Simulative governance: on the collaborative language of civil society participation in the CDM's stakeholder framework

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1. Introduction

The understanding and architecture of international environmental politics has for some time been under the influence of global governance imperative. The governance turn offers a particular way of thinking through the character of global life at the end of the 20th century (Latham, 1999; Walters, 2004), and has brought with it a powerful language of complexity and fragmentation but, simultaneously, of partnership and collaboration (Rosenau, 2009; Rosenau and Czempiel, 1992; Speth and Haas, 2006). Following the end of the Cold War, the globalization of economies, the rapid technological development, the advent of social movements, and the growth of intergovernmental and non-governmental organizations, we

have been told that world politics is more multi-layered, decentralized, polycentric, non-hierarchical and thus interdependent. This disaggregation and pluralisation of global polity is often wedded in an optimistic language of collective problem-solving, engagement-seeking, partnering and consensus. The age when only the state was synonymous with governance is passing, and political rule now operates in complex relationships with a dense field of political agents 'beyond' and 'outside' the state (Dingwerth and Pattberg, 2009; Hall and Biersteker, 2002).

Participation of non-state actors in the processes of governing is an important aspect of this collaborative language. More specifically, it has been argued that inclusion of and cooperation with civil society in global environmental governance is critical for generating innovative engagement-seeking structures that underpin new implementation networks capable of making policy decisions more informed, transparent, democratically accountable, inclusive, locally sensitive and egalitarian (Benner et al., 2004; Nanz and Steffek, 2004; Scholte, 2004; Speth and Haas, 2006). In particular, the 'stakeholder' participation framework – that assumes the inclusion of 'all-affected' agents as having a 'stake' in decision-making – has been since the 1990s increasingly accepted and implemented in the global developmental and environmental policy-making (Bäckstrand, 2006; Whitman, 2008). Roger E. Kasperson (2006: 320) described this trend in terms of living 'in the heyday of the stakeholder express', characterized by a strong belief that a much broader inclusion of actors in the stakeholder exercise is the principal route to improved governance especially related to highly complex and controversial issues, such as global environmental problems.

In this paper we scrutinize how this presumably participatory and collaborative nature of governance unfolds in global climate policy practice. We do so by turning our attention to the Clean Development Mechanism (CDM) under the Kyoto Protocol (KP). Designed by states as a flexible mechanism to deliver a dual objective of cost-effective reduction of greenhouse gas

emissions and generation of sustainable development benefits, the CDM has – since the adoption of Marrakech Accords at the seventh Conference of the Parties (COP7) in 2001 – rendered as 'a platform for the creation of a wide array of partnerships' between governments, civil society and markets that not only 'breaks new ground in international environmental law' but also 'captures some of the most innovative aspects of the emerging climate change regime' (Streck, 2004 p. 298-302). Hence, in the literature on global climate governance the mechanism is often approached as a typical example of the hybrid, networked, multi-stakeholder and collaborative forms of governance that characterise our times (Abbott 2012; Bulkeley et al. 2012; Biermann et al. 2009).

Participation of NGOs and other civil society groups in the CDM is recognized as critical because, as Streck (2002, 2004) argues, these actors are assumed capable of mobilizing local stakeholder participation, gaining local public support, tapping local knowledge and sharing their expertise in the project design process. In this sense, the engagement of civil society in the CDM is seen helpful in avoiding costly political opposition to specific projects and reducing their potentially negative impacts on local communities. However, we have learned that the inclusion, participation and engagement of civic agents in the mechanism poses various problems and challenges, such as: simplifications of indigenous and cultural identities (Fogel 2004), corruption and intimidation of local actors (Gilbertson 2009), reduction of transaction costs in performing consultations (Lövbrand et al. 2009), techno-bureaucratisation of the participatory process (Newell and Bumpus 2012), as well as assigning less importance to consultations and lack of incentives to validate them properly (Newell 2014).

With our analysis we offer a more nuanced problematization of civil society participation and engagement in the CDM project cycle. We turn our critical attention to the question of *how* this presumably collaborative language of partnership, engagement and consensus plays out in the mechanism by shifting our magnifying glass towards peculiar moments within its

stakeholder framework that provides potential spaces for civic contestation and critique of specific CDM projects. Our interrogation is guided by the *post-political* critique, particularly postulated in writings of Erik Swyngedouw (2005, 2008, 2014) and Ingolfur Blühdorn (1997, 2006, 2007, 2013), which allows us to expose and scrutinize what the political and de-politicizing effects of stakeholding exercises are in the mechanism's structure.

