

## **CLARA Submission for June 19, 2023**

The Climate Land Ambition and Rights Alliance appreciates the opportunity to once again provide submissions to the Supervisory Body on 6.4 for removals. However, we would like to restate our concern that this structured consultation, mandated by CMA4, was scheduled for such a short period that overlapped with the Subsidiary Bodies Meeting in Bonn. A true consultation would require more time and far deeper engagement, something we urge the parties to keep in mind as the activity cycle is designed.

### **Cross-cutting questions:**

1. *Discuss the role of removals activities and this guidance in supporting the aim of balancing emissions with removals through mid-century.*

Removals have an essential but limited role of meeting the Paris Agreement goals, including the goal of reaching a 'balance of sinks and sources'. According to the IPCC AR6, "Reaching net zero CO<sub>2</sub> or GHG emissions primarily requires deep and rapid reductions in gross emissions of CO<sub>2</sub>" (AR6, section B.6.2). Working Group III specifically states, "Within ambitious mitigation strategies at global or national levels, carbon dioxide removal (CDR) cannot serve as a substitute for deep emissions reductions" (AR6 WGIII, Chapter 12), assigning only the so-called "hard-to-abate" emissions to compensation by CDR. To reduce the risk of overshooting 1.5°C, urgent and deep emissions reductions must not be delayed by allowing offsetting of any kind. There is simply no more space in the carbon budget for offsetting. Furthermore, it is clear that removals have a limited role in the overall mitigation framework and needed climate effort. Accordingly, creating markets for these limited removals does not make sense, as they could be sold to offset any kind of emission. Such market incentives would have a negative effect.

### **Land Sector**

Ecosystems and the land sector generally serve as a critical carbon sink, as well as currently holding an enormous carbon stock. While action in the land sector is critical, it is not appropriate for a carbon market.

The land sector cannot be counted on to offset business as usual or ongoing fossil fuel emissions. There is only so much land on the planet, especially only so much land that would be appropriate for sequestration. There are after all competing demands for land (agriculture, housing or other infrastructure such as roads, conservation, timber production etc). The evidence suggests that climate plans are already depending far too much on the land sector providing more removals than possible. Just looking at current NDCs, the land requirements are estimated to be around 1.2 billion hectares, nearly the size of all current agricultural land.<sup>1</sup> That's an enormous amount of land and just for what's in current NDCs. This does not include the land

---

<sup>1</sup> Dooley K., Keith H., Larson A., Catacora-Vargas G., Carton W., Christiansen K.L., Enokenwa Baa O., Frechette A., Hugh S., Ivetic N., Lim L.C., Lund J.F., Luqman M., Mackey B., Monterroso I., Ojha H., Perfecto I., Riamit K., Robiou du Pont Y., Young V., 2022. The Land Gap Report 2022. Available at: <https://www.landgap.org>

based activities considered in major companies' net-zero plans. It is hard to see how there would be any space for land-based climate action to be traded in a carbon market.

The land sector also presents some pragmatic challenges in regards to permanence and reversals when it comes to crediting offsets. There is a major risk that carbon sequestered into forests and soils is lost back to the atmosphere due to disturbance, pests and disease, fires, degradation and land clearing. Some of these are outside of human control, and this risk is increasing with climate change as hotter temperatures and more extreme weather events reduce the ability of forests and soil to take up and store carbon. What happens if a fire sweeps through a restored or protected forest ten or even fifty years after the offset has been sold? It will be far too late for those emissions to be undone. The company that purchased the offsets may not even be in business anymore, so who would be responsible? It would be better to avoid this entirely, rather than build in systems to retroactively fix an entirely foreseeable flaw.

The agriculture sector should also be excluded from consideration. Currently a major source of emissions, climate action in agriculture is essential for any ambitious climate action. However, it is wholly inappropriate for a market mechanism given the non-fungibility between slow and unreliable soil carbon sequestration and powerful nitrous oxide emissions that last in the atmosphere for over a 100 years and the global warming potential of methane, though short-lived, which is 80 times more potent than CO<sub>2</sub> over a 20 year period. Soil carbon sequestration is not only subject to profound impermanence risks, but also presents enormous challenges in monitoring and measurement to be able to accurately and reliably ascertain how much carbon has been sequestered. This raises serious concerns for environmental integrity of soil carbon credits. Any change in land management or a natural disaster that disturbs the soil would result in reversals. Finally, paying farmers while only looking at the soil carbon sink ignores the necessary holistic view to ensure rights protections (particularly the right to food, but also land rights, employment rights and the rights of indigenous peoples) and ecosystem restoration that enhances biodiversity. "Research shows that integrated systems of practices based on sound agroecological principles have the greatest potential to mitigate agricultural GHG emissions, sequester and stabilize soil carbon, and attain the full measure of a productive and resilient agricultural system. Practices designed primarily to generate carbon credits will not lead to such innovative and comprehensive approaches,"<sup>2</sup>

