



Secretariat for the Article 6.4 Supervisory Body
UNFCCC Secretariat
Bonn, Germany

May 13, 2026

Re: IIPFCC Input on A6.4-SBM021-AA-A03, Draft Tool: Article 6.4 sustainable development tool, Version 02.0

The International Indigenous Peoples Forum on Climate Change (IIPFCC) respectfully submits the following comments and questions regarding the Supervisory Body's recent draft regulatory standards for the operationalization of the Article 6.4 mechanism activity cycle of the Paris Agreement.

For context, the International Indigenous Peoples' Forum on Climate Change is not a single organization. It is the global caucus of Indigenous Peoples participating in and coordinating engagement within the UNFCCC process.

- The IIPFCC brings together Indigenous representatives, organizations and networks from the seven Indigenous socio-cultural regions recognized within the UN system, representing part of the more than 476 million Indigenous Peoples worldwide across over 90 countries.
- The IIPFCC serves as the primary coordination space through which Indigenous Peoples develop common positions, exchange information, and engage collectively in climate negotiations under the UNFCCC and Paris Agreement.

I. Introduction

The International Indigenous Peoples Forum on Climate Change, also referred to as the Indigenous Peoples Caucus, welcomes the opportunity to provide input on the revised Article 6.4 Sustainable Development Tool under the Paris Agreement Crediting Mechanism.

This submission builds upon and incorporates by reference the IIPFCC's previous submissions and communications on Article 6, including its 2022 submissions on Article 6, including Article 6.4, its COP28 position paper on the Article 6.4 mechanism, its April 2024 communication to the Article 6.4 Secretariat, and its July 2024 input on the Article 6.4 Sustainable Development Tool. Those submissions set out the IIPFCC's consistent position that Article 6.4 must be implemented in a manner that respects, promotes and considers the rights of Indigenous Peoples, including the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples.

The IIPFCC takes note of several improvements proposed in the revised SD Tool, particularly in Element 9 on Indigenous Peoples and Appendix 2 on carbon removal activities. Further revisions are needed to strengthen and operationalize language on full and effective participation, adequate resources, impacts on rights, lands, territories, resources, culture, health, cultural heritage, gender relations, intangible impacts, FPIC, and benefit sharing.

In that vein, the IIPFCC remains concerned that the revised draft does not yet fully translate Indigenous Peoples' rights into operational due diligence machinery. The central issue is not only whether the Tool names Indigenous Peoples' rights. The central issue is whether the Tool creates clear consequences when those rights are affected, unresolved, or violated.

The IIPFCC therefore provides the following line by line comments and recommendations.

II. General position

The IIPFCC reiterates the following core positions from its prior submissions:

1. The eleventh preambular paragraph of the Paris Agreement must inform all Article 6.4 standards, procedures, technologies, methodologies, validation, verification, registration, issuance, grievance, and appeal processes.
2. UNDRIP is the minimum standard for interpreting the rights of Indigenous Peoples under Article 6.4.
3. FPIC must apply where Article 6.4 activities may affect Indigenous Peoples' rights, lands, territories, resources, cultural heritage, sacred places, traditional knowledge, governance systems, or self-determination.
4. Indigenous Peoples must participate from the earliest stage of activity design and throughout implementation, monitoring, verification, reversal response, grievance, and remedy.
5. National law must not be used to deny Indigenous Peoples' rights, legal systems, customary tenure, institutions, or self-identification.
6. Safeguards must operate as legal gates. Where FPIC is required and not obtained, where Indigenous Peoples' land rights are unresolved, or where serious rights impacts remain unresolved, the activity should not proceed to validation, registration, verification, or issuance.

7. Indigenous Peoples and local communities should not be conflated. Provisions concerning Indigenous Peoples’ rights, participation, FPIC, lands, territories, resources, cultural heritage and self-determination should be addressed distinctly from provisions concerning local communities. Where the Tool addresses knowledge, the preferred formulation is “knowledge of Indigenous Peoples and of local communities”, so that the rights, status and knowledge systems of Indigenous Peoples are not collapsed into a blurred category.

