partnership with Indigenous Peoples and their knowledge holders. This collaboration calls for strengthening Indigenous-led research – including permanent mechanisms for knowledge co-production and direct funding to Indigenous Peoples. NDCs should clarify how collaboration takes place and how it incorporates this into the planning and implementation of its commitments. Furthermore, relationships should be developed at local and national levels, upholding the principles of free, prior and informed consent and considering all components of Indigenous knowledge systems, including values, worldviews, protocols and customary laws.
4. **Engagement:** NDCs must build capacity and secure financial support to increase the effective, respectful, equitable, consistent and ongoing engagement of Indigenous Peoples at the national and local levels. Parties should ensure that Indigenous Peoples are equal partners in all phases of the NDCs, including their preparation,

implementation, monitoring and verification. NDCs should provide information on how this collaboration took place and how their outputs were integrated into the document. Furthermore, NDCs should work with Indigenous Peoples to design permanent mechanisms that allow for partnership with Indigenous Peoples, respecting their right to self-determination and the will of the communities involved.

5. Colonialism: In addition to recognising the climate vulnerability of Indigenous Peoples, NDCs need to look further into its causes and propose measures to reverse it. It is crucial that NDCs delve deeper into the underlying factors that

have caused this problem, including the ongoing, structural legacy of colonialism and capitalism. NDCs must ensure that the measures they commit to do not reproduce these factors but rather provide mechanisms to overcome them. It is fundamental that all committed measures are decided with the engagement of Indigenous Peoples, that they strengthen the capabilities of Indigenous Peoples, and that they are aligned with Indigenous knowledge systems and cultural practices. In addition, NDCs must provide financial and technical support for Indigenous-led projects, respecting the right of self-determination.

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Annex 1: Methodology of the study

We coded all NDCs based on the following words: Indigenous, traditional, people(s), community, local, ethnic, ethnicity, native, first nation, aboriginal, autochthonous, Indian, tribal, tribe, original (originario), ancestral, pastoralists, pastoralism, nomadic, forest dweller, forest people, customary, worldview, cosmovision, knowledge [related to Indigenous knowledge systems], ways of knowing, consent [related to Free Prior and Informed Consent (FPIC)].

NDCs that mentioned at least the word Indigenous were analysed in depth. The references were classified according to five categories and corresponding sub-categories (Table 3).

Table 3: Categories and sub-categories of analysis

Categories	Sub-categories
1. Indigenous Peoples as rights-holders	1.1 Mentions Indigenous Peoples, and their Nations, within the State description - Acknowledges cultural diversity
	1.2 Identifies specific groups within Indigenous Peoples (e.g. women, children, elders, knowledge holders)
	1.3 Recognises Indigenous Peoples' rights
	1.4 References an international or domestic rights framework (i.e. constitutional, Treaty, or legislative framework)
	1.5 Mentions considerations unique to Indigenous Peoples, such as Consultation and/or Free, Prior and Informed Consent
2. Indigenous jurisdiction over land	2.1 Recognises Indigenous Peoples' land rights
	2.2 Mentions Indigenous land claims
	2.3 Acknowledges Indigenous Peoples' governance systems
	2.4 Recognises Indigenous legal systems, such as customary law
3. Indigenous knowledge systems	3.1 Acknowledges Indigenous knowledge systems and promotes integration/ consideration/ inclusion of Indigenous knowledge
	3.2 Acknowledges specific practices based on Indigenous Peoples' knowledge
	3.3 Acknowledges Indigenous Peoples' values and worldviews
	3.4 Generates concrete mechanisms for incorporating Indigenous Peoples' knowledge
4. Full and effective participation of Indigenous Peoples in climate governance	4.1 Participation of Indigenous Peoples was considered in the design of the NDC
	4.2 Promotes Indigenous Peoples' participation in climate governance
	4.3 Differentiated participation of Indigenous Peoples was considered in the design of the NDC
	4.4 Generates concrete mechanisms to facilitate Indigenous Peoples' participation in national climate governance
	4.5 Mentions depth of participation (words such as collaboration, engagement, partnership, co-design, etc.)
5. References a legacy of colonisation	5.1 Mentions Indigenous Peoples' vulnerability
	5.2 Delves into the causes of Indigenous Peoples' climate vulnerability
	5.3 Proposes concrete mechanisms to address the specific reality of Indigenous Peoples
	5.4 Recognises underlying determinants of vulnerability such as marginalisation, inequality and colonisation