Finally, it is important to recognize the sensitivity of the land sector to human rights, including particularly the right to food, land rights and the rights of indigenous peoples. According to the IPCC AR6 report, "land restoration contributes to climate change mitigation and adaptation with synergies via enhanced ecosystem services and with economically positive returns and co-benefits for poverty reduction and improved livelihoods." This also includes the recognition of inherent rights of Indigenous Peoples and their inclusion in the decision making along with local communities and women. It is also worth noting the resilience of ecosystems depends on effective conservation of significant areas of oceans, fresh-water and land; including zero

---

<sup>2</sup> "Why Carbon Markets Won't Work for Agriculture." Institute for Agriculture and Trade Policy and the National Family Farm Coalition. February 4, 2020.  
[https://www.iatp.org/sites/default/files/2020-02/2020\\_01\\_CarbonMarketsAndAg\\_FINAL.pdf](https://www.iatp.org/sites/default/files/2020-02/2020_01_CarbonMarketsAndAg_FINAL.pdf)

deforestation mechanisms in key forest regions like the Amazon, Indonesia and the Congo-Basin. While land-based interventions are essential to combating climate change, strengthening social-ecological resilience and improving sustainability outcomes, such actions are wholly inappropriate for an offset mechanism.

### Engineered Removals

Removals that rely on some form of engineering technology (such as bioenergy with carbon capture and storage, BECCS) or direct air capture (DACs) should be treated differently. BECCS in particular can have significant and detrimental socio-economic impacts that affect local economies and Indigenous Peoples rights, as well as impacts on fresh-water supply, food and biodiversity. As the recent information memo acknowledges, imposing a temporal boundary requirement that carbon removals occur going forward, subsequent to installation of carbon removals technology, is necessary to ensure that the technology actually draws down the concentration of CO<sub>2</sub>. Yet if BECCS is fueled by wood from trees - which is the fuel used by the overwhelming majority of biomass installations worldwide - then the technology will not deliver 'removal' of CO<sub>2</sub> from the atmosphere in a timely way, just as bioenergy without CCS cannot deliver "carbon neutral" energy. Moving carbon that is stored in trees to belowground storage doesn't constitute a "removal" - it is the subsequent regrowth of trees that has the potential to remove carbon from the atmosphere. However, such regrowth takes many decades and overall the carbon impact of bioenergy alone, or bioenergy combined with CCS, is incompatible with the timeframes necessary for climate mitigation. The idea that biomass power plants can instead burn energy crops or crop residues, which have faster turnover time than trees, has been discussed as unrealistic due to the sheer amount of land required and the extremely negative climate, ecosystem, and social consequences of allocating land to energy crops. Furthermore, there is the risk of leakage with the significant pipeline infrastructure required. Additionally, these technologies are unproven, especially at scale. Companies involved in these technologies also have a history of selling credits before removals have actually occurred, which undermines the credibility of the market mechanism.<sup>3</sup>

### Marine CDR

Marine CDR techniques are being considered for carbon credit trading within article 6.4, despite the fact that their feasibility, safety for marine life, ecosystems, food chains, local communities and verifiability of carbon removed are widely disputed or directly not proven. Eg, quantification of alleged carbon removal via OAE will be impossible through observational methods alone.<sup>4</sup> These techniques often fall within sub-techniques such as Ocean Fertilisation, Ocean Alkalinity Enhancement, or Macro-algae sequestration<sup>5</sup>. Those promoting the technologies are mostly tied to commercial interests, which leads to disregard of many of the scientific warnings on the potential impacts of these technologies. In the paper Deep-sea impacts of climate

---

<sup>3</sup> "Venture agrees to buy carbon credits from Summit Pipeline." *The Gazette*. April 27, 2023. Accessed June 19, 2023.