III. IIPFCC comments and recommendations

A. Element 8. Land acquisition and involuntary resettlement

Edit no.	Paragraph	Issue	Recommended edit	Rationale
1	80, E8.3	E8.3 does not clearly cross apply Element 9 where economic displacement affects Indigenous Peoples.	Add after “cannot be avoided”: “Where Indigenous Peoples are affected, Element 9 shall apply.”	Economic displacement can restrict access to Indigenous lands, territories, resources, waters, sacred places, livelihoods and food systems without physical relocation. The application of Element 9 should not depend on whether displacement is physical or economic.
2	81, E8.4	Resettlement and livelihood planning is based on consultation, but does not clearly require Indigenous Peoples’ full and	Add after “baseline survey”: “with the full and effective participation of affected Indigenous Peoples, where	Plans affecting Indigenous Peoples’ lands, territories, resources or livelihoods should not be prepared only by the activity

		effective participation where their rights are affected.	applicable.”	participant. Element 8 should be aligned with the participation standard in Element 9.
3	81, E8.4	Written agreements could be treated as sufficient even where FPIC is required.	Add at end: “Such agreements shall not substitute for FPIC where required.”	A written agreement does not necessarily demonstrate free, prior and informed consent. The text should prevent resettlement or livelihood agreements from displacing the FPIC standard.

B. Element 9. Indigenous Peoples

Edit no.	Paragraph	Issue	Recommended edit	Rationale
4	82, E9 description	The paragraph refers to host Party laws and regulations without clearly preventing national law from narrowing Element 9.	Add at end: “Lack of recognition under national law shall not limit this Element.”	Indigenous Peoples’ rights under Article 6.4 should not depend on whether the host Party recognizes Indigenous Peoples, customary tenure, Indigenous institutions or Indigenous legal systems under domestic law.
5	82, E9 description	Indigenous legal systems, customs and protocols are not expressly recognized in the	Add: “Indigenous legal systems, customs and protocols shall be respected.”	FPIC and full and effective participation must operate through Indigenous

		operative text.		Peoples' own decision making systems. Without this, project participants may impose external consultation procedures.
6	83	Participation and benefit language could be read as development opportunity language rather than rights compliance.	Add at end: “Such opportunities shall not substitute for rights compliance.”	Opportunities to participate in or benefit from an activity cannot cure non compliance with Indigenous Peoples' rights, including FPIC, lands, territories, resources and cultural heritage.
7	84, E9.1	“Activity boundary” is narrower than the possible area of impact.	Replace “within the Article 6.4 activity boundary” with: “within the Article 6.4 activity boundary or area of influence.”	Indigenous Peoples may be affected outside the formal boundary through watersheds, airsheds, forests, access restrictions, leakage, reversal risk, sacred places or customary use areas.
8	84, E9.1	The identification criterion does not expressly include self-identification.	Add after the first sentence: “Self-identification is a fundamental criterion.”	Identification of Indigenous Peoples should not depend only on State recognition or activity participant assessment. Self-identification is necessary to avoid exclusion in contexts of non recognition.
9	85, E9.2	The highlighted impact list is important, but “should include”	Replace “should include” with “shall include.”	Impacts on rights, lands, territories, gender relations, resources, culture,