Our analysis is structured around six sections. In Section 2, we elaborate on the post-political critique of governance, following Section 3 that presents specific CDM projects and data selection. In Section 4, we trace the roots and current status of collaborative language in the CDM stakeholder framework. In Section 5, we turn to our empirical material and critically analyse the collaborative language of participation opportunities for civil society to contest specific CDM projects. Finally, we present our conclusions in Section 6.

2. The post-political critique of governance

As noted by Walters (2004: 33), while governance affirms the existence of a wide range of previously invisible actors within world affairs by subjectifying them as 'partners' and 'stakeholders', this optimistic promise of a greater participation and inclusion paradoxically embodies anti-political tendencies. This is because global governance functions not as loci of the political in form of deliberation, contestation or resistance, but as a technocratic and managerial space that instead provides a sterile decision-making and problem-solving path entirely devoid of antagonism (Walters, 2004). Swyngedouw (2008: 15) argues that novel forms of hybrid and networked governing 'reconfigured on the basis of stakeholder arrangement' – underpinning collaboration between government officials, private market representatives, non-state actors and other 'responsible' partners – result in assimilating or eliminating dissent, critique and conflict from the political arena. The scholar observes that public space becomes gradually *de-politicized* whereas 'expertise, interest intermediation, and

administration through governance define the zero-level of politics' (Swyngedouw 2014: 31). Blühdorn (2006: 313-314) recognizes three key dimensions of de-politicization: 1) of *issues*, which are shifted from 'arenas of democratic contestation and decision into arenas which are governed', 2) of *people*, that 'had previously been interested and engaged in public affairs' but 'withdraw from political arenas and retreat into the non-political pursuit of their personal affairs and well-being', and 3) of *social organizations*, implying that civil society groups, that had previously embraced and more openly promoted specific political agendas, now espouse de-ideological tendencies, professionalization and pragmatism in order to 'focus on their core business'. The overall effect of de-politicization constitutes – for Swyngedouw (2005, 2008, 2014), Blühdorn (1997, 2006, 2007, 2013) and other concerned scholars (Machin 2013; Mouffe 2005, 2013; Žižek 2008) – a syndrome of a contemporary 'post-political' and 'post-democratic' condition that inevitably affects global environmental policy-making.

Furthermore, Blühdorn (2013) argues that – in the backdrop of complex, contested and insoluble environmental problems, such as climate change – the increasing deployment of innovative, decentralized and non-hierarchical stakeholder participation modes of governance is a response to 'a strong societal demand for arenas and practices of *simulative* politics' [emphasis added] (p. 31). For Swyngedouw (2005), stakeholder arrangements are inherently contradictory because the optimistic language of collaboration and partnership they operate in brings hope for inclusion and empowerment of civil society, but in practice they contribute to the democratic deficit by dissolving political responsibility and thus obscuring chains of accountability. However, Blühdorn (2013) contends that exactly this contradictory nature of stakeholding renders this new model of governance "exceptionally attractive for the post-democratic condition and suitable for the politics of unsustainability" (p. 31). In this sense, grand narratives of innovative participatory structures involving a wide range of actors in collaborative networks is an 'all-inclusiveness' illusion that masks a radical expansion of

personal responsibilisation and individualisation that, consequently, lead to disintegration of social structures (Blühdorn, 1997).

3. Specific CDM cases and data selection

Our point of analytical entry consists of 25 CDM projects (Table 1) that were contested by civil society actors through 'unsolicited' letters aimed at the CDM Executive Board (EB) during the period 2010-2013. These letters, containing comprehensive critique of the projects were sent to the EB against or outside the currently existing procedures.

Table 1. The list of 25 analysed CDM projects

Project no.	Status	Host country	Type
0003	Registered	South Korea	HFC decomposition
2705	Registered	China	Natural gas power generation
3197	Registered	Honduras	Biogas recovery / utilisation
3237	Registered	Panama	Hydropower
3497	Registered	China	Hydropower
4072	Registered	India	Wind power
4217	Registered	Uganda	Hydropower
4533	Registered	India	Super-critical technology
4555	Registered	China	Hydropower
4629	Registered	India	Super-critical technology
4785	Rejected	China	Power plant phase I
4807	Rejected	India	Energy efficient power generator
5027	Rejected	China	Ultra-supercritical power generation
5788	Registered	India	Small hydropower
7096	Registered	Indonesia	Hydropower
7269	Rejected	India	Small hydropower
7591	Registered	India	Hydropower
8035	Registered	Mexico	Biomass project at cement plant
8761	Registered	Cambodia	Hydropower
8791	Registered	India	Wind farm
9017	Registered	Vietnam	Hydropower
9038	Registered	Laos, Thailand	Hydropower
9359	Registered	India	Hydropower
9467	Registered	India	Hydropower
9523	Registered	India	Hydropower

Hence, our selection of these 25 cases offers an insightful overview into the widest range of participation opportunities for civil society to raise their opinions and concerns regarding

specific CDM projects. These peculiar moments for potential contestation and dissent take place: 1) during the validation process, including: local stakeholder consultations (LSCs), follow-up interviews in the project design validation, and global stakeholder consultations (GSCs); 2) outside the validation process, through letters to the Executive Board. For each project, our document analysis of these stakeholder exercises consists of: the project design document (PDD), validation report (VR), stakeholder input during global consultations, letters to the Board, and EB's responses to them.