<https://www.thegazette.com/environment-nature/venture-agrees-to-buy-carbon-credits-from-summit-pipeline/>

<sup>4</sup> <https://sp.copernicus.org/preprints/sp-2023-2/>

<sup>5</sup> <https://www.dosi-project.org/wp-content/uploads/Macroalgae-Crop-Deposition-Policy-Brief.pdf>

interventions<sup>6</sup>, Levin et al. state that Marine CDR research has had “limited attention given to ocean biogeochemistry and ecosystems and particularly to impacts on deep sea ecosystems (>200-m water depth), an ocean region that is understudied but fundamental for Earth’s healthy function” concluding that such techniques “may harm deep-sea ecosystems.”

Fish worker networks in India and West Africa<sup>7</sup>, an important group of rights-holders, have expressed concerns with the techniques. The India National Platform for Small-Scale Fish Workers highlights that “Ocean Geoengineering is a nascent and untested technology and its large-scale expansion into the open ocean ecosystem is ill-advised. Moreover, there are many issues that have been identified with the technology. One of those is its extremely low efficiency, thus placing into question the benefits/risks that this technology’s deployment involves.”<sup>8</sup>

**Ocean Fertilisation is already governed under decisions within the London Convention / London Protocol (2007) and the Convention on Biodiversity (decision X/33, 2010) and other marine CDR are being investigated.** In 2010, the London Convention/London Protocol (LC/LP)<sup>9</sup> adopted a thorough “Assessment Framework for Scientific Research Involving Ocean Fertilization”<sup>10</sup> to make sure that any proposals on ocean fertilization are only for scientific purposes and not contrary to the aims of the LC/LP. In 2013, it adopted a broader decision to regulate marine geoengineering. This latter decision does not have enough ratification signatures<sup>11</sup> but counts as a decision of the Protocol. The 2008 and 2010 Resolutions (both adopted by unanimous agreement) remain in place and should be applied by all parties in making assessments and decisions relating to ocean fertilization activities. In October 2022, the LC/LP identified the need to carefully evaluate marine geoengineering techniques<sup>12</sup> stating that these techniques “have the potential to cause deleterious effects that are widespread, long-lasting or severe”. The statement from LC/LP specifies a priority to investigate techniques such as enhancing ocean alkalinity, macroalgae cultivation and other biomass for carbon sequestration including artificial upwelling and more. In March 2023, the LC/LP released a statement that “Active research is underway involving these four marine geoengineering techniques. However, there is considerable uncertainty regarding the effects on the marine environment, human health, and other uses of the ocean.”<sup>13</sup> When Marine CDR companies are conducting research, they should be applying “the generic assessment framework as entailed in

---

<sup>6</sup> Levin, L. A., Alfaro-Lucas, J. M., Colaço, A., Cordes, E. E., Craik, N., Danovaro, R., Hoving, J., Ingels, J., Mestre, N. C., Seabrook, S., Thurber, A. R., Vivian, C., & Yasuhara, M. (2023). Deep-sea impacts of climate interventions. *Science*. <https://doi.org/10.1126/science.ade7521>

<sup>7</sup> <https://citizendaryng.com/cop27-fishnet-alliance-kicks-against-geoengineering-of-oceans/>

<sup>8</sup> [https://smallscalefishworkers.org/wp-content/uploads/2020/05/NPSSFW-Statement-on-Ocean-Geo-Engineering\\_removed\\_221110\\_095637.pdf](https://smallscalefishworkers.org/wp-content/uploads/2020/05/NPSSFW-Statement-on-Ocean-Geo-Engineering_removed_221110_095637.pdf)

<sup>9</sup> <https://www.imo.org/en/OurWork/Environment/Pages/geoengineering-Default.aspx>

<sup>10</sup> <https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/OFAssessmentResolution.pdf>

<sup>11</sup> [https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/London%20Protocol%20Climate%20Change%20Leaflet%202019%20\\_FINAL\\_online%20version.pdf](https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/London%20Protocol%20Climate%20Change%20Leaflet%202019%20_FINAL_online%20version.pdf)

<sup>12</sup> <https://www.imo.org/en/MediaCentre/PressBriefings/pages/Marine-geoengineering.aspx>

<sup>13</sup> <https://www.imo.org/en/MediaCentre/Pages/WhatsNew-1854.aspx>

Annex 5 of the Amendment of 2013 and should apply utmost caution,”<sup>14</sup> however, this is not the case for most initiatives.

