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To cdm-info@unfccc.int  
From werner.betzenbichler@beCe-experts.com  
Date August, 2011  
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Subject **Call for public input on Stakeholder Comments Processes**

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Your contact:  
Werner Betzenbichler  
General Manager DIA  
Chair of the DOE/AIE Forum

Honorable Members of the CDM Executive Board,

The DOE/AIE Forum appreciates the initiative of the CDM Executive Board to improve the communication between the Board, the UNFCCC Secretariat and their stakeholders and welcomes the opportunity to provide input on the "application of the requirements for consideration of stakeholders' inputs during the validation process"<sup>1</sup>

This input has been prepared by the Chair of the DOE/AIE Forum by consolidating comments received from various DOEs after inviting all members of the DOE/AIE Forum to provide feedback on their experiences, concerns and to make suggestions for improvement.

Only little feedback was delivered on the local stakeholder process, which is meanwhile a well-established process and which is in our view appropriately handled by project developers and DOEs. According to the information note published in the agenda of EB-62, sometimes local stakeholders raise concerns long time after this process has been finished by sending letters to the EB. It should be noted that even in case such might deliver new valuable insights such cases should not result in any further burden to the validating DOE. A validation opinion can only be based on facts that are available at the time of decision making. If someone breaks his silences at a late stage, i.e. after requesting registration, a DOE should not be required to make corrections.

With regard to the application of the local stakeholder consultation process there should be clear guidance for PPs on the level of local stakeholder consultation required by the CDM. The standard varies widely and in many cases, consultation is cursory and happens too late in the process. International best practice should be required, and there should be guidance on when stakeholders must be consulted (this should probably be before the starting date of the project activity, i.e. when comments can still be taken into account). Comments after the construction has already started are meaningless as it is too late to stop or change the design of the project. Furthermore, there should be guidance on what to do about negative stakeholder comments. Currently even if all stakeholders say they are severely negatively impacted by a project, there is nothing the DOE can do with this information.

All DOEs comments to this call for input referred to the global stakeholder consultation process (GSP) which is considered an important element of maintaining the transparency of the CDM process. It delivers important views and sometimes additional unknown information about CDM

<sup>1</sup> [http://cdm.unfccc.int/public\\_inputs/2011/eb62\\_02/index.html](http://cdm.unfccc.int/public_inputs/2011/eb62_02/index.html)

projects under development. However most DOEs reported that the GSP is sometimes abused as a platform for irrelevant or defamatory comments, criticizing the CDM and its procedures in general or even placing discriminatory and offending remarks which damage the reputation of project participants or the DOE. In many cases the email address of the sender of a comment provided is not valid or the commenter does not respond when checking the authenticity of a stakeholder's input. It is understandable that DOEs recommend to change the procedure in a manner which either disables the abusing of the process or which enables an adequate reaction.

For maintaining the GSP as the important tools as it has originally been established we recommend to introduce changes along the following steps.

*Restrict the GSP to Parties that have signed the Kyoto Protocol:*

It is recommended to allow only such comments from individuals or institutions which are residents of or registered in countries which have ratified the Kyoto Protocol. If necessary such a restriction should be sought by the CMP. The reason for this restriction is given at a later stage.

*Creation of a form for submitting comments:*

When making comments, stakeholders should be required to:

- clearly state their full name, and the name of the organization they represent, location (country of residence or legal establishment ) and contact details;
- document their relationship to the project, i.e. why they can be considered an affected stakeholder
- express their comments (pro and cons) item by item
- submit additional information in case the commenter is of the view that such information is not yet available to / considered by the DOE.

*Categorization of comments:*

After a revision of the relevant validation procedures the validation DOE should categorize every argument delivered by a GSP comment form in the following manner (according to our suggestion):

- (A) The argument is project-specific and provides provable views, information which needs to be considered in the validation (irrelevant whether already known or not by the DOE)
- (B) The argument is non-specific or a general non-provable statement
- (C) The argument only repeats requirements which are inherent in the validation procedures
- (D) The argument is aimed at CDM mechanism, EB, CDM procedures, tools, guidance etc.
- (E) The argument is defamatory against the DOE or a project participant.

Only arguments falling under category (A) shall be made publicly available, while the full GSP comment remains accessible for the DOE, UNFCCC secretariat and the EB. The DOE has to run the categorization within [x] working days after receiving a comment. A failure in performing this assessment in a correct manner might be an issue for requesting review in particular in case important information provided by a global stakeholder was not utilized during validation.

*Prosecution of defamatory comments:*

As stated above we recommend that only commenters from KP Parties should be eligible. The reason for this request is to open and emphasize the possibility for project participants and DOEs who are confronted with damaging comments to launch legal action against the commenter. We furthermore request to start interaction with the DNA Forum with regard to how DNAs could support affected entities in such situations. Reliable and reasonable commenters

will not be endangered by such a procedure, but the threat of legal action might withhold individuals from abusing the GSP.

The DOE/AIE Forum trusts that these proposals are helpful to further expand a credible and successful CDM. We look forward to further contributing on this matter.

Kind regards,

A handwritten signature in black ink, appearing to be 'Werner Betzenbichler', enclosed within a large, loopy oval scribble.

Werner Betzenbichler  
Chair of the DOE/AIE Forum