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Legend for Columns	
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

Esteemed Members of the Supervisory Body to Article 6, paragraph 4 of the UNFCCC Paris Agreement,

Indigenous Environmental Network (IEN) is a non-profit 501(c)3 Indigenous-led organization based in Minnesota, United States with remote offices throughout North America, Turtle Island. For nearly 30 years, IEN has participated and observed The United Nations Framework Convention on Climate Change (UNFCCC), The United Nations Conference on Biodiversity (UNCBD), The United Nations Permanent Forum on Indigenous Issues (UNPFII), The United Nations Office of the High Commissioner for Human Rights (OHCHR) and various other UN fora.

While the Sustainable Development Tool of Article 6.4 of the Paris Agreements aims to provide guidance for a global carbon offsets market, IEN would like to raise serious concerns about the plan’s failure to consider and prioritise the voices, needs, and roles of Indigenous Peoples in its guidelines and actions. This is especially concerning due to the fact that Indigenous Peoples continue to be [targeted by carbon offset](#) project developers, managers and designers, while fossil fuel and other extractive industries benefit from these markets-driven mechanisms. The continued violations of Indigenous Peoples through carbon offset projects, both in the voluntary and compliance markets, must be taken very seriously. Indigenous Peoples hold [80% of Mother Earth’s remaining biodiversity](#) in Indigenous Peoples’ lands, waters, and territories. Biodiversity, in turn, fulfils fundamental needs such as food, traditional medicine, livelihoods, and cultural and spiritual activities, forming the bedrock of Traditional Indigenous Knowledge (TIK) and cosmovision across all socio-cultural regions and the rest of the planet’s inhabitants. The crucial role of Indigenous Peoples defending Mother Earth must not be overlooked because the global carbon offsets mechanism of Article 6.4 seriously risks causing further harm to Indigenous Peoples’ rights and sovereignty.

Indigenous Peoples view protecting, defending and restoring Mother Earth as central to Indigenous cosmologies and teachings, and these acts of care are vital for the planet’s survival. Moreover, Indigenous Peoples resist and defend these territories against the violence of the economic development regime that foregrounds fossil fuels and agribusiness extraction. According to [Human Rights Defenders Memorial](#) data, just five countries including Colombia, Ukraine, Mexico, Brazil, and Honduras made up for over 80% of killings of human rights defenders in 2022 with Colombia accounting for 46% of the total. Indigenous Peoples working on land and environmental rights were the most frequently targeted, accounting for almost half of the total killings. Indigenous Peoples are at the forefront of evacuations and escalating environmental violence, while holding the most valuable and biodiverse lands and waters on this planet, and the sacred TIK to maintain this biodiversity. Multinational extractive corporations hire [private security to target](#) pressure and threaten Indigenous Peoples. Based on communication with many Indigenous Peoples impacted by carbon offset projects, the project managers, brokers and designers do not practise free, prior and informed consent (FPIC) and rarely share the full information of the

carbon offset project with Tribal leaders and members. Environmental violence, such as the violence perpetuated by unequal and unjust carbon offset projects and the legitimacy offsets given for extractive industries to continue extraction and emitting greenhouse gases, has a multitude of impacts on Indigenous Peoples' health and well-being. Multilevel impacts related to environmental, cultural, and social violence include traumatic violent events, evictions, cultural erasure, death threats, racism and discrimination, food and water scarcity, contaminated water and food, as well as missing and murdered Indigenous women, children, and relatives highlight the unique risk profile of Indigenous Peoples around the world. All of the violences risk the rights, sovereignty, health and well-being of Indigenous Peoples' and TIK, while Indigenous Peoples should be considered key agents to provide guidance and actions for a Sustainable Development Tool and an Appeal and Grievance tool. Further, it is imperative that language in this tool includes information that holds carbon managers, brokers and designers accountable when violations to Indigenous Peoples' territories occur. Therefore, we strongly recommend language that includes the following edits below and specifically language that includes: **Any actions resulting in the violations to Indigenous Peoples' rights, sovereignty, FPIC and jurisprudence, including and especially expulsion from territories, will result in the immediate disqualification of the project and immediate dismissal of the project from the A6.4 mechanism database. The carbon offset company, seller and third party verifier will be responsible for repaying all damages to the Indigenous and local communities and repaying the losses to the purchaser(s) of the credits, and may be held liable in a court of law. Finally, the carbon offset company, seller and third party verifier will be banned from all business practices in the Article 6.4 database for five years.**

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Section no.	Para., table or figure no.	Type of input G = general T = technical E = editorial	Comment	Proposed change (Include proposed text)	Assessment of comment <i>(Completed by secretariat)</i>
All		G	IEN expresses deep concern about the repeated use of the term "Indigenous People" throughout the draft tool that disregards the collective identity and diversity among Indigenous Peoples that must include the 's' on Peoples.	Indigenous Peoples	

