Simulative governance: on the collaborative narrative of civil society participation in the CDM stakeholder framework

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Accepted version / Author's Post-print

This is the final manuscript version that has been revised to incorporate referee comments and has been accepted for publication.

Original publication:

Kuchler, M., & Lövbrand, E. (2015). Simulative governance: on the collaborative narrative of civil society participation in the CDM stakeholder framework. *Environmental Politics*, *25*(3), 434-453. DOI: https://doi.org/10.1080/09644016.2015.1102352.

ABSTRACT

The Kyoto Protocol's Clean Development Mechanism (CDM) is often cited as an exemplar of new, hybrid forms of global environmental governance operating at the public–private interface. Practically, enacting this arrangement involves a wide range of non-state actors. This broad involvement is here assumed to mark a shift towards more polycentric and networked modes of governance in which agents collaborate as 'stakeholders' in the process of consensual rule-setting and implementation. Using post-political critique, the paper interrogates the depoliticizing effects of the stakeholder framework on civil society actors using formal and informal participation opportunities to raise concerns regarding specific CDM projects. The analysis suggests that the Mechanism's collaborative narrative of stakeholding structurally fails to stimulate public (re)engagement and, instead, is a prime example of *simulative governance* that struggles to achieve the simultaneity of two incompatibilities: the participatory revolution and the post-political turn.

KEYWORDS

CDM, global environmental governance, stakeholder, post-political, depoliticization, civil society

1. Introduction

The study and practice of international environmental politics has for some time been informed by the imperative of global governance. The turn to global governance offers a particular way of thinking about 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, collaboration, and consensus (Rosenau and Czempiel 1992, Speth and Haas 2006, Rosenau 2009). Following the end of the Cold War, with economic globalization, rapid

technological development, the advent of social movements, and the growth of intergovernmental and NGOs, we have been told that world politics is more multi-layered, decentralized, polycentric, non-hierarchical, and interdependent than before. Simultaneously, however, this disaggregation and pluralization of the global polity is often wedded to an optimistic narrative 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' the state (Hall and Biersteker 2002, Dingwerth and Pattberg 2009).

The participation of non-state actors in governing processes is an important aspect of this collaborative narrative. In the field of global environmental governance, many seem to agree that active civil society participation is critical to 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). Since the adoption of Agenda 21 at the UN Conference on Environment and Development in Rio de Janeiro in 1992, this collaborative imperative has gained ground in environmental policy practice, being translated into a framework for 'stakeholder' participation across environmental issues and green policy instruments. In 2006, Roger E. Kasperson suggested that we live 'in the heyday of the stakeholder express', characterized by a strong belief that the broad inclusion of stakeholders in complex and controversial decision processes is the principal route to good governance (Kasperson 2006: 320). Central to these stakeholder processes is the assumption that all agents with a stake in global environmental problem-solving should have a say in decision-making processes (Bäckstrand 2006, Whitman 2008).

In this paper, we scrutinize how the presumably participatory and collaborative nature of such governance unfolds in global climate policy practice. We do so by revisiting the stakeholder practices developed and implemented under the Clean Development Mechanism

(CDM) of the Kyoto Protocol (KP). The literature on global climate governance often treats the CDM as the prime example of the hybrid, networked, multi-stakeholder, and collaborative forms of governance that characterise our times (Biermann *et al*. 2009, Abbott 2012, Bulkeley *et al*. 2012). As optimistically suggested by Streck (2004: 298–302), at its early implementation stage, the CDM became '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: 298–302). Since the 2001 adoption of the Marrakech Accords, which define the operational details and procedures of the Mechanism, the participation of NGOs and other civil society groups has been viewed as critical to CDM governance. As explained by Streck (2002, 2004), these actors are assumed to be capable of mobilizing local stakeholder participation, gaining local public support, tapping local knowledge, and sharing local expertise in the project design process.

However, practical implementation of the CDM project cycle, starting with the first project registered in February 2005 has highlighted a different side to this optimistic story. In the ensuing years, we have learned that the inclusion, participation, and engagement of civic agents in the Mechanism poses various problems and challenges, such as the simplification of indigenous and cultural identities (Fogel 2004), the corruption and intimidation of local actors (Gilbertson 2009), high transaction costs in performing consultations (Lövbrand *et al*. 2009), the techno-bureaucratization of the participatory process (Newell and Bumpus 2012), and the assigning of less importance to consultations and a lack of incentives to validate them properly (Newell 2014).

