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Indigenous Peoples and Multiscalar Environmental Governance: The Opening and Closure of Participatory Spaces

Maria-Therese Gustafsson and Almut Schilling-Vacaflor*

Abstract

There has been an unprecedented inclusion of Indigenous peoples in environmental governance instruments like free, prior, and informed consent; reducing emissions from deforestation and forest degradation (REDD+) projects; climate adaptation initiatives; and environmental impact assessment. We draw on theories of participatory governance to show how locally implemented processes have been shaped by their interactions with invited, closed, and indigenous-led spaces at multiple scales. Empirically, our article is based on field research in Latin America, semistructured interviews, and a systematic literature review. We find four main barriers that have (re-)produced environmental injustices in environmental governance: first, a lack of influence over the institutional design of governance instruments; second, the exclusion of Indigenous peoples in the domestication of global instruments; third, policy incoherencies constraining the scope for decision-making; and fourth, weak cross-scale linkages between Indigenous-led spaces. This article helps to elucidate constraints of participatory spaces and identify leeway for transformation toward environmental justice.

In the recent past, Indigenous peoples have increasingly been recognized as important actors and invited to participate in environmental governance at multiple scales, from the local to the global (e.g., Belfer et al. 2019; Leifsen et al. 2017; McNeish 2021). The opening of new spaces for participation has occurred

in the context of a deliberative and participatory turn in global environmental governance (Bäckstrand et al. 2010), and it has been driven by the increased recognition of Indigenous rights, in particular in Convention 169 on the Rights of Indigenous Peoples of the International Labor Organization (ILO C169) adopted in 1989, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007. The principle of Indigenous peoples' free, prior, and informed consent (FPIC) concerning any decisions affecting them has been included in environmental policies in different issue areas. Indigenous peoples' critical role in environmental governance has further been fostered by their deep knowledge of and close connection to territories. Indigenous peoples manage or have tenure rights over an estimated 25 percent of the world's land surface, territories that intersect with approximately 40 percent of all ecologically intact landscapes and protected areas (Garnett et al. 2018). Indeed, in global policy circles, Indigenous peoples have often been portrayed as highly vulnerable while simultaneously possessing knowledge that could help address pressing environmental problems (Ford et al. 2016).

Such discourses have underpinned the inclusion of Indigenous peoples in the implementation of numerous "glocal" governance instruments—instruments that have been globally designed, translated into policy at the national scale, and implemented locally. Here we focus on the following glocal governance instruments: FPIC, reducing emissions from deforestation and forest degradation (REDD+), and climate adaptation initiatives and environmental impact assessment (EIA). We conceive of these instruments as "invited spaces" of participation, because Indigenous peoples have been invited to participate in spaces that have been designed and led by external state- or nonstate actors (Cornwall 2002; Gaventa 2006). We selected these instruments because they have played a major role in global environmental politics and could potentially contribute to "just sustainability" (Agyeman 2013) by broadening the inclusion of Indigenous peoples and positively impacting their lives and local environments.

Previous research has, however, revealed that these instruments have often fallen short in fulfilling their promises, with far-reaching consequences for environmental (in)justice. For instance, as we outline herein, FPIC processes have often been implemented in instrumental ways that foster extractive agendas on Indigenous territories (Schilling-Vacaflor 2017), REDD+ projects have been associated with land grabbing (Sarmiento and Larson 2017), and corporate knowledge has usually prevailed in environmental licensing processes (O'Faircheallaigh 2017). Indigenous peoples' identities, rights, and interests have often not been sufficiently taken into account in climate adaptation projects (Cameron 2012). Previous research on Indigenous peoples and environmental governance has largely centered on the analysis of invited spaces in environmental governance as implemented locally. More recently, scholars have also increasingly studied the participation of Indigenous peoples in global environmental negotiations (e.g., Belfer et al. 2019; Suiseeya and Zanotti 2019). Research on Indigenous peoples in environmental governance that systematically analyzes interrelations

across scales has, nevertheless, been very rare (for exceptions, see Kauffman and Martin 2014; Wallbott and Florian-Rivero 2018).

We draw on the aforementioned previous research but also extend it in three respects. First, we ask how invited spaces have been shaped by their interaction with closed and Indigenous-led claimed or created spaces (Gaventa 2006). Second, we do not limit our analysis to the local scale, instead exploring how invited spaces have been shaped by interactions of different types of spaces at multiple scales. Third, while previous research has comprehensively discussed the environmental injustices related to the four instruments, we highlight key barriers that help us understand the (re-)production of these injustices.

Conceptual Framework: Linking Spaces and Scales of Participation to Environmental Justice

This article builds on the conceptual framework formulated by Gaventa and colleagues to analyze power relations in participatory spaces at multiple scales (Cornwall 2002; Gaventa 2006, 2020). Similarly, we are interested not only in the degree of participation and influence of Indigenous peoples in isolated spaces but also, and primarily, in explaining how the interrelationship between spaces of participation at and across scales accounts for their closure and opening. These dynamics have important implications for environmental justice.

For conceptualizing "scales," we draw on Swyngedouw and Heynen (2003, 913), who argue that "scales are never set, but are perpetually disputed, redefined, reconstituted and restructured in terms of their extent, content, relative importance and interrelations." The concept of spaces draws on Lefebvre's understanding: "Space is a social product. … It is not simply 'there,' a neutral container waiting to be filled, but is a dynamic, humanly constructed means of control, and hence of domination, of power" (Lefebvre, after Gaventa 2006, 26).