Annex 2: NDC Submission record by Party, specifying types of references to Indigenous Peoples where made (Considering NDCs submitted by May 2022)

Party	Year	NDC Submission	Indigenous Peoples as rights-holders	Indigenous jurisdiction	Indigenous knowledge	Full and effective participation	References to colonialism
Afghanistan	2016	First					
Albania	2016	First					
Albania	2021	First updated					
Algeria	2016	First					
Andorra	2017	First					
Andorra	2020	First updated					
Angola	2020	First					
Angola	2021	First updated					
Antigua y Barbuda	2016	First					
Antigua y Barbuda	2021	First updated					
Argentina	2016	First					
Argentina	2020	Second					
Armenia	2017	First					
Armenia	2021	First updated					
Australia	2016	First					
Australia	2020	First updated					
Australia	2021	First updated					
Azerbaijan	2017	First					
Bahamas	2016	First					
Bahrain	2016	First					
Bahrain	2021	First updated					
Bangladesh	2016	First					
Bangladesh	2021	First updated					
Barbados	2016	First					
Barbados	2021	First updated					
Belarus	2016	First					
Belarus	2021	First updated					
Belize	2016	First					
Belize	2021	First updated					
Benin	2017	First					
Benin	2021	First updated					
Bhutan	2017	First					
Bhutan	2021	Second					
Bolivia	2016	First					
Bolivia	2022	Second					
Bosnia and Herzegovina	2017	First					
Bosnia and Herzegovina	2021	First updated					
Botswana	2016	First					
Brazil	2016	First					
Brazil	2020	First updated					
Brunei	2020	First					
Burkina Faso	2016	First					
Burkina Faso	2021	First updated					
Burundi	2018	First					
Burundi	2021	First updated					
Cabo Verde	2017	First					
Cabo Verde	2021	First updated					
Cambodia	2017	First					
Cambodia	2020	First updated					
Cameroon	2021	First updated					
Cameroon	2016	First					
Canada	2017	First					
Canada	2021	First updated					
Central African Republic	2022	First updated					
Central African Republic	2016	First					
Chad	2021	First updated					
Chad	2017	First					
Chile	2017	First					
Chile	2020	First updated					
Colombia	2018	First					
Colombia	2020	First updated					
Comoros	2021	First updated					
Comoros	2016	First					
Cook Islands	2016	First					
Costa Rica	2016	First					
Costa Rica	2020	First updated					
Côte d'Ivoire	2016	First					
Cuba	2016	First					
Cuba	2021	First updated					
Democratic Republic of the Congo	2017	First					
Democratic Republic of the Congo	2021	First updated					
Djibouti	2016	First					
Dominica	2016	First					
Dominican Republic	2017	First					