Unlike previous studies of the Mechanism that tend to focus only on formal aspects of the stakeholder framework, this analysis offers a more nuanced, comparative, and reflexive problematization of civil society participation in the CDM project cycle by critically

analysing both formal and informal junctures that provide potential spaces for the public contestation of specific projects. Formal participation opportunities include local stakeholder consultations (LSCs) occurring during the project design phase as well as global stakeholder consultations (GSCs) and follow-up interviews during the project validation phase. The informal participation opportunities are embodied in civil society's direct communication with the CDM Executive Board (EB) through 'unsolicited' letters that have so far received no formal recognition in the Mechanism's modalities and procedures but are being continuously responded to by the EB.

The paper examines these specific junctures of the Mechanism's stakeholder framework not only as instances of affirmation and approval of specific CDM projects but particularly as spaces for voicing civil society contestation and dissent. In particular, we turn our critical attention to the question of how the presumably collaborative narrative of partnership, engagement, and consensus plays out in the Mechanism and how it addresses the civic antagonism that arises from the process. This interrogation is guided by 'post-political' critique, particularly as postulated in the writings of Ingolfur Blühdorn (2006, 2007, 2013, 2014) and Erik Swyngedouw (2005, 2008, 2009, 2014), which allows us to expose and scrutinize the potential depoliticizing *effects* of stakeholding exercises fostered by the Mechanism's structure.

Furthermore, the paper seeks to advance previous analyses by asking what we can learn from the effects of the CDM stakeholder framework when implemented in practice and whether its example can inform us about how to design the next generation of environmental policy instruments.

This article is structured in six sections. In Section 2, we elaborate on the post-political critique of governance, while Section 3 presents specific CDM projects and the data selection. In Section 4, we trace the roots and current status of the collaborative language used in the

CDM stakeholder framework. In Section 5, we turn to the empirical material and critically analyse the collaborative language of the participatory opportunities for civil society to contest specific CDM projects. Finally, we present our conclusions in Section 6.

2. The post-political critique of global environmental governance

As noted by Walters (2004: 33), while governance affirms the existence of a wide range of previously invisible actors in world affairs by subjectifying them as 'partners' and 'stakeholders', this optimistic promise of greater participation and inclusion paradoxically embodies anti-political tendencies. This is because global governance functions not as a locus of the political in the forms of deliberation, contestation, and 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 – have resulted in assimilating or eliminating dissent, criticism, and conflict from the political arena. Furthermore, Swyngedouw (2014) observes that public space has gradually become *depoliticized*, whereas 'expertise, interest intermediation, and administration through governance define the zero-level of politics' (p. 31). Blühdorn (2006: 313–314) recognizes three key dimensions of depoliticization: 1) *issues*, which are shifted from 'arenas of democratic contestation and decision into arenas which are governed', 2) *people*, who '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) *social organizations*, implying that civil society groups, which had previously embraced and openly

promoted specific political agendas, now espouse non-ideological tendencies, professionalization, and pragmatism in order to 'focus on their core business'.

For both Swyngedouw (2005, 2008, 2009, 2014) and Blühdorn (2006, 2007, 2013, 2014), the overall effect of depoliticization is to give rise to contemporary 'post-political' and 'post-democratic' syndromes. The first is expressed in post-ecologist politics guided by techno-managerial practices and an understanding of nature as a singular entity, whereas the second is manifested by political decisions based on consensus deprived of dissent and antagonism. These scholars, however, disagree as to the source of these strong depoliticizing tendencies and thus as to whose ends they serve (Blühdorn 2014; Durant, 2015).

In his neo-Marxist perspective, Swyngedouw views this post-political turn as a condition of a society increasingly influenced by the predominant neoliberal logic and governed by politico-corporate elites strategizing from behind the facade of democratic institutions. He argues that stakeholder arrangements are inherently contradictory because their optimistic language of collaboration and partnership raises hopes of the inclusion and empowerment of civil society, but in practice contributes to the democratic deficit by dissolving political responsibility, as 'the "holder" representation fundamentally lacks explicit lines of accountability', which is internalized by groups of actors upon their insertion into specific structures, such as the CDM stakeholder framework (Swyngedouw 2005: 2000). However, for Blühdorn (2013), it is exactly this contradictory nature of stakeholding that renders the new model of governance 'exceptionally attractive for the post-democratic condition and suitable for the politics of unsustainability' (p. 31). Departing from Swyngedouw's neo-Marxist critique of the contemporary neoliberal paradigm, Blühdorn (2013) argues that, against 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). This means that while the norms and objectives postulated by social, environmental, and/or human rights movements appear to be fully embraced, paradoxically, the new governance arrangement provides 'excellent opportunities for post-ecologist and post-democratic priorities' (Blühdorn 2013: 31).

