

Sep 27, 2024

To: Paris Agreement Crediting Mechanism
Supervisory Board

From: Laura Tesch
Founder/Chief
Green Turtle Insights, LLC
USA



RE: Article 6.4 Sustainable Development Tool

Boozhoo, Indinawemaaganidog:
greetings/hello all my relatives

My name is Laura Tesch, I am a tribal member of the Bad River Band of Chippewa Indians of Lake Superior - and of mixed heritage. So I bring a perspective through the lens of my two-world lived experience. I recently attended a roundtable of the Priorities for advancing human rights and protecting communities in the finalization of the Article 6.4 Sustainable Development Tool during my meetings at NY Climate Week.

I am the founder and Chief Executive of Green Turtle Insights - an Indigenous, woman-owned consultancy working at the intersection of planetary health, climate justice, reciprocity, and Indigenous Ways of knowing.

I used a very traditional Ojibwe greeting by welcoming all my relatives. And by relatives, we don't just mean those related to us by human DNA. We are addressing anyone or anything we have a relationship with -- this includes all living things. Not just with other humans, but all species on the planet - from our deep water relatives to grandfather rock to the star people.

So inherent in our language is this traditional knowledge that recognizes we are all connected, everything is interdependent and the sacredness of all life, this means that we have the responsibility to honor, respect and have reciprocal relationships with all our relatives.

While Indigenous Peoples carry this generational knowledge, we walk in a world where the extractive relationship with nature and the cause of the climate crisis is due to colonialism.

I provide this background information to inform the comments that are provided herewith. I am providing these comments to encourage, promote, and substantiate the inclusion of these truth-bearing issues into the redraft of the Article 6.4 Sustainable Development Tool. Key issues to be addressed:

1. Recognition of Indigenous Sovereignty and Treaty Obligations

- **Sovereign Nations, Not Stakeholders:** Indigenous nations are sovereign nations. They have international rights under UNDRIP (2007) to engage freely in economic activities (Article 20), to pursue economic development (Articles 21 & 23), and to exercise rights to own, use, develop and control their lands, territories and resources (Article 26). This establishes a right of Indigenous

nations to trade directly under Article 6 of the Paris Agreement, as the rightful owners of mitigation outcomes that occur on their territories.

- **Treaty Agreements Over Consultation:** Any development, especially carbon, projects involving Indigenous territories must be built on treaty-based agreements rather than mere consultation. This acknowledges that Indigenous peoples are rights holders with legal and inherent sovereignty, not simply participants in a development process.
- **Recognition of Land Rights:** Carbon market projects must respect Indigenous land, territory, water, and resource rights and control, including customary land use and spiritual or cultural connections to the land.

2. Redefining Free, Prior, and Informed Consent (FPIC)

- **Bottom-Up, Community-Designed FPIC:** FPIC must be community-led and designed from the ground up, with the full involvement of local Indigenous communities. The FPIC process should be defined by the community itself, including how and when consent is sought, and it must be a continuous and ongoing process throughout the life of the project, not a one-time agreement.
- **Ongoing Consent:** FPIC should extend beyond the project development phase, requiring continual reassessment and renewal throughout the project lifecycle and beyond. This ensures that Indigenous communities retain control and can withdraw consent if necessary.
- **FPIC as a Governance Right:** FPIC should be recognized as an inherent governance right of Indigenous peoples, reflecting their political authority over their lands and resources.

3. Indigenous Data Sovereignty

- **Ownership of Data:** Indigenous peoples must own all data generated as part of carbon projects. This includes environmental data, cultural and social impact data, and any other information collected throughout the project lifecycle. Indigenous communities must have control over who can access and use this data.
- **Control over Data Sharing:** Any data sharing within the carbon credit supply chain must be subject to community consent, with Indigenous Peoples determining when and how their data is shared and ensuring they directly benefit from its use.
- **Benefit Sharing for Data:** Just as financial benefits from carbon credits must be shared, so too must any benefits derived from the use or sale of project data. Communities should receive compensation or benefits for the value generated from their data.
- **Data Governance and Protection:** Establish clear governance frameworks for protecting Indigenous data, ensuring it is handled in ways that respect cultural values and sovereignty. Communities must have the ultimate control over the lifecycle of data, from collection to destruction.

4. Risk Assessments with Indigenous Perspectives

- **Community-Defined Risk:** The Risk Assessment Framework must incorporate Indigenous perspectives of risk that go beyond Western metrics. This includes spiritual, cultural, social, and environmental risks that may not be traditionally recognized but are vital to Indigenous worldviews.
- **Mechanism for Territory Selection:** Before any project is initiated, a formal process should be established to evaluate whether the territory and its communities have the capacity and governance systems in place to advocate

for themselves. If the community does not have sufficient capacity, the project must include capacity-building efforts to support community governance and advocacy.

- **Dynamic Risk Management:** Risk assessment should be dynamic, allowing communities to reassess risks as conditions change over the life of the project. This ensures risks are addressed in real-time and that Indigenous peoples can respond flexibly to new threats or challenges.

