

## The Voice of Civil Society Organisations in Georgia's Climate Policy

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develop adaptation and mitigation measures in different sectors which should help provide synergies and create economic, social, and environmental benefits, it is still lacking detailed national adaptation strategies and plans.

The climate policy of Georgia is outlined in several documents aiming to strengthen the country's commitment. However, national and sub-national climate policy documents lack consistency due to the absence of

a robust and sustainable legal and institutional framework, capacity to plan, implement and monitor a policy development, and knowledge transfer mechanism.

Research shows that the negative consequences of climate change will be even stronger in the upcoming years, and that climate mainstreaming plays an important role in achieving national climate goals and objectives.

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## The Voice of Civil Society Organisations in Georgia's Climate Policy

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### **Abstract**

Ambitious climate protection is a complex challenge and task for society as a whole which requires the interaction of a wide range of actors. Civil society organisations (CSOs) play a crucial role in shaping the national climate policy framework and its implementation. They are a constructive driving force in the transformation process, bringing the needs and interests of local people into national and international discourse. International agreements and national laws require their participation in environmental decision-making processes. But which opportunities do Georgian CSOs currently have to participate in national climate policy? This article analyses opportunities for and barriers to participation in climate political decision-making, for example during the update of Georgia's National Determined Contribution (NDC), and gives recommendations on how the involvement could be improved in the future.

### **Introduction**

Analyses by the U.S. National Oceanic and Atmospheric Administration (NOAA) show that 2020 was the second-warmest year on record (Lindsey/ Dahlman, 2021). The 2020 Global Climate Report from NOAA's National Centers for Environmental Information shows that every

month of 2020 except December was among the top-four warmest on record (NOAA National Centers for Environmental Information, 2020). The ten warmest years on record have all occurred since 2005 (Lindsey/ Dahlman, 2021). Despite shutdowns and economic slowdown due to the Covid-19 pandemic, emissions of

carbon dioxide and methane – the two most important anthropogenic greenhouse gases – surged in 2020.<sup>1</sup> This data illustrates an urgent need for climate action. However, the national climate targets adopted and climate protection measures planned and implemented worldwide to date are inadequate to fulfil the Paris Agreement.<sup>2</sup> At the end of 2015, Georgia, alongside 194 other countries, agreed in Paris to limit global warming and its impacts, and to set national climate targets (the so-called ‘Nationally Determined Contributions’ – NDCs) in line with the 1.5° C target. Georgia submitted its first quantified Intended Nationally Determined Contributions (INDCs) in 2015. The updated NDC was published in April 2021.

Within this process, the engagement of civil society organisations (CSOs) can be crucial to advocate for more ambitious targets and amplify the voices of the most vulnerable, poor and marginalised populations. The scope of activities and advocacy work of CSOs ranges from raising awareness about climate change, building capacity, supporting climate change mitigation and adaptation activities to conducting research, developing strategies and climate protection and adaptation measures, and influencing concrete climate policies. This involvement of CSOs (and the public) in environmental issues is regulated internationally, especially by the ‘Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters’ (hereafter ‘Aarhus Convention’). Georgia signed the convention in 1998 and ratified it on 11 April 2000. Since its entry into force in October 2001, the requirements of the convention have had supremacy over national law (except the constitution of Georgia). Furthermore, the United Nations Framework Convention on Climate Change (UNFCCC), including the Paris Agreement, clearly demands public participation in the context of climate change.

But what opportunities do Georgian CSOs currently have to participate in national climate policy? Which existing national legal frameworks require public participation and the involvement of civil society within climate-related policy-making? What does the practical implementation of these rights look like? Which barriers hamper meaningful participation of CSOs, and how can future involvement of civil society be improved? These questions were analysed by the Independent Institute for Environmental Issues (UfU) and the Regional Environ-

mental Centre for the Caucasus (REC Caucasus) within the framework of the international project ‘Strengthen Civil Society for the implementation of national climate policy’ in a comprehensive study (Donges et al., 2020). This article summarises the main findings and focuses in particular on the updating process of Georgia’s NDC. The project is a cooperation of UfU, BUND (Friends of the Earth Germany), Censat Agua Viva Colombia (Friends of the Earth Colombia), Greens Movement of Georgia (Friends of the Earth Georgia) and Ecoaction Ukraine, supported by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) as part of the International Climate Initiative (IKI).