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All		G	The draft tool subjects the identification, evaluation, verification, and addressing of risks related to 6.4 activities to the limited boundaries of national law and regulation, which risks the violation of human rights, in particular, the rights of Indigenous Peoples. Further, references to international standards have been removed, which could undermine the protection and enforcement of human rights, rights of Indigenous Peoples and environmental standards. IEN requests that the Secretariat review and revise the draft tool to thoroughly incorporate international laws, standards, and best practices in the implementation of 6.4 activities, in particular, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) . The section on human rights is meaningless if it does not include mention of the UNDRIP.	...	
2	2	T	Remove the bracket around the “negative”		
2.1	3	T	The current text lacks a human rights-based approach , particularly on Indigenous Peoples issues, as it prioritises and over-rely on compliance with host country regulations over Indigenous/customary and international laws and standards. It also allows risks even if found when “avoidance is not possible,” undermining Indigenous rights and perpetuating harm. This further prioritises ‘development’ and profit over Indigenous Peoples’ rights.		
2.1	3	T	When it relates to the contributions of activities to sustainable development, there is a need to acknowledge both positive and negative contributions, and the use of such language to be consistent throughout the text.	...activity participants are required to demonstrate how the proposed activities positively or negatively contribute to...	

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2.1	7	T	The phrase “may revise/update” in the current text leaves room for community inputs through local stakeholder engagement processes to be ignored or not fully considered. Additionally, considering that Indigenous Peoples provide critical insights and standards. More than just one seat at the table, Indigenous Peoples should be involved at every level of decision-making and policy development.		
2.2	10	T	The principles for establishing monitoring indicators needs to consider Indigenous perspectives, laws, and Traditional Knowledge.	d) Principles for establishing sustainable development monitoring indicators based on Traditional Indigenous Knowledge, with considerations of the SDGs and their targets	
2.2	footnote 2	E	The same form is mentioned twice	“Three forms include: the A6.4 Environmental and Social Management Plan form A6.4 Environmental and Social Safeguards Risk Assessment Form , A6.4 Environmental and Social Management Plan form and the A6.4 Sustainable Development Tool form.”	
4	13	T	The example provided for the definition of activity-level environmental and social indicators is deeply concerning. The current text presented the “environmental and social indicators for afforestation or reforestation activity may include mitigation measures to compensate tenants for land and to relocate the lands to a different part of the concession.” This presentation overlooks the complex and often detrimental implications for Indigenous People. In reality, such measures have frequently been associated with violations of human rights, including silencing opposition, dividing communities, and stopping resistance, often employed by extracting industries that are most likely to be 6.4 participants.	“c) Activity-level environmental and social indicators: activity specific indicators identified during “Do-No-Harm Risk Assessment” that are required to be defined in “A6.4 Environmental and Social Management Plan”. Examples of activity-level environmental and social indicators for afforestation or reforestation activity may include mitigation measures to compensate tenants for land and to relocate the lands to a different part of the concession. ”	

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4	13	T	The definition of Indigenous Peoples falls short of recognizing the need to protect, respect, and honor Indigenous sovereignty, self-determination, and jurisprudence that are crucial to climate change policy. Indigenous perspectives, rooted in Traditional Knowledge and cosmologies, are essential for effective climate mitigation and adaptation efforts. More than just one seat at the table, Indigenous Peoples should be involved at every level of decision-making and policy development, with Parties following the lead of Indigenous Peoples. Therefore, it is imperative to prioritize Indigenous participation in decision-making processes, ensuring full and effective Free, Prior, and Informed Consent (FPIC) and integrate Traditional Indigenous Knowledge into all processes.	(h) Indigenous Peoples: inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have— Indigenous Peoples retained unique social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Indigenous Peoples’ perspectives, rooted in Traditional Knowledge, are vital for effective climate action. Prioritizing Indigenous participation as leaders in climate change policy and decision-making processes and integrating Traditional Indigenous Knowledge is critical for meaningful climate mitigation and adaptation efforts.	
5	17	T	Activity participants need to consider Traditional Indigenous Knowledge and customary laws in their assessments	“... principles under the environmental and social safeguards, the activity participant shall conduct further assessment against principles according to Traditional Indigenous Knowledge, customary laws, and the host country legal/regulatory requirements applicable to the proposed activity type...”	