In this sense, grand narratives of innovative participatory collaborations between a wide range of actors reassemble the societal structure into, as Swyngedouw puts it (2009), a 'society of control through disembedded networks of governance' (p. 608). However, Blühdorn (2014) argues that this transformation is not a matter of strategizing neoliberal elites but rather is 'indicative of a new social contract that engages a wide range of actors well beyond the neo-Marxists' neoliberal enemy' (p. 162).

3. Specific CDM cases and data selection

Our point of analytical entry consists of 25 CDM projects (Table 1) contested by civil society actors through 'unsolicited' letters directed to the CDM Executive Board (EB) over the 2010–2013 period. These letters, containing comprehensive criticism of particular projects, were sent to the EB contrary to or outside current procedures.

The 25 selected cases provide an overview of the widest range of participation opportunities for civil society to voice opinions and concerns regarding specific CDM projects. These opportunities for potential contestation and dissent occur: 1) during the validation process, including local stakeholder consultations (LSCs), follow-up interviews in the project design validation, and global stakeholder consultations (GSCs); and 2) outside the validation process, through letters to the EB. For each project, our document analysis of these stakeholder exercises examines the project design document (PDD), validation report (VR),

records of stakeholder input during global consultations, letters to the Board, and the EB's responses to them.

This primary material was complemented with the secondary collection of data, including: open-ended interviews with the former EB Chair Peer Stiansen and the Director of Carbon Market Watch (previously known as CDM Watch) Eva Filzmoser, analyses of webcasts of all 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 in 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 in 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) is one of the international agreements signed during the 1992 Rio conference. 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 taking climate action and allows non-state organizations to participate as observers during Conferences of the Parties, known as COPs (UNFCCC, 1992, Articles 6 (a), 7.6).

Following COP3 in 1997 and the adoption of the Kyoto Protocol that established the CDM, the first time the stakeholder concept appears is during extensive negotiations between the Parties regarding the operational details and procedures of the mechanism necessary to initiate the KP's ratification and implementation process. Consequently, the collaborative narrative of stakeholder participation is incorporated into the Marrakech Accords adopted during COP7 in 2001. The Accords represent a set of agreements on the rules of meeting the targets set in the KP. Stakeholder consultations are here invoked as central to implementing the Kyoto commitments. The concept is primarily highlighted in the articles of the Accords that relate to capacity-building in developing countries, transferring environmentally sound technologies to developing countries, and implementing the Protocol's flexible mechanisms.

In 'Modalities and procedures for a clean development mechanism as defined in article 12 of the Kyoto Protocol', the Marrakech Accords define '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). Furthermore, the Accords specify two mandatory opportunities for stakeholders to comment on specific projects. The first one occurs during the design phase, which has its origins in the Project Design Document (PDD) prepared by a project participant (PP). PPs are responsible, among other matters, for consulting local stakeholders about the project in question and for giving due account of the consultation process presented in the PDD. The second mandatory opportunity occurs during the validation phase when a finalized version of the PDD is published on the CDM website for comments from global stakeholders within 30 days. After this period, both the PDD and the input received during the global consultations are assessed by a designated operational entity (DOE) 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 EB and are responsible for validating eligibility

requirements and verifying the emissions reductions brought about by the project activity. Furthermore, during the validation process, DOEs may voluntarily perform follow-up interviews with specific actors to strengthen their assessments. It is important to note here that PPs select DOEs that will validate their projects. VR finalization marks the end of the formal validation process and the completed report is submitted to the EB via the Secretariat that issues the project registration request. When the registration request is issued and published on the CDM website, both the EB and any Party involved in the project through the Designated National Authority (DNA) may ask to review the project within 29 days. If there are no concerns, the project is registered by the EB.

