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Supervisory Body Art. 6.4  
UN Climate Change Secretariate  
UNFCCC

8th of May 2026

## **Public comment on agenda of the 21st meeting of the Article 6.4 Supervisory Body**

### **On the Revision of the Sustainable Development Tool**

Dear Sir or Madame

As per publication shared on the Supervisory Body Webpage regarding the 14th meeting of the Article 6.4 Supervisory Body, the public is invited to share comments on issues included in the annotated agenda.

[Opan](#) Brazil, [Inesc](#) Brazil, [Censat Agua Viva](#) - Friends of the Earth Colombia, Act for Change trust Kenya, [Heks](#) and [Swiss Lenten Fund](#) (Fastenaktion) are happy to follow this invitation. All our organisation have longstanding experience in working with local communities and, also linked to carbon market projects, including a Gold Standard certified project.

Concretely, we would like to comment

- Agenda Item 3.3 "Activity Cycle" and specifically on the "*Draft Tool: Article 6.4 sustainable development tool*" (A6.4-SBM021-AA-A03)

We believe that the SD Tool will be crucial in ensuring the highest standard and integrity of Article 6.4 projects. We would like to share some reflections that we consider of particular relevance.

### **Environmental and social risk assessment through third parties**

*Paragraph 26, Step 1 (a): Identify risks and potential negative impacts*

The tool is well constructed to account for multiple risks arising from an activity. However, in our understanding it is problematic that the activity participants themselves conduct the environmental and risk assessment. This is especially the case for activity types that have been associated with many cases of land right issues (such as REDD+ or territorial management) or involuntary resettlement (such as large hydro power).

**Rationale:** in order to increase trust in PACM and minimize negative effects, we believe that it would be important that third parties assess the environmental social risk, especially for activity types most exposed to these risks.

Current Text	New Text
<p>6.1 Step 1 [...]                      (a) Activity participants shall conduct a risk assessment by completing the A6.4-FORM-AC-015 to identify potential negative environmental and social impacts arising from the implementation, operation and, if applicable, dismantling of the A6.4 activity (see figures 1 and 2);</p>	<p>6.1 Step 1 [...]                      (a) Activity participants shall <b>hire a third party to</b> conduct a risk assessment by completing the A6.4-FORM-AC-015 to identify potential negative environmental and social impacts arising from the implementation, operation and, if applicable, dismantling of the A6.4 activity (see figures 1 and 2);</p>

**Element 9: Indigenous Peoples and Local Communities**

*Section 6.5.6 Paragraph 82 and all following*

**Self-identification of local actors:** The SD Tool is well-designed to acknowledge a wide range of relevant stakeholders, as per the definition in paragraph 21, letter (h). This is important as the SD Tool must take into account a wide range of potential positive and negative effects. Also, we welcome that the SD Tool specifically details how Indigenous Peoples are to be included in the elaboration of the SD Tool assessment.

However, many indigenous and non-indigenous local communities lack formal recognition by their national authorities. It would be important that such local communities likewise can, based on self-identification, equally express their voice according to the prerogatives of SD Tool Element 9, respecting their right to free, prior and informed consent in the decision making.

**Rationale**

1. The process of formal recognition of Indigenous Peoples, respectively their territories, may take a long time - thus, many Indigenous communities risk being deprived of their right to self-determination;
2. Local communities are recognised at the same level of vulnerability as Indigenous Peoples at the UNFCCC in the context of the Local Communities and Indigenous Peoples Platform;
3. Certain countries know a specific legal status for local communities which grants them similar rights like Indigenous Peoples when it comes to land rights, freedom of traditional practices and perpetuation of their knowledge systems, in accordance with UNDRIP; at the same time, other countries do not know a specific legal status for either Indigenous peoples or local communities. Indigenous Peoples and local communities need to be granted the same access to safeguards in the context of Article 6.4 projects, no matter where the projects are taking place.

**Advantage:**

- Equal treatment of all local rights holders and stakeholders will allow to integrate relevant views already in the SD Tool and ensure balanced outcomes, reducing risk of time-consuming queries and grievance processes thereafter.