This primary material is complemented by the secondary collection of data, including: open-ended interviews with the current EB Chair, two members of the EB Secretariat, the Director of Carbon Market Watch (previously known as CDM Watch), observations of the 76th meeting of the CDM EB in November 2013, analysis of webcasts from previous EB meetings, and policy documents under the UN Framework Convention on Climate Change (UNFCCC).

4. Background: roots and current status of the CDM stakeholder framework

The stakeholder concept has been widely employed in global environmental governance ever since the UN Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 and the World Summit on Sustainable Development (WSSD) in Johannesburg 2002. The emphasis on 'major groups' in Agenda 21 and the Rio Declaration paved the way for multiple forms of non-state participation in international environmental policy-making and implementation during the 1990s. At the Johannesburg summit in 2002 the call for participation was repeated, but directed towards those actors with an immediate stake in the implementation of Agenda 21. Through the introduction of Type II agreements, or public-private partnerships, the Johannesburg summit institutionalized 'multi-stakeholdership' as a cornerstone of effective environmental governance (Bäckstrand, 2006).The United Nations

Framework Convention on Climate Change (UNFCCC, 2001) is one of the international agreements signed during the Rio conference in 1992. As such it includes several of the principles found in the Rio Declaration and Agenda 21. Although the UNFCCC does not refer to the 'major groups' identified in Agenda 21, it recognizes the importance of public participation in the implementation of climate action and allows non-state organizations to participate as observers during the Conferences of the Parties, known as COP (UNFCCC, 1992, Articles 6 (a), 7.6).

Following COP3 in 1997 and adoption of Kyoto Protocol that defines the CDM, the first time the concept of stakeholder appears during extensive negotiations between the Parties on key issues, formalities, operational details and procedures of the mechanism, necessary to initiate the process of the KP's ratification. During these legal elaborations, the collaborative language of new modes of governance has been, to a large extent, promoted by a powerful business lobby and global financial institutions, and willingly advanced by governments (Bachram, 2004). But, as Bachram (2004: 15) recalls, NGOs were equally 'hypnotized' by these corporate multi-stakeholder forms of cooperation.

Consequently, the collaborative language of stakeholder participation is incorporated in the Marrakech Accords adopted during COP7 in 2001. The Accords represent a set of agreements on the rules of meeting the targets set out in the Kyoto Protocol. Stakeholder consultations are here invoked as a central aspect in the implementation of the Kyoto commitments. The concept is primarily highlighted in the articles of the agreement that relate to capacity-building in developing countries, the transfer of environmentally sound technologies to developing countries and the implementation of the Protocol's flexible mechanisms. Following the 'good governance' practice implemented by key global financial institutions, the Accords encourage developing countries to "promote the participation of a wide range of

stakeholders including governments at all levels, national and international organizations, civil society and the private sector, as appropriate" (REF).

In 'Modalities and procedures for a clean development mechanism, as defined in article 12 of the Kyoto Protocol'), the Marrakech Accords define the 'stakeholder' as 'the public, including individuals, groups or communities affected or likely to be affected, by the proposed clean development mechanism project activity' (UNFCCC, 2002, Annex, par. 1e).

In practice, however, the category of 'internal' stakeholders is ascribed to those actors that have a specific, delegated function in the CDM governance, whereas the 'outsiders' are acted upon in the process of external affairs of the public relations management through various techniques, such as stakeholder consultations and channels for direct communication. The category of internal stakeholders includes: project participants (PPs) responsible for project design and its implementation; designated operational entities (DOEs) validating eligibility requirements of the project design and verifying emissions reduction of the project activity; designated national authorities (DNAs) that approve participation of PPs in the CDM project; the Executive Board (EB) – the main governing body of the mechanism – responsible for the approval and registration of CDM projects and for the official issuance of tradable credits or Certified Emission Reductions (CERs).