		makes it discretionary.		health, cultural heritage and intangible impacts must be mandatory elements of the assessment.
10	85, E9.2	The paragraph requires analysis but does not state what happens if rights impacts remain unresolved.	Add at end: “Unresolved adverse impacts on Indigenous Peoples’ rights shall preclude positive validation.”	Due diligence must have consequences. A positive validation opinion should not be issued where adverse impacts on Indigenous Peoples’ rights remain unresolved.
11	86, E9.3	Lands and territories could be defined by the host Party or activity participant rather than by Indigenous Peoples.	After “lands and territories,” add: “as defined by them.”	Indigenous Peoples’ lands and territories may include customary, seasonal, sacred, untitled or otherwise non registered areas. These should not be narrowed by external definitions.
12	86, E9.3	FPIC documentation could record process without identifying the actual consent decision.	Add: “Documentation shall identify the consent decision and any conditions.”	FPIC is not the same as consultation, dialogue or negotiation. Documentation should identify whether consent was given, withheld or conditioned.
13	87, E9.4	Claimed lands and lands, territories and resources held without formal title are not fully reflected in the operative criterion.	After “otherwise acquired,” add: “, including claimed lands and territories, and lands, territories and resources held without formal	The guiding questions already recognize claimed lands and lands without title. These protections should be reflected in the operative criterion,

			title.”	not only in the assessment form.
14	87, E9.4	E9.4 recognizes land rights but does not clearly make FPIC a gate for activities affecting those lands, territories or resources.	Add at end: “No activity shall affect such lands, territories or resources without FPIC.”	Recognition of collective rights is incomplete without a consequence. Activities affecting Indigenous lands, territories or resources should not proceed without FPIC.
15	88, E9.5	“Cultural, intellectual, religious and/or spiritual property” reflects UNDRIP language but may be too narrow if read only as property.	After “spiritual property,” add: “, heritage and knowledge.”	This preserves the UNDRIP formulation while clarifying that the clause also covers Indigenous cultural heritage, traditional knowledge and non property based relationships.
16	88, E9.5	FPIC trigger omits Indigenous governance and self-determination.	After “places containing sacred elements of special value to the community,” add: “or (iv) Indigenous Peoples’ governance, decision making authority, institutions, laws, protocols, development priorities, or ability to exercise self-determination.”	FPIC is grounded in Indigenous Peoples’ right to self-determination. The trigger should cover impacts on Indigenous decision making authority, governance, and control over lands, territories, resources, and development priorities.
17	88, footnote 77	The cross reference to Element 8 could move land impacts into a resettlement and	Add: “without limiting Element 9.”	Element 8 should not narrow the broader FPIC requirement in E9.5 where lands, territories or

		mitigation frame.		resources are affected.
18	88, footnote 78	The cross reference to Element 11 could move cultural heritage impacts into a heritage management frame.	Add: “without limiting Element 9.”	Element 11 should not replace FPIC under E9.5 where Indigenous cultural heritage, sacred places or knowledge are affected.
19	88, E9.5	“Local protocols where available” may exclude oral, customary or internal protocols.	Replace “where available” with: “including customary protocols.”	Indigenous protocols may not be written, published or externally accessible. The standard should recognize customary protocols whether or not they exist in formal written form.
20	89, E9.6	Benefit sharing is not expressly linked to FPIC.	After “good faith negotiations,” add: “consistent with FPIC.”	Benefit sharing affecting Indigenous Peoples should be negotiated through a process that respects FPIC. It should not be separated from the consent standard.
21	89, E9.6	The benefit sharing clause does not expressly include Article 6.4 revenues.	After “benefits,” add: “, including Article 6.4 revenues,”	Article 6.4 activities may generate carbon market revenues. Where Indigenous Peoples’ rights, lands, resources, knowledge or stewardship are implicated, those revenues should be within the benefit sharing analysis.
22	89, E9.6	Benefit sharing could be treated	Add at end: “Benefit sharing	Benefits cannot cure the absence

		as a substitute for consent.	shall not substitute for FPIC.”	of FPIC. Consent and benefit sharing are legally distinct requirements.
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C. Element 10. Corruption

Edit no.	Paragraph	Issue	Recommended edit	Rationale
23	90	The corruption provision does not capture common risks to FPIC integrity.	Add: “For Element 9, the assessment shall consider FPIC integrity risks, including coercion, retaliation, elite capture and manufactured consent.”	FPIC can be undermined by coercion, selective engagement, retaliation, elite capture or manufactured consent even where there is no classic bribery or fraud.