**Ocean Fertilisation (OF) could inflict severe impacts on marine life. Given the limited governance and oversight of the high-seas and deep-seas, including Ocean Fertilisation in a carbon market would undermine the decisions of other UN bodies and could permit practices without control or oversight with likely abilities to hide harms by intended projects.** Some of the risks and impacts associated with Ocean Fertilisation are disruption of marine food chains and causing anoxia in some layers of the ocean, through nutrient redistribution; restructuring of the ecosystem; enhanced oxygen consumption and acidification in deeper waters; potential for return to the atmosphere of nearly all the extra carbon removed; and risks of unintended side effects. Some of the trade-offs and spill-over effects are: subsurface ocean acidification, deoxygenation; altered meridional supply of macronutrients as they are utilized in the iron fertilized region and become unavailable for transport to, and utilization in other regions; and fundamental alteration of food webs and biodiversity. There is scientific uncertainty about the proportion of newly formed organic carbon that is transferred to the deep ocean, and the longevity of storage. A significant part of the CO<sub>2</sub> can be emitted back into the atmosphere because much of the organic carbon produced is remineralised in the upper ocean. In the case of macronutrients, very large quantities are needed and the proposed scaling of this technique has been viewed as harmful as well as unrealistic. Several of the mesoscale iron enrichment experiments have seen the emergence of potentially toxic species of diatoms. There is also evidence of increased concentrations of other GHGs such as methane and nitrous oxide during the subsurface decomposition of the sinking particles from iron-stimulated blooms. All could have effects on human food supply, affecting right-holders in coastal and marine regions, including fisher communities. [IPCC, WG3 Full Report, Chapter 12] Ocean Fertilisation is reported to alter biogeochemical cycling, change deep-sea ecosystem structure fundamentally, and may cause homogenization (reduced regional differences) or loss of ecosystem services within the deep seas.<sup>15</sup>

**Ocean Alkalinity Enhancement (OAE) is a conceptual technology, and with note of the London Convention/ London Protocol, has “the potential to cause deleterious effects that are widespread, long-lasting or severe” as there is “considerable uncertainty regarding the effects on the marine environment, human health, and other uses of the ocean”.** Ocean Alkalinity Enhancement involves the extraction, processing, and dissolution of minerals and addition to the ocean where they “enhance” sequestration of CO<sub>2</sub> as bicarbonate and carbonate ions in the ocean. OAE has been subject to a small number of laboratory experiments but not in real conditions. Its biological impacts are largely unknown - the very few studies that have explored the impact of elevated alkalinity on ocean ecosystems have largely been limited to single species experiments [IPCC, WG3 Full Report, Chapter 12] . Deepsea biota that have near-surface-dwelling larval stages could be adversely affected.<sup>16</sup> Some model

---

<sup>14</sup> CRISTIAN MUGNAI, Chair of the Scientific Groups of the London Convention and Protocol, ISPRA, Rome Italy, [e-letter to the paper “Deep-sea impacts of climate interventions” DOI: 10.1126/science.ade7521](#)

<sup>15</sup> <https://www.dosi-project.org/wp-content/uploads/Ocean-Fertilization-Policy-Brief.pdf>

<sup>16</sup> <https://www.dosi-project.org/wp-content/uploads/Alkalinity-Enhancement-Policy-Brief.pdf>

simulations suggest that termination of OAE could pose high risks to biological systems sensitive to rapid environmental changes because it would cause a sharp increase in ocean acidification. OAE termination would lead to a decrease in surface pH in warm shallow regions where vulnerable coral reefs are located, and a drop in the carbonate saturation state. When interacting with seas, it could also increase seawater pH and saturation states and impact marine biota, including the possible release of nutritive or toxic elements and compounds. Like the geochemical technique Enhanced Weathering (EW), OAE implies large scale mining and thus carries large mining impact considerations. Mining of rocks for OAE and EW will have local impacts and carries risks similar to that associated with the mining of mineral construction aggregates, with the possible additional risk of greater dust generation from fine comminution and land application. In addition to direct habitat destruction and increased traffic to access mining sites, there could be adverse impacts on local water quality. Any significant expansion of the mining industry due to carbon markets is undesirable, as mining is already a high emissions industry. Independent, free of commercial conflict of interest assessment by biologists, ecologists and human rights experts must be done before proceeding with any project to carry experiments and deployment, to define the detrimental effects on biodiversity and right-holders. [IPCC, WG3 Full Report, Chapter 12]

2. *What are the roles and functions of the following entities in implementing the operations referred to in this guidance: Activity proponent(s), Article 6.4 mechanism Supervisory Body (6.4SB), 6.4 mechanism registry administrator, Host Party, stakeholders?*