The notion of 'other stakeholders' is associated with the outside world to the CDM's internal process and corresponds to civil society actors, such as: local/global groups, communities, and individuals; non-profit and/or profit-seeking NGOs, etc. These 'outsiders' do not have any delegated roles in the CDM project cycle but, based on the mechanism's legal framework, they are ensured various participatory opportunities in the process. While the distinction between project proponents and other stakeholders is common in documents, practices and proceedings of the mechanism (CDM-EB 2011a,b,c,d,e), the insider/outsider differentiation is not based on existing rules but rather on non-codified and informal practices.

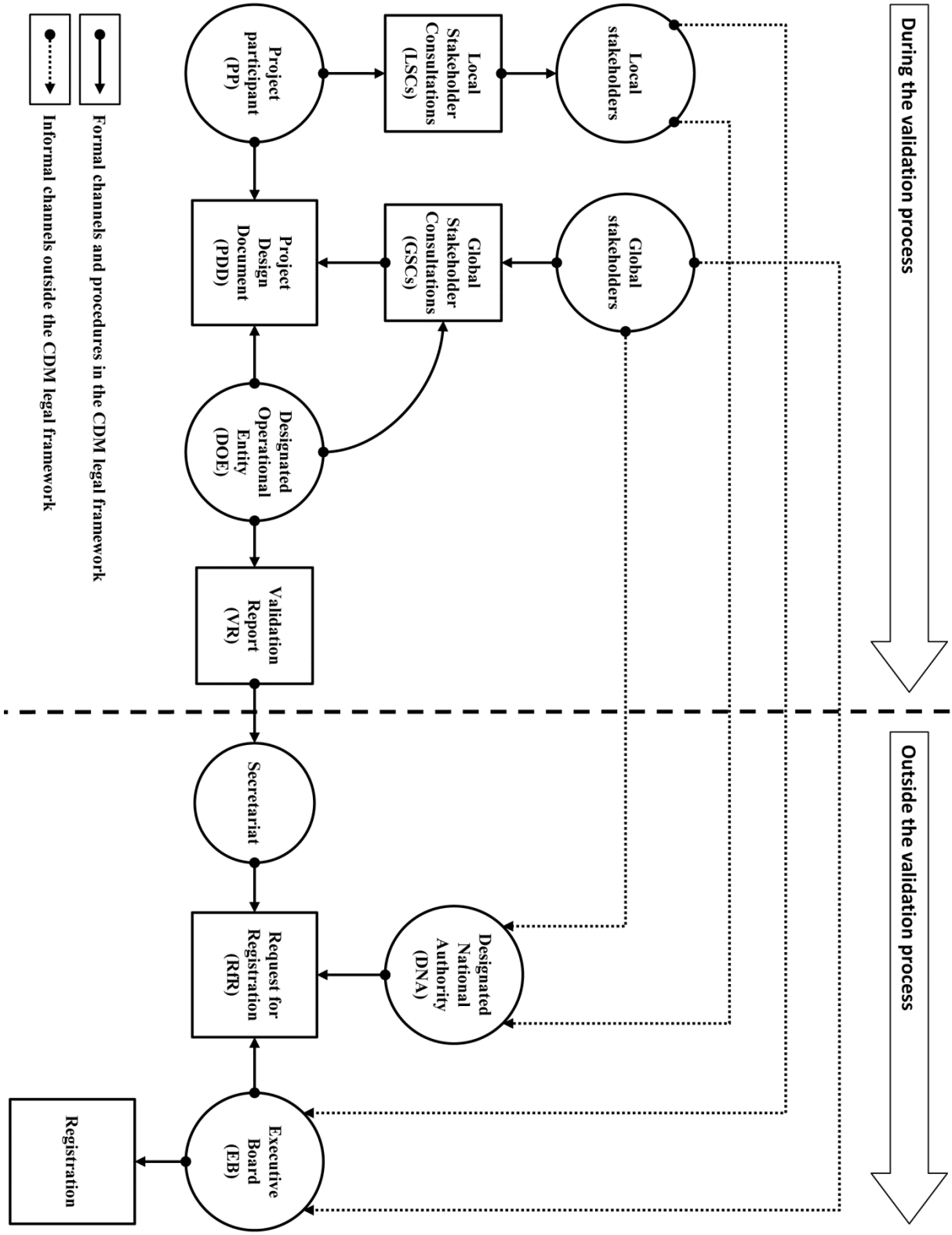
These ambiguous internal rituals predetermine entitlements upon participants who already hold a certain designated position in the CDM's formal structure.

