

République de Côte d'Ivoire
Union – Discipline - Travail

AGENCE NATIONALE DE L'ENVIRONNEMENT



CLEAN DEVELOPMENT MECHANISM NATIONAL AUTHORITY
COTE D'IVOIRE

**WORKSHOP ON THE CDM
INSTITUTIONAL AND
REGULATORY FRAMEWORK**
EC-ACP-MEAS PROJECT

In Partnership with:

**UNEP
RISØ
CENTRE**
ENERGY, CLIMATE
AND SUSTAINABLE
DEVELOPMENT

ACP MEAS





Figure 11: Workshop on the CDM regulatory and legal framework

INTRODUCTION

From **February 14th to 15th, 2012**, was held at the Manhattan Suites Hotel, located in Riviera Attoban, a workshop on strengthening the institutional and regulatory framework of the CDM in Côte d'Ivoire.

This workshop, organized by the National Authority for Clean Development Mechanism (CDM DNA), is part of the implementation of the second phase of capacity building for Clean Development Mechanism (CDM) project called EC-ACP-MEAs.

It aims to strengthen the institutional and regulatory framework of the CDM in Côte d'Ivoire.

The workshop was chaired by the Minister of Environment and Sustainable Development, Dr. Remi Allah-KOUADIO represented by NADAUD Desire, Director of the National Agency for Environment.

The workshop was attended by the General Inspector of Environment Mr Guillaume ZABI and General Managers, and Chiefs of departments. Were also present representatives of state organizations and others from civil society (see list).

This workshop was conducted through four (04) steps, namely:

1. The opening ceremony
2. Communications
3. The validation sessions and return of work
4. The closing ceremony

1. OPENING CEREMONY

Three (03) speeches were delivered at the opening of the workshop. There were the interventions of the National Coordinator of the CDM DNA, UNEP Risoe's representative and of the Director of ANDE.

1.1 - Statement of the National Coordinator of the CDM DNA, Rachel BOTI-DOUAYOUA

Rachel BOTI-DOUAYOUA began by thanking the officials and participants present at this workshop. She gave later the purpose and reasons of the present workshop. For Ms. BOTI-DOUAYOUA, a need to strengthen the institutional and regulatory framework was needed. Indeed, the previous text showed deficiencies in its implementation. It was therefore important in her view to raise the challenge and improve the current texts. To do this, Ms. BOTI-DOUAYOUA said CDM DNA hired a consultant to develop new drafts that will be submitted for validation during the present workshop.

She concluded by thanking Mr. TODD NGARA, project supervisor of the capacity building project EC-ACP-MEAs at UNEP Risoe for his physical presence.

1.2 - Address by Mr. TODD NGARA, representative of UNEP Risoe

Mr. TODD NGARA congratulated the CDM DNA for the work done so far and especially for the prize won in Durban.

He later noted that Côte d'Ivoire is one of seven (7) African countries benefiting from the capacity building project EC-ACP-MEAs.

M.TODD NGARA mentioned the importance of this workshop because the legal framework is one of the weaknesses of CDM in Africa.

1.3 - Statement by the Director of ANDE, Mr. NADAUD Desire, representing the Minister of Environment and Sustainable Development

The Director in his speech first welcomed the participants, before presenting the issues of climate change and the mechanisms and instruments developed by Côte d'Ivoire to fight against climate change, including:

- ü The REDD: Reducing Emissions from Deforestation and Forest Degradation;
- ü The CDM: Clean Development Mechanism.

He also stated that strengthening the institutional and regulatory framework of the CDM is one of the priorities of the CDM DNA, and one of the objectives under the second phase of the project "EC-ACP- MEAs. "

Mr. NADAUD concluded his remarks by thanking the European Union and the United Nations Environment Programme (UNEP) for their financial and material support. He especially thanked Mr. TODD NGARA for its effective presence at the workshop. He then declared open the workshop.

Following the speeches, a steering committee was set up for further work. It consisted of: Chair: Mr. William ZABI, General Inspector of Environment, Ministry of Environment and Sustainable Development.

Chair Assistants:

- ü Mr. GUERO ANGEL, ENVIR'MANIA;
- ü OTCHONI Mrs. Germaine, ANDE.

2. COMMUNICATIONS

Four (4) major presentations were delivered during the workshop, namely:

- ü CDM: results of negotiations of the parties to the UNFCCC and the Kyoto Protocol and the CDM general legal framework
- ü Presentation and analysis of legal and institutional framework of the CDM in Côte d'Ivoire;
- ü Draft text on organization and functioning of the National Authority for Clean Development Mechanism (CDM DNA);
- ü institutionnal Guidebook for the CDM DNA.