Host party ownership and stakeholder consultations are essential to any activities, removals or otherwise, under the article 6.4 mechanism, specially in respect to FPIC in the case of Indigenous communities, local communities and rural/coastal communities that could be affected. That means the host party and right holders must have been part of the design process for the proposed activity as early as possible, ideally from the very beginning. Stakeholder consultation, at a meaningful level, fully respecting the rights of indigenous peoples, and the rights of rural -coastal and local communities, is essential. That means consultation with all of the different rights holders throughout the design and approval process, paying special attention to those holding marginalized identities, including women and girls. In particular, any activities on or impacting tribal lands must have the relevant tribal authorities approval.

3. *How are these elements understood, in particular, any interrelationships in their functions, timeframes, and implementation?*
  - a. *Monitoring period*

If an offset is sold, resulting in emissions somewhere which are supposed to be 'offset' by a removal, then the logical answer, driven by a precautionary approach, is that the monitoring should last as long as the emissions enabled by the offset are in the atmosphere. That

statement is likely to create a strong pushback among removal proponents as not being rational or reasonable. But reversals at any point in the future would ‘undo’ any supposed climate benefit. There is no point in the foreseeable future where the carbon budget will not be a concern, where reversals would have no wider impact. Therefore it is perfectly reasonable to insist on monitoring for as long as the emissions the removal offset could be expected to be in the atmosphere (700-1000 years for CO<sub>2</sub>).

The previous information note in fact states that for removals to have any impact, they need to at least last the next 200-300 years (for which the activity should be monitored and ensured it maintains the carbon stock). Even that more defined period would be profoundly challenging, when considering the fluidity within our institutions (and the shorter term nature of many companies). It would be reasonable following this concern to not allow removals into Art 6.4 at all.

This principle should further inform decision making on the types of removals. Removals where reversal is likely, where monitoring is impossible, or where the unknowns around the technology create too many uncertainties, should not be allowed.

### **Questions on specific elements**

#### **A. Definitions:**

*Discuss the role and potential elements of definitions for this guidance, including “Removals”.*

The Supervisory Body does not need to and shouldn’t attempt to articulate a scientific definition of removals, which is best left to the scientists such as the IPCC. Therefore, the definition of removals should be focused on defining what activities are allowed or not allowed under the 6.4 mechanism.

CLARA continues to strongly believe that removals should not be allowed for consideration under the Article 6.4 market mechanism. However, at a minimum we would urge:

- Removals include only activities that actually remove net carbon from the atmosphere, so that carbon capture and storage (CCS) attached to fossil fuels or Carbon Capture and Usage (CCU) with re-release of carbon cannot qualify. BECCS that uses forest wood as a feedstock likewise is highly unlikely to deliver net removals in a timeframe consistent with the urgent need for climate mitigation.
- Removal activities need to be able to ensure the permanent storage of carbon in non-atmospheric carbon sinks; critical to ensure a precise and science-based definition of carbon removals so that activities that do not live up to these characteristics are not falsely identified as carbon removals
- Speculative technologies where environmental and social impacts are largely uncertain or likely negative, or where carbon removal and its permanence are not demonstrated, should be eliminated
- Any removal technologies or approaches with negative impacts on biodiversity, environment, climate and communities should be eliminated

- There must be strict additionality criteria to ensure that the results of ongoing natural processes cannot be claimed and traded

### ***E. Addressing Reversals:***

*In order to minimize the risk of non-permanence of removals over multiple NDC implementation periods, and, where reversals occur, ensure that these are addressed in full.*

- 1. Discuss the applicability and implementation aspects of these approaches, including as stand-alone measures or in combination, and any interactions with other elements of this guidance: a. Non-permanence risk buffer (pooled or activity-specific); b. Insurance / guarantees for replacement of ERs where reversals occur (commercial, sovereign, other); c. Other measures for addressing reversals in full.*

We do not see any of these proposed solutions to the problem of impermanence.

Non-permanence buffers: tension between economic feasibility and ensuring the buffer is large enough; increasingly difficult to predict the reversibility risk, in particular of land-based carbon sequestration with a fast-changing climate; buffer pools often undercapitalized e.g.

<https://www.frontiersin.org/articles/10.3389/ffgc.2022.930426/full>

Insurance: increasingly more difficult to actually achieve additional removals, problems with insuring that these removals actually can take place after reversals;

Bottom line: none of the proposed approaches to deal with reversals can actually address the problem.