D. Element 11. Cultural heritage

Edit no.	Paragraph	Issue	Recommended edit	Rationale
24	91	Element 11 does not expressly cross apply Element 9 where Indigenous cultural heritage is involved.	Add: “Where Indigenous cultural heritage is involved, Element 9 shall apply.”	Indigenous cultural heritage is not only a heritage management issue. Where Indigenous Peoples’ heritage is affected, the Indigenous Peoples specific safeguards and FPIC standard must apply.
25	92, E11.1	The text does not clearly state that Indigenous Peoples determine the significance of their own cultural heritage.	After “critical cultural heritage,” add: “as determined by the Indigenous Peoples concerned.”	External experts or host Party institutions should not be the sole authority for determining the significance of Indigenous

				cultural heritage.
26	93, E11.2	Assessment authority remains centered on external professionals, host government recognized entities, academia or UNESCO.	After “UNESCO,” add: “, and, where Indigenous cultural heritage is involved, the Indigenous Peoples concerned, ”	External expertise may assist, but it cannot replace Indigenous authority over Indigenous cultural heritage.
27	93, E11.2	The internal cross reference appears technically inaccurate.	Replace with: “ section 6.5.6, criterion E9.5. ”	The cross reference should accurately point to the applicable FPIC criterion.
28	94, E11.3	The operative sentence names local communities but omits Indigenous Peoples.	After “knowledge, innovations, or practices of,” add: “ Indigenous Peoples or. ”	The provision should expressly name Indigenous Peoples to avoid omission or conflation with other categories.
29	94, E11.3	Use of Indigenous Peoples’ cultural heritage is not expressly tied to FPIC.	Add at end: “ Use of Indigenous Peoples’ cultural heritage requires FPIC. ”	Any use of Indigenous Peoples’ cultural heritage, knowledge, innovations or practices should require FPIC.

E. Sustainable development impacts and validation machinery

Edit no.	Paragraph	Issue	Recommended edit	Rationale
30	95	Sustainable development benefits could be used to offset rights violations.	Add: “ Sustainable development benefits shall not offset violations of Indigenous Peoples’ rights. ”	An activity should not be considered sustainable if it violates Indigenous Peoples’ rights. Positive SD claims cannot cure rights violations.

31	97	“Direct and measurable” impacts may exclude Indigenous rights impacts that are indirect, cumulative or intangible.	Add: “Impacts on Indigenous Peoples may be direct, indirect, cumulative or intangible.”	This aligns with E9.2, which recognizes intangible impacts, and prevents narrow indicator logic from excluding Indigenous rights harms.
32	100	Indicators concerning Indigenous Peoples are not clearly developed with Indigenous Peoples.	Add: “Indicators concerning Indigenous Peoples shall be developed with their full and effective participation.”	Monitoring should not be controlled only by the activity participant. Indigenous Peoples must help define what counts as harm, compliance and remedy.
33	104	DOE validation does not require direct verification with Indigenous Peoples where Element 9 is triggered.	Add: “Where Element 9 is triggered, the DOE shall verify directly with the Indigenous Peoples concerned.”	The DOE should not rely only on activity participant documentation to verify FPIC, participation, benefit sharing or rights compliance.
34	105	Unresolved material disputes concerning Element 9 findings could still lead to positive validation.	Add: “Unresolved material disputes concerning Element 9 findings shall preclude positive validation pending resolution.”	Positive validation should not proceed while material disputes remain unresolved concerning FPIC, rights impacts, land rights, benefit sharing or cultural heritage.
35	106	Positive validation could be issued where FPIC is required but absent.	Add: “No positive validation opinion shall be issued where FPIC is required and absent.”	This makes FPIC a clear validation gate where the Tool requires FPIC.
36	107	Deviation requests could weaken compliance with Element 9.	Add: “No deviation shall be granted that weakens compliance with Element 9.”	Indigenous Peoples’ rights should not be weakened through deviation procedures.