5. Analysis: stakeholder consultations and direct communication with the Board

According to the CDM modalities and procedures specified in the Marrakech Accords, a project has its beginning in form of the Project Design Document (PDD) prepared by a given project participant. The role of PPs is to, among others, consult local stakeholders on their project and give due account of the consultation process in the PDD. A finalized version of the document is published on the CDM website for comments from global public within 30 days. After this period, both the PDD and the input received during the global consultations are assessed by a designated operational entity in its Validation Report (VR). As noted by Lövbrand et al. (2009), the private auditing companies that currently operate as DOEs represent the 'extended arm' of the Executive Board and are responsible for validating eligibility requirements and verifying emissions reductions of the project activity. During the validation process, a DOE may perform follow-up interviews with specific actors in order to strengthen its assessment. It is important to note here that PPs selects DOEs that will validate their project. Finalization of the VR marks the end of the formal validation process and a ready report is submitted to the Board through the Secretariat that issues the request for registration of the project. When the request for registration is granted and published on the CDM website, both the EB and a Party involved in the project through the DNA may ask to review the project within 29 days. If there are no concerns, the project is registered by the EB.

For the purpose of our analysis, we do not explore the whole project cycle but rather focus on specific junctures that take place in it, namely, during the design and validation stages as well as after the validation process up to the point of registration of a given project by the Board (Figure 1).

Figure 1. Participation opportunities for civil society stakeholders in case-specific issues



More specifically, during the design and validation, we scrutinize three particular moments: 1) local stakeholder consultations (LSCs) undertaken by a given PP, 2) follow-up interviews sometimes performed by a DOE during the validation stage and, 3) global stakeholder consultations (GSCs) that are assessed by the DOE. Whereas after the validation process, we investigate the possibility to communicate through letters sent directly to the EB. All these peculiar junctures within the CDMS's design exemplify participation opportunities for civil society actors to raise their concerns and critique regarding specific projects and thus represent the potency for political spaces of contestation and dissent.

5.1. Local stakeholder consultations

Taking place in the initial phase of the CDM project cycle, local stakeholder consultations (LSCs) are currently guided by vague procedures that do not specify rules in terms of local stakeholder identification and categorization. In preparation of the PDD, project participants are expected to provide 'stakeholder comments, including a brief description of the process, a summary of the comments received, and a report on how due account was taken of any comments received' (UNFCCC, 2005, Appendix B, par. 2g). But because PPs are delegated to conduct consultations on their own projects, they seek ways to provide positive responses and prove that consulted stakeholders are in favour, while disregarding negative comments in the PDD. Hence, lack of more specific procedures regarding LSCs allows project participants to shape the consultation process and its results towards the most beneficial outcome for their own interest rather than for those potentially 'affected'. Consequently, PPs rely on their own judgment in identifying local stakeholders and consulting them by using different methods as to make the process look positively consensual. Following our detailed analysis of 25 project design documents, these techniques include: public announcements in newspapers or in public

offices; direct emails or letters to specific stakeholders; questionnaires sent to a selected group of actors; local public meetings (usually just one).

However, publically made notices do not seem to attract responses from local actors and when this is the case, PPs simply summarize it as "no comments have been received". As such, the 'no comment' is considered a positive comment (no critique received), rather than a potentially negative one. In some cases, project participants state bluntly in their PDDs that announcements were made to simply inform the general public about their projects but such technique does not yield any comments from stakeholders. Direct emails and letters are sent to easily identified actors that serve specific functions and positions in a given society, such as: national and local government officials, local and religious leaders, local and national industry representatives, project employees and CDM consultants. Hence, dissemination of information is not directed towards nameless local/or indigenous individuals and groups that, consequently, are unaware of the project design in their community.

When questionnaires are employed, usually no details are specified in the PDD about their form. Yet, if this information is provided, it can be observed that questions are shaped in a way that is set to gather positive responses. Moreover, PPs summarize their survey results in a strikingly affirmative way, by stating that: "all supported the project activities and no negative comments were received" (Project no. 2705), "from questionnaires, it can be known that all stakeholders are in favour of the project activity" (Project no. 3497), "all people surveyed (100%) supported the construction of the Project" (Project no. 4555), or "the survey shows that the Project receives very strong support from local people (100%)" (Project no. 5027), etc. Interestingly, to strengthen the impression of a positive nature of survey outcomes and reinforce the 'in favour' argument, some PPs imply that consulted stakeholders were particularly positive about 'developmental' benefits of specific project designs, such as: improvement of living conditions, social well-being and infrastructure; income increase and

creation of employment opportunities; and local economic development in general (REF). However, with common lack of details regarding the form of surveys it is unclear if these views in fact belong to stakeholders or rather they represent PPs own perspective on their project.