- 2. Discuss the appropriate timeframe(s) for applying the approaches, including any interactions with other elements of this guidance and the applicable scope, i.e., relevance to all 6.4 mechanism activities, to removals activities, or to specific removal activity categories or types.*

Activity types (meaning a specific technology or strategy such as reforestation) should be evaluated for risk assessments before projects can be proposed. The activity risk assessment should be conducted by a third party expert with stakeholder / right holder consultation and comments. The Supervisory Body will then need to act on the report and decide to approve the activity or not. Then, individual projects should also be submitted to a risk assessment (which should be expected to respond to risks identified in the activity level assessment). This should once again include stakeholder consultation.

- 3. What risks of non-permanence need to be minimized, and how can these risks identified, assessed, and minimized?*



When evaluating an activity type, any major risk of non permanence should be disqualifying. Carbon markets are not the only means of climate action, nor should they be a main one. Any activity type that does not qualify due to possible impermanence can still be pursued, but not via a market mechanism where an offset will be sold. This should be a major point of consideration for both activity type and project approval.

4. *In respect of risk assessment, how should the following elements be considered in the implementation of the approaches in (a) and any other relevant elements in this guidance?*

- a. *Level of non-permanence risk assessment, e.g., activity- or mechanism-level*  
Activity types should be evaluated for risks and then there should be a second project specific assessment. Both assessments should be conducted by independent, third party analysts with input from stakeholders, before decisions are made by the Supervisory Body.
- b. *Timing for risk assessment(s)*  
Activity type risk assessments should be conducted before projects of that type can be proposed, so the Supervisory body may make a decision on if that type of activity is eligible. Specific project risk assessment should be evaluated before any work begins and before the credits are sold.
- c. *Entity(ies) responsible for risk assessment(s), e.g., activity proponent, 6.4SB, actuary*  
The risk assessment must be conducted by an independent third party entity that is not answerable to the activity or project proponent. Furthermore, the risk assessment must be made public.

6. *In the event of a reversal, what interactions and implementation aspects should be considered in respect of other elements of the activity cycle?*

Reversals should be evaluated each time in order to determine if the risk assessment for the project or the activity type missed important information. A report which includes 'lessons learned' should be developed for each instance, and be made available to the Supervisory Body and ultimately made public.

Should a majority of the activity types for removals result in reversals at any given point, extra scrutiny should be applied in project risk assessments. If this is the case for five years in a row, the activity should lose its eligibility to generate credits. A new risk assessment could be conducted but only after a period of time (such as five years) to allow understanding, strategies and or the technology to further evolve

## **G. Avoidance of other negative environmental, social impacts**

*Discuss considerations to be given to core elements for avoidance of other negative environmental, social impacts; where possible, identifying the applicable scope, i.e., relevance to all 6.4 mechanism activities, to removals activities, or to specific removal activity categories or types.*

All activities under 6.4 mechanism must be conducted in accordance with respect for and protection of human rights, especially the rights of indigenous peoples, the rights of local communities and the rights of women. All activities must comply with international law and standards. Credits under this mechanism must not be allowed to be generated by activities that have negative environmental and social impacts, especially those that have caused a rights violation.

To implement this, there must be meaningful public participation and consultation with rights holders before a project is approved and throughout the life of the project. This should include complying with indigenous peoples' right to free, prior and informed consent. As part of the project approval process, if a project is impacting indigenous peoples' territory, the tribal government must have given permission after a meaningful stakeholder consultation and risk assessment. **Removal credits issued under the Paris Agreement should not be generated from activities that have negative environmental and social impacts.**

While the independent grievance redress mechanism will not help avoid negative environmental and social risks, it can play a role in providing remedy if those risks are not avoided and harm occurs. As evidenced by the history of the CDM, market activities can negatively affect people and the environment. Therefore it is essential that such a mechanism is in place prior to any article 6.4 mechanism activities taking place. For this grievance process to be effective, the 6.4 independent grievance redress mechanism must be aligned with the UN Guiding Principles on Business and Human Rights effectiveness criteria, including that it be legitimate, accessible, equitable, transparent, predictable, rights-based, and a source of continuous learning. Respecting the right to remedy means people who are harmed or think that they will be negatively impacted have to be able to access an avenue for redress free from fear of retaliation, and that this mechanism is able to provide actual remedy.