2.1 - Communication 1: CDM: General legal framework, results of negotiations of the Parties to the UNFCCC and the Kyoto Protocol

Mr. Stéphane DAINGUY, in charge of legal affairs at the CDM DNA, has maintained the audience on this topic. In his presentation, he first explained the general legal framework of

the CDM in Côte d'Ivoire before presenting the results of the COP 17 held in Durban. Addressing the legal aspects, M. DAINGUY said the United Nations Framework Convention on Climate Change (UNFCCC) and Kyoto Protocol are the legal basis of the CDM at the international level. He then made a brief reminder of the cycle of CDM projects.

Following the general legal framework of the CDM, Mr. DAINGUY presented the results of international negotiations on the CDM, including the maintenance of the Kyoto Protocol in its second commitment period of 1 January 2013 to December 31, 2017 or December 31 in 2020.

He closed his presentation by outlining the perspectives offered by the COP 18 to be held in Doha, Qatar from November 26 to December 7, 2012. As such, Mr. DAINGUY said that further discussions will be conducted at COP 18 on the results of quantified commitments for industrialized countries.

2.2 - Communication 2: Presentation and analysis of the legal and institutional framework of CDM in Côte d'Ivoire

This presentation was made by Professor GADJI Abraham, consultant of this workshop. In an analytical approach, Professor GADJI first presented the general legal framework in which the CDM fits into. To go in deep in his argument, he stated that the legal framework of CDM is based on the general legal framework of environmental protection among others the law on environmental code and various decrees of applications.

Then he mentioned that the ministerial decree No. 232 of 5 December 2005 establishing and organizing the CDM DNA is to date the only legal tool that explicitly addresses issues of CDM.

Finally, Professor GADJI meant in its analysis that CDM in Côte d'Ivoire is having serious trouble coming from the legal deficiencies among other difficulties mentioned by the consultant:

- ü poverty of the legal framework;
- ü Lack of provisions in the existing decree.

Also, one of the difficulties of CDM in Côte d'Ivoire is linked to the type of text governing its organization and functioning. For the consultant, the ministerial decree is under the presidential decree because it may be amended. He therefore suggested that the more important provisions are taken at the state level to strengthen the status of the CDM legal framework in Côte d'Ivoire.

2.3 - Communication 3: Draft text for the establishment and organization of the National Authority for Clean Development Mechanism abbreviated AN-MDP

After the exchanges and discussions that followed the first series of communications, Professor GADJI conducted its second presentation. It was through a brief presentation that he has reviewed all the articles of the ministerial draft decree.

In his presentation, Professor GADJI said that this ministerial draft decree amends Decree No. 232 of December 5, 2005.

It also meant that two substantial changes were made to the old decree; it is the institutional and financial changes.

Moreover, Professor GADJI mentioned all the articles amended in the old text, in particular Article 4 of Chapter II and Article 9 of Chapter IV.

For the consultant, problems of staff changing in government departments, of competence and financial problems, motivated his choice to remove to the old decree, the supervisory committee, one of the organs of the CDM DNA chart.

Following the different communications, concerns were raised by participants. To all the concerns, the consultant, the CDM DNA coordinator and the chairman brought some answers to better enlighten the participants.

2.4 - Communication 4: Presentation of the institutional guidebook of the CDM-DNA

In his presentation, Professor GADJI emphasized that this guide focuses on the institutional framework of acceptance of CDM projects and the bodies involved in CDM projects. He also added that the investment code does not currently provide a special status for CDM projects. He therefore suggested that the new investment code to make arrangements suitable to address this lack.

As part of approval of CDM projects, the consultant indicated the tasks of the AN-MDP and the promoter.

3. VALIDATION OF THE WORK AND WRAP UP

After the session exchanges and discussions, the validation method was brought before the meeting by the Chairman Mr. ZABI then validated.

Subsequently two drafts have been proposed for validation:

ü

The amendment of Order No. 232 of 5 December 2005 establishing and organizing the National Authority for Clean Development Mechanism in short "AN-MDP" the draft guide institutional AN-MDP.

ü

Subject to validation, the proposed text amendment to Decree No. 232 of 5 December 2005 establishing and organizing the National Authority for Clean Development Mechanism in short " CDM DNA " was subject to amendment as at the bottom level that form.

ü At the form of minor omissions were detected and corrected. For the background of important reforms were made, hence the adoption of a new plan proposed by Ms. DJANGO Department of Justice.