Party	Year	NDC Submission	Indigenous Peoples as rights-holders	Indigenous jurisdiction	Indigenous knowledge	Full and effective participation	References to colonialism
Dominican Republic	2020	First updated					
Ecuador	2019	First					
Egypt	2017	First					
El Salvador	2017	First					
El Salvador	2022	First updated					
Equatorial Guinea	2018	First					
Eritrea	2018	First					
Eswatini	2016	First					
Eswatini	2021	First updated					
Ethiopia	2017	First					
Ethiopia	2021	First updated					
European Union*	2016	First					
European Union*	2020	First updated					
Fiji	2016	First					
Fiji	2020	First updated					
Gabon	2016	First					
Gambia	2016	First					
Gambia	2021	Second					
Georgia	2017	First					
Georgia	2021	First updated					
Ghana	2016	First					
Ghana	2021	First updated					
Grenada	2016	First					
Grenada	2020	Second					
Guatemala	2017	First					
Guatemala	2022	First updated					
Guinea	2016	First					
Guinea	2021	First updated					
Guinea-Bissau	2018	First					
Guinea-Bissau	2021	First updated					
Guyana	2016	First					
Haiti	2017	First					
Honduras	2016	First					
Honduras	2021	First updated					
Iceland	2016	First					
Iceland	2021	First updated					
India	2016	First					
Indonesia	2016	First					
Indonesia	2021	First updated					
Iraq	2021	First					
Israel	2016	First					
Israel	2021	First updated					
Jamaica	2017	First					
Jamaica	2020	First updated					
Japan	2016	First					
Japan	2021	First updated					
Jordan	2016	First					
Jordan	2021	First updated					
Kazakhstan	2016	First					
Kenya	2016	First					
Kenya	2020	First updated					
Kiribati	2016	First					
Kuwait	2018	First					
Kuwait	2021	First updated					
Kyrgyzstan	2020	First					
Kyrgyzstan	2021	First updated					
Lao People's Democratic Republic ^	2016	First					
Lao People's Democratic Republic ^	2021	First updated					
Lebanon	2020	First					
Lebanon	2021	First updated					
Lesotho	2018	First					
Liberia	2018	First					
Liberia	2021	First updated					
Liechtenstein	2017	First					
Madagascar	2016	First					
Malawi	2017	First					
Malawi	2021	First updated					
Malaysia	2016	First					
Malaysia	2021	First updated					
Maldives	2016	First					
Maldives	2020	First updated					
Mali	2016	First					
Mali	2021	First updated					
Marshall Islands	2018	Second					
Marshall Islands	2020	Second updated					
Mauritania	2017	First					
Mauritania	2021	First updated					
Mauritius	2016	First					
Mauritius	2021	First updated					

Party	Year	NDC Submission	Indigenous Peoples as rights-holders	Indigenous jurisdiction	Indigenous knowledge	Full and effective participation	References to colonialism
Mexico	2016	First					
Mexico	2020	First updated					
Micronesia	2016	First					
Moldova	2017	First					
Moldova	2020	First updated					
Monaco	2016	First					
Monaco	2020	First updated					
Mongolia	2016	First					
Mongolia	2020	First updated					
Montenegro	2017	First					
Montenegro	2021	First updated					
Morocco	2016	First					
Morocco	2021	First updated					
Mozambique	2018	First					
Mozambique	2021	First updated					
Myanmar	2017	First					
Myanmar	2021	First updated					
Namibia	2016	First					
Namibia	2021	First updated					
Nauru	2016	First					
Nauru	2021	First updated					
Nepal	2016	First					
Nepal	2020	Second					
New Zealand	2016	First					
New Zealand	2021	First updated					
Nicaragua	2018	First					
Nicaragua	2020	First updated					
Niger	2016	First					
Niger	2021	First updated					
Nigeria	2017	First					
Nigeria	2021	First updated					
Niue	2016	First					
North Korea	2016	First					
North Korea	2019	First updated					
Norway	2016	First					
Norway	2021	First updated					
Oman	2019	First					
Oman	2021	Second					
Pakistan	2016	First					
Pakistan	2021	First updated					
Palau	2016	First					
Palestine	2017	First					
Palestine	2021	First updated					
Panama	2016	First					
Panama	2020	First updated					
Papua New Guinea	2016	First					
Papua New Guinea	2020	Second					
Paraguay	2016	First					
Paraguay	2021	First updated					
People's Republic of China	2016	First					
People's Republic of China	2021	First updated					
Peru	2016	First					
Peru	2020	First updated					
Philippines	2021	First					
Qatar	2017	First					
Qatar	2021	First updated					
Republic of the Congo	2017	First					
Republic of the Congo	2021	First updated					
Russian Federation	2020	First					
Rwanda	2016	First					
Rwanda	2020	First updated					
Saint Kitts and Nevis	2016	First					
Saint Kitts and Nevis	2021	First updated					
Saint Lucia	2016	First					
Saint Lucia	2021	First updated					
Saint Vincent and the Grenadines	2016	First					
Samoa	2016	First					
Samoa	2021	Second					
San Marino	2018	First					
Sao Tome & Principe	2016	First					
Sao Tome & Principe	2021	First updated					
Saudi Arabia	2016	First					
Saudi Arabia	2021	First updated					
Senegal	2020	First					
Serbia	2017	First					
Seychelles	2016	First					
Seychelles	2021	First updated					
Sierra Leone	2016	First					
Sierra Leone	2021	First updated					