Gaventa (2006) distinguishes between three types of spaces: closed, invited, and claimed or created spaces. In closed spaces, "decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion" (Gaventa 2006, 26), such as elites in state policy making or powerful economic and financial organizations in global politics. According to Gaventa (2006, 26), many civil society efforts focus on opening up such spaces through greater public involvement, transparency, or accountability. Invited spaces are those into which people are invited to participate by state or nonstate actors, but they did not have the chance to codesign and shape these spaces (Cornwall 2002). The question to what extent stakeholders have meaningfully participated in the drafting and design of governance regimes is of key importance, as it is in this phase that decisions about their scope and fundamental characteristics are being established (Park and Kramarz 2019). Finally, claimed or created spaces are those that are claimed by less powerful actors from or against the power holders or created more autonomously by them. Such spaces can be created by social movements, community associations,

Indigenous peoples, or any other like-minded people who join together in common pursuits outside of the institutionalized policy arenas (Cornwall 2002; Gaventa 2006). Herein, we subsume claimed and created spaces under the broader category of Indigenous-led spaces.

According to Gaventa (2006), the boundaries between these three spaces are blurry and fluid. He emphasized that they exist in dynamic relationship to one another, constantly opening and closing through struggles for legitimacy and resistance, cooptation and transformation. Scholars of participation in development have comprehensively discussed how closed and invited spaces of participation could be opened up to allow for meaningful participation, including the right to define and shape the participatory space (Cornwall 2002; Hickey and Mohan 2004). Gaventa (2006) argues that successful change requires actions that not only target one of these spaces in isolation from the others but that also align strategies across closed, invited, and created or claimed spaces.

As critical political economy scholarship has emphasized, environmental policy making is embedded in the broader context of our current political economy system. With this regard, closed spaces—such as those linked to non-transparent global production systems, World Trade Organization rules adopted in exclusionary spaces, or free trade agreements—have constrained invited spaces of participation and contributed to the displacement of the costs of environmental problems onto marginalized actors (cf. Dauvergne 2010). We can thus expect power relations rooted in our global political economy to imbue participatory spaces and to be an important barrier for achieving environmental justice. Conversely, Gaventa warned that invited spaces, in the absence of claimed or created spaces that serve to provide and sustain countervailing power, might simply be captured by already empowered elites (Gaventa 2006).

These three types of participatory spaces, embedded in broader analyses of power relations, have been taken up previously to study environmental governance instruments at the local scale. For instance, Aguilar-Støen (2015) and Rodriquez de Francisco and Boelens (2014) critically analyzed the participation of marginalized actors in payments for ecosystem services (PES) and concluded that these instruments favor the perspectives of corporate actors and local elites.

However, in a context of a shift from state-centered modes of governance to increasingly complex and polycentric governance landscapes (Andonova et al. 2009), we share Gaventa's (2006) conception that it is necessary to analyze how participatory spaces at the local, national, and global scales are interrelated. For instance, domestic invited spaces are being shaped by global policies and approaches, while local actors often aim to "jump scales" and use national or global fora as arenas for action, which could constitute an important opportunity for reducing environmental injustices (cf. Kauffman and Martin 2014; Suiseeya and Zanotti 2019). Global decisions often result in general norms that are interpreted in national contexts, which are characterized by conflicting policy preferences, power asymmetries, and poor governance capacity (cf. Acharya 2004; Dawson et al. 2018). Hence our analysis pays close attention
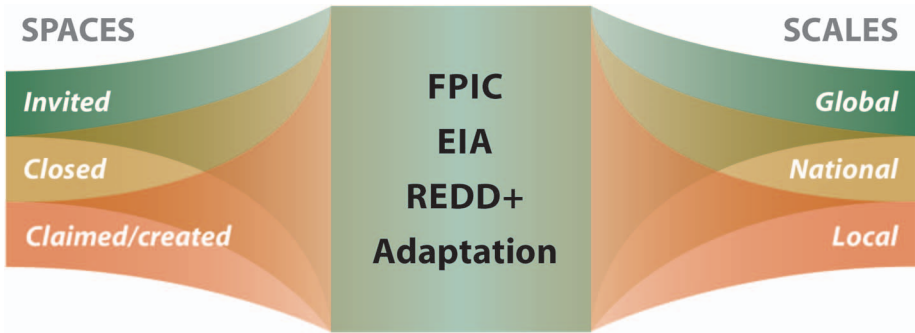
Figure 1
Visualization of our Conceptual Framework and its Key Categories

Source: Based on Cornwall (2002) and Gaventa (2006, 2020).

to the domestication of international norms and policies. In such cases, the disconnect across scales is likely to lead to a delegitimization of decisions and reinforcement of preexisting social orders and injustices. In turn, the influence of agency exclusively at the local scale tends to be limited, as broader decision-making processes remain unaffected by such local struggles. Hence, for promoting vertical links between actors working at different scales, a "double movement, from local reform upward and from global reform downward," seems to be particularly promising (Pieterse, after Mohan and Stokke 2000, 263). Figure 1 visualizes the key categories of our conceptual framework.

To operationalize our framework, we formulated the following guiding research questions, which we integrated into our coding scheme (see the Appendix): To what extent have Indigenous peoples been able to influence the drafting, design, domestication, and implementation of governance instruments? How have closed spaces at one scale affected Indigenous participation at another scale? How have claimed or created spaces at one scale affected invited spaces of Indigenous participation at another scale?