**Suggested change:**

Current Text	New Text
6.5.6. Element 9: Indigenous Peoples	6.5.6. Element 9: Indigenous Peoples <b>and Local Communities</b>
	<b>Add a footnote:</b> The identification of Local Communities shall rely on self-identification of such groups.
ELQ9 (p.68) Does the A6.4 activity involve Indigenous Peoples within the activity area of influence who may be affected?	Does the A6.4 activity involve Indigenous Peoples <b>or Local Communities</b> within the activity area of influence who may be affected?
	[amend all other parts of Element 9 and Annex 3.6 as needed]

**Element 9: Geographical Scope**

*Section 6.5.6 Paragraph 84*

Section 6.5.6 Paragraph 84 states that stakeholders within the Art. 6.4 Activity boundaries are to be identified. It is important to have a clearly defined geographical scope. However, the identification of concerned stakeholders under Element 9 (and beyond) should not stop at the boundary of an activity, but at the boundary of the Art. 6.4 Activity area of influence. This wording is already in use in Annex 3.6 ELQ9.

**Rationale:** In many cases, there is a likelihood of spillover effects to Indigenous Peoples and/or local communities, for example in the case of projects involving hydropower and dams. Therefore, stakeholders and rights holders close to the activity boundary - within the reach of the activity's area of influence - also need to be identified.

**Example:** In one anecdotal example in Mato Grosso, Brazil, the organisation Opan works with an indigenous community that forages Brazil nuts in the forest. As the community cannot harvest enough nuts from their own forests due to climate instabilities, they used to also forage on the land of large landowners around their demarcated territory. They would pay the landowners for each bag that they collected. The landowners no longer allow the indigenous community to forage on their land, apparently because the forest is now part of a carbon project. This increases food insecurity within the community.

For your reference, [find here a presentation](#) on the impact of hydro dams on biodiversity.

**Suggested change:**

Current Text	New Text
E9.1: Activity participants of the A6.4 activity are to identify all communities of Indigenous Peoples communities within the A6.4 activity boundary that may be affected by the A6.4 activity. They are to approach these communities with respect, sensitivity, and transparency ensuring that Indigenous Peoples are fully informed and voluntarily	E9.1: Activity participants of the A6.4 activity are to identify all communities of Indigenous Peoples communities <b>and local communities</b> that may be affected by the A6.4 activity, within the A6.4 activity <b>area of influence</b> .  They are to approach these communities

<p>participating in the identification process.</p>	<p>with respect, sensitivity, and transparency ensuring that Indigenous Peoples communities <b>and Local Communities</b> are fully informed and voluntarily participating in the identification process. <b>The process shall be carried out according to FPIC standards. Existing FPIC protocols need to be respected.</b></p>
<p>ELQ9 (p.68) Does the A6.4 activity involve Indigenous Peoples within the activity area of influence who may be affected?</p>	<p>ELQ9 Does the A6.4 activity involve Indigenous Peoples <b>and/or Local Communities</b> within the activity area of influence who may be affected?</p>

### Element 9: Existing FPIC Protocols

#### Section 6.5.6 Paragraph 84

Many communities already have developed their specific FPIC protocols, detailing how they want to be engaged with. It would be important to recognize such protocols.

**Advantage:** The engagement with the community follows the cultural norms of the community in question, increasing considerably the likelihood of a successful outcome for all parties.

**Examples:** Find here an example of an FPIC Protocol from the [Pataxó e Pataxó Hã-Hã-Hãe](#) people in Minas Gerais, Brasil. [This document](#) and [this page](#) give an overview on FPIC Protocols in Brazil.

#### Suggested change:

Current Text	New Text
<p>E9.1: Activity participants of the A6.4 activity are to identify all communities of Indigenous Peoples within the A6.4 activity boundary that may be affected by the A6.4 activity. They are to approach these communities with respect, sensitivity, and transparency ensuring that Indigenous Peoples are fully informed and voluntarily participating in the identification process.</p>	<p>E9.1: Activity participants of the A6.4 activity are to identify all communities of Indigenous Peoples <b>and local communities</b> that may be affected by the A6.4 activity, within the A6.4 activity <b>area of influence.</b></p> <p>They are to approach these communities with respect, sensitivity, and transparency ensuring that Indigenous Peoples <b>and Local Communities</b> are fully informed and voluntarily participating in the identification process. <b>The process shall be carried out according to FPIC standards. Existing FPIC protocols need to be respected.</b></p>
<p>AGQ 9.2 [...] Did the activity obtain free, prior, and informed consent (FPIC) from the indigenous Peoples before using their cultural, intellectual, religious, and/or spiritual property?</p>	<p>AGQ 9.2 [...] Did the activity obtain free, prior, and informed consent (FPIC) from the indigenous Peoples <b>and Local Communities</b> before using their cultural, intellectual, religious, and/or spiritual property? <b>Did the activity take into account existing FPIC protocols?</b></p>