### The Right to Participate

Public participation in environmental and climate change-related decision-making in Georgia is secured through two major international documents, the Aarhus Convention and the EU-Georgia Association Agreement (which came into full force in 2016).

The Aarhus Convention, the major international treaty ensuring public participation in environmental decision-making processes, came into force in 2001 in Georgia. Before that, the only legal basis for binding public participation in environmental/climate change-related decision-making was The Law of Georgia on Environment Protection (1996), according to which one of the main environmental principles is the public participation principle. It is defined as the ‘participation of the public in the process of making important decisions related to the carrying out of an activity’.

A legal framework dedicated to climate change does not exist and is considered under the broader context of environmental legislation, although climate change is one major threat perceived by Georgian society (Durglishvili/ Kechakmadze, 2020). The Constitution of Georgia (1996) and the Environmental Assessment Code (2017) provide this broader context of environmental legislation but are not limited to climate issues. Article 29 of the Constitution of Georgia (The Right to Environmental Protection) states that ‘everyone has the right to receive full information about the state of the environment in a timely manner. Everyone has the right to care for the protection of the environment’ and that the ‘right to participate in the adoption of decisions related to the environment shall be ensured by law’.<sup>3</sup>

1 ‘Despite pandemic shutdowns, carbon dioxide and methane surged in 2020: Carbon dioxide levels are now higher than at anytime in the past 3.6 million years’, NOAA Research News, 7 April 2021, <https://research.noaa.gov/article/ArtMID/587/ArticleID/2742/Despite-pandemic-shutdowns-carbon-dioxide-and-methane-surged-in-2020> (accessed 3 May 2021).

2 Compare <https://climateactiontracker.org>, accessed 3 May 2021.

3 See Constitution of Georgia, available at: <https://matsne.gov.ge/en/document/download/30346/36/en/pdf>, p. 11 (accessed 19 August 2021).

The Environmental Assessment Code<sup>4</sup> aims at ensuring public participation in environmental decision-making and provides the legal basis to promote a broader involvement of the society in decisions related to activities which are likely to have an impact on the environment and human health. According to the Code, development projects in Georgia are subject to an Environmental Impact Assessment to be undertaken in participatory manner during the screening and scoping, as well as during the procedure for issuing environmental decisions through which climate change could be directly or indirectly addressed.

### Climate-Committed CSOs at the Table

Georgia has a fairly active civil society in the environmental sector, including grassroots groups and small organisations such as the non-governmental organisations EcoVision or Green Regions, and larger ones with international links and funding, such as Greens Movement of Georgia (Friends of the Earth Georgia) or the Caucasus Environmental NGO Network (CENN). In recent years, there has been a slight increase in the number of young volunteers and grassroots organisations that set new standards for mobilisation and participation. This movement of young people and youth groups is not donor-driven, but rather is based on independent volunteerism and social mobilisation.

Yet, a deeply rooted participatory civic culture is missing in Georgia (Freedom House, 2018); civic engagement, volunteering and the number of memberships in associations and organisations is quite low (Latsabidze, 2019). The climate-engaged civil society in Georgia is still a relatively new movement with limited financial and human resources. According to the website '[www.csogeorgia.org](http://www.csogeorgia.org)', only 176 of Georgia's 1266 CSOs work on ecological topics such as biodiversity or waste management.<sup>5</sup> CSOs working explicitly on climate issues, such as emissions reduction or climate change adaptation, represent a minority in Georgia and have only recently begun organising themselves in networks such as the 'Climate Change Coalition'. Only a few organisations such as Friends of the Earth Georgia, the Energy Efficiency Centre (EEC), CENN, REC Caucasus, Remissia, World Experience for Georgia (WEG), Green Alternative, the City Institute and EcoVision deal directly with topics such as climate change, emissions reduction and renewable energies. Their opportunities to get involved in political decision-making

range from informal methods (such as campaigns, dialogues with political representatives, protests etc.) to formal and institutionalised participation processes (such as legally required public participation related to permitting procedures or the preparation of environmental plans, programmes or policies). In the following we will focus on the recent revision of the NDC, a national process in which civil society had to be involved according to the Aarhus Convention.