5. Analysis

The analysis is structured as follows. In the design and validation phases, we scrutinize three formal participation opportunities: 1) local stakeholder consultations undertaken by PPs, 2) follow-up interviews voluntarily performed by DOEs during the validation phase, and 3) global stakeholder consultations (GSCs) assessed by DOEs. After the validation process, we investigate the informal opportunity to communicate via letters sent directly to the EB. All these participation opportunities designed into the CDM allow civil society actors to voice their concerns and criticisms regarding specific projects and thus represent potential political spaces for contestation and dissent.

5.1. Local stakeholder consultations

Occurring 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 preparing PDDs, 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). However, because PPs are delegated to conduct consultations on their own projects, they seek ways to provide positive responses and prove that the consulted stakeholders are in favour, while disregarding negative comments in the PDD. The lack of more specific LSC procedures allows project participants to shape the consultation process and its results to favour their own interests rather than those of the potentially 'affected'. Consequently, PPs rely on their own judgment in identifying and consulting local stakeholders, using various methods to make the process seem positively consensual. Following our detailed analysis of 25 project design documents, these methods include: public announcements in newspapers or public offices; direct emails or letters to specific stakeholders; questionnaires sent to a selected group of actors; and local public meetings (usually just one).

However, public notices do not seem to attract responses from local actors, so when this is the case, PPs simply summarize the situation as 'no comments have been received'. As such, the 'no comments' are considered a positive comment (i.e. no criticism received) rather than a potentially negative one. In some cases, PPs state bluntly in their PDDs that public announcements were made simply to inform the general public about their projects, but such an approach does not succeed in obtaining any comments from stakeholders. Targeted emails and letters are sent to easily identified actors who 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. The information dissemination does not target unnamed local and/or indigenous individuals and groups that, consequently, are unaware of the project designed for their community.

When questionnaires are employed, usually the PDDs specify no details about their form; however, when such information is provided, questions are observed to be shaped in a way

designed to gather positive responses. Moreover, PPs summarize their survey results in a strikingly affirmative way, by stating, for example: 'all [respondents] 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), and 'the survey shows that the project receives very strong support from local people (100%)' (Project no. 5027). Interestingly, to strengthen the impression of positive survey outcomes and reinforce the 'in favour' claim, some PPs imply that consulted stakeholders were particularly positive about the 'developmental' benefits of specific project designs, such as improved living conditions, social well-being, new infrastructure, income growth, creation of employment opportunities, and local economic development in general.

The meetings – held in local towns, villages, or occasionally at project sites – take the form of public hearings characterized by 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 these public hearings are 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 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 was encouraging and motivating' (Project no. 7269). 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 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, including local communities and their representatives, local villagers and village representatives, and local residents and farmers. In addition, local government officials and local religious leaders were consulted in 11 projects. However, our findings indicate that, apart from local civil society and local leadership, the PPs also involve other actors in stakeholder consultations, including private sector actors, media figures, and NGOs. Due to the lack of specific guidance on LSCs, PPs tend to consult two particular insider stakeholder groups from the inner circle of the CDM process, i.e. PP employees and representatives (nine projects) and national government officials (represented by the DNA) in seven projects. Most significantly, NGOs were consulted in only two of 25 analysed projects, raising the question of their limited engagement in local consultations.

Consequently, local stakeholder consultations conducted by the PPs represent a bureaucratic outreach attempt that fails to achieve any significant in-reach effect. Local public support is created based on moulding local civil society into a highly passive positive/permissive audience rather than into agents actively participating and deliberating in the consultative process. Local individuals, groups, and communities serve the PPs as an important background for creating affirmative images of their project designs. It is crucial to observe here that, due to a lack of information about fundamental issues that is needed in order to understand the purpose and effects of given CDM projects, many local and indigenous actors might have a 'pre-political' rather than a political orientation towards the CDM. In other words, local citizens and communities might be unaware of the Mechanism's role and structure as well as what it entails regarding their livelihoods and well-being.

Without proper knowledge and information about the CDM, these local actors are unable to form any position for or against a given project and thus remain indifferent. In the absence of NGOs – which could potentially activate the public's political orientation by disseminating their expertise, tapping local knowledge, and engaging local civil society in the process – the PPs' role is simply to carry out their consultations in a way that does not *activate* the local people. In other words, the *depoliticization of people* occurs here, as Blühdorn (2006) argues, not only by neutralizing well-informed and actively engaged citizens but also by keeping 'pre-political' communities in the dark.