The meetings – taking place in local towns, villages or (to a lesser extent) at the project site – take form of public hearings characterized by a one-way communication during which PPs present information about the project design and climate policy to the audience. If details about meetings are provided in the PDD, they often indicate that the nature of these public hearings is consensual and affirmative, with local actors described as 'pleased', 'content' and 'supportive'. Again, the results of consultation meetings are overwhelmingly presented by the PPs in a very positive light through statements, such as: "the proposed project has a strong support among the local people" (Project no. 4533), "the project satisfies the interests and requirements of stakeholders" (Project no. 4555), "all stakeholders expressed their support" (Project no. 4785), "all stakeholders have appreciated and encouraged the initiative" (Project no. 5788),"the local people welcomed the construction" (Project no. 7096), "the stakeholders support the project" and "the feedback from stakeholders were encouraging and motivating" (Project no. 7269), etc. In the PDD of Project no. 8035, the PP goes even further by claiming that "the positive impression of the presentation made the stakeholders not only support the project but even start to think about the ways on how they and their local communities could reduce their environmental footprint" (Project no. 8035).

Furthermore, our analysis of the 25 selected CDM projects indicates that, regardless of their specific characteristics, local civil society is formally 'involved' or listed in all cases and includes: local communities and representatives, local villagers and village representatives, local residents and farmers. Additionally, local government officials and local religious leaders were consulted in 11 projects. However, our findings reveal that apart from local civil

society and local leadership, the PPs involve other actors in stakeholder consultations, including: private sector, media and NGOs. Due to lack of specific guidance regarding LSCs, project participants tend to consult two insider stakeholder groups from the inner circle of the CDM process, including: PP employees and representatives in 9 projects as well as national government officials (that are represented by the DNA) in 7 projects. Most significantly, NGOs were present only in 2 out of 25 analysed projects what raises question of their limited engagement in local consultations.

Consequently, local stakeholder consultations conducted by the PPs represent a form of a bureaucratic outreach attempt that fails at achieving any significant inreach effect. Local public support is created on the basis of moulding local civil society into a highly passive-positive-permissive audience rather than into agents actively participating, engaging and deliberating in the consultative process. Local individuals, groups and communities are instrumentally utilized as animated spectators in buoyant bureaucratic spectacles that serve the PPs as an important background for creating an affirmative image of their project designs. It is crucial to observe here that, due to lack of knowledge and information on fundamental issues important to understand the purpose and effects of a given CDM project, many local and indigenous actors might have a 'pre-political' nature, rather than a political one. In the absence of NGOs – that could potentially activate the political by disseminating their expertise, tapping local knowledge and engaging local civil society in the process – the role of project participants is just to carry their consultations in a way that would not activate it. In other words, the de-politicization of people does not only occur, as Blühdorn (2006) argues, via neutralization of well-informed and actively engaged citizens but also by keeping the 'pre-political' communities in oblivion.

5.2. Follow-up interviews during the PDD validation

The DOE's role during the project validation is to, among others, assess the adequacy of local consultations performed by a given project participant. Procedures related to this practice are vague as well and stipulate only that the DOE is responsible for confirming two things: that 'comments by local stakeholders have been invited' and that 'a summary of the comments received has been provided' (UNFCCC, 2005, Annex, par. 37b). Consequently, the DOEs assess how project participants performed LSCs without a scrutiny, simply by copying and pasting the same information that was provided in the PDDs. A bureaucratic, standardized 'cross-checking' of documents and/or information is usually mentioned as an argument for strengthening the legitimacy of this uncritical validation, despite providing specific details. The reason behind it is that at stake for DOEs is to secure and expand their customer base – project participants that select them to validate their PDDs – by providing as little critique and rejection as possible. Similarly to PPs, the pressure to offer a positive assessment of a project design affects the way DOEs conduct their validation of stakeholder consultations and thus own interest prevails over those potentially affected.

As responsible partners striving to show that their validations are being done in a sound way, DOEs tend to strengthen their assessments by conducting internal consultations on their own through the so called follow-up interviews with selected stakeholders. The analysis of our 25 CDM projects illustrates that such interviews were performed in 17 analysed cases, mostly with insiders – PP employees and representatives in 14 cases and with DNA officials in 4 cases – whereas with NGOs only in 1 case. This indicates that follow-up interviews have a similar de-politicizing effect on people as in local stakeholder consultations, except that the primary intention here is to pursue personal affairs and well-being of internal stakeholders to the CDM project cycle.