The revision started in 2018 and was combined with the development of the 2030 Climate Change Strategy and 2021–2023 Action Plan (CSAP). These aim to define the legal instruments, activities and methods to be used to reach the country's climate targets. To initiate the NDC update, a climate change conference was organised by the Ministry of Environmental Protection and Agriculture (MEPA) and the German Society for International Cooperation (GIZ) in September 2018. Due to its open dialogue format, about ninety stakeholders from different sectors were involved in this process. At the end of 2018, MEPA initiated seven sectoral working groups to elaborate the CSAP of Georgia. Representatives of some CSOs were involved in the groups that worked on construction/buildings, forests, waste management, energy generation and transmission, agriculture, transport, and industry. The working groups met in 2019 and 2020 (in the latter year on a very restricted basis due to the Covid-19 pandemic) to elaborate concrete measures to reduce national emissions and fulfil the country's climate commitments.

During the process, CSOs were asked to comment on certain chapters and the draft version of the CSAP. In addition, MEPA organised a workshop with CSOs to discuss the integration of gender issues into climate change policies. CSOs tried to contribute to the revision of the NDC and the development of the CSAP by participating in the workshops, but also criticised the process for not being ambitious enough with regard to the formulated emissions reduction targets. Therefore, in 2019, GMG initiated a process to elaborate a civil society-based understanding of an ambitious NDC. Together with other CSOs they formed the network 'Climate Change Coalition', analysed the original INDC as well as NDC and CSAP of Georgia and worked out sector-specific recommendations on how to decrease greenhouse gas emissions, for example in the transport and building sectors. The coalition now brings together about 200 CSOs, experts and other stakeholders from

4 'Georgia: Adoption of the Environmental Assessment Code (GE0057)', Open Government Partnership, [www.opengovpartnership.org/members/georgia/commitments/GE0057/](http://www.opengovpartnership.org/members/georgia/commitments/GE0057/) (accessed 5 July 2021).

5 See <https://csogeorgia.org/en/organizations?searchQuery=&showCategory=7&showCharity=&showCommunity=&regionID=> (accessed 6 August 2021).

Georgia.<sup>6</sup> In December 2020, the coalition presented the civil society partners' visions and comments on the CSAP and Georgia's 2030 Climate Change Strategy to representatives of non-governmental, governmental and international organisations as well as embassies and stakeholders from different regions of Georgia.

### Barriers and Challenges to Participation

As described, civil society actors already benefit from some participation rights and specific opportunities to shape national climate policy. However, the existing framework and opportunities for participation do not yet fully meet the requirements of the Aarhus Convention and many obstacles still impede equal and effective political participation in climate policy. Based on a standardised evaluation scheme, Donges et al. (2020) assess the general conditions for participation, specific opportunities and practices in Georgia using five main criteria (fundamental requirements, enabling legislation, supporting governance & structures, qualitative participation processes, capacity building) and 25 indicators in total. The analysis showed that there are some fundamental barriers, like the often-missing political will to consider climate change as an urgent topic and to involve civil society meaningfully in the corresponding decision-making or the risk of democratic backsliding,<sup>7</sup> which prevent transparent policy-making with civil society.

The analysis of the legal framework revealed that the provisions of the Aarhus Convention have not been fully incorporated into national legislation. According to Georgian legislation, the Convention does not need to be translated into national law and can be applied as a directly applicable source of law. Nevertheless, an incorporation into national law would create more legal certainty for affected citizens and the public institutions which have to implement the provisions.