We analyze how the interactions between different spaces at and across scales shape the possibilities of Indigenous peoples to achieve environmental justice, which has been an important demand in their mobilizations and struggles (Schlosberg and Carruthers 2010). Our understanding of environmental justice builds on Schlosberg's (2009) conceptualization of justice as a balance of three key interlinked elements: meaningful participation, (cultural) recognition, and distributional justice. Participatory processes can challenge institutionalized exclusion and misrecognition as well as unjust distributional patterns, thereby contributing to environmental justice in its three dimensions (Boillat et al. 2018). Yet, participation can also be used in a disempowering manner, for instance by depoliticizing decision-making, manipulating participants or legitimizing decisions that had already been taken elsewhere (see Cooke and Kothari 2001).

Data Collection and Analysis

This article draws on empirical data we collected over diverse research projects related to environmental governance in Latin American Indigenous and peasant communities. We conducted field research on FPIC, EIA, and climate mitigation and adaptation in Bolivia and Peru. We carried out a total of more than two years of field research between 2013 and 2018, including extensive research stays and participatory observation. We also conducted more than 300 semistructured interviews with Indigenous, state, civil society, and corporate representatives acting at different scales. Our own empirical insights are complemented by an extensive review of secondary literature on our four "glocal" environmental governance instruments in relation to Indigenous peoples.

We coded the collected data according to our conceptual framework, with the support of the software for qualitative analysis ATLAS.ti. More concretely, we coded environmental justice criteria (recognition, procedure, distribution) associated with each of the four governance instruments and then explored to what extent the identified injustices can be explained by the interaction of different spaces of participation at and across scales (see the Appendix).

Environmental Governance Instruments, Indigenous Peoples, and Environmental Injustices

We present here the four governance instruments outlined above and related environmental injustices.

Free, Prior, and Informed Consent (FPIC)

The recognition of the principle of FPIC has been a core demand of Indigenous movements worldwide aiming to self-determine their development. Indigenous peoples' right to prior consultation and the principle of FPIC were recognized in an embryonic form in ILO C169 and then well recognized in the UNDRIP. Affirmations for FPIC have gradually become the norm in the context of measures affecting Indigenous peoples, including environmental policies.

While the principle of FPIC should be fulfilled whenever legal or political measures are likely to affect Indigenous peoples, FPIC processes have been organized almost exclusively in the context of large-scale resource projects, while meaningful participation in broader policy making has been very scarce (Merino 2018; Wright and Tomaselli 2019). Time pressure and shortcomings of FPIC processes have severely limited the influence of Indigenous peoples. A Guaraní leader from Bolivia narrated,

> Here we have a collective territory and when the government consults us, it already signed a contract before with the company. Sometimes they even already started to work on the extraction project. Then, what can we decide?

> … We are not opposed to development; but what we do not like is that we
> are not properly consulted. It is even worse now, the government says "look,
> the projects are of national interest." And they do a half consultation, in one
> or two weeks. (interview, October 2014)

More often than not, the particular cultural conditions of Indigenous peo-
ples (e.g., their norms, procedures, languages) have not been taken seriously.
Previous research has also criticized that FPIC negotiations have often been
based on impact quantification to establish equivalences between a loss of live-
lihood and monetary compensation (Leifsen et al. 2017). Local populations
have widely perceived this logic as unjust. The following citation is emblematic
in this regard: "From our perspective these compensation payments are like the
crumbs of bread. We cannot do much with this money and in the end what we
feel most are the damages that such compensations have caused within our
communities and organizations" (interview with a member of Guaraní commu-
nities, Bolivia, October 2013).

Environmental Impact Assessment (EIA)

EIA systems are the most often used preventive instrument for environmental
protection globally, having been adopted by multilateral development banks,
bilateral donor agencies, and United Nations (UN) agencies. EIA was first
developed in the United States and gained international visibility during the
UN Conference on the Environment in 1972. In 1989, EIA became a require-
ment for all World Bank–financed projects, and in 1992, the UN Conference
on Environment and Development resulted in a series of international laws
and policies that encouraged signatories to incorporate the EIA as a national
instrument. EIA refers to the evaluation of the expected effects of major pro-
jects and the establishment of related mitigation and prevention measures
prior to making a decision.

Nowadays, in many countries of the Global South, impact assessments
are the most important sustainability-oriented governance instrument used in
the ambit of extractive industries and large-scale projects (Morrison-Saunders
and Retief 2012). In contrast, Indigenous peoples have been largely excluded
from the drafting of development plans, strategic environmental assessments,
or territorial planning (Gustafsson and Scurrah 2019). To differing extents,
Indigenous peoples have participated in EIA studies about specific projects, for
instance, in data collection or consultation processes. Previous research has
also criticized that impact assessments are proponent controlled and shaped
by "corporate science" (Kirsch 2014), while experiential and Indigenous
knowledge is usually neglected (Lawrence and Larsen 2017). Moreover, in
many cases, operating companies have not executed the project in accordance
with requirements of the EIA. For instance, a representative from an environ-
mental nongovernmental organization (NGO) criticized the impact

assessment of a hydrocarbon project in Indigenous territories in the Bolivian Amazon:

> The EIA was approved one year before the consultation with Indigenous communities even started. The study was a piece of crap. … There were no cultural issues included, there was no information on sacred places within the Moseten territory. The authors of the study have never been to this area. … After the seismic exploration concluded, we went to the field to assess the real impacts of the project. … The guide we hired was a boy who had worked precisely in that area in the seismic exploration. I took out my maps of the project from the EIA, but the boy looks at the maps and says "no, no boss, you have been deceived, these are not the maps. I have the real map." Then he went home and gave us the maps they used during the exploration project and they were totally different, with many more deforested areas and explosions. (interview, February 2014)

Overall, EIA has proved insufficient to prevent and mitigate the negative impacts of large-scale projects, while Indigenous communities enjoy few benefits from the activities affecting their territories.