5.2. Follow-up interviews during PDD validation

The DOE's role during project validation is, among other things, to assess the adequacy of local consultations performed by a given PP. 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 local consultations without carefully scrutinizing this performance, simply by copying and pasting the same information provided in the PDDs (this was the case in the VRs for project nos. 0003, 2705, 3197, 4555, 4785, 4807, 5027, 5788, 8035, 8791, 9017, and 9359). A bureaucratic, standardized 'cross-checking' of documents and/or information is usually suggested in order to strengthen the legitimacy of this uncritical validation, despite its providing specific details, for example: 'the summary of comments presented in the PDD has been cross checked with the documentation of the stakeholder consultation and is found to be complete' (Project no. 3197), 'the minutes, photos and reliable evidences were assessed during the on site visit' (Project no. 3237), 'all the questionnaires available have been checked' (Project no. 4555), 'the summary of comments presented in the

PDD has been cross-checked with the meeting minute and found it is complete' (Project no. 5027), 'relevant evidences were provided and verified by the validation team, including local stakeholder consultation meeting minute and questionnaires distributed to local stakeholders during the meeting' (Project no. 9038). The underlying reason for this 'kid gloves' approach, as Schneider points out (2007), is that what is at stake for DOEs is securing and expanding their customer base – i.e. PPs that select them to validate their PDDs – which they do by providing as little criticism and rejection as possible. As in the case of PPs, pressure to offer a positive assessment of a project design affects how DOEs validate stakeholder consultations, so the DOEs' own interests prevail over those of the potentially affected.

As responsible partners striving to demonstrate that their validations are being conducted soundly, DOEs tend to strengthen their assessments by conducting internal consultations of their own by means of follow-up interviews with selected stakeholders. Our analysis of 25 CDM projects found that such interviews were performed in 17 analysed cases, mostly with insiders – PP employees and representatives in 14 cases and with DNA officials in four cases – but with NGOs in only one case. This indicates that follow-up interviews can have a similar depoliticizing effect on people as do local stakeholder consultations, except that the primary intention of these interviews was to examine the personnel matters and well-being of internal stakeholders of the CDM project cycle.

5.3. Global stakeholder consultations

Apart from voluntarily conducting follow-up interviews when evaluating local stakeholder consultations, the DOEs are formally responsible for assessing comments received from the global public. The 'global stakeholders' – which, in practice, means the general public with access to the Internet and familiarity with the applicable procedures – can express opinions on the PDD via global stakeholder consultations (GSCs) when the completed documents are

published on the CDM's website for input within a 30-day period. Of the 25 analysed projects, only 14 received comments via GSCs. The analysis indicates that input was provided by environmental NGOs – such as the South Asia Network on Dams, Rivers and People (SANDRP), Carbon Market Watch, and International Rivers – in nine cases, whereas only two 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 on by identified actors, such as scientists, and by anonymous individuals.

Despite this diversity of stakeholder types, our analysis indicates that input from the global public is characterized by professional and scientific expertise regarding the technological, business, environmental, and procedural aspects of CDM projects but, simultaneously, lacks the input of lay knowledge from local communities and indigenous people. 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 raise serious concerns about its PDD, such as the applicability of the chosen methodology, absence of project boundaries, lack of plausible baseline scenarios and sensitivity analysis, and insufficient reporting of stakeholder comments. In its commentary on project no. 4807, a global stakeholder known as Justin provides a detailed analysis of the PDD and identifies many serious mistakes in the document. Input from Dr. Rajesh, a PhD in botany, regarding project no. 9359 expresses serious concerns about the potential impact of the activity on local flora and fauna as well as on indigenous cultural sites in the region. Hence, global stakeholders wrap their commentaries in procedural expertise and scientific/professional language not only to express specialized criticism but, more importantly, to make their arguments seem legitimate and their language conform to the techno-bureaucratic standards of CDM governance.

