



INPUT OF INDIGENOUS PEOPLES ON OPTIONS TO REVISE THE RECOMMENDATION ON ACTIVITIES INVOLVING REMOVALS UNDER THE ARTICLE 6.4 MECHANISM, TAKING INTO ACCOUNT STAKEHOLDER INPUTS V3.0.

July, 2024 | SBM013

The International Indigenous Peoples Forum on Climate Change (hereinafter “Indigenous Peoples’ Caucus” or “Caucus”) appreciates the Information Notes containing options to revise the recommendation on activities involving removals under the Article 6.4 mechanism, taking into account stakeholder inputs.

The Caucus is pleased to see its options being reflected alongside those of others for consideration by the Members of the Supervisory Body. The Caucus also appreciates the opportunity to provide its view on these options, which are contained below:

Firstly, the Caucus continues to ask the Members of the Supervisory body to ensure that the “Recommendations on activities involving removals under the Article 6.4 mechanism” upholds the rights of Indigenous Peoples as contained in the United Nations Declaration on the Rights of Indigenous Peoples, including but not limited to free, prior and informed consent, and full and effective participation of Indigenous Peoples, when activities involving removal under the Article 6.4 mechanism may affect them and their rights.

Upholding the rights of Indigenous Peoples and implementing the UNDRIP is not only a legal requirement but also significantly contributes to achieving the Parties’ and the international community’s climate goals. Respecting UNDRIP leads to better climate action outcomes and fosters a collaborative environment for addressing the global climate crisis.

For this reason, the Caucus expresses its opposition against any caveats, such as references to national prerogatives, which hinders the development of robust social and environmental safeguards which are aligned fully with international standards.

Secondly, the Caucus continues to support the submission it made on April 15, 2024 (Reference Number 392 in the Information Notes) which was re-iterated by its representative at the Stakeholders Workshop on June 3, 2024. These are as follows:

Paragraph 196 for “Paragraph 32” under “3.6 Addressing Reversals”

Paragraph 251 for “Paragraph 42” under “3.6.2.2 Corrective Actions”

Paragraph 258 for “Paragraph 44” under “3.6.2.3 Preventive Actions”

Paragraph 348 under “3.8 Avoidance of other negative environmental and social impacts”



Paragraph 357 for “Paragraph 62” under “3.8 Avoidance of other negative environmental and social impacts”

Paragraph 362 for “Paragraph 63” under “3.8 Avoidance of other negative environmental and social impacts”

Please see Annex I of this submission for the Caucus’ submission dated April 15, 2024.

Finally, the Caucus reminds the Members of Supervisory not to conflate Indigenous Peoples with local communities or imply in any way that the two have equivalent rights or status. Indigenous Peoples hold inherent collective rights under UNDRIP. These rights include, but are not limited to, the right of self-determination (Article 3 of UNDRIP), the rights to lands, territories and resources (Article 26 of UNDRIP), and the right to free, prior and informed consent in connection with consultation and cooperation with Indigenous Peoples through their representative institutions prior to approval of any projects affecting their lands, territories and other resources (Articles 18, 19, 32 of UNDRIP).

The Caucus requests the Members of Supervisory Body to ensure that “Recommendations on activities involving removals under the Article 6.4 mechanism” accurately reflect the status and rights of Indigenous Peoples.

ANNEX I

Call for public input – Template for input

[A6.4-SB009-A01 \(methodologies\)](#) or [A6.4-SB009-A02 \(removals\)](#)

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Date: April 14, 2024

Legend for Columns

0 = A6.4-SB009-A01 (methodologies) or A6.4-SB009-A02 (removals)
1 = Section Number in the document
2 = Paragraph number
3 = Comment – the actual feedback or observation, including justification for what needs changing
4 = Proposed change – suggest the text if possible

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Call for public input – Template for input | [A6.4-SB009-A01 \(methodologies\)](#) or [A6.4-SB009-A02 \(removals\)](#)