Reducing Emissions from Deforestation and Forest Degradation (REDD+)

REDD+ is a performance-based mechanism to compensate developing countries for forest emission reductions. REDD+ was designed by the parties of the UN Framework Convention on Climate Change (UNFCCC), whereas payments and strategies for carbon accounting are developed at the national scale and the mechanism is implemented locally. REDD+ has been presented as a cost-efficient mitigation option that, under the right conditions, could lead to co-benefits for Indigenous peoples and contribute to secure land rights (Larson 2011). Some Indigenous organizations have, however, condemned REDD+ as a commodification of nature that stands in conflict with Indigenous perceptions of forests and that puts their rights at risk (interview with Indigenous leader from Ecuador, August 2020). Such criticism finally led to the adoption of safeguards in 2009, and the recognition of Indigenous peoples' rights in 2010, which have, however, often not been implemented properly (Sarmiento and Larson 2017). In many countries, negotiations about REDD+ have been carried out in a technocratic fashion and dominated by international actors, while the influence of Indigenous actors has been weak (Dawson et al. 2018). In Peru and Ecuador, Indigenous organizations have put strong pressure on the government to take their territorial rights into account and to get direct access to REDD+ funds (interview with Indigenous leaders, August 2020 and February 2021). Likewise, Indigenous organizations like the Coordinator of Indigenous Organizations of the Amazon River Basin (COICA), an umbrella organization of federations spanning the entire Amazon basin, have protested at how difficult it is for Indigenous peoples to gain direct access to financial benefits of REDD+

projects (interview with representative from COICA, August 2020). Our interviewees criticized REDD+ processes for being exclusionary, not providing sufficient information about the establishment of REDD+ sites, and often leading to conflicts and polarization among community members due to the unequal distribution of benefits (e.g., interview with advisor to Indigenous organization in Peru, August 2016).

Climate Adaptation

According to the Intergovernmental Panel on Climate Change (IPCC; 2014), climate adaptation refers to "the process of adjustment to actual or expected climate and its effects." In sharp contrast to climate mitigation, which for a long time dominated the international climate agenda, adaptation was until recently seen as a highly localized issue that has been deprioritized and underfunded. However, the Paris Agreement finally recognized climate adaptation as a global challenge (Article 7.2), and there is increasing recognition of the need to step up adaptation action and strengthen cooperation across scales. While national adaptation plans are being developed in many countries, the great majority of adaptation projects are implemented locally.

Adaptation interventions have been criticized for being designed in a top-down manner and for their narrow focus on technical solutions to biophysical stressors. Similarly, despite the increasing recognition of Indigenous knowledge among scientists and policy makers, it is often weakly integrated if not completely disregarded in the development of adaptation policies at the international and national scales (interview with co-chair of the Local Communities and Indigenous Peoples' Platform [LCIPP] of the UNFCCC, August 2020). Researchers have criticized IPCC for being detached from the diversity and complexity of Indigenous experiences and responses to climate change, which is a serious problem, as the development of adequate adaptation responses is dependent on nuanced and culturally relevant knowledge (e.g., Ford et al. 2016). Finally, Indigenous peoples have emphasized the injustice of being disproportionally affected by climate impacts to which they have contributed very little. Consequently, an Indigenous representative within the Global Environment Facility emphasized the lack of financial support for enabling Indigenous peoples to adapt as a significant distributive injustice (interview, July 2020).

Table 1 summarizes our findings on environmental injustices associated with these four governance instruments.

Explaining the Limitations of Indigenous Peoples' Participation by Analyzing Linkages Across Spaces and Scales

Our analysis found that four barriers related to the interactions between spaces and scales help explain the environmental justice problems associated with Indigenous peoples' participation in multiscalar environmental governance.

Table 1

Environmental Injustices Associated with Selected Governance Instruments

Environmental (in-)justice	FPIC	EIA	REDD+	Climate Adaptation
Participation	Lack of participation in broader policy making; lack of influence on decision-making on large-scale projects	Limited to project-specific decisions; EIAs have largely been proponent controlled	Exclusionary decision-making processes about REDD+ at different scales	Lack of participation and influence of Indigenous peoples at the global and national scales
Recognition	Cultural conditions of Indigenous peoples not taken seriously in FPIC processes; no intercultural dialogue	Shaped by "corporate science," while experiential and Indigenous knowledges are largely disregarded	Indigenous perspectives of forest and conservation largely overlooked in REDD+ programs	Technical approaches to adaptation do not recognize Indigenous knowledge and multiple drivers of climate vulnerability
(Re)distribution	Trade-offs between a loss of livelihoods and monetary compensation; compensations widely perceived as unjust by Indigenous peoples	Environmental burdens of large-scale projects concentrate locally, while Indigenous peoples have enjoyed few benefits	Lack of direct access to and unequal distribution of financial benefits of REDD+ projects	Lack of funding for Indigenous adaptation needs and unequal distribution of the benefits of adaptation interventions

A Lack of Influence over the Institutional Design at the Global Scale

The drafting and design of environmental governance instruments have far-reaching consequences for environmental justice. It is therefore particularly important to influence this critical phase of policy making when the main scope and purpose of the instruments are defined (cf. Park and Kramarz 2019). Our analysis, however, revealed that Indigenous peoples have largely been excluded from this stage at the global scale.

