

Call for public inputs on areas and means for direct communication of relevant stakeholder groups within the registration, issuance and methodology processes and the Board.

- 18 March 2011 -

CDM Watch welcomes the opportunity to provide its views to the CDM Executive Board on areas and means for direct communication of stakeholders and the Board. We wish to highlight possibilities for improvement of the accessibility and facilitation of communication especially between civil society actors and the Board.

Communication between civil society representatives and the Board mainly happens via means of public participation in the CDM process cycle. Therefore, this submission focuses particularly on how to improve the public participation as a means to improve direct communication with the Board.

Over the last years, CDM Watch has engaged with a wide range of civil society actors with the aim to coordinate public participation and communication with the Board. However, a significant number of obstacles remain within the CDM procedures.

In order to improve communication between civil society and the Board we would like to recommend in particular the following:

1. Set-up email notification systems for registration, issuance and methodology processes as well as for all public participation procedures that depend on a certain period of time
2. Further improve of the user-friendliness of the UNFCCC CDM website including the translation into all official UN working languages
3. Make available essential documents of CDM projects (at least the PDD and the EIA) in the language(s) of the host country
4. Make available hard copies of the translated PDD to affected communities
5. Ensure that all supporting documents are uploaded prior to the start of the public commenting period
6. Allow submissions of comments in the language(s) of the host country
7. Allow delayed submissions of comments if the delay is due to a reasonable justification
8. Increase the public commenting period for large projects
9. Increase the public commenting period on new methodologies
10. Introduce a mechanism where concerns about CDM projects can be submitted at any time

1. Set up an email notification system

Citizens, even those keenly interested in a particular proposed CDM project, do not know where to find information about public participation opportunities at the UNFCCC website. Even if they do, they do not check the CDM website on a daily basis and therefore often find periods for public comments closed before they get a chance to prepare a comment.

The current CDM procedures do not foresee any notification system which causes that many times the deadline for submitting comments is being missed. While the secretariat attempted to improve this with a new RSS feed we do not see how this possibility would bring any improvement to the situation, as the large majority of stakeholders does not know how to use RSS. In order to ensure that affected communities and citizens have a real chance to participate in the process, an email notification is therefore required.

This could be tailored in the form of mailing lists that provide information about registration, issuance and methodology processes as well as for all public participation procedures that depend on a certain period of time, including:

- Requests for registration
- Requests for renewal of crediting period
- Start of the 30/45 day public commenting period of projects
- Start of the 15 day public commenting period for new methodologies

2. Further improve the UNFCCC website

CDM Watch welcomes the efforts to improve the user-friendliness of the UNFCCCs webpage. Its recent update has indeed enhanced the accessibility and facilitated the inclusion of additional information. Yet, many obstacles remain and some crucial information is not made public at all or not accessible in a user-friendly manner. Within this context, we would like to inform you that CDM Watch is currently performing a user-test of <http://cdm.unfccc.int/>. Unfortunately we were unable to complete the test until the deadline for this input but would like to communicate the results to the Board by Friday, 1 April 2011.

Equally important for the improvement of accessibility of information would be the translation of <http://cdm.unfccc.int/> into all official UN working languages. It is impossible to navigate on a website without being in command of the language. While we realise that is impossible to translate the website into all CDM host country languages, we believe that a section on the CDM page that deals directly with public participation process should be available in official UN working languages.

3. Make available essential documents of CDM projects in the language(s) of the host country

An essential element of public participation is to facilitate that affected stakeholders actually have a real possibility to submit comments during the global stakeholder consultation period. However, the vast majority of stakeholders in CDM host countries do not speak English. Our experience has shown that for many stakeholders it is almost impossible to prepare a comment on the basis of an English project design document (PDD), which cannot be understood. Along the same lines, also the environmental impact assessment (EIA) which is an essential background document for the preparation of a comment needs to be understood in order to analyse a project application.

Given the administrative burden of a CDM project application, we do believe that the translation of the PDD and the EIA would add neither particular high costs nor time efforts but would be a milestone in improving the possibility for affected communities to take part in the process.

4. Make available hard copies of the translated PDD to affected communities

Another obstacle for affected communicated to participate in the CDM process is that lack accessibility of essential document. Many project area residents do not have readily available internet access. Therefore, provision of the PDD on the internet alone does not encourage the widest possible public participation and constitutes denial of access to those without technology and internet proficiency.

Therefore we believe that in addition to publishing the PDDs online, a translated version must also be made available in hardcopy in project area communities, in churches, libraries, schools, or other appropriate points of community gathering.

