

PUBLIC PARTICIPATION IN THE CDM – REPORT FROM COP7

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COP7 finalized the Clean Development Mechanism (CDM) rules, but left many important public participation elements open to further elaboration by the Parties and the CDM Executive Board (EB). While some important public participation provisions were strengthened at COP7, stakeholders' access to information and opportunities to comment on CDM projects remain limited in both frequency and scope. The list below highlights areas in which the CDM rules must be strengthened to ensure adequate public participation. A summary chart follows and provides an inventory of all public participation-related provisions in the CDM.

❖ STRENGTHENED PROVISIONS FROM COP7 – IMPORTANT PLACEHOLDERS

Two significant provisions were added to the CDM rules at COP7:

◆ **Technical reports require an 8 week public comment period**

The EU inserted text requiring an 8-week public comment period on all technical reports commissioned by the CDM EB – this is particularly important for reports addressing new baseline methodologies. This is the longest public comment period in the CDM rules.

◆ **EB to elaborate process for stakeholder-triggered review of registration and issuance of CERs**

CDM project participants and EB members are currently the only entities empowered to trigger any review of a CDM project. The EB is now tasked to elaborate a process to include stakeholder input in the reviews of both the registration and issuance of CERs.

❖ PUBLICLY AVAILABLE INFORMATION – TOO LITTLE, TOO LATE

The CDM rules require the OEs, EB and UNFCCC secretariat to make certain documents “publicly available.” However, the means of communication, and the type and timing of information made available remain insufficient and pose serious threats to legitimate public participation in the CDM.

◆ **Culturally inappropriate channel of communication – the internet is not enough**

The internet will likely serve as the primary means of communicating all CDM project information, which is not appropriate for many of the local stakeholders most directly impacted by CDM projects.

◆ **Project participants mark any information as “confidential” – only a few exceptions**

Project participants can mark information as proprietary or confidential at their own discretion. Certain types of project-related documents are required to be considered non-confidential (and therefore accessible to the public) according to the CDM rules. However, beyond the limited documents already identified, it remains to be seen to what CDM information will be publicly accessible.

◆ **Public informed only post decision-making - no option for public review or appeal**

Almost all information becomes publicly available only *after* decision-making has taken place, thus completely excluding stakeholders from key stages of CDM policy-making and project development. The only guaranteed stakeholder comment periods occur during the *initial* stages of CDM project development – if stakeholders miss these limited windows for comment, there is little hope of providing input into a CDM project at a later stage.

❖ INPUT FROM STAKEHOLDERS – LIMITED WINDOWS OF OPPORTUNITY

The CDM rules require stakeholder comments at four phases of a CDM project, almost all of which occur early on during CDM project development. While these comment periods are crucial in ensuring stakeholder input is invited and taken into consideration, the process by which comment periods are announced remains inadequate and not likely to result in genuine public participation by local communities. Further rules must be elaborated to appropriately notify stakeholders of opportunities to comment on CDM projects.

❖ INPUT FROM CDM PROJECT PARTICIPANTS AND THE EXECUTIVE BOARD (EB)

The CDM rules provide for two possible reviews, triggered by Project Participants or at least 3 EB members:

- 1) review of CDM registration
- 2) review of the issuance of CERs.

In addition to reviewing CDM activities at these designated phases, the EB is also able to trigger a review of the continued accreditation and re-accreditation of the Designated Operational Entities (DOEs). There is no provision allowing stakeholders to comment on or request a review of a DOE's performance.

CDM PHASES	"PUBLICLY AVAILABLE" DOCUMENTS – GENERALLY VIA INTERNET	RESPONSIBLE ENTITY
Accreditation & Designation of OEs		
	<ul style="list-style-type: none"> EB's recommendation and COP/MOP decision (based on EB's rec., review and hearing) to suspend/withdraw OE designation – para. 21. 	UNFCCC secr
Validation		
	<ul style="list-style-type: none"> New baseline & monitoring methodologies (<i>after</i> EB review & approval, and once adopted by COP/MOP) – para. 38. 	EB
	<ul style="list-style-type: none"> Project design document - para. 40(b). 	Validating OE
	<ul style="list-style-type: none"> Public comments - para. 40(c). 	Validating OE
	<ul style="list-style-type: none"> Validation report (including how OE took into account public comments received) – para. 40(f) & (g). 	Validating OE
Registration - final 8 weeks after registration request made (unless review triggered)		
	<ul style="list-style-type: none"> If there is a review of project registration, EB decision and reasons (review triggered <i>only</i> by project Party or at least 3 EB members) – para. 41(b). 	EB
Verification & Certification		
	<ul style="list-style-type: none"> Monitoring report – para. 62. 	Verifying OE
	<ul style="list-style-type: none"> Verification report - para. 62(h). 	EB
	<ul style="list-style-type: none"> Certification report – para. 63. 	Ver/Cert OE
Issuance of CERs – final 15 days after issuance request made (unless review triggered)		
	<ul style="list-style-type: none"> If there is a review of CER issuance, EB decision reasons (review triggered <i>only</i> by project Party or at least 3 EB members) - para. 65(c). 	EB
Project life – general		
	<ul style="list-style-type: none"> Full text of all EB decisions in 6 UN languages - para. 17. 	EB
	<ul style="list-style-type: none"> List of CDM projects for which DOE has carried out validation, verification or certification – para. 27(f). 	Each DOE
	<ul style="list-style-type: none"> Information from CDM project participants – para. 27(h). 	Each DOE
	<ul style="list-style-type: none"> List of all designated OEs – para. 20(c). 	EB
	<ul style="list-style-type: none"> List of NAI Parties which are KP Parties - para. 34(a). 	UNFCCC secr
	<ul style="list-style-type: none"> List of AI Parties that do not meet the CDM participation requirement - para. 34(b). 	UNFCCC secr
Non-confidential information	<u>Information <i>not</i> considered as proprietary or confidential if used to:</u> - Determine additionality; 2) Describe baseline methodology and its application; 3) Support an EIA - para. 27(h).	DOE (as req. by EB)
EB meetings	<ul style="list-style-type: none"> Attendance open to UNFCCC accredited observers unless the EB decides to close the meeting – para. 16. 	EB
STAKEHOLDER COMMENT PERIOD		
Preparation of the PDD	<ul style="list-style-type: none"> Comments by local stakeholders <i>must be invited</i> and documented in the PDD – para. 37(b). 	Project Participant
	<ul style="list-style-type: none"> PDD must include a summary of stakeholder comments, and a report on consideration of comments – para. 37(b)/App. B, para. (g). 	Project Part./DOE
Validation	<ul style="list-style-type: none"> Following PDD release, stakeholders and UNFCCC accredited NGOs have 30 days to provide comments on the validation requirements - para. 40(c). 	Validating OE
Verification	<ul style="list-style-type: none"> Verifying OEs <i>may</i> interview local stakeholders while conducting on-site inspections - para. 62(b). 	Verifying OE
Technical Reports	<ul style="list-style-type: none"> Any technical reports commissioned by the EB must be open to public comment for 8 weeks – para 5(j). 	EB
Abbreviations		
AI – Annex I Parties to the UNFCCC (developed countries)		DOE / OE – Designated Operational Entity
CDM – Clean Development Mechanism		EB – Executive Board
CER – Certified Emissions Reduction		EIA – Environmental Impact Assessment
COP/MOP – Conference of the Parties / Meeting of the Parties		NAI – Non-Annex I Parties to the UNFCCC (developing countries)
		PDD – Project Design Document

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