First, Indigenous peoples have not influenced the design of EIA globally. However, experiences with community-based forms of impact assessment show that Indigenous communities tend to perceive their territories, local environments, and impacts caused by large-scale projects very differently than described in EIA studies (Lawrence and Larsen 2017). In fact, Indigenous communities around the world have challenged EIAs as implemented locally, due to the minimization of socioenvironmental impacts and the dominance of "corporate" or technical knowledge (O'Faircheallaigh 2017; Schilling-Vacaflor 2019). The envisioning of more pluralistic and integrative forms of impact assessment based on joint problem framing when drafting and designing this tool could have enabled more meaningful forms of Indigenous engagement with EIA (Behn and Bakker 2019). While EIA has incrementally changed over time and become more participatory and comprehensive, broader debates globally about how EIA could become more sensitive to Indigenous peoples have largely been absent.

Second, Indigenous peoples have not played a major role in the design of global climate adaptation policies due to the closure of intergovernmental decision-making fora. More concretely, the IPCC has been highly influential in producing models and climate scenarios that have guided adaptation decision-making within UNFCCC. Indigenous peoples have been underrepresented in both these fora as well as in the major international climate funds (interviews with Indigenous representatives in UNFCCC and in the Global Environment Facility, August, 2020; see also Belfer et al. 2019; Ford et al. 2016). As emphasized by the co-chair of the LCIPP of the UNFCCC, "When you look at the vulnerability index and the way of developing adaptation strategies, Indigenous peoples are not there. It is very important to listen to the story of the people on the ground and come up with adaptation measures accordingly" (interview, August 2020). The Paris Agreement (2015), which established the LCIPP and for the first time mentioned Indigenous rights, represents a significant milestone for Indigenous participation in global adaptation governance. While the LCIPP gives Indigenous peoples a formal space within the UNFCCC and access to constituent bodies such as the Adaptation Committee, there is also a concern about the links between the platform and other parts of UNFCCC. As a representative of an Arctic Indigenous organization said, "The question is how you mainstream Indigenous issues into the entire UNFCCC. Some think that it's a tactic of the state parties to give Indigenous peoples a space so that they get out of the way and don't put their nose into the other negotiations that are happening"

(interview, June 2021). At the same time, the more autonomous International Indigenous Peoples Forum on Climate Change has often criticized UNFCCC's decisions affecting Indigenous rights, which suggests that Indigenous actors combine the participation in formal spaces within UNFCCC with spaces in which they develop more confrontational advocacy strategies (interview with the co-chair of LCIPP, August 2020).

Third, the design of the REDD+ instrument was negotiated between 2005 and 2010 in a closed space between state delegations, where Indigenous peoples were invited occasionally to participate as observers (interview with an Indigenous representative at UNFCCC, August 2020). An Indigenous representative described that during the most intensive phase of the REDD+ negotiations in 2009, "Sometimes we tried to attend a meeting, but it was closed, and only government could enter. Sometimes we could not even walk close to the delegations. It has been very difficult, very complex to understand" (interview, July 2020). During these negotiations, main decisions regarding the reliance of REDD+ programs on PES were taken, which have been harshly criticized by Indigenous leaders worldwide. While, as a consequence of widespread protest actions, Indigenous peoples thereafter succeeded in including social safeguards and their rights in the REDD+ design at the global scale, the main design features of this instrument remained unchanged.

Fourth, in the case of FPIC, the UNDRIP was essentially the product of Indigenous peoples' representatives and legal experts (Barelli 2012). Largely due to divergent interpretations by the representatives of Indigenous peoples and of states, it took more than twenty years for the declaration finally to be adopted. The Working Group on Indigenous Peoples' proposal for the UNDRIP originally stipulated that "indigenous peoples … have the right to require that states obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources." This rather strong interpretation of FPIC was eventually changed to "the states shall consult and cooperate in good faith with the indigenous peoples concerned … in order to obtain their free, prior and informed consent." Owing to the formulation that states do not need to "obtain" but rather should "seek" Indigenous peoples' consent, the crucial question of how to proceed when Indigenous peoples withhold their consent has remained open. Related controversies have been at the center of contention in numerous local environmental conflicts involving Indigenous peoples and have been associated with human rights violations (interview with staff from Peruvian Ombudsperson, February 2012; interviews in Guaraní communities in Bolivia, October 2014 to January 2015; roundtable on FPIC at the World Social Forum in Salvador de Bahía, March 2018).

The Closure of Participatory Spaces Through Domestication of Global Instruments

Translating global norms into laws and policies that are appropriate for and sensitive to national and local contexts is a highly complex and often contested

process that could challenge as well as reinforce preexisting injustices. Scholars have used concepts like "domestication" (Gustafsson et al. 2020), "localization" (Acharya 2004), and "vernacularization" (Merry 2009) to analyze how domestic political structures and actors condition and reconstruct global norms to fit local conditions. When translating international human rights standards into domestic legislation, states usually interpret and regulate—and thereby change—the original instrument. This regulatory process is critical, as it determines the specific meaning of policies and rights. Herein we focus on the two instruments that have been shaped by Indigenous peoples to a comparatively greater extent at the global scale, namely, FPIC and REDD+.