With regard to existing participation processes such as the NDC update and CSAP development, civil society representatives interviewed criticised that it is always the same small circle of established, well-known, rather large and professional national-level CSOs that is invited to relevant meetings of the government. This means that there is a lack of inclusiveness and transparency that prevents the participation of, for example, smaller and newer CSOs or organisations which represent certain population groups (e.g., young people or minorities) or regions. In addition, an appropriate variety of participation instruments and methods adapted to different conditions and topics, such as round table discussions,

focus groups or future workshops is lacking. Missing or insufficient information before and during participatory events about the topic and background (as well as the planned procedure) is a further major barrier for the effective participation of civil society.

Moreover, information on climate change and the related political processes (such as the international climate negotiations) is often very technical, and thus difficult to understand. In many cases, specific information and international documents on climate issues are only available in English, which represents a language barrier for some stakeholders. Another problem is that deadlines for the submission of comments and recommendations are often too short for CSOs to participate meaningfully; they would need more time to elaborate statements/comments, for instance, on draft documents. Finally, ideas and comments of the public and CSOs are rarely considered in final decisions, and transparency about the decision-making process is missing. Other major barriers to CSO participation are their often-limited financial and time resources as well as sometimes-limited knowledge and weak capacity for exercising participatory mechanisms, which can be tediously bureaucratic. Since Spring 2020, the Covid-19 pandemic has presented an additional hurdle to participation processes. In-person meetings with several participants were no longer possible, and government agencies failed to provide adequate digital alternatives.

### The Way Forward: People-Centred and Ambitious NDC in 2025?!

NDCs have to be submitted every five years to the UNFCCC secretariat. The next update is requested in 2025. In order to push countries to grow more ambitious with their goals over time, the Paris Agreement provides that successive NDCs will represent a progression compared to the previous NDC and reflect a country's highest possible ambition. In this process, the government of Georgia should profit from and incorporate the knowledge and perspectives of its civil society. Besides expert knowledge on certain fields, such as renewable energy or local climate adaptation, CSOs often have deep insights into the needs and social values of the society and can speak up for those who are not heard (e.g., local communities, minorities). They also act as an intermediary between state and society, as well as between different political sectors that need to cooperate to protect the climate and human well-being. Through their various activities, CSOs can promote the participation of cit-

6 'International conference presenting civil society visions on Georgia's CSAP 2030 and CAP 2021–2023', Greens Movement of Georgia/ Friends of the Earth Georgia, 28 December 2020, [www.greens.ge/en/news/international-conference-presenting-civil-society-visions-on-georgia-s-csap-2030-and-cap-2021-2023](http://www.greens.ge/en/news/international-conference-presenting-civil-society-visions-on-georgia-s-csap-2030-and-cap-2021-2023) (accessed 10 May 2021).

7 'Eastern Europe & Central Asia: Weak checks and balances threaten anti-corruption efforts', Transparency International, 29 January 2019, [www.transparency.org/en/news/weak-checks-and-balances-threaten-anti-corruption-efforts-across-eastern-eu](http://www.transparency.org/en/news/weak-checks-and-balances-threaten-anti-corruption-efforts-across-eastern-eu) (accessed 10 May 2021).

izens in climate protection and policy, and ultimately contribute to a better acceptance of political decisions among society. Therefore, the government should consider the contributions of civil society as an asset, not a barrier, in the political process.

Existing legislation should be amended to ensure the effective implementation of Articles 7 and 8 of the Aarhus Convention (these articles refer to public participation with respect to plans, programmes and policies, and the preparation of executive regulations and generally applicable legally binding rules). Detailed and binding standards for formal and informal climate-related participation procedures which go beyond the requirements of the Policy Planning, Monitoring and Evaluation Handbook and the Rules of Procedure for Development, Monitoring and Evaluation of Policy Documents<sup>8</sup> should be set.

Regarding structural opportunities for improvement, leading ministries such as MEPA should foster coordination and cooperation with other ministries (such as the Ministry of Economy and Sustainable Development or the Ministry of Regional Development and Infrastructure), political levels, public authorities and structures such as the Environmental Information and Education Centre (EIEC)<sup>9</sup> to design effective and efficient participation processes. Furthermore, structures to foster inter-ministerial cooperation such as the Climate Change Council should be opened up to allow representatives of civil society to join so that they can observe and influence the implementation of Georgia's climate change policy and climate-related international commitments.