## Element 9: Benefit Sharing

Section 6.5.6 paragraph 89

**Context:** Currently, the SD Tool only stipulates that in the case of Indigenous Peoples involvement, the project proponent has to ensure an “equitable sharing of benefits”.

**Rationale:** In our view it is central that the sharing of benefits includes all directly or indirectly affected communities. This allows increased local ownership of the Art. 6.4 activity.

### Suggested change:

Current Text	New Text
E9.6: Activity participants of the Article 6.4 activity are to ensure that Indigenous Peoples are provided with the equitable sharing of benefits derived from the utilization and/or commercial development of natural resources on their lands and territories or from the use of their traditional knowledge and practices by the Article 6.4 activity. This is to be undertaken through good-faith negotiations in a manner that is inclusive and culturally appropriate, and that does not impede land rights or equal access to basic services, including health services, clean water, energy, education, safe and decent working conditions, and housing.	E9.6: Activity participants of the Article 6.4 activity are to ensure that Indigenous Peoples <b>and Local Communities</b> are provided with the equitable sharing of benefits derived from the utilization and/or commercial development of natural resources on their lands and territories or from the use of their traditional knowledge and practices by the Article 6.4 activity. This is to be undertaken through good-faith negotiations <b>according to FPIC</b> , in a manner that is inclusive and culturally appropriate, and that does not impede land rights or equal access to basic services, including health services, clean water, energy, education, safe and decent working conditions, and housing.

## Element 11: Assessment of Cultural Heritage

Section 6.5.8 para 93

**Context:** Paragraph 93 recognizes the importance of protecting cultural heritage and the important role of professionals and/or entities recognized by the national authorities, academia or UNESCO. Furthermore, we appreciate that FPIC is specifically mentioned in relation to Indigenous Peoples.

**Rationale:** It is important to ensure that indigenous and other non-indigenous communities affected are part of the assessment with an active role, ensuring ownership.

### Suggested text:

Current Text	New Text
E11.2: [...] Activity participants of the A6.4 activity will not proceed with the activity until an assessment is made by professionals and/or entities recognized by the host government, academia and/or the United Nations Educational, Scientific and Cultural Organization (UNESCO) to ensure that no adverse impacts on cultural heritage will	E11.2: [...] Activity participants of the A6.4 activity will not proceed with the activity until an assessment is made by professionals and/or entities recognized by the host government, academia and/or the United Nations Educational, Scientific and Cultural Organization (UNESCO), <b>involving local communities and Indigenous Peoples</b> , to

<p>occur.</p> <p>If the A6.4 activity involves Indigenous Peoples, FPIC must be obtained in accordance with Element 9, included in section 6.5.6 of and in particular with E9.5 criteria.</p>	<p>ensure that no adverse impacts on cultural heritage will occur.</p> <p>If the A6.4 activity involves Indigenous Peoples <b>and Local Communities</b>, FPIC must be obtained in accordance with Element 9, included in section 6.5.6 of and in particular with E9.5 criteria.</p>
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**Element 8: Land acquisition and voluntary resettlement**

Section 6.5.5 para 77

**Context:** The current document stipulates in section 6.5.5 (para 77) states that “*the Article 6.4 activities avoids involuntary resettlement*”.