With regard to FPIC, Indigenous peoples succeeded in influencing the design of the instrument at the global level but have largely been excluded from domestication processes. In fact, most states worldwide have not yet translated this principle into their legislation, and the few states that adopted legislation on FPIC did so in closed spaces. For instance, states that have been pioneers in implementing FPIC processes, such as Bolivia, Colombia, and Peru, interpret FPIC in a restrictive way (Leifsen et al. 2017). Legislation in these countries clarifies that Indigenous peoples do not have the right to veto a project, and in Peru and Bolivia the state entities leading FPIC processes are subordinated to the ministries responsible for administering resource extraction. Staff from a Peruvian NGO argued, "You can identify several institutions that debilitate consultation processes [in Peru]. Why? Because they do not want to change the rules of the game. Meaningful consultation means changing the rules of the game, of the investments. But the consultation legislation and the state functionaries will not allow this" (interview, February 2012). In consequence, when tracing FPIC from the global to its translation and implementation at national and local scales, we can observe how a claimed space has increasingly been transformed into an invited space.

Similarly, in the course of domesticating REDD+, states have often carried out negotiations on the institutionalization and interpretation of REDD+ in a technocratic fashion and without meaningful Indigenous participation (Dawson et al. 2018). Consequently, in most states REDD+ safeguards are not legally binding and Indigenous peoples' interests have often been neglected in domestic REDD+ policies (Sarmiento and Larson 2017). In Peru, there was a wide consensus that land titling would create synergies between the protection of forests and Indigenous territorial rights. Peruvian Indigenous organizations tried to pressure the government to include their own proposal, the so-called Indigenous REDD, in the national REDD+ strategy. At the center of Indigenous REDD is the recognition of territorial rights and the direct management of REDD+ projects by Indigenous organizations (interview with Indigenous representative, August 2016). The establishment of "communal reserves" administered by Indigenous communities has been seen as a way to achieve this goal. While the government has included communal reserves in the negotiation about large bilateral climate funds, a representative of a Peruvian NGO highlighted that until 2019, only ten reserves had been established, and other

conservation models have often weakened Indigenous territorial rights (interview, October 2019).

Overall, our analysis underlines the challenges of translating partial successes at the international scale to domestic policy, where a complex set of interests, regulatory frameworks, and historically grown political settlements often contributes to a closure of participatory spaces and, in turn, to the reinforcement of environmental injustices (cf. Bebbington et al. 2018).

Policy Incoherence Creates Limited Scope for Decision-Making

Policy coherence refers to a situation in which various policies are compatible because they rely on common ideas or objectives (May et al. 2006). In contrast, attempts to implement conflicting policies are unlikely to be successful. Our findings reveal that the lack of integration of environmental and economic policies at global and national scales constrains the scope for decision-making in local environmental governance.

In the case of REDD+ and climate adaptation, our findings support previous research that these instruments have rarely been coordinated with other sectors, such as energy, agriculture, and mining, that are of strategic interest and economic importance for most states and where Indigenous actors' influence has been very limited (Cameron 2012; McCall 2016; Wallbott and Florian-Rivero 2018). The uncoordinated expansion of REDD+ and extractive projects has affected Indigenous territorial rights. In the absence of participatory land-use planning, Indigenous communities have been consulted about specific REDD+ or extractive projects but have not had the possibility to evaluate and influence the cumulative impacts of these activities. In the Peruvian Amazon, conflicts surrounding the creation of the Cordillera Escalera Regional Conservation Area, in which Indigenous communities criticized state agencies for creating conflicts between communities in favor of forest conservation and those that benefit from mining, are illustrative in this regard (interview with an advisor of Indigenous organizations in Peru, April 2019).

Similarly, national adaptation plans generally focus on climate stressors, and policy makers often fail to situate them in broader political-economic contexts (Sovacool and Linnér 2016). For instance, when analyzing the national adaptation plans of Australia, Canada, Peru, and South Africa, we found that the mining sector was rarely mentioned, which makes it very difficult to assess how the impacts of mining activities and climate impacts interact and shape the climate resilience of Indigenous peoples. Important Peruvian and South African mineral deposits are located in areas of severe water scarcity—a problem that is predicted to be further aggravated by climate change and likely to lead to conflicts over scarce water resources (interviews with state officials working on climate adaptation in the two countries, May 2020). In Peru, Indigenous peoples have participated in the drafting of the national adaptation plan. Even though mining regions are identified as some of the most vulnerable areas in terms of

water scarcity (Minam 2016), an international consultant supporting the Peruvian government in developing the plan emphasized the difficulties of involving powerful mining companies in the process (interview, May 2020). In this context, Indigenous peoples are invited to participate in adaptation discussions that give them no opportunities to assess and influence the multiple, interacting stressors that contribute to their climate vulnerability.

The project-specific nature of FPIC and EIA has implied that cumulative and synergistic impacts of different activities affecting the same territory have usually been excluded from participatory processes. More general and strategic decisions, such as where and under which conditions resource extraction projects should be permitted, are usually still discussed in closed spaces at the national and/or transnational scale (Flemmer and Schilling-Vacaflor 2016; O'Faircheallaigh 2017). For instance, FPIC has not been integrated in negotiations about contracts between states and transnational corporations. States sign contracts about specific projects with the operating corporations, wherein key project features are established. If a state does not comply with a contract, for instance, because of controversial FPIC processes, it can be forced to compensate the company for resulting losses. An interviewee who participated in several FPIC processes in Bolivia remarked, "We had mobilized for FPIC to gain control over our territories, but we have learned that the important decisions are taken elsewhere. Before the state invites us to participate, contracts had already been signed and machines and workers are contracted. There is much pressure on us to say yes to a project that is already being executed" (interview with Guaraní community member, November 2014).

Weak Cross-Scale Linkages Between Indigenous-Led Spaces

In a globalized and increasingly interconnected world, power resides at different scales, and countering environmental (in)justice depends on linking participatory spaces from the global to the local (cf. Gaventa 2006). However, we found that Indigenous actors often focus on one scale only. Therefore cross-scale linkages between Indigenous-led claimed or created spaces have remained weak.

