

OHCHR Response to the request for views on activities involving removals, including appropriate monitoring, reporting, accounting for removals and crediting periods, addressing reversals, avoidance of leakage, and avoidance of other negative environmental and social impacts, in addition to the activities referred to in chapter V of the rules, modalities and procedure FCCC/PA/CMA/2022/L.14, para. 19

OHCHR welcomes the opportunity to submit its views on the above-referenced subject. Nonetheless, OHCHR wishes to express its concern that the modalities of observer participation employed at the third meeting of the Article 6.4 Supervisory Body prevented the meaningful, informed, and effective participation of observers. Observers were isolated in a room far from the one in which the Supervisory Body discussions took place and there was a lack of clarity regarding when or how observers could participate. Eventually, observer participation was planned at the end of the third session. However, observers who followed the discussion late into the evening of the last day awaiting the opportunity to participate were ultimately prevented from doing so owing to a lack of time. The Supervisory Body concluded its third session and forwarded its recommendations on removals to the CMA without any observer participation during the session.

OHCHR urges the CMA to carry out all of its future work through a participatory, inclusive and transparent process that respects, protects and fulfils the human right to meaningful and informed participation and to direct the Supervisory Body to do the same.

OHCHR is concerned by insufficient attention being paid to issues of critical importance to ensuring the Article 6.4 mechanism functions effectively for people and the planet. In this regard, the Office wishes to highlight the passage below from the [Key Messages of the UN Environment Management Group Issue Management Group on Human Rights and the Environment on Advancing a Human Rights-Based Approach to the Climate Negotiations \(2022\)](#)

Projects are better designed and more sustainable when affected people are consulted in a fair way, and safeguards and accountability mechanisms, including monitoring and evaluation, are in place. At COP26, Parties affirmed that their human rights obligations apply in the context of cooperative approaches to climate action. They committed to an inclusive and participatory approach to climate action under Article 6 and to the establishment of a redress mechanism under Article 6.4. These commitments need to be operationalized. For example, **the Supervisory Body of the Article 6.4 mechanism should ensure protection measures common to most forms of development cooperation such as rights-compliant stakeholder consultations, environmental and social safeguards, and an independent grievance/redress**

mechanism are in place before Article 6.4 is operationalized. Further, technologies with uncertain and/or demonstrated risks to human rights and the environment should not be admitted by the Article 6.4 mechanism.

OHCHR is particularly concerned by the substantial focus of the Supervisory Body on removals. Removals pose challenges when it comes to measurement, sustainability, monitoring and accountability. They often involve 1) natural or biological processes and / or 2) unproven climate engineering technologies both of which can have substantial human rights impacts.

There are ethical, political and security risks, including for future generations, around the deployment of climate engineering. There is no scientific certainty on the efficacy of climate engineering technologies and the risks they pose to people and the planet. Recent IPCC reports make it clear that projected 1.5 degree pathways involving climate engineering technologies pose both known and unknown risks, and that these technologies may not be available or scalable in the timeframe needed for averting further and irreversible climate harm. The Convention on Biological Diversity has adopted a decision on geoengineering that covers all technologies that may affect biodiversity and invites Parties and others to ensure (with some exceptions and until certain conditions are met) that no geoengineering activities take place (decision X/33 paragraph 8(w)).

OHCHR urges the Supervisory Body to follow this lead and to focus its efforts on emission reductions. According to the IPCC, there are pathways to limiting warming to 1.5°C or less that do not rely on removals, and would also avoid climate overshoot which poses substantial and irreversible risks to people and ecosystems. OHCHR urges the Supervisory Body to focus its efforts on facilitating rights-based action to reduce emissions including by establishing a robust and participatory governance framework under Article 6.4. This would align with States' human rights obligations, their commitments under the Paris Agreement, and recent IPCC findings on the importance of rights-based approaches for effective and sustainable climate resilient development.

All activities under Article 6.4 should respect, protect and fulfil human rights and be guaranteed to meaningfully and sustainably contribute to climate change mitigation. Before operationalizing Article 6.4, OHCHR urges that the Supervisory Body take effective measures to ensure adequate environmental and social safeguards; continuous and inclusive monitoring and evaluation of activities constituting emissions reductions or removals; a clear understanding of the human rights obligations of States and responsibilities of businesses, including to exercise human rights due diligence; and an independent grievance mechanism that ensures access to remedies for those affected by Article 6.4 activities.