5.3. Global stakeholder consultations

Apart from voluntarily conducting follow-up interviews in the evaluation of LSCs, the DOE is formally responsible for assessing comments received from the global public. The so-called 'global' stakeholders – that, in practice, means the general public with access to the Internet and familiar with procedures – can raise opinions on the PDD when the completed document is published on the CDM's website for input within a 30-day period. Out of 25 analysed projects, only 14 received comments in GSCs. Moreover, the analysis indicates that input was provided by environmental non-governmental organizations (ENGOs) – such as the South Asia Network on Dams, Rivers and People (SANDRP), the Carbon Market Watch and the International Rivers – in 9 cases, whereas 2 projects received opinions from civil society organizations (CSOs) and grassroots support organizations (GSOs), such as Revuelta Verde in project no. 8035 and Timbuktu Collective in project no. 8791. Most significantly, 13 projects were commented by identified actors, such as scientists, as well as by anonymous individuals. Furthermore, most comments received in global consultations are characterized by a good familiarity or knowledge of technical and procedural aspects of the CDM projects, suggesting that global stakeholders work closely with climate change problematic or carbon market issues and the Mechanism in particular.

Comments sent by these global actors do not relate to one aspect of a given CDM project but rather express serious concerns by providing a comprehensive and competent critique of project design documents prepared by PPs. For example, input provided by a joint letter from International Rivers and CDM Watch regarding project no. 3497 includes comments on its additionality, feasibility and legality. Comments provided by CDM Watch regarding project no. 4533 raises serious concerns about its PDD, such as: applicability of chosen methodology, no project boundaries, lack of plausible baseline scenarios and sensitivity analysis as well insufficient reporting on stakeholder commentary. In its commentary on project no. 4807,

global stakeholder known as Justin provides a detailed analysis of the PDD and points out many serious mistakes made in the document. Input from Dr. Rajesh, a PhD in botany, regarding project no. 9359 contains serious concerns about the potential impact of the activity on the local fauna and flora as well as on indigenous cultural places in the region.

Our analysis indicates that input from global stakeholders is mostly characterized by professional and specialized knowledge regarding technological, business, environmental and legal aspects of CDM projects. The majority of these qualified commentaries does not only raise critique but, most importantly, urge the Executive Board to request a review of a contested activity. This indicates that global stakeholders are active experts in their fields and are very familiar with the CDM framework. Contrary to local stakeholders as animated spectators, global stakeholders are moulded into active whistle-blowers characterized by a good expertise in the field of carbon markets but providing their competent input as outsiders to the CDM process.

However, the visible contestation, critique and dissent performed by global stakeholders in this particular participatory juncture of the CDM project cycle are effectively assimilated as well. GSCs are assessed directly by a DOE in its validation report that is further submitted to the EB and thus there is no procedure that would allow civil society to challenge the adequacy of the VR directly. This is particularly significant because in their reports DOEs tend to neutralize critique raised by the global outsiders. The assimilation of critique is achieved by filling technocratic checklist in standardized forms. Additionally, many detailed and critical comments provided by civil society actors are brushed off by DOEs through bureaucratic language referring to vague evidence, parameters, documents and other supporting materials presumably processed by opaque techniques of verification and cross-checking. Another way of playing down the criticism is to approach it as a matter of opinion and interpretation of dubious rules and terminologies. Since the DOE is formally designated to assess the project

design, it puts itself above any other expertise, either because it has access to all materials which are not to be disclosed or it positions itself as the designated operational interpreter of the rules.

Consequently, while engagement and participation of NGOs as well as other civil society representatives in the global consultative process is much more visible than on the local level, it is not characterized by a smooth partnership but rather by bouncing massive arguments against specific CDM projects. The de-politicizing effect of contested issues is here attained by shifting their contingency from the specific juncture of GSCs, that gives rise to alternatives views and opinions on specific project design documents, into a governable domain reserved by the 'designated expertise' of DOEs, whereas the collaborative language is replaced with interest intermediation, and technocratic administration. As a result, all necessary information about a specific CDM project is presented in a homogenized form that excludes any outside input than the one assessed by the DOE. As the VR is the only document based on which the Executive Board decides on the project's registration, the outsiders to the internal CDM process are left without a formal opportunity to express their opinions directly to the higher, executive constituency.

5.4. Letters to the CDM Executive Board

Formal channels for other stakeholders to comment on specific CDM projects end abruptly when the DOE submits its finalized version of the VR to the Executive Board. Nevertheless, civil society actors have managed to bypass this procedural framework by submitting their concerns through informal letters to the EB. Until 2010, such communication with the EB was referred to as 'unsolicited letters' and handled by the Secretariat untraceably on the CDM's website and outside the CDM's legal framework. But following the critique of EB's handling of its public relations, in 2011 the Board adopted 'Modalities and Procedures for Direct

Communication with Stakeholders' (CDM-EB 2011e). However, whereas the document formalized interactions regarding general policy issues between the EB and other stakeholders by establishing an online interface for letter submissions, communication regarding project-specific issues with 'outsiders' was not stipulated at all. Despite that, civil society actors have been sporadically but continually using the online form to submit their concerns and critique related to specific projects. The so called 'Form for submission of a "Letter to the Board"' anticipates three types of submissions: 1) 'Request for clarification or revision of existing rules', 2) 'Request for introduction of new rules', and 3) 'Provision of information and suggestion on policy issues' (CDM 2012). As the document does not stipulate a possibility to comment on specific cases, civil society stakeholders that send their concerns regarding problematic CDM projects tend to choose Type III submission. Consequently, despite a well evidenced critique of specific projects, their letters are categorized as provision of information or suggestion rather than a serious contestation.