Indigenous peoples often resist the way glocal governance instruments are carried out locally, or aim to use them according to their own needs and interests. They have been very active in challenging the closure of participatory spaces in FPIC processes or EIAs. Indigenous communities have organized community-led consultation processes (Leifsen et al. 2017), led community impact assessments (Lawrence and Larsen 2017), formulated their own protocols to set the rules for negotiations with external actors (Parks 2018), and developed socioenvironmental monitoring systems (Mena et al. 2020). However, while such created spaces have been important for influencing projects affecting Indigenous territories, they have usually not been linked to broader decision-making, nor have they contributed to a transformation of national or global environmental policies.

Nationally, Indigenous movements have mobilized for increasing their voice and representation. In several Latin American countries, Indigenous

movements have scaled up local organizations to national federations and in turn created political parties, gained reserved seats in parliament, and/or succeeded in inscribing their rights in the states' constitutions (Van Cott 2005). Bolivia and Ecuador even declared themselves to be "plurinational states" (Postero 2017). In Norway, Finland, and Sweden, the Sami created their own parliaments. Still, such important advances have generally not been sufficient to tip the power balance of historically established political settlements that have largely excluded Indigenous voices. The underrepresentation of Indigenous peoples in national decision-making processes and the often weak linkages between local and national Indigenous organizations have been important barriers for upscaling the demands of Indigenous-led spaces and for domesticating global policies that have been shaped by Indigenous actors (interview with Peruvian Indigenous leader from the Amazon, June 2021).

Indigenous peoples have increased their influence in global environmental politics over the past few decades, pointing to important achievements of their struggles beyond the local scale. For instance, the COICA, which has a long history of contesting global governance institutions and dominant discourses on environmental matters, has contributed to placing the Indigenous REDD proposal originally formulated by Amazonian organizations on the global agenda. Likewise, the "No rights, no REDD" movement has played an important role in pressuring delegates to recognize Indigenous rights and social safeguards in REDD+ programs (interview with Indigenous representative from COICA, August 2020). At the same time, the divisions between Indigenous organizations that perceived REDD as beneficial and the ones that rejected it debilitated the Indigenous movement in the REDD negotiations. Moreover, as we have shown herein, partial successes at the global scale have not always translated into progressive domestic policies.

To enhance both top-down and bottom-up processes for challenging the closure of spaces for Indigenous participation in environmental governance, it is important to increase representation and influence to codesign national laws and policies, including sectoral policies (e.g., energy, agriculture, mining). In addition, while Indigenous peoples have increased their voice in global climate politics, such (partially) inclusive global fora do not exist for debating EIA or FPIC processes, which has limited the possibility of Indigenous actors to "jump scales" as a strategy to mobilize and for pressuring political leaders to comply with global policies.

Our analysis reveals that the characteristics of different environmental policy issues have also shaped the possibilities to construct cross-scale linkages. For instance, compared to the global REDD+ negotiations, Indigenous mobilizations have been largely absent in the context of international adaptation negotiations (interview with Indigenous representative within UNFCCC, June 2021), which might be because adaptation has often been seen as a locally specific and vague policy problem and thus it is harder to identify collective interests and mobilize in their defense. Compared to adaptation, barriers to scale up the

numerous mobilizations related to extractive industries are even higher, as the building of alliances requires not only framings that go beyond specific local conflicts and necessary financial and human resources but also the ability to resist state attempts to divide organizations. This statement from an advisor of the Bolivian Guaraní peoples illustrates the challenges to mobilizing and the power of negative repercussions against communities who protest against the violation of the principle of FPIC:

> The state's hydrocarbon company launched a whole smear campaign saying that Indigenous peoples are blackmailers, that they are irresponsible. They went to the press and published entire pages about it. The president and vice president of the republic and the Ministry of Hydrocarbons also publicly discredited the Indigenous leaders. … It is a very unequal struggle, right? For the power and resources of the government. This permanent disqualification affects the leaders and communities and then they keep quiet, totally. (interview, November 2014)

Overall, our research points to important weaknesses of cross-scale linkages between Indigenous-led spaces, both from the bottom up and from the top down. Through better top-down linkages, global openings could contribute to more meaningful Indigenous participation at the national or local scale. Conversely, through more influential bottom-up approaches, local initiatives based on Indigenous knowledge and values could be scaled up.

Conclusions

In the past two decades, we have witnessed an unprecedented recognition of Indigenous peoples' critical role in addressing environmental problems, in conjunction with a proliferation of participatory spaces in environmental governance. Whereas previous research has shown that invited spaces of participation often (re-)produce environmental injustices, we have identified four main barriers that help to explain the constraints of new participatory spaces in multiscalar environmental governance: lack of influence over the institutional design of governance instruments at the global scale; exclusion of Indigenous peoples in the domestication of global policies; policy incoherencies that constrain the scope for decision-making in invited spaces; and weak cross-scale linkages between Indigenous-led spaces. Our findings yield two broader implications for debates about Indigenous peoples, participation, and environmental justice in environmental governance.

First, debates on the participatory and deliberative turn in environmental governance have often presented the opening of formal participatory spaces as a step toward democratization and environmental justice (for a critical review, see Bäckstrand et al. 2010). Our study of Indigenous peoples' participation, however, warns us that we should not be overly optimistic regarding this trend. Participatory spaces have opened up quite selectively. Indigenous peoples have

increasingly been invited to participate in spaces designed by external actors at the global scale, which have often been domesticated in a restrictive way. Hence, Indigenous peoples have not been able to influence the framing of problems in need of solutions and the scope of what can or cannot be decided within these spaces. Our research thus enhances Keskitalo et al.'s (2016) argument that there is an imminent risk that Indigenous peoples will become "trapped" in local implementation processes, where there are few opportunities to shape broader norms or to hold decision-makers accountable.