0 Meths or Removals	1 Section no.	2 Para. no.	3 Comment	4 Proposed change (Include proposed text)
A6.4-SB009-A02 (removals)	3.6. Addressing reversals	32	<p>The Indigenous Peoples Caucus submits the following comments applicable to all proposed text changes offered herein. As currently drafted, the Supervisory Body’s Recommendation for “Activities involving removals under the Article 6.4 mechanism” does not in any way acknowledge or consider the collective rights of Indigenous Peoples or adequately fulfil the Supervisory Body’s obligation to ensure and protect these rights, as required by decision 3/CMA.3, “Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement” (“decision 3/CMA.3”). Under decision 3/CMA.3, the Supervisory Body has a clear and express obligation to “[e]stablish the requirements and processes necessary to operate the [Article 6.4] mechanism” in a manner that “respect[s], promote[s], and consider[s]” human rights and the rights of Indigenous Peoples.</p> <p>Section III.B.24 of decision 3/CMA.3 annex, “Governance and functions,” provides: “The Supervisory Body shall, in accordance with relevant decisions of the CMA: (a) Establish the requirements and processes necessary to operate the mechanism, relating to, inter alia: ...</p> <p>(ix) The eleventh preambular paragraph of the Paris Agreement, acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples...;</p> <p>Paragraph 31(e) of decision 3/CMA.3 annex provides that any project: “Shall undergo local and, where appropriate, subnational stakeholder consultation consistent with applicable domestic arrangements in relation to public participation, local communities and indigenous peoples, as applicable....”</p> <p>[comment applicable to all proposed changes is continued on the following page]</p>	<p>3.6 Addressing reversals</p> <p>32. Activity participants shall minimize the risk of the release of stored removals and, where such reversals of removals occur, ensure that these are addressed in full, in accordance with guidance in this document, including the requirements of section 3.8 paragraph 62.</p>

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<p>A6.4-SB00 9-A02 (removals)</p>	<p>3.6.2.2</p>	<p>42</p>	<p>Para 31(d)(iv) requires that any project “Minimize and where possible, avoid negative environmental and social impacts....”</p> <p>The Supervisory Body’s proposed draft Recommendation ostensibly seeks to avoid or minimize negative environmental and social impacts of removal activities, in accordance with Para 31(d)(iv) of the decision 3/CMA.3 annex. But the draft Recommendation does not do so expressly with respect to Indigenous Peoples, taking into account their unique status and rights. As reflected in decision 3/CMA.3 and its annex, in carrying out its mandates for operationalization of the Article 6.4 mechanism, the Supervisory Body has an express obligation to develop standards, processes, and requirements that comply with preambular paragraph 11 of the Paris Agreement as it relates to the rights of Indigenous Peoples. The collective rights of Indigenous Peoples – the status and legitimacy of which is expressly confirmed by inclusion of preambular paragraph 11 – are set forth with specificity in the United Nations Declaration on the Rights of Indigenous Peoples (Declaration). They include, but are not limited to, the right of self-determination (Article 3 of the Declaration), the rights to lands, territories and resources (Article 26 of the Declaration), and the right to free, prior and informed consent in connection with consultation and cooperation with Indigenous Peoples through their representative institutions prior to approval, commencement, and during implementation of any project that may affect their lands, territories and other resources (Articles 18, 19, 32 of the Declaration).</p> <p>The proposed amendments to the draft Recommendation offered by the Indigenous Peoples Caucus herein are intended to protect and give effect to the rights of Indigenous Peoples, in accordance with the Supervisory Body’s obligation to respect, promote, and consider these rights as it establishes the requirements and processes necessary to operate the 6.4 mechanism under decision 3/CMA.3.</p> <p>As a final note, and as noted in previous submissions of the Indigenous Peoples Caucus, the Caucus continues to have grave concerns about the dangers that removals pose to the rights of Indigenous Peoples. Accordingly, the comments and proposals suggested herein do not imply in any way an endorsement of removals by the Indigenous Peoples Caucus.</p> <p>3.6.2.2. Corrective actions</p> <p>42. Following the submission of the preliminary notification referred to in paragraph 38(a), activity participants shall initiate appropriate corrective measures and demonstrate in requisite updates to a reversal risk assessment that accompanies a full monitoring report that reflects reversals, inter alia:</p> <p>(a) Assessing how the reversal occurred and its causes;</p> <p>(b) Elaborating plans to prevent further reversals such as improving control measures, storage conditions and handling procedures, and arranging further personnel training in various aspects of removal process;</p> <p>(c) Reassessing adherence to applicable local, <u>indigenous</u> and international regulations, <u>standards, and human rights obligations, including the rights of Indigenous Peoples</u>;</p> <p>(d) Engaging stakeholders <u>and Indigenous Peoples that may be affected by any reversal, including engaging in full and effective consultation and cooperation with Indigenous Peoples through their representative institutions when any reversal may affect their lands, territories, sacred sites, and other resources</u>, in accordance with <u>international standards and obligations and any relevant</u> the procedures of the Supervisory Body;</p> <p>(e) Increasing the activity rating, resulting in increased buffer contributions, if required as per the risk assessment update.</p>