However, the explicit contestation expressed in this particular participatory juncture of the CDM project cycle is effectively assimilated as well. Global consultations are assessed directly by DOEs in validation reports that are submitted to the EB, so there is no procedure that allows civil society to directly challenge the adequacy of the VR. This is particularly significant because, in their reports, DOEs tend to answer and neutralize criticisms raised by global outsiders. The criticisms are assimilated by completing technocratic checklists in standardized forms. In addition, 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 using opaque techniques of verification and cross-checking. Another way of downplaying the criticism is to treat it as a matter of opinion and of the interpretation of arcane rules and terminology, particularly regarding consultations, additionality, or specific project design methodologies. Because 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, including those that are not to be disclosed, or because it positions itself as the designated operational interpreter of the rules. For example, in response to the criticism that the design document of Project no. 4629 'does not identify a project boundary' and 'does not meet the requirements for disclosure of stakeholder commentary', the DOE succinctly concludes that 'the PDD identifies the project boundary (entire country)' and that 'the revised PDD provides the stakeholders' comment in complete'. Regarding the PDD of Project no. 4533, which, according to a global stakeholder, 'fails to provide sufficient evidence as to why the renewable option would not be a plausible alternative' to a proposed activity, the DOE replies that 'all realistic and credible alternatives have been identified including hydropower and other renewable energy technologies'.

Consequently, while the participation of NGOs and other civil society representatives in the global consultative process is much more obvious than at the local level, it is not

characterized by smooth partnership but instead by encompassing expert arguments directed towards specific cases, for example, concerning whether a given CDM project is eligible to be registered and receive carbon credits based on additionality and sustainability requirements. The depoliticizing of contested issues is here attained by shifting the contingency from the GSCs, which give rise to alternative views and opinions on specific project design documents, to a governable domain reserved by the 'designated expertise' of DOEs, where 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 bureaucratically homogenized assessment form and, because the VR is the only document based on which the EB determines 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 report to the EB. 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 untraceably by the Secretariat on the CDM website and outside the CDM's legal framework. However, following criticism of the EB's handling of its public relations, in 2011, the Board adopted 'Modalities and Procedures for Direct Communication with Stakeholders' (CDM-EB 2011). However, whereas this 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

sporadically but continually used the online form to submit their concerns and criticisms of specific projects. The '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 an opportunity to comment on specific cases, civil society stakeholders that send their concerns regarding problematic CDM projects tend to choose Type 3 submissions. Consequently, despite containing well-supported criticisms of specific projects, their letters are categorized as provision of information or suggestions rather than as a form of contestation.

Our analysis of 25 projects demonstrates that case-specific concerns forwarded via this unofficial channel are overwhelmingly raised by environmental and human rights NGOs, such as Carbon Market Watch (established to monitor and contest CDM projects) or the anti-dam group International Rivers (established to protect rivers and local communities' rights to water), and to a much lesser degree by CSOs, GSOs, scientists, and local residents. These examples suggest that, unable to make their voices heard or dissatisfied with the adequacy of local and/or global consultations, civil society actors seek additional windows of opportunity to express their concerns on specific CDM projects directly to the EB, outside the validation process.

Like the input received via global consultations, the 25 sets of letters are characterized by comprehensive expert criticism of various problems in given PDDs and/or VRs. For example, a letter sent to the EB by International Rivers regarding Project no. 9017 questions its eligibility on four counts: lack of additionality, ambiguous objectives, unsustainability due to serious adverse impacts on local communities, and insufficient stakeholder consultations. In the case of Project no. 4555, CDM Watch expresses serious concerns regarding the issues of over-performance and construction delays that call into question the project's additionality.

However, in response to these informal letters, the Board recommends that comments not taken into account during the formal stakeholder exercises (i.e. LSCs and GSCs) can still be brought to the attention of a DNA, at the national level of each Party involved in a CDM project. Civil society actors are redirected to potential communication channels outside the CDM's formal structure that are not regulated by the Mechanism's rules and procedures but instead by specific national legislation related to stakeholder consultation and participation.

At first glance, it seems that civil society groups, addressing their concerns regarding specific CDM projects directly to the Board, are moulded into political agents that channel informal participation into the formal stakeholder framework and, as a result, disturb the work of the EB, which wants to base its project registration decisions solely on the DOEs' VRs (author's observations of webcasts from EB61 and EB62; author's interview with the former EB Chair). However, we argue that the exact opposite is the case. What we observe here is the depoliticization of none other than these civil society groups that, cognizant of existing procedures and the EB's attitude, still seek windows of opportunity to express their concerns on specific projects within, rather than outside, the governable domain of the CDM (author's interview with the Director of Carbon Market Watch). This persistence is a syndrome of the entrapment within a governance framework that promotes the pragmatism and professionalization of social organizations. In other words, Carbon Market Watch and other NGOs designed for or involved in critiquing CDM work are aware of the techno-bureaucratic hurdles, but continue to engage in the process and submit specialized comments for their own participatory gain, namely, to fulfil their role as whistle-blowers. This leads these activists to undergo self-depoliticization by focusing on their 'business' regardless of the inevitable result, namely, the rejection of criticism by the EB on the basis of bureaucratic rules in all 25 cases.