We argue that for paving the way toward environmental justice, it is crucial to work on strategies to ensure Indigenous participation in the design and domestication of environmental governance instruments, to open up the decision-making processes in strategic economic sectors and better link them to environmental and human rights agendas, and to strengthen cross-scalar linkages between Indigenous-led spaces. Based on our findings, we see the need for more systematic research focusing on the domestication of global norms, as well as for research that digs deeper into the question of how Indigenous spaces can be upscaled. Moreover, scholarly research should not only focus on invited spaces but needs to consider how they are shaped by closed and Indigenous-led spaces.

Second, scholarship on critical political economy has problematized how the global economy has contributed to accelerating environmental degradation and to externalizing the costs of both environmental problems and their solutions to marginalized groups that have done little to cause the problems (e.g., Dauvergne 2010). The governance instruments we analyzed formally aim to achieve just sustainability but do not recognize the environmental problems to be solved as consequences of our global political economy. By breaking down decision-making into different silos, it becomes more difficult to promote broader agendas related to systemic transformation and environmental justice. We showed that meaningful participation in invited spaces often requires challenging spaces where economic power resides. It is important to recognize that the creation of invited spaces could even represent an attempt to restore the legitimacy of the status quo, by introducing incremental changes instead of fostering more emancipatory transformation. In line with Gaventa (2006, 2020), we show that participatory spaces are dynamic and that their boundaries of inclusion have been challenged by Indigenous actors. At the same time, we shed light on the opacity of deep-rooted mechanisms of domination and exclusion at different scales that have constrained Indigenous attempts to realize more radical changes.

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Appendix: Coding Scheme

Justice Criteria	Indicator	Key Questions
Recognition		
Knowledge diversity	Traditional knowledge systems are included in the governance instrument.	Are traditional/local/Indigenous knowledge systems included in the governance instrument?
Indigenous peoples' cultural identity and rights	Indigenous peoples gain or retain their rights, and their cultural identities are taken into account in establishing or managing the governance instrument.	Are Indigenous peoples' cultural identities taken into account and their rights respected in the design and implementation of the governance instrument?
Procedure		
Full participation in decision-making	Indigenous groups and persons have a voice and prevail within the decision-making processes and are satisfied with how decisions are taken.	Are Indigenous groups' and persons' voices and interests meaningfully included in decision-making processes in the governance instrument?
Transparency	Indigenous people access relevant information for being able to meaningfully participate in decision-making processes.	Are Indigenous peoples able to access relevant information for enabling their full participation in decision-making processes?
Access to justice	Indigenous people resolve disputes by existing conflict settlement arrangements.	Are Indigenous peoples able to resolve disputes through existing mechanisms satisfactorily?
Accountability	Indigenous people know to whom to raise concerns for solving issues related to the governance instrument.	Do Indigenous peoples know to whom to raise concerns for solving issues related to the governance instrument?

Distribution		
Risks and burdens	The governance instrument includes measures for preventing Indigenous peoples from taking risks and safeguarding them from burdens and unintended consequences.	Does the governance instrument include measures for preventing risks and safeguarding Indigenous peoples from burdens and unintended consequences? Which ones, and how do they work?
Benefits	Indigenous people(s) receive tangible benefits from the governance instrument in a way that respects culturally accepted distributional principles.	Do Indigenous peoples receive benefits from participating in the governance instrument in a culturally accepted way of benefit sharing?
Closed space	Decisions are made by a set of actors behind closed doors, without any pretense of broadening the boundaries for inclusion.	Which decisions are taken in closed spaces? How?
Invited space	People are invited to participate by state or nonstate actors, but they did not have the chance to codesign and shape these spaces.	Which decisions are taken in invited spaces? How?
Claimed or created space	Claimed or created spaces are those that are claimed by less powerful actors from or against the power holders or that are created more autonomously by them.	Which decisions are taken in claimed or created spaces? How?
Interactions between spaces	The three types of spaces exist in dynamic relationship to one another, and they are constantly opening and closing through struggles for legitimacy and resistance, cooptation and transformation.	How have closed spaces affected invited spaces of participation at one scale? How have claimed or created spaces affected invited spaces of Indigenous participation at one scale?

Justice Criteria	Indicator	Key Questions
Scales		
Global scale	Processes and decision-making are related to the drafting and design of the governance instruments in global, transnational, and international fora.	Which decisions are taken at the global scale? To what extent have Indigenous peoples been able to influence the drafting and design of the governance instruments?
National scale	Processes and decision-making are related to the localization of the governance instruments at the national scale.	Which decisions are taken at the national scale? To what extent have Indigenous peoples been able to influence the localization of the governance instruments?
Local scale	Processes and decision-making are related to the implementation of the governance instruments at the local scale.	Which decisions are taken at the local scale? To what extent have Indigenous peoples been able to influence the implementation of the governance instruments at the local scale?
Interactions across scales	Participatory spaces at the local, national, and global scales are interrelated.	How have closed spaces at one scale affected Indigenous participation at another scale? How have claimed or created spaces at one scale affected invited spaces of Indigenous participation at another scale?

Source: Drawing by Boillat et al. (2018), Gaventa (2006), and Schlosberg (2009).