37	108 to 109	Verification does not expressly assess ongoing compliance with FPIC conditions.	Add: “Verification shall assess compliance with FPIC conditions where applicable.”	FPIC must be maintained during implementation. Verification should assess whether consent conditions continue to be respected.
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F. Appendix 1. Additional guiding questions on Element 9

Edit no.	Provision	Issue	Recommended edit	Rationale
38	AGQ 9.1	AGQ 9.1 uses “activity area of influence,” but E9.1 uses the narrower “activity boundary.”	Add to E9.1: “or area of influence.”	The operative criterion should match the broader scope used in the guiding question.
39	AGQ 9.2.1	See Edit 13.	See Edit 13.	See Edit 13.
40	AGQ 9.2.2	AGQ 9.2.2 asks about risks to rights, lands, resources, territories and livelihoods, but the required FPIC action only refers to cultural, intellectual, religious or spiritual property.	After “spiritual property,” add: “or where criterion E9.5 applies.”	This fixes the inconsistency between AGQ 9.2.2 and E9.5. The guiding question should not narrow the broader FPIC trigger in the criterion.
41	AGQ 9.2.2	“Meaningful participation” is inconsistent with Element 9’s “full and effective participation” standard.	Replace “meaningful participation” with: “full and effective participation.”	The guiding questions should use the same participation standard as the operative criterion.
42	AGQ 9.3	“Forcibly removing” is too narrow.	After “forcibly removing,” add: “relocating, displacing or restricting access of.”	Indigenous Peoples may be affected through relocation, constructive displacement or access restrictions

				even without forcible removal.
43	AGQ 9.4	See Edit 13.	See Edit 13.	See Edit 13.
44	AGQ 9.5	“Cultural, intellectual, religious and spiritual property” reflects UNDRIP language but may not fully capture heritage and knowledge.	After “spiritual property,” add: “, heritage and knowledge. ”	This preserves the UNDRIP formulation while clarifying that the assessment includes Indigenous cultural heritage and knowledge.
45	AGQ 9.6.1	Benefit sharing from natural resources is not expressly linked to FPIC.	Add: “ consistent with FPIC. ”	Benefit sharing concerning Indigenous Peoples’ lands, territories, resources or knowledge should be governed by FPIC.
46	AGQ 9.6.2	The benefit sharing question does not expressly include Article 6.4 revenues.	Add: “ including Article 6.4 revenues. ”	The question should reflect the actual carbon market benefit stream created by Article 6.4 activities.
47	Conclusion of Element 9 risk assessment	“Yes” or “Potentially” findings move to mitigation without clarifying that mitigation cannot replace FPIC.	Add: “ Mitigation shall not substitute for FPIC. ”	Where FPIC is required, mitigation measures cannot replace consent.

G. Appendix 2. Carbon removal activities with TRL 8 or higher

The IIPFCC understands Appendix 2 as setting out additional requirements for carbon removal activities with TRL 8 or higher. While current TRL 8 removal activities may include technological approaches where reversal risks arise from storage integrity, leakage, seismic events or other observed events, removal technologies are developing rapidly. Technologies currently at lower technology readiness levels may move toward commercial certification over time. Appendix 2 should therefore remain technology neutral and capable of applying to different types of removal activities as they become available. The IIPFCC does not suggest that Appendix 2 replaces the general SD Tool safeguards. Rather, Appendix 2 should be applied consistently with Element 9

where Indigenous Peoples may be affected. Reversals and observed events should be assessed not only as carbon accounting events, but also for any associated environmental, social, health, cultural and rights impacts.

