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IETA INPUT TO THE ARTICLE 6.4 SUPERVISORY BODY | MEANINGFUL  
ENGAGEMENT OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

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## INTRODUCTION

IETA appreciates the efforts of the UNFCCC Secretariat, Parties, the Article 6.4 Supervisory Body (A6.4 SB), Observer Organisations and Non-party stakeholders in operationalising the Article 6.4 mechanism.

We welcome the structured public consultation on meaningful engagement of Indigenous Peoples and local communities (ILPCs) in Article 6.4 mechanism launched by the UNFCCC Secretariat following decision 3/CMA.3, paragraph 5 (h) and the request by the Supervisory Body at its sixth meeting (paragraph 34 of the SB 006 meeting report).

In this context, IETA recalls the utmost importance of the eleventh preambular paragraph to the Paris Agreement and highlights its mention in decision 3/CMA.3 Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement, paragraph 24.<sup>1</sup>

IETA's input follows the questions suggested in the call for input and is structured around three sections: (i) current or anticipated challenges IPLCs face or may face in engaging with the Article 6.4 mechanism; (ii) mode of communication to facilitate better dialogue between the Supervisory Body and Indigenous communities; and (iii) meaningful long-term engagement and active participation from IPLCs.

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<sup>1</sup> "The Supervisory Body shall, in accordance with relevant decisions of the CMA, Establish the requirements and processes necessary to operate the mechanism, relating to, inter alia (...) 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, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity (...)."

## CURRENT OR ANTICIPATED CHALLENGES

*What are the current or anticipated challenges Indigenous Peoples and local communities face in engaging with the Article 6.4 mechanism?*

IPLCs are likely to face the same challenges observed in existing projects under the CDM and other crediting programmes.

First, non-legalised utilisation of historic land, land grabs, forced resettlement and loss of resources, or the failure of a government to acknowledge the rights of Indigenous Peoples and ensure social safeguards a serious risks that may create challenges and uncertainties for IPLCs. These concerns go hand in hand with the risk of conflict of interests between host country governments and the IPLCs' rights, which may lead to a scenario in which the host country overseeing a project fails to acknowledge or permit the involvement of IPLCs in Article 6.4 procedures. Such a risk is compounded by the fact that the SD tool embeds sustainable development considerations as a national prerogative. It is important to note that this is not always intentional on the part of the government but may result from a lack of understanding at the central government level about IPLCs' rights. IETA welcomes and encourages the Secretariat capacity building efforts, and its expression of interest to discuss possible future collaboration to better understand IPLCs concerns and support the process of building the capacity of Parties, constituted bodies and other stakeholders.

Second, IPLCs may encounter impediments in accessing legal or project procedures and engaging with the A.6.4 mechanism, even when their rights are duly acknowledged and codified. For instance, IPLCs may face difficulties in accessing and participating in stakeholder meetings or initiating a legal procedure due to various constraints, such as remoteness, lack of internet access, prohibitive travel costs, lack of funding and capacity to disseminate information within the community and gather feedback, language barriers, knowledge gap hindering representatives from having an informed view, absence of fair compensation for the local project team, inclusion too late in the projects' processes. A particular concern raised was the politicisation of the role of IPLCs representative. In practice, community leaders often hesitate to take on roles representing their communities in discussions due to concerns about readiness and potential instrumentalisation. This reinforces a trend where only a few knowledgeable IPLC experts act on behalf of extremely diverse communities and may not necessarily represent their views accurately.

Third, benefit sharing is an issue to be addressed. As outlined above, the lack of full legal ownership by IPLCs may lead to exclusion from project decisions, undermining the right to self-determination.

IPLCs are often engaged after the project area and mitigation activities have been determined. They are presented with complex documents that may leave them without a comprehensive understanding of the project's potential impacts, risks and benefits. IETA encourages the SB to elaborate mechanisms that address the lack of agency from IPLCs. To achieve this, collaboration between project developers and governments is necessary. In some cases, government oversight can ensure accountability in sharing benefits with IPLCs. However, in jurisdictions with strained relationships between the government and IPLCs, project developers can lead constructive engagement. Transparency should be promoted to build trust between stakeholders and facilitate engagement with the A6.4 mechanism.