Also, visas were added to the draft ministerial decree:

ü The 1994 decree ratifying the United Nations Framework Convention on Climate Change;

ü Ministerial decree No. 232 of 5 December 2005 establishing and organizing the CDM DNA

Also, several articles have been subject of amendments including:

- ü Articles 3 and 4 of Chapter II; l'article 5 du chapitre III ;
- ü Article 10 of Chapter IV.

Furthermore, Article 8 of Chapter III has been deleted.

With regard to Articles 13 and 14 relating to financial arrangements, they were subjected to further analysis in a small working committee.

At the end of the first validation session, the draft decree was adopted subject to the outcome of the working committee committed to analyze sections 13 and 14.

After the return of the work of the Committee's observations and recommendations were made to improve compliance with new sections 13 and 14 proposed. These items were then adopted.

The proposed institutional guide who is the subject of the second validation session was also adopted after several amendments. (See text adopted)

After the validation sessions, two recommendations were made:

- 1 - The draft order must be accompanied by an explanatory note
- 2 - The new investment code must take into account the specific character of environmental projects

4. CLOSING CEREMONY

Mr. Guillaume ZABI, Chair, in his final word made an analysis and summary of the workshop. He appreciated the quality of work and the level of exchange between participants. Mr. ZABI stressed the need to really strengthen the institutional and regulatory framework of the CDM in Côte d'Ivoire. To do this, two major innovations were necessary to know the position of the CDM DNA in ANDE and the nature of human resources. In addition, the CDM DNA must get down assisting more CDM projects and allows their achievement by raising two major objectives: technology and ethics.

He added that capacity building for all stakeholders in the CDM and that at the end of this workshop; everything is done from a consensus.

Moreover, he encouraged the project developers to continue their activities and suggested that the new investment code enables project developers to benefit from special treatment.

Speaking in his turn, M NADAUD Desire, Director of the National Agency for Environment, representing the Minister for the Environment and Sustainable Development has first addressed the meeting as Director of ANDE. He noted that on arrival at ANDE, it was marked by the weakness of the CDM-DNA's legal framework.

Regarding the new investment code, the Director of ANDE reassured participants noting that two agents of ANDE attended the seminar related to such a code. The Environment and particularly, the CDM have been taken into account.

For the award won by the CDM-DNA best communicator of the year 2011 in Durban, Given the importance for that for the Minister of Environment and Sustainable Development, he

would like to personally receive it. Therefore, a special ceremony will be held for that purpose.

Taking the floor again as a representative of the Minister of the Environment and Sustainable Development, he congratulated all participants for the work done. He reiterated his thanks to Mr. TODD NGARA, Pr GADJI ABRAHAM, WILLIAM M. ZABI, CDM DNA and all participants.

Finally, he expressed the hope that this work can really improve the institutional and regulatory framework.

He closed the workshop at 18: 30.



Figure 12: Lunch – Workshop on the CDM regulatory and legal framework

Table 10: Workshop on strengthening the CDM institutional and regulatory framework of Côte d'Ivoire

Date : 14-15 February 2012

Venue : Manhattan Suites

PROGRAMME

DAY 1		
TIME	ACTIVITIES	SPEAKERS
08:00-09:00	Welcome and registration	
9:00-9:40	<ul style="list-style-type: none"> - Welcome by the Coordinator - Welcome by the Director of ANDE - Message from the Representative of UNEP Risoe - Address by the Minister of Environment and Sustainable Development and opening of the workshop 	<ul style="list-style-type: none"> - Mme DOUAYOUA BOTI Rachel - NADAUD Désiré - Todd NGARA - Rémi ALLAH KOUADIO
9:40 – 10:00	Ceremony Trophy better communicator CDM-2011 to the Minister	
10:00-10:20	COFFEE BREAK	
10:20-10:40	The status of stakeholder discussions under the UNFCCC and the Kyoto Protocol and the general legal framework of the CDM	Dainguy Stéphane
10:40-11:00	Presentation and analysis of legal and institutional framework of the CDM in Ivory Coast	Prof. GADJI Abraham
11:00-12:30	Exchanges and discussions	Moderator
12:30-13:00	Presentation of the draft text on the establishment and organization of the National Authority for Clean Development Mechanism abbreviated AN-MDP	Prof. GADJI Abraham
13:00-14:15	LUNCH BREAK	
13:30-16:00	Exchanges and discussions	Modérateur
16:00-16:05	Validation of the draft text on the establishment and organization of the AN-MDP	
16:05-16:15	COFFEE BREAK	
17:30	END DAY 1	
DAY 2		
HEURE	ACTIVITIES	INTERVENANTS
08:00-08:20	Presentation of institutional guide of the AN-MDP	Prof. GADJI Abraham
8:20-9:45	Exchanges and discussions	Moderator
9:45-10:00	COFFEE BREAK	
10:00-12:50	Exchanges and discussions	Moderator
12:50-13:00	Validation of the institutional guidebook for the CDM DNA	
13:00-14:30	LUNCH BREAK	
14:30-15:00	Wrap up and recommendations	
15:00-15:15	Closing ceremony	
15:15-15:30	CLOSURE	