Edit no.	Provision	Issue	Recommended edit	Rationale
48	Appendix 2 heading	Appendix 2 does not expressly state that its additional reversal requirements must be read together with Element 9 where Indigenous Peoples may be affected.	Add under heading: “Where Indigenous Peoples may be affected, this Appendix shall be applied consistently with Element 9.”	Appendix 2 applies to TRL 8 or higher removal activities and should remain technology neutral as additional removal technologies move up the technology readiness ladder. It should not displace the general SD Tool safeguards, including Element 9.
49	Appendix 2, para. 1	The assessment is framed around risks from the potential release of stored GHGs from reservoirs. It does not clearly state that associated environmental, social, cultural and rights impacts must also be assessed where relevant.	After “GHG reservoirs,” add: “and associated environmental, social, health, cultural and rights impacts where applicable.”	Reversal risks may vary depending on the removal technology. For storage based approaches, risks may include storage failure, leakage or seismic related release and use of toxic pollutants. However, the consequences of a reversal or observed event may also create environmental, social, health, cultural or rights impacts.
50	Appendix 2, para. 2 chapeau	The assessment is to be cognizant of national laws and regulations, but the	Add: “Where Indigenous Peoples may be affected, the higher applicable	National law should not lower the level of protection required where

		relationship with international standards is not clarified.	standard shall apply.”	Indigenous Peoples’ rights are affected.
51	Appendix 2, para. 2(a)	Paragraph 2(a) addresses likelihood, magnitude and duration of GHG release events, but does not clearly connect the technical risk assessment to the possible consequences for affected rights holders.	After “GHG release events,” add: “ and their associated impacts. ”	This keeps the provision accurate. The technical assessment remains focused on release events, while requiring attention to the consequences of those events.
52	Appendix 2, para. 2(b)	Paragraph 2(b) assesses potential receptors, but Indigenous Peoples should not be treated only as environmental or social receptors where their rights may be affected.	After “receptors,” add: “ including affected Indigenous Peoples as rights holders where applicable. ”	“Receptors” is appropriate technical language, but where Indigenous Peoples are affected, their status as collective rights holders should be recognized.
53	Appendix 2, para. 2(b)	The listed safeguard elements omit human rights and cultural heritage.	Replace “1, 2, 3, 5, 6 and 9” with: “ 1, 2, 3, 4, 5, 6, 9 and 11. ”	Reversals and observed events may affect human rights and cultural heritage, including Indigenous cultural heritage.
54	Appendix 2, para. 2(b)	“Project location and beyond” is useful but should align with the broader SD Tool scope.	After “beyond,” add: “ including the activity area of influence. ”	A release event or associated impact may extend beyond the project location.
55	Appendix 2, para. 2(c)	Mitigation measures could be treated as sufficient even where FPIC is required under Element 9.	Add: “ Mitigation shall not substitute for FPIC where required. ”	Appendix 2 should not create a mitigation pathway that weakens Element 9.

56	Appendix 2, para. 2(d)	Uncertainty is documented, but there is no consequence where the uncertainty concerns material rights impacts.	Add: “Material unresolved uncertainty concerning rights impacts shall preclude issuance until resolved.”	This avoids demanding zero technical uncertainty, while ensuring issuance does not proceed where material uncertainty concerns rights impacts.
57	Appendix 2, para. 3	The forms may reflect only the activity participant’s assessment.	Add: “Indigenous Peoples’ views shall be reflected where they may be affected.”	Where Indigenous Peoples may be affected, the documentation should include their views on risks, impacts and adequacy of measures.
58	Appendix 2, para. 4	Observed events resulting in reversals do not require direct notice to affected Indigenous Peoples.	Add: “Affected Indigenous Peoples shall be notified without delay.”	Where an observed event or reversal may affect Indigenous Peoples, direct notice should not wait for later monitoring reports.
59	Appendix 2, para. 4	There is no issuance consequence where rights related impacts remain unresolved after an observed event or reversal.	Add: “Issuance shall be suspended pending resolution of material rights related impacts.”	Crediting should not continue while material rights impacts from an observed event or reversal remain unresolved.
60	Appendix 2, para. 5	The 365 day reporting timeline may be too slow where material impacts on Indigenous Peoples’ rights arise.	Add after “365 days”: “, except that material impacts on Indigenous Peoples’ rights shall be reported without delay,”	The 365 day period may be appropriate for technical reporting, but rights related impacts require prompt notice and response.
61	Appendix 2, para. 5(a)(ii)	Environmental and social impacts do not expressly include cultural or rights impacts.	Add after “environmental and social impacts”: “, including	Cultural, health, and rights impacts should be included in the post event