The analysis of 25 projects shows that case-specific concerns forwarded via this unofficial channel are overwhelmingly raised by environmental NGOs, such as Carbon Market Watch and International Rivers, and to a much lesser degree by CSOs and GSOs, as well as scientists and local residents. These examples suggest that, unable to make their voices heard or dissatisfied with adequacy of local and/or global consultations, civil society actors further seek windows of opportunity to express their concerns on specific CDM projects directly to the EB, outside the validation process.

Similarly to global consultations, the letters are characterized by a comprehensive expert critique pointing out several problems in a given project design document and/or validation report. For example, a letter sent to the EB by International Rivers regarding the Project no. 9017 questions its eligibility in four points: lack of additionality, ambiguous objectives, unsustainability due to serious adverse impacts on local communities, and insufficient

stakeholder consultations. In the case of the Project no. 4555, the CDM Watch expresses serious concerns regarding the issues of over-performance and construction delays that put into questions the project's additionality. In most cases, the other stakeholders send the same or updated critique as during the global consultations. However, in response to these unruly letters, the Board recommends that comments not taken into account during the formal stakeholder exercises (LSCs and GSCs) can still be brought to the attention of a DNA, on the national level of each Party involved in the CDM projects. Thus, civil society actors are redirected to potential communication channels outside the CDM's formal structure that is not regulated by the Mechanism's rules and procedures but rather by specific national legislations related to stakeholder consultations and participation.

At first glance it can be suggested that civil society groups, addressing their concerns on specific CDM projects directly to the EB, are moulded into political agents that channel the unruly form of participation into the formal stakeholder framework and, as a result, disturb the work of the Board that wants to base its decision on the project registration solely on the DOE's validation report (observations of webcasts from EB61 and EB62). However, we argue that this is the exact opposite. What we observe here is the de-politicization of no other than exactly these civil society groups that – aware of existing procedures and the Board's attitude – still seek windows of opportunity to express their concerns on specific projects within the governable domain of the CDM, rather than outside it. This peculiar persistence is a syndrome of the entrapment within the governance framework manifesting pragmatism and professionalization of social organizations that, particularly in the case of the CDM Watch designed to monitor the mechanism's work, can focus on their 'business' regardless the result.

6. Conclusions (under development)

In the backdrop of rising complexity and fragmentation of world politics, the governance turn brought with itself the promise of restoration of order through the establishment of partnership and collaboration between a diverse set of actors. With support from governments, private market lobbies and civil society groups alike, this optimistic language of collective problem-solving, engagement-seeking, partnering and consensus has been successfully wedded into the global climate governance and the CDM structure in particular. We have been told that the stakeholder framework implemented in the mechanism's modalities and procedures would allow civil society to participate and actively engage, share their local knowledge or expertise and influence specific projects (design and activity) in a positive way of good governance spirit, for the benefit of potentially 'affected' local communities.

Our findings suggest a radically opposite output. Some scholars tend to explain this by pointing out that the CDM is, in fact, a market base mechanism. Lipschutz (2005) suggests that 'politics via markets' tend to internalize civil society into the system of global governance that constitutes and subjectifies it. A similar argument has been made by Paterson (2009: 250) who points out that 'critique makes markets', since the formal structure of the mechanism – including the stakeholder framework - is partially produced through the active opposition of NGOs. For Walters (2004: 35) stakeholding seems to mark 'a liberal game of assimilation' (Walters 2004:35) that primarily grants voice to actors (state and non-state) with an economic stake in CDM project registration and certification, while excluding those potentially 'affected' by CDM projects.

In our view, however, there is something more at stake than the market-based explanation. Local stakeholder outreach characterized by animated engagement and buoyant spectacles that fail to achieve a significant in-reach effect and engagement of civil society, neutralization of global stakeholders' critique by 'designated expertise', interest intermediation, and

technocratic administration, as well as self-de-politicization of social organizations previously contesting specific projects – these practices constitute a syndrome of *simulative* governance that allows the mechanism to, colloquially speaking, have its case and eat it. In other words, the simulative nature of the CDM governance pretends to reach out for the civil society input on specific projects but not to in-reach the output. In this sense it aims at achieving the simultaneity of two incompatibilities: post-democratic turn with participatory revolution.

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