Table 11: List of attendance workshop on strengthening the CDM institutional and regulatory framework

Date : from 14 to 15 February 2012
Venue : Manhattan Suites, Riviéra Attoban

LIST OF ATTENDANCE

No	NAME	ORGANIZATION	FUNCTION	CONTACTS	EMAIL
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Environnement / Atelier de renforcement des acteurs
 Le développement propre au cœur de la formation

Larissa G



Les experts à la table de séance.

UN ATELIER de formation portant sur le renforcement des capacités sur le Mécanisme pour un développement propre (MDP) en Côte d'Ivoire a débuté mardi 14 février pour prendre fin mercredi 15 février 2012. « Renforcement du cadre institutionnel et réglementaire du MDP en Côte d'Ivoire », tel est le sujet sur lequel ont planché des experts en environnement. Rachelle Boti Douayoua, coordinatrice de l'autorité nationale du MDP, a précisé qu'il existait auparavant un cadre de réglementation qui présentait des lacunes à la pratique. A l'en croire, il était important de se remettre en cause en améliorant ce texte afin de relever de grands défis par le biais du MDP. Au sortir de cet atelier, Rachelle Boti Douayoua s'attend à une clarification de l'organisation, beaucoup plus de dynamisme et une efficacité sur le terrain. Désiré Nadaud, représentant Allah Kouadio Kémi, ministre de l'Environnement et du Développement durable, a re-

marqué que la Côte d'Ivoire a vite compris l'enjeu lié à l'environnement et au développement durable en s'engageant aux côtés de la communauté internationale à participer à la mise en place de mécanismes et d'instruments de lutte contre les changements climatiques. Il s'agit, entre autres, des émissions liées à la déforestation et à la dégradation des forêts et le mécanisme pour un développement propre, permettant la mise en place de projets de réduction des émissions contribuant au développement durable dans les pays en développement et générant des unités de réduction certifiées d'émissions transférables au crédit du pays investisseur. Le superviseur du projet de renforcement, venu de Danemark, Toiv Ngaru, a apprécié l'efficacité de la Côte d'Ivoire en matière de développement durable qui lui a valu le prix Afrique du meilleur communicateur des AND (Agents nationaux de développement de l'année 2011).

L'INTELLIGENT D'ABIDJAN

Le quotidien dont vous avez rêvé - N° 2467 - Du Jeudi 16 Février 2012 - Prix : 200 Fcfa / 8ème année
 Site web : www.lintelligentdabidjan.org | e-mail : infosintelligent@yahoo.fr | intelligiabidjan@gmail.com | intelligiabidjan@hotmail.fr



Protection de l'environnement
Le Mdp se renforce

La lutte contre les changements climatiques demeure une priorité pour le ministère de l'Environnement et du Développement durable. A ce titre, elle participe au renforcement du cadre institutionnel et réglementaire du Mécanisme pour un développement propre (Mdp). Et ce à travers un atelier qui s'est tenu du 14 au 15 à l'hôtel Manhattan afin de renforcer les capacités sur le Mdp. Mardi, lors de l'ouverture de l'atelier, le coordonnateur de l'Autorité nationale du Mdp

(An-Mdp), Douayoua Boti Rachel, a indiqué que parler de renforcement inclut l'existence d'un cadre qui existait auparavant mais qui a présenté des lacunes à la pratique. « Il était donc important que nous nous remettions en cause et améliorions ce texte. Conscients que nous devons relever de grands défis par le biais du Mdp, l'An-Mdp s'est attachée les services d'un consultant pour simplifier, clarifier l'organisation en son sein et la rendre plus dynamique et efficace sur le ter-

rain », a-t-elle expliqué. Nadaud Désiré, directeur de l'Agence nationale de l'environnement (Ande), a, au nom du ministre de l'Environnement et du Développement, rappelé que le renforcement du cadre institutionnel et réglementaire du mécanisme demeure l'une des priorités du ministère et l'un des objectifs à atteindre. L'An-Mdp a remporté le Prix Afrique du meilleur communicateur des And de l'année 2011.

Napargalé Marie