			cultural, health, and rights impacts where applicable,”	assessment where Indigenous Peoples may be affected.
62	Appendix 2, para. 5(a)(iii)	Remedial measures are framed as measures implemented by the activity participant.	Add: “with affected Indigenous Peoples’ full and effective participation, where applicable.”	Where remedy affects Indigenous Peoples, it should be developed with them, not imposed on them.
63	Appendix 2, para. 5(a)(iv)	Restoration to the prior state may not address cultural, sacred or rights related harm.	Add: “or other culturally appropriate remedy, where applicable.”	Some harms cannot be fully restored physically. Remedy should remain available and culturally appropriate where Indigenous Peoples are affected.
64	Appendix 2, para. 5(a)(v)	Recurrence prevention does not include Indigenous monitoring.	Add: “including Indigenous monitoring where applicable.”	Indigenous monitoring may be necessary where recurrence risks affect Indigenous lands, resources, waters, health, or cultural heritage.
66	Appendix 2, para. 5(b)	“Consider” makes post registration correction discretionary.	Replace “consider” with: “submit, where required,”	If documentation is no longer applicable, the activity participant should be required to submit a post registration change request.
67	Appendix 2, para. 5(b)	Issuance may continue while project documentation is no longer applicable.	Add: “No further issuance shall occur pending resolution of material rights impacts.”	Issuance should not continue while material rights impacts remain unresolved.
68	Appendix 2, para. 6	If harm occurs without a formal reversal, the draft waits for the next	Add after “without resulting in a reversal”: “, including where	Response to impacts on Indigenous Peoples’ rights

		monitoring report.	Indigenous Peoples' rights may be affected,"	should not depend on whether the event meets the carbon accounting threshold for reversal.
69	Appendix 2, para. 6	Affected Indigenous Peoples are not guaranteed immediate notice.	Add: " Affected Indigenous Peoples shall be notified without delay. "	Indigenous Peoples should not have to wait until the next monitoring report to learn about an event that may affect their rights.

H. Consolidated cross-cutting clause

Edit no.	Location	Issue	Recommended edit	Rationale
70	General requirements before validation	Element 9 is not clearly linked to the activity cycle.	Add: " Where Indigenous Peoples may be affected, validation, registration, verification and issuance shall require compliance with Element 9. "	This makes Element 9 an activity cycle requirement, not only a safeguard section to be documented.
71	Validation or issuance section	The Tool does not clearly prevent issuance while Indigenous Peoples' rights impacts are unresolved.	Add: " No issuance shall occur while material unresolved impacts on Indigenous Peoples' rights remain under review. "	Issuance should not proceed while unresolved rights impacts are under review.
72	Mitigation provisions	Mitigation could be treated as an alternative to FPIC.	Add: " Mitigation shall not substitute for FPIC where required. "	Where FPIC is required, mitigation measures cannot replace consent.

I. Interface with the Article 6.4 appeal and grievance processes

The IIPFCC does not propose that the SD Tool duplicate or replace the existing Article 6.4 appeal and grievance processes. Rather, the SD Tool should ensure that Element 9 related concerns, documentation, verification findings, confidentiality issues and Indigenous Peoples' rights expertise are properly reflected in the activity cycle, so that the existing appeal and grievance processes can operate on a complete and accurate record.