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8 The national legislation of Georgia consists of primary and secondary legislation (laws and sub-laws). With regard to the sub-laws, the latest specifications and requirements for public participation can be found in the Policy Planning, Monitoring and Evaluation Handbook (2019) that includes the Rules of Procedure for the Development, Monitoring and Evaluation of Policy Documents. They were approved by Decree 629 of December 2019, which entered into force in 2020 and replaced the Policy Planning Manual of 2016. According to Article 9 of these rules, it is mandatory to hold public consultations before the adoption of a draft policy document in the form of meetings and/or in electronic format. See Administration of the Government of Georgia (2019).

9 In 2013, the EIEC was created within the structure of the Ministry of Environment and Natural Resources Protection of Georgia. It is a legal entity under public law with the aim of raising public awareness on environmental protection, supporting public participation in decision-making processes, and increasing access to justice according to the Aarhus Convention (see [www.eiec.gov.ge](http://www.eiec.gov.ge), accessed 6 August 2021).

Concrete participation processes, such as the update of an NDC, should be meaningful, inclusive, transparent and binding. The organisation should include important elements such as: stakeholder mapping (including the regional and local levels); the elaboration of an engagement plan and timeline; appropriate, interactive, deliberative and dialogue-orientated formats; transparency; accessible information; clear communication; the provision of adequate financial resources; and a transparent review procedure.

Another key measure to improve future engagement of civil society in Georgia's climate policy is to increase capacity building. On the one hand, political authorities should be trained on how to implement long-term and well-coordinated participation procedures. On the other hand, technical knowledge and capacity on climate issues and political participation should be built among CSOs, for example through funded civil society projects and/or support from government agencies (in the form of workshops, training courses, financial grants, etc.).

CSOs themselves should strengthen their national and international networks, partnerships and knowledge sharing (with other CSOs and the relevant scientific communities) in the future, for example within their ongoing and planned projects and activities. By exchanging their experiences and lessons learned from the recent NDC update and CSAP development they can increase capacities, create synergies for upcoming processes, and enhance their engagement in ambitious climate action that complies with the Paris Agreement.

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## Why Gender in Georgian Climate Policies?

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### Abstract

This article addresses the lack of gender responsiveness and highlights the necessity for the involvement of women in climate policies and actions in Georgia. The need for mainstreaming gender in climate policies and actions is being recognised and encouraged by international researchers and agencies. Although considerable progress on legislative equality has been made in recent years, gender is not yet mainstreamed into any climate or energy policies in Georgia, with the exception of the Nationally Determined Contribution (NDC). Based on analyses of existing documents and policies related to climate change, this paper suggests that the Georgian government should develop gender-responsive climate policies through an intersectional approach, building capacity on gender mainstreaming in the relevant sectors, upscaling existing best practices by civil society, grassroots organisations and national experts, and conducting deep gender analysis as stipulated by the NDC.

### Introduction

Research shows that climate adaptation and mitigation actions are more successful in achieving their objectives and are better accepted when gender is mainstreamed and when they are implemented in a gender-responsive manner (Lv/ Deng, 2019). Countries that have higher women's participation and gender equality have lower climate gas emission, when all other relevant variables, such as population or gross domestic product (GDP), on emissions are controlled (Ergas, 2012). Increased women's participation in climate policy has led to higher effectiveness and responsiveness of climate and environmental policies (Burns/ Daniel, 2020).

Gender inequality affects access to and control over resources, institutional structures, social, cultural and formal networks and decision-making processes. Poorly designed or implemented climate solutions can actually exacerbate gender and social inequality, among other adverse environmental and social impacts (IPCC, 2018).

Gender mainstreaming or gender-responsiveness of national policies should not only mean considering women as a vulnerable group, or indeed equal participation of women and men. It is essential to do in-depth analysis to investigate the injustices that hinder gender-responsive policy making (UNIDO, 2014). Assessing gender-based inequalities followed by systematic main-