IETA encourages the SB to establish mechanisms that explicitly recognise IPLCs as integral participants in the decision-making process.

## **MODE OF COMMUNICATION**

*What mode of communication could facilitate better dialogue between the Supervisory Body and Indigenous communities?*

IETA believes it is of outmost importance to ensure dialogue between the Supervisory Body and Indigenous communities.

Regarding the mode of communication, IETA strongly encourages the SB in its efforts to facilitate and sustain dialogue with those on the grounds most impacted by the SB's work. In this context, IETA supports regular interactions with community representatives, including Indigenous Peoples, both virtually and in-person (taking into consideration that in-person meetings are crucial for IPLCs with limited technology penetration). Such interactions ensure the transfer of first-hand accounts of impacts, perceptions, and aspirations. IETA recognises efforts already made by the SB in its regulatory documents to guarantee that projects from the 6.4 mechanism engage local communities, notably through the requirement for all 6.4 activities to ensure continuous engagement of stakeholders at both global and local levels. In this process, the SB might consider using a diverse set of technological and mobile tools to expand its communications outreach. The translation of documents, presentations and capacity building trainings into multiple languages should also be considered to enhance inclusivity. Continuous discussions with organisations working with IPLCs and the UNFCCC RCCs can support dialogues between IPLCs and the SB.

## LONG-TERM ENGAGEMENT AND ACTIVE PARTICIPATION

*How would you envision meaningful long-term engagement and active participation from Indigenous Peoples and local communities on the work of the Supervisory Body and the mechanism?*

IPLCs could have representatives appointed as institutions rather than in their individual capacities, playing an advisory role to support the SB in the operationalisation of A6.4 mechanism. The acknowledgement of indigenous-led groups within the A.6.4 mechanism could promote accountability and broader community participation through their representatives. These institutions would engage over the long-term with the A6.4 mechanism. When selecting such representatives, diversity of representation (geographical and linguistical) should be promoted and encouraged to consider the perspectives and knowledge of different IPLCs. It is pivotal that information reaches communities on the ground through an ecosystem of trusted actors collaborating together on delivering accessible content to explain the process— supporting the strengthening of local governance structures, preparing for decision-making moments, empowering IPLCs representatives for knowledge-sharing, and creating a space for decision-makers to step forward, mobilise their communities, and bring their voices to the table.

At the project scale, proactive measures must be implemented to recognise the significance of IPLCs in determining their own agenda, perspectives, needs, and demands, and acknowledging their meaningful advisory role. This should form the foundation for Art 6.4. projects, moving beyond information provision and agreement-seeking (with feedback sought throughout the process). Insuring that IPLCs representatives are included by project proponents in the process of conducting the environmental and social safeguards risk assessments (for the SD tool) could support that. “Community councils” that would be part of the project development decision making process, could ensure meaningful and active participation of IPLCs. The involvement of IPLCs throughout the whole project implementation process is key to ensure that projects under the A6.4 mechanism keep reflecting the dynamic and evolving political landscape on the ground. Long-term engagement of IPLCs with the 6.4 mechanism can also help the mechanism to evolve and incorporate more flexible project designs that consider multiple ways that IPLCs use their lands and better address the diverse threats they face on a daily basis. Additionally, placing an initial emphasis on social, environmental and biodiversity benefits (and IPLC expertise on these aspects) at the project outset, with a later consideration of carbon aspects, underscores the importance of prioritising the former as primary objectives. Finally, there is a need to establish a grievance procedure to handle any disputes that may arise during the different project phases. The procedure should encompass steps for receiving,

addressing, responding to, and resolving grievances within a reasonable timeframe, with consideration for culturally suitable conflict resolution methods.

### **ABOUT IETA**

IETA is a non-profit business association with a membership of over 300 leading international organisations operating in compliance and voluntary carbon markets. Since its foundation in 1999, IETA has been the leading voice of business on ambitious market-based solutions to climate change. We are a trusted adviser to governments to support them in developing international policy and market frameworks to reduce greenhouse gases at lowest cost, increase climate ambition, and build a credible path to net zero emissions. See [www.ieta.org](http://www.ieta.org) for more information.

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