Edit	Location	Issue	Recommended edit	Rationale
73	SD Tool provisions on stakeholder consultation, continuous engagement, validation and verification	The SD Tool does not clearly connect Element 9 concerns to the existing Article 6.4 appeal and grievance procedure.	Add: “Concerns raised by Indigenous Peoples concerning Element 9 shall be documented and considered in validation, verification, registration and issuance, without prejudice to the applicable Article 6.4 appeal and grievance processes.”	The PACM already has separate appeal and grievance processes. The SD Tool should not duplicate those procedures, but it should ensure that Element 9 concerns are recorded and considered at the relevant activity cycle stages.
74	SD Tool validation and verification provisions	The DOE may validate based mainly on participant documentation, even where Indigenous Peoples dispute Element 9 compliance.	Add: “Where Indigenous Peoples raise material concerns concerning Element 9, the DOE shall assess and address those concerns in its validation or verification report.”	This creates a bridge between Indigenous Peoples' concerns and the DOE's role, without creating a new grievance process inside the SD Tool.
75	SD Tool verification and issuance related provisions	Existing grievance machinery can recommend temporary suspension of issuance, but the SD Tool does not clearly link unresolved Element 9 impacts	Add: “Unresolved material concerns concerning Element 9 shall be considered before issuance.”	This aligns with the existing grievance procedure, which can recommend action within the activity cycle, including temporary suspension of

		to issuance decisions.		issuance. It avoids overstating the SD Tool's role.
76	SD Tool documentation, disclosure and confidentiality provisions	FPIC and Element 9 documentation may include sensitive cultural, spiritual, territorial or internal governance information.	Add: “Confidential, sacred or sensitive information of Indigenous Peoples shall not be disclosed without FPIC.”	The appeal and grievance procedure already contains confidentiality protections. The SD Tool should align with that machinery and avoid forcing disclosure of sensitive Indigenous information.
77	SD Tool validation, verification and assessment provisions	The appeal and grievance panels are expected to have case specific expertise, but the SD Tool does not require Indigenous rights competence for Element 9 assessment.	Add: “Where Element 9 is triggered, relevant assessments shall be supported by expertise on Indigenous Peoples’ rights.”	Element 9 cannot be assessed properly without competence on FPIC, customary tenure, Indigenous legal systems, cultural heritage and self-identification.
78	SD Tool stakeholder consultation, continuous engagement, grievance interface and disclosure provisions	Indigenous Peoples may face pressure, retaliation or intimidation for raising Element 9 concerns, withholding consent, or engaging appeal and grievance processes.	Add: “Indigenous Peoples shall not be subject to retaliation, intimidation or coercion for raising concerns, withholding consent, or engaging Article 6.4 appeal or grievance processes.”	FPIC, participation, appeal and grievance processes cannot function effectively if Indigenous Peoples face retaliation or intimidation for using them.

IV. Conclusion

The IIPFCC takes note of the improvements proposed in the revised SD Tool, particularly the highlighted additions in Element 9 and Appendix 2. The draft moves toward better recognizing the need to assess impacts on Indigenous Peoples’ rights, lands, territories, resources, culture, health, cultural heritage, gender relations and intangible impacts. It also improves FPIC

language and provides more structured treatment of removal activities and reversals. However, the current draft still needs stronger due diligence machinery. The Tool should not only ask better questions. It must provide clear consequences. The IIPFCC therefore urges the Supervisory Body to revise the SD Tool to ensure that:

- No positive validation opinion should be issued where material Element 9 compliance concerns remain unresolved.
- No registration should proceed where FPIC is required and absent.
- No issuance should occur where Indigenous Peoples' rights impacts remain unresolved.
- No mitigation measure should substitute for FPIC where FPIC is required.
- No benefit sharing should substitute for rights compliance.

This is the minimum machinery needed for the PACM to operate consistently with the rights of Indigenous Peoples.