

<p>Name of submitter: Sandra Dalfiume</p> <p>Affiliated organization of the submitter (if any):</p> <p>Contact email of submitter: dalfiume@perspectives.cc</p> <p>Date: 28/11/2023</p>	<p style="color: blue;">Legend for table 1: comments on any other elements contained in the draft procedure.</p> <p>1 = Section Number in the document or Appendix 2= Paragraph, table or figure number 3 = Nature of input is general, technical or editorial 4 = Comment – the actual feedback or observation, including justification for what needs changing 5 = Proposed change – suggest the text if possible 6 = Assessment of comment – secretariat to document response/action taken to comment</p>
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The Supervisory Body wishes to seek comments on the draft procedure in particular the following aspects of the appeal and grievance processes. You may wish to provide your views on any of the questions or sub-questions below (it is entirely optional).

1. **How can the risk of abuse of the processes be minimized while ensuring equitable access to the processes, in terms of:**
 - (i) Standing for stakeholders who may file an appeal or submit a grievance?
 - (ii) Fees for filing an appeal or submitting a grievance?
 - (iii) Timeframe for filing an appeal, taking into account potential impacts on investments?
 - (iv) Scope of appeal (which Supervisory Body decisions should be appealable)?
 - (v) Measures to ensure the finality of Supervisory Body decisions related to appeals or specific subject matters of grievances, to provide a reasonable level of certainty to activity participants regarding their A6.4 activities?
 - (vi) How should the appeals and grievances procedure relate to integrity safeguards under the Article 6.4 mechanism?

The below comments are only directed towards the **Draft Procedure of the grievance process:**

How to minimize the risk of abuse of the grievance mechanism:

The two key main strategies to reduce the number of grievances are to have robust safeguards in place and promote meaningful stakeholder participation processes. The *Draft Procedure* indicates local and global participation will be required prior to the authorization of A6.4 activities, and social and environmental impacts of A6.4 activities need to be assessed using the sustainable development tool (the robustness of these procedures has not been analysed and consequently cannot comment on the effectiveness of them). Actions to preclude access to the grievance mechanism should not be put in place.

Still, to reduce a potential risk of abuse, it may be helpful to clarify how the A6.4 grievance mechanism is connected to other grievance mechanisms -that could be also accessible by the complainant-, such as those offered by project developers, financing institutions, or even the country's Ombudsman (if available). This does not mean that grievances that have already been filed with other local or national mechanisms should not be accepted, but rather that their use should be encouraged. By doing so, the national or project developer mechanism may be able to respond more quickly to some grievances, which is one of the key functions of a grievance mechanism - providing swift and cost-effective remedies.

Notwithstanding the foregoing, on the specific points, the following aspects are suggested:

- i) **Any stakeholder shall be entitled to lodge a grievance at any desired time.** Limitations on who could file a grievance should not exist, especially when the outcome of the grievance process – as indicated in the Draft Procedure- is mainly designed at providing recommendations to activity participants, national authorities and the Supervisory Body. In this regard, para. 34 should be rewritten to allow any stakeholder to file a grievance. This is particularly important as, in many cases, vulnerable people may not have the means and options to speak by themselves. For example, it could be the case a local indigenous community doesn't have the proper means to file a grievance at the UN level, but a regional Indigenous People federation might.
- ii) **No procedural costs or other fees must be charged** to the complainant for lodging grievances. This is a practice that should not be pursued at all, as it deters potentially aggravated people from seeking a remedy.
- v) Overall, the **roles of the different entities involved (UNFCCC Secretariat, SB, and the Grievance Panel) should be better clarified in the Draft Procedure.** The ideal scenario should be to have a Grievance Mechanism that is independent, has “teeth”, and is able to challenge the decision of the A6.4SB. However, the current structure suggests that the mechanism is not independent as it can only provide recommendations to the SB (e.g., recommendation on suspension of activities). Therefore, the overall recommendation is to establish a grievance mechanism that can make fully independent decisions instead of just providing recommendations.

Notwithstanding the above-mentioned, if the current structure is maintained, **the Panel's recommendation to the SB should also encompass suggesting the SB to overturn a prior decision of the A6.4SB, including the possibility of deregistering an activity in case significant adverse effects of social, economic or environmental nature are proved.**

For further recommendations regarding the overall procedure, please consult the Perspective Climate Group report published in [March 2023](#).

2. **How can the processes ensure competence and independence of appeal and grievance panels, and their independence from the Supervisory Body, activity participants or the host Party?**

The below comments are only directed towards the **Draft Procedure of the grievance process**:

Overall, the roles of the different entities involved (UNFCCC Secretariat, SB, and the Grievance Panel) should be better clarified in the *Draft Procedure*. The ideal scenario should be to have a Grievance Mechanism that is independent, has “teeth”, and is able to challenge the decision of the A6.4SB. However, the current structure suggests that the mechanism is not independent as it can only provide recommendations to the SB (e.g., recommendation on suspension of activities). The decision on the suspension of activities still relies on the SB.

Therefore, the overall recommendation is to establish a grievance mechanism that can make fully independent decisions instead of just providing recommendations. The A6.4SB should be notified about the grievances, but the A6.4SB should not interfere with the remedies that are provided or the final decisions to be made. Also, it is essential to have policies in place to avoid conflicts of interest -also in the case of A6.4SB representatives.

Finally, to be fully independent, the mechanism must be adequately financed.

3. **How should the cost for the operation of the processes (e.g. remuneration for panel members, administrative costs for secretariat support) be funded?**

Our comments are only targeting the draft procedure of **the grievance process**:

The financing of the grievance mechanism requires further consideration, but by no means should the complainant bear the burden of it.

Table 1: comments on any other elements contained in the draft procedure

1 Section no.	2 Para., table or figure no.	3 Type of input G = general T = technical E = editorial	4 Comment	5 Proposed change (Include proposed text)	6 Assessment of comment <i>(Completed by secretariat)</i>
NA					