**Rationale:** In our view, for the integrity of the Article 6.4 mechanism it is primordial that it is rights-based. Therefore, **the Article 6.4 mechanism should not leave the door open for infringements of property rights and involuntary resettlements.**

Voluntary Standards such as the Verra standard are very clear on this (<https://verra.org/wp-content/uploads/2024/04/VCS-Standard-v4.7-FINAL-4.15.24.pdf>, Section 3.19.19 and following):

<p><b>Property Rights</b></p> <p>3.19.19 The project proponent shall recognize, respect, and support IPs’, LCs’, and customary rights holders’ property rights and where feasible, take measures to help secure rights.</p> <p>3.19.20 The project shall not encroach on private, stakeholder, or government property or relocate people off their lands without prior consent and appropriate compensation.</p> <p>3.19.21 The project shall not lead to forced physical or economic displacement.</p>
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From this, it is evident that the current wording in the SD Tool is not in line with the highest level of property rights protection.

**Suggested adjustment:**

Current Text	New Text
<p>Para 77: The Article 6.4 activity avoids involuntary resettlement. [...] Where involuntary resettlement is unavoidable, it is to be minimized</p>	<p>Para 77: The Article 6.4 activity shall not lead to forced physical or economic displacement, or involuntary resettlement. The Article 6.4 activity avoids involuntary resettlement. [...] Where involuntary resettlement is unavoidable, it is to be minimized [...]</p>

**Advantages of the suggested adjustment:**

- This allows the Article 6.4 mechanism to be in line with a high level of rights protection, contributing to its integrity and rights based approaches in general.
- Activity participants have clarity on what is expected from Article 6.4 and clear incentives to contribute to the fulfilment of individual and community rights.

## Element 8: Action plan in case of land acquisition and voluntary resettlement

### Section 6.5.5 para 81

**Context:** It is important to foresee the elaboration of action plans for voluntary resettlement and/or land acquisition.

**Suggestion:** The current text should be strengthened to explicitly reference FPIC as a standard for the consultation process. This ensures that solutions are locally grounded and viable for the communities and people involved.

#### Suggested text:

Current Text	New Text
Para 81: [...] The action plan will be developed in accordance with international best practices (e.g. United Nations Development Programme Standard 5: Displacement and Resettlement) and in full consultation with the affected individuals, groups or communities and based on good-faith negotiations.	Para 81: [...] The action plan will be developed in accordance with international best practices (e.g. United Nations Development Programme Standard 5: Displacement and Resettlement) and in full consultation with the affected individuals, groups or communities, <b>according to FPIC</b> , and based on good-faith negotiations.

## General Remarks: Continuous Engagement

### Section 3.3 paragraphs 17-19

**Context:** We appreciate that the process for the SD Tool is designed so that it is included in the global and local stakeholder consultation as well as the continuous engagement mechanism. We are convinced that the ongoing engagement will be of importance to ensure that adjustments due to changing contexts can be taken into account without difficulty.

**Additional stakeholders over time:** We would like to share the reflection that over time additional stakeholder groups relevant for the Art 6.4 activity might build. For example, the staff hired by the activity proponent to implement the activity might build an important stakeholder group only forming over time, with important inputs on workers condition and implementation procedures.

Once an activity starts, the continuous engagement needs to not only include those directly involved in the activity in some way (as for example land owners, activity workers or customers) but also those indirectly affected (as for example neighbouring land owners or neighbouring communities). Those two groups will tend to be affected by different issues (e.g. the first group Element 5: Labour, the second group Element 2: Air, land and water).

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

Linda Gonzalez  
**Censat Agua Viva, Colombia**  
[linda.gonzalez@censat.org](mailto:linda.gonzalez@censat.org)

Andreia Fanzeres  
**Opan, Brazil**  
[andreia@amazonianativa.org.br](mailto:andreia@amazonianativa.org.br)

Carolina Alves  
**Inesc, Brazil**  
[carolina@inesc.org.br](mailto:carolina@inesc.org.br)

Miriam Kisilu  
**Act for Change Trust, Kenya**  
[kisilu@act4change.co.ke](mailto:kisilu@act4change.co.ke)

Bettina Dürr & David Knecht  
**Fastenaktion / Swiss Lenten Fund**  
[duerr@fastenaktion.ch](mailto:duerr@fastenaktion.ch), [knecht@fastenaktion.ch](mailto:knecht@fastenaktion.ch)

Silva Lieberherr  
**Heks, Switzerland**  
[silva.lieberherr@heks.ch](mailto:silva.lieberherr@heks.ch)