



Supervisory Body Art. 6.4
UN Climate Change Secretariate
UNFCCC

Lucerne 21st April 2024

Public comment on agenda of the 11th meeting of the Article 6.4 Supervisory Body

Appeal & grievance processes

Dear Sir or Madame

As per publication shared on the Supervisory Body Webpage regarding the 11th meeting of the Article 6.4 Supervisory Body, the public is invited to share comments on issues included in the annotated agenda.

Fastenaktion / Swiss Lenten Fund is happy to follow this invitation. In its 60 years of activity, Fastenaktion has acquired a longstanding experience in development work and currently implements projects in 14 countries, including a Gold Standard certified project. The right to food and climate justice are at the heart of our work.

We welcome that the Supervisory Body is working on the important topic of elaborating appeal & grievance processes. Concretely, we would like to comment Agenda Item 3 "Matters relating to the Article 6.4 mechanism" and specifically on the "Draft Procedure: Appeal and grievance processes under the Article 6.4. mechanism" (A6.4-SB010-AA-A04).

1) Fees of appeals and grievances

It seems that since its last version at the 10th SB meeting, considerations on fees have considerably advanced. Unfortunately, we believe that the current draft does not respond to realities of local communities potentially in need of a grievance mechanism. This, for several reasons:

Barriers to the Use of the Appeals and Grievance Mechanism

- From the perspective of local communities potentially in need of a grievance mechanism, it is very clear that **fees**, but also a **complicated procedure** to file complaints are important barriers to the use of a grievance mechanism.
- **Fees:** This new draft (par 13) requires all actors to deposit a sum, even the ones that are waived from such fees, with the risk of this deposit not being paid back if the claim is found without merit. In our experience of working in developing countries all over the globe, for local communities, a deposit or fee of 2500 USD, is likely to be an effective barrier for filing a grievance without financial support. Even if support is given in form of a loan, a community in most cases could not take the risk of filing a grievance, as there is a threat of a considerable **debt**.
→ We therefore see the risk that the fee impedes the grievance process to achieve its objective as per the scope.
- **Complicated procedure:** The new draft elaborates in section 3.3 of the Cover Note par 40 to 46 the possibilities but also difficulties with fees and concepts for differentiated fees according to nature of claims. → When implemented, we see a high risk that such procedures will impose a high barrier to the use appeal and grievance mechanism.

Conclusion:

We believe that the current schema for fees would not allow the mechanism to function according to its scope and therefore that the current draft should be adopted.

Suggestion:

We would invite the Supervisory Body to reflect again on the concept of fees and related procedures, for example in exchange and dialogue with the **Green Climate Fund** and their experiences with a Grievance Mechanism that does not impose fees for filing complaints.¹

- What are the GCF's experiences with the non-fee approach?
- How does the GCF manage the balance between low-level inclusion of stakeholders, which is necessary to have a grievance mechanism fit for purpose and frivolous complaints?

2) Reflection in Indigenous Peoples, local communities and local non-profit organizations

- Compared to last version, section 4.4 par. 12(b) and section 5.3 par. 40 (b) of this document, does no longer offer reduced fee d to local communities and local non-profit organizations.

Reflection

- Not only recognized indigenous peoples, but also local communities, as recognized by the Local Communities and Indigenous Peoples Platform (LCIPP), as well as local non-profit organisations play an **important role in the local territorial management in many places** around the world. Often, they face the same limitations (financial and resources) as Indigenous Peoples and therefore, for an effective functioning of the Appeals and Grievance Mechanism they should be treated equally.

Suggestions

- We would invite the Supervisory Body to adjust par. 12(b) and par 40 (b) back to the previous version, including local communities and local non-profit organizations as waived from fees.
- We would invite the Supervisory Body to find define “local communities” in collaboration with the LCIPP, with a spirit to adopt an inclusive definition and to make this definition publicly accessible as to increase transparency.

3) Standing of appeals

- Section 4.1 “appeal process”, para 7, option 2, which makes possible to appeal against decisions on methodologies and standardized baselines” seems preferable to us, **we would recommend not deleting it**: In the past year, many carbon activities have been criticized for flawed methodologies, often linked to flawed baselines. Hence, a mechanism that allows to strengthen their robustness through appeals, might increase credibility of the whole 6.4 mechanism.

We thank you for considering our comments and are available for any questions.

David Knecht

Program Energy & Climate Justice

Fastenaktion / Swiss Lenten Fund

knecht@fastenaktion.ch

¹ <https://www.greenclimate.fund/document/procedures-and-guidelines-independent-redress-mechanism>