5. Environmental and Cultural Integrity as Priorities

- **Protection of Indigenous Land and Waters:** Projects must prioritize the protection of ecosystems that Indigenous communities rely on, including forests, waterways, and biodiversity. Indigenous knowledge about local environments should guide decisions about land use, conservation, and carbon sequestration.
- **Cultural and Spiritual Impacts:** Carbon projects must respect the cultural integrity of Indigenous territories. Sacred sites, burial grounds, and places of cultural significance should be off-limits to development unless Indigenous peoples explicitly permit their use.
- **Protection of Environmental Defenders:** Projects must ensure protection mechanisms are incorporated for community environmental defenders and activists.
- **Restorative Approaches:** Projects should emphasize restoration, not just mitigation, by actively restoring ecosystems and land degraded by past practices. Indigenous approaches to land stewardship must be integrated into project designs.

6. Indigenous-Led Governance and Oversight

- **Governance by Indigenous Peoples:** Indigenous peoples should lead the governance and oversight of carbon projects in their territories. This includes decision-making authority in project design, implementation, and monitoring.
- **Multi Stakeholder Governance with Indigenous Leadership:** Establish co-governance models that give Indigenous peoples equal authority alongside government and corporate partners. This ensures a balanced approach and prevents projects from being dominated by external actors.
- **Capacity Building for Self-Governance:** Projects should include capacity-building efforts to strengthen Indigenous governance structures, enabling communities to effectively manage and lead carbon credit projects on their terms.

7. Indigenous Economic Equity and Benefit Sharing

- **Equitable Revenue Sharing:** Indigenous peoples must receive at least 50% of revenues generated from carbon credits. Gross Revenues of projects must be transparent and acknowledged publicly.
- **Community-Controlled Benefits:** Any financial or non-financial benefits from projects should be directed by the Indigenous community, ensuring that benefits reflect community needs and priorities rather than being determined by external actors.
- **Avoiding Exploitative Carbon Models:** Ensure that carbon projects do not replicate extractive models, where large corporations profit while Indigenous communities face the environmental and social costs. Benefits must be locally retained and distributed equitably.

8. Full Transparency and Indigenous Accountability Mechanisms

- **Transparent Disclosures:** All project documents, including financial, environmental, and social impact assessments, must be publicly disclosed in Indigenous languages and in culturally appropriate formats. Indigenous communities must have full access to information to make informed decisions.
- **Indigenous-Led Monitoring:** Communities should lead the monitoring and reporting processes, ensuring that project impacts are assessed from an Indigenous lens. Regular audits and reviews must be community-led, with the ability to hold external actors accountable.
- **Grievance Mechanisms Rooted in Indigenous Law:** Any grievance process must be rooted in Indigenous law and culturally appropriate mechanisms. Indigenous peoples must have the authority to resolve disputes based on their legal traditions and frameworks.

9. Holistic and Intergenerational Approaches to Climate and Sustainable Development

- **Beyond Carbon Metrics:** Sustainable development for Indigenous Peoples must be holistic, incorporating language, cultural, mental health, gender, spiritual, and social well-being alongside environmental metrics. Projects should be designed with an intergenerational perspective, considering the impacts on future generations.
- **Community Thriving as a Core Measure:** The success of a carbon project must be measured not just by carbon reduction but by its contribution to community thriving as defined by communities.

10. Addressing Power Imbalances and Carbon Colonialism

- **Avoiding Carbon Colonialism:** The carbon market should not allow wealthy nations or corporations to offset emissions by exploiting Indigenous lands and resources. Projects must confront the risk of carbon colonialism, where Indigenous lands are treated as tools for external actors to meet climate targets while local communities bear the social and environmental costs.
- **Addressing Historical Injustices:** Projects should contribute to climate justice by addressing historical and ongoing injustices faced by Indigenous peoples, ensuring that climate action does not further marginalize or exploit them.
- **Centering Climate Justice:** Carbon markets often benefit wealthier countries and corporations while disproportionately impacting Indigenous and vulnerable communities.

11. Addressing Conflicts Between National, International and Customary Law

- **Alignment with International Laws and Standards:** The tool should ensure that international human rights frameworks, including UNDRIP and ILO 169, are the baseline for any carbon market activity. Even where national law may be weaker, international obligations should take precedence.
- **Indigenous and Customary Rights and Laws:** Some countries may have weaker environmental or human rights protections, or their laws might conflict with Indigenous land rights. Carbon credit projects may also impact sacred or culturally significant areas that are not legally protected by the state.

- Dispute Resolution Mechanisms: There should be independent mechanisms in place to address conflicts between national laws and international human rights obligations. Indigenous peoples must have access to these mechanisms when their rights or customary laws are infringed. This could be done through an independent, multi stakeholder body that prioritizes Indigenous sovereignty, human rights and environmental protection.

Most importantly, this tool needs to center climate justice, ensuring that the burdens of climate change mitigation are not shifted onto those least responsible for climate change, and result in sustainable, long term benefits to communities.

I appreciate the opportunity to submit these comments.

Migwech/Thank you,

Laura Tesch (green turtle woman)
Founder/CEO
Green Turtle Insights

Additional sources to be included

Indigenous nations are [sovereign nations](#). They have the international right under [UNDRIP, 2007](#), Article 46) to trade directly, or abstain from trading, under Article 6 of the Paris Accords.

“Thus, Indigenous peoples could exercise autonomy or self-governance in their local matters without prejudice to the territorial integrity of its host nation.” [Shrinkal, R. \(2021\)](#)

Equator Principles and IFC Performance Standards.
<https://www.ifc.org/en/what-we-do/sector-expertise/climate-business/setting-standards>