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5	Table 1	T	Activity participants need to consider Traditional Indigenous Knowledge and customary laws in their assessments. Furthermore, the text allows the activity participants to use “industry best practices” and “voluntary corporate policies” to determine presence and levels of risks in absence of national legal/regulatory requirements. This approach undermines a human rights and precautionary approach that allows for corporate and industry abuse, as such actors are likely to adjust their standards to suit their interests.	“In case of lack of legal/regulatory requirements of Traditional Indigenous Knowledge, customary laws, of the host Party , the activity participant may is required to take into account inputs from Indigenous Peoples and members of local communities, along with industry international standards, best practices, and or voluntary corporate policies of the organization; to assess if the aspects are harmful. For ensuring transparency, all assessments will be documented and made public on the A6.4 website. ”	
5	17	T	Indigenous Peoples and members of local communities should have decision-making power to validate and verify the A6.4 Environmental and Social Management Plan.	“A6.4 Environmental and Social Management Plan shall be validated by impacted Indigenous Peoples and members of local communities, along with a designated operational entity (DOE) during registration, and the outcome of monitoring for a monitoring period as per A6.4 Environmental and Social Management Plan, including any records of a safeguard communication channel, shall be verified by impacted Indigenous Peoples and members of local communities, along with a DOE.”	
5.1	Table 2	E	Principle 9: Indigenous People	Principle 9: Indigenous Peoples	

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P2.1	24	T	The current text stated that when historical pollution is found, that the “the activity participant shall seek to determine whether it is responsible for mitigation measures”, raising significant concerns regarding accountability for cumulative impacts on Indigenous Peoples. When it comes to addressing such pollution, it should be understood that Indigenous Peoples and members of local communities are recognized as leaders of such efforts. Furthermore, participants should prioritize inputs from Indigenous Peoples and members of local communities in addressing pollution impacts	In cases of historical pollution, such as air contamination, the activity participant must conduct a thorough investigation to ascertain responsibility for mitigation measures. Should the activity participant be found legally responsible, resolution of these liabilities must respect the rights of Indigenous Peoples. The process should be governed by the highest standard among national, international and Indigenous standards and conducted with the full and effective FPIC of Indigenous Peoples.	
P2.2	30	T	Recognize and include the role of Indigenous Peoples in resource management.	P2.2.6: Activities that involve the production, harvesting and/or management of living natural resources by Indigenous Peoples , small-scale landholders and/or local communities shall adopt appropriate and culturally sensitive sustainable resource management practices.	
P2.2	Table 5, P2.2.5	T	Recognize and include the role of Indigenous Peoples in resource management.	“Does the proposed A6.4 activity that involves the production, harvesting, and/or management of living natural resources by Indigenous Peoples small-scale landholders and/or local communities pose any risk related to appropriate and culturally sensitive sustainable resource management practices?”	

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P2.3	33	T	add	<p>"P2.3: When the proposed activity is a potentially significant consumer of water, in addition to applying the resource efficiency requirements of this principle, the activity participant shall adopt measures that avoid or reduce water usage so that the activity's water consumption does not have significant adverse impacts on people, and biodiversity, and human rights. These measures include, but are not limited to, the use of additional, technically feasible water conservation measures, the use of alternative water supplies, the reuse of water, water consumption offsets to reduce total demand for water resources to within the available supply, and evaluation of alternative activity locations, as appropriate."</p>	
4	46	T/E	add	<p>"...ensuring that it does not violate the human rights or the rights of Indigenous Peoples under any circumstances. This includes actively preventing any infringement on these rights and promptly addressing any adverse human rights impacts that may cause or contribute to violating these rights. Special attention must be given to the rights of Indigenous Peoples, ensuring that activities do not proceed without their free, prior, and informed consent, and that measures adopted with the full and effective participation of Indigenous Peoples are in place to mitigate any potential negative impacts on their communities, traditional territories, or cultural heritage.</p>	

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8			Add a paragraph	No activity shall result in the removal of Indigenous Peoples from their lands and territories, see paragraph 70. No restriction shall be placed on Indigenous Peoples' rights to their lands, territories and resources without their free, prior and informed consent. Any actions resulting in the removal of Indigenous Peoples from their lands will result in the immediate disqualification of the project and immediate dismissal of the project from the A6.4 mechanism database. The carbon offset company and third party verifier will repay all damages to the Indigenous and local communities and repay the losses to the purchaser(s) of the credits, and may be held liable in a court of law.	
9	9.2	E	add	The activity participant, with the full and effective participation of Indigenous Peoples using free, prior and informed consent , shall carry out an environmental, cultural and social analysis of the activities that may affect or involve Indigenous Peoples by completing the A6.4 Environmental and Social Safeguards Risk Assessment Form only if and when Indigenous Peoples consent to the process . The analysis shall verify whether Indigenous Peoples reside in the proposed activity areas and/or if the activities may affect Indigenous Peoples outside of activity areas. The assessment shall include the potential impacts on their rights, lands, territories, gender relations and resources.	

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71	9.4		add	The activity participant shall recognize and respect the Indigenous Peoples' collective rights to own, use, develop, and control the lands, resources, and territories that they have traditionally owned, occupied, or otherwise rightfully used or acquired, including lands and territories for which they do not yet possess title. No activities can take place on these lands and territories without the free, prior and informed consent of Indigenous Peoples involved.	