Party	Year	NDC Submission	Indigenous Peoples as rights-holders	Indigenous jurisdiction	Indigenous knowledge	Full and effective participation	References to colonialism
Singapore	2016	First					
Singapore	2020	First updated					
Solomon Islands	2016	First					
Solomon Islands	2021	First updated					
Somalia	2016	First					
Somalia	2021	First updated					
South Africa	2016	First					
South Africa	2021	First updated					
South Korea	2016	First					
South Korea	2020	First updated					
South Korea	2021	First (Enhance updated)					
South Sudan	2021 (FEB)	First					
South Sudan	2021 (SEP)	Second					
Sri Lanka ^	2016	First					
Sri Lanka ^	2021	First updated					
Sudan	2017	First					
Sudan	2021	First updated					
Suriname	2019 (Dec)	Second					
Suriname	2019 (Jan)	First					
Switzerland	2017	First					
Switzerland	2021	First updated					
Syrian Arab Republic	2018	First					
Tajikistan	2017	First					
Tajikistan	2021	First updated					
Tanzania	2018	First					
Tanzania	2021	First updated					
Thailand	2016	First					
Thailand	2020	First updated					
The Republic of North Macedonia	2018	First					
The Republic of North Macedonia	2021	First updated					
Timor-Leste	2017	First					
Togo	2017	First					
Togo	2021	First updated					
Tonga	2016	First					
Tonga	2020	Second					
Trinidad and Tobago	2018	First					
Tunisia	2017	First					
Tunisia	2021	First updated					
Turkey	2021	First					
Turkmenistan	2016	First					
Tuvalu	2016	First					
Uganda	2016	First					
Uganda	2021	First updated					
Ukraine	2016	First					
Ukraine	2021	First updated					
United Arab Emirates	2016	First					
United Arab Emirates	2020	Second					
United Kingdom and Northern Ireland*	2020	First updated					
Uruguay	2017	First					
USA #	2016	First					
USA #	2021	First (after rejoining Paris Agreement)					
Uzbekistan	2018	First					
Uzbekistan	2021	First updated					
Vanuatu	2016	First					
Vanuatu	2021	First updated					
Venezuela	2018	First					
Venezuela	2021	First updated					
Vietnam	2016	First					
Vietnam	2020	First updated					
Zambia	2016	First					
Zambia	2021	First updated					
Zimbabwe	2017	First					
Zimbabwe	2021	First updated					

Notes:

Among the Parties that have not submitted NDCs are those that have not ratified the Paris Agreement – i.e. Iran, Libya and Yemen – and the Holy See, which ratified the Paris Agreement on September 2022.

^ Regarding Parties that only made a first NDC submission and did include references related to Indigenous Peoples, most of them have not made a second submission. The Lao People's Democratic Republic and Sri Lanka are the exception. Both Parties also

made a second submission, but did not include references to Indigenous Peoples in that one.

* The European Union (EU) makes its submissions as a block of Parties. The United Kingdom (UK) was part of the EU until 31 January 2020. While the UK was a member of the EU it was part of that block's first submission. The UK as a separate Party has, since its exit from the EU, made its own second submission. EU

Parties as of publication are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

The United States submitted its first NDC before leaving the Paris Agreement. After rejoining the Paris Agreement they submitted a new first NDC.

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Indigenous Peoples positioned themselves in multilateral climate negotiations through their advocacy. Although the international community gradually recognises Indigenous Peoples' contributions to climate governance, a rights-based approach in national climate action is still largely absent. This policy paper maps governments' climate commitments under the Paris Agreement -the Nationally Determined Contributions (NDCs)- and analyses to what degree they recognise Indigenous Peoples' rights in climate governance. Serving as input to the Global Stocktake, the analysis applies a five-pronged framework by assessing how the NDCs recognise: i. Indigenous Peoples as rights holders; ii. Indigenous jurisdiction over land; iii. Indigenous knowledge systems; iv. Indigenous Peoples' right to full and effective participation in climate governance; and v. the legacy of colonialism. Mentions related to Indigenous Peoples in the NDCs are increasing; however, questions remain about the standards of this recognition. Sufficient and appropriate mechanisms are not yet in place to operationalise this recognition. Parties must therefore make more significant efforts to ensure that the NDCs take a rights-based approach and contribute to strengthening Indigenous Peoples' role and say in climate governance.

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