5. Ensure that all supporting documents are uploaded prior to the start of the public commenting period

Meaningful public comment on PDDs is extremely hamstrung by the unavailability of supporting documentation, such as IRR analysis spreadsheets and the environmental impact assessments. While this documentation may be required for the Board's review of validation, it is typically not provided

during the public commenting period. Without this documentation, public review and comments on the crucial issues of additionality and public participation in environmental analysis is limited to the summary information provided in the PDD itself and thus rather superficial.

Therefore, the supporting documentation should be required to be available along with the PDD at the start of the public comment period. Not only would this enhance the legitimacy of the CDM procedurally, but it would be a boon to DOEs by ensuring that the supporting information is provided at the outset, rather than having to be sought later when it may be omitted from validation submissions.

6. Allow the submission of comments in the language(s) of the host country

What goes for the need to translate essential documents into the languages of CDM host countries can also be said for the language requirements of comments: the vast majority of stakeholders in CDM host countries do not speak English.

Our experience has shown that comments that were submitted in other languages than English were not accepted by the UNFCCC secretariat. Requiring that comments only be allowed in English adds a massive burden on the shoulders of stakeholders that are keen to comment on a project. Often there are neither human nor financial resources for translation which therefore makes it impossible to submit a comment.

Given that naturally the project developers and the DOE are translating vast amounts of documents in relation to the CDM project application, we do not believe that it would add neither particular high costs nor time efforts to the project application. But it would be another milestone in improving the possibility for affected communities to take part in the process.

7. Allow delayed submissions of comments if the delay is due to a reasonable justification

It is not clear to many stakeholders when the period for submitting comments during the global stakeholder consultation actually closes. While there is a general understanding that the official closing time is 24.00 GMT there is no reference at the validation page where project applications are displayed. This has led to the situation where many stakeholders, especially in time zones in the West, have faced closed periods without being able to submit their comment.

We believe that such a misunderstanding should not keep a serious and well-grounded comment of a project from being submitted. Therefore, if a reasonable justification can be given that prevented the stakeholder from submitting the comment before 24.00 GMT, the comment should still be accepted.

Our experience has also shown that in many cases the period had closed several hours before 24.00 GMT, even keeping organisations like CDM Watch that is aware of the official closing time from submitting a comment. A clear communication and strict application of the closing time combined with a higher tolerance level for accepting comments is therefore needed.

For example it should be communicated at the page where comments are being submitted who to contact if there are troubles with submitting the comment.

An automatic thirty-day extensions period upon receipt of a timely request could also be a way to allow extra time required to submit a comment.

8. Increase the public commenting period for large projects

PDDs are full of technical jargon and describe very complex projects to answer complicated questions. It is not reasonable to expect citizens and NGOs to be able to digest and understand PDDs and provide meaningful comments in such a short period of time. This is particular the case for some types of projects that tend to be more controversial and present more significant potential environmental or community risks.

In order to avoid a prolongation of the CDM process, we believe that there should be a possibility to allow a longer commenting period could be designated for larger projects or those using particular categories of technologies.

An automatic thirty-day extensions period upon receipt of a timely request could also be a way to allow extra time required to submit a comment.

9. Increase the public commenting period on new methodologies

The current time provided for public comment on new methodologies, 15 days, is unreasonable and is inadequate to promote and facilitate meaningful public participation, as the UNFCCC and principles of international law require.

New methodologies are technically complex and are growing in complexity over time. As a result, they often take up to several years to proceed from initiation to adoption. Fifteen days is simply not a reasonable period for public review because it is inadequate time for individuals or NGOs to get acquainted with the materials and issues relevant to new methodologies. Given their complexity and technical and programmatic nature, forty-five days is the minimum appropriate time period. Since the methodology will largely influence the quality of the respective projects, it is of utmost importance that civil society has a realistic opportunity to scrutinize the environmental integrity of CDM methodologies.

An automatic extensions period upon receipt of a timely request could alternatively also be a way to allow extra time required to submit a comment.

10. Introduce a mechanism where concerns about CDM projects can be submitted at any time

CDM project should at no moment in time cause any concerns. However, under the current rules there are only limited opportunities for input during the validation of the project. Once the project is registered – during the monitoring period of a project - there is no meaningful way to communicate any concerns. Given that crediting periods can be extended up to 21 years or even 60 years in cases of A/R project activities, there must be a mechanism in place that allows affected communities to effectively communicate valid concerns also in the monitoring period of a project.

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