6. Conclusions

Against the increasing complexity and fragmentation of world politics, the governance turn brought a promise of restoring order through establishing partnership and collaboration within a diverse set of actors. With support from governments, private-sector lobby groups, and civil society groups alike, this optimistic narrative of collective problem-solving, engagement-seeking, partnering, and consensus has been successfully wedded with global climate governance in general and the CDM structure in particular.

Yet, the findings presented here suggest that this supposedly rosy picture of environmental governance fostered by the Mechanism's structure has, according to Blühdorn (2013), been *simulative* in practice and cannot be evaluated solely through the lens of Swyngedouw's neo-Marxist critique of the neoliberal seizure of power. This simulative nature of the stakeholder framework in the CDM is a symptom of the paradoxical struggle to attain what Blühdorn (2006, 2013) calls the simultaneity of two incompatibilities, namely, the achievement of a participatory revolution in the form of democratic rights and expectations within a post-democratic turn that aims to achieve greater implementation efficiency by reducing both institutional and normative complexity. In each analysed juncture of the Mechanism's stakeholder framework, the efficiency factor is calculated and strategized by actors in various ways.

Project participants strive to provide the most positive interpretation of their project designs in order to have them registered, resulting in local stakeholder outreach characterized by animated engagement that either fails to achieve significant inroads into informed civil society or keeps pre-political actors in ignorance. DOEs are mild in their validation assessments because overly harsh criticism of project designs involving public dissent could deter their customer base, so they successfully neutralize global stakeholders' criticisms by deploying 'designated expertise', interest intermediation, and technocratic administration. The

Executive Board seeks to secure the continuous flow of newly registered projects into the pipeline rather than clog it with rejections based on civil society's substantiated contestations. Most significantly, however, NGOs undergo self-depoliticization in an effort to comply with the CDM's techno-bureaucratic standards and to attract 'unruly' attention in order to fulfil their roles as whistle-blowers, regardless of the results. Consequently, the stakeholder governance glosses over any traces of public disagreement, while participation of civil society in sharing local knowledge is undesirable. In other words, the CDM organizes 'social inclusion into the politics of exclusion' (Blühdorn 2014: 161).

Interestingly, the CDM exemplifies a slow but continuous learning-by-doing effort to create and advance the conditions for participation. Recently, at its 80th meeting in July 2014, the Board vowed to improve local stakeholder consultations to ensure that 'people affected by a CDM project can give timely, *meaningful* input to that project [emphasis added]' (CDM 2014). Yet, the meaningful nature of consultations would have to, following the present findings, include not only affirmative, positive, or neutral responses but would particularly need to recognize that any meaningful participation of local or global citizens inevitably entails antagonistic positions from which plurality and disagreement arise (Machin 2012). Simultaneously, the Mechanism's 'well-being' on the carbon market faces the necessity of substantially reducing the amount of criticism to make the registration and implementation of projects as effective as possible. However, following Amanda Machin's (2012) criticism, the responsible or meaningful engagement of civil society actors in designing and implementing CDM projects would not require reaching agreement but instead making 'a decision that is grounded not by consensus but by the conflict that arises from our differently embodied positions' (p. 862).

Although this analysis exposes a specific post-political trend in the stakeholder framework of the CDM example, the present findings offer a critical glimpse into an optimistic narrative

of collective problem-solving, engagement-seeking, partnering, and consensus regarding new forms of governance. If, however, 'de-politicization does not replace politicization but supplements it [emphasis added]', as Blühdorn (2006: 320) suggests, the question is how do we configure an inclusive participatory framework in environmental policy-making that simultaneously recognizes the political nature of potentially affected stakeholders and secures the implementation process? Anneleen Kenis and Matthias Lievens (2014: 544) argue that "environmental questions are not only easily depoliticised" but instead allow for "the most radical forms of political plurality and politicisation imaginable". Hence, shedding light on alternative spaces for contestation and dissent that are suppressed in the arenas of governance and tracing their trajectories outside these structures is perhaps a way to reveal important political impulses to researchers and policy-makers involved in designing the next generation of environmental policy instruments.

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