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Meths or Removals	Section no.	Para. no.	Comment	Proposed change (Include proposed text)
A6.4-SB009-A02 (removals)	3.6.2.3	44		<p>3.6.2.3. Preventive actions</p> <p>44. Activity participants shall also update the assessment conducted using Article 6.4 mechanism sustainable development tool to reflect the relevant underlying causes and any negative impacts, <u>which shall include an assessment of any impacts that may affect the rights of Indigenous Peoples, including but not limited to potential effects on their lands, territories, sacred sites, resources and lifeways;</u> as well as plans for remediation and prevention of a recurrence, <u>which shall, in accordance with the standards and requirements set out in section 3.8 paragraph 62, be developed in full and effective cooperation and consultation with Indigenous Peoples when such risk reversal assessment indicates that their rights may be negatively affected, or when Indigenous Peoples find and assert to the activity participant, under their own risk assessment, that their rights may be negatively affected;</u> and shall submit these <u>plans for remediation and prevention</u> with the updated reversal risk assessment accompanying the full monitoring report submitted for reversal notification purposes.</p>

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<p>A6.4-SB009-A02 (removals)</p>	<p>3.8</p>	<p>62</p>	<p>In addition to the general comment applicable to all proposed changes (this general comment provided above), the rules, modalities, and procedures (RMPs) for the mechanism established by Article 6, paragraph 4, of the Paris Agreement, as contained in the annex to decision 3/CMA.3 provide, in paragraph 62 thereof, that “Stakeholders, activity participants, and participating Parties may appeal decisions of the Supervisory Body or request that a grievance be addressed by an <i>independent</i> grievance process.” (emphasis added). In accordance with the CMA decision, the Indigenous Peoples Caucus recommends paragraph 62(a) of this section be amended to read “the independent Appeals and Grievance Process,” as the independence of such Procedure is of the utmost importance and should be reflected in the draft Recommendation.</p> <p>3.8 Avoidance of other negative environmental, <u>human rights</u>, <u>Indigenous Peoples rights</u>, and social impacts</p> <p>62. Activity participants shall apply robust social, and environmental, <u>human rights, and Indigenous Peoples rights</u> safeguards to minimize and, where possible, avoid negative environmental, <u>human rights, Indigenous Peoples rights,</u> and social impacts of the activity:</p> <p>a. In accordance with requirements contained in Article 6.4 mechanism activity standard, including the application of the Article 6.4 mechanism sustainable development tool; guidance on local and global stakeholder consultation, <u>which must include full and effective consultation and cooperation with Indigenous Peoples through their representative institutions prior to commencement and during implementation of any activity which may affect their lands, territories, sacred sites, and other resources;</u> and where applicable, the <u>independent Appeals and Grievance Procedure;</u> and</p> <p>b. <u>In accordance with international standards and human rights obligations, including, but not limited to, the right to health; the right to a clean, healthy and sustainable environment; and the rights of Indigenous Peoples to self-determination, to their lands, territories and resources, and to free, prior and informed consent; and</u></p> <p>c. <u>In accordance with the requirements of subparagraphs (a) and (b), above, such safeguards shall include appropriate mechanisms:</u></p> <p>i. <u>to engage with and provide notice to stakeholders and Indigenous Peoples during the development stages of any activity, prior to the commencement of any activity, during implementation, and if and when there are any changes to the activity or its implementation;</u></p> <p>ii. <u>to evaluate and assess potential negative environmental, social, and human rights risks and impacts on stakeholders and the rights of Indigenous Peoples prior to the commencement of any activity; and</u></p> <p>iii. <u>for monitoring, reporting, and oversight of activity development and implementation, including for assessing adherence to the requirements of this section, mitigating any potential negative impact or risk identified under subitem (ii), and ensuring appropriate and timely responses and corrective measures as may be required or requested by stakeholders and Indigenous Peoples that may be affected by any activity; and</u></p> <p>d. A<u>In accordance with</u> any other applicable provisions developed by the Supervisory Body to avoid negative environmental, <u>human rights, Indigenous Peoples rights,</u> and social impacts of an activity involving removals.</p>

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Meths or Removals	Section no.	Para. no.	Comment	Proposed change (Include proposed text)
A6.4-SB009-A02 (removals)	3.8	63		63. In addition to above requirements, the Supervisory Body will develop further requirements in respect of specific removal activity categories or types, taking into account <u>indigenous</u> , national, and international <u>best practices, standards, and obligations with respect to</u> best practices in environmental, <u>human rights, Indigenous Peoples rights</u> , and social safeguards, which activity participants shall also apply.
A6.4-SB009-A02 (removals)				