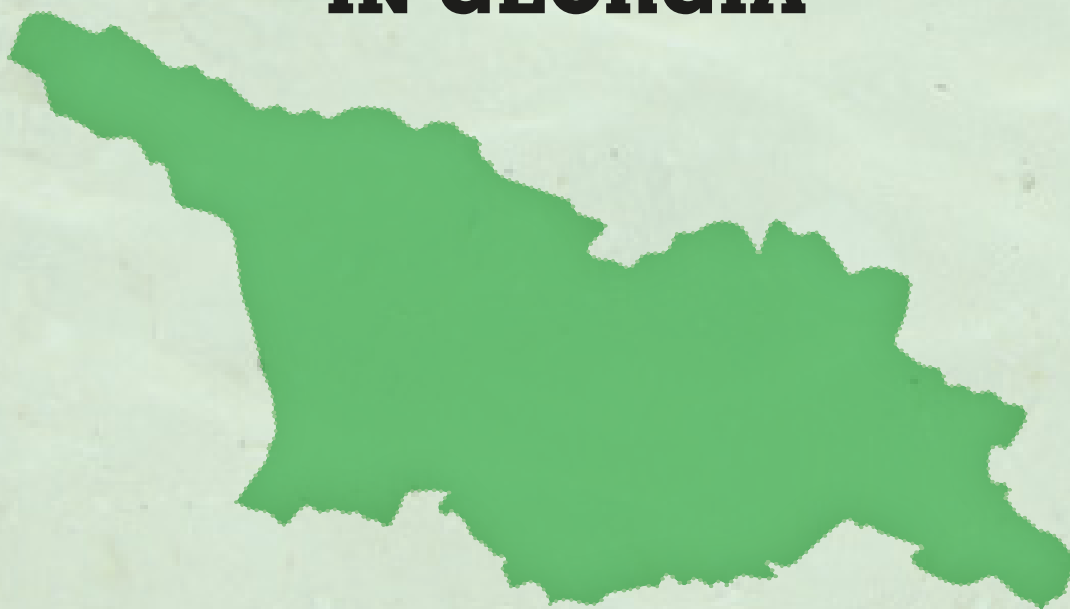




UfU Independent Institute
for Environmental Issues



CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN GEORGIA



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Abbreviations

ACC: Anti-Corruption Interagency Coordination Council

BMU: German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (Bundesministerium für Umwelt, Naturschutz und nukleare Sicherheit)

BTI: Bertelsmann Transformation Index

BUR: Biennial Update Report

CAP: Georgian Climate Action Plan

CCD: Georgian Climate Change Division

CCC: Georgian Climate Change Council

CENN: Caucasus Environmental NGO Network

CLI: Collective Leadership Institute

CMCG: Covenant of Mayors Coordinating Group

CoM: Covenant of Mayors

COP: Conference of the Parties

CPI: Corruption Perception Index

CRRC: Caucasus Resource Research Centre

CSO: Civil Society Organisation

EaP CSF: Eastern Partnership Civil Society Forum

ECCD: Georgian Environment and Climate Change Department

EDI: Environmental Democracy Index

EEB: European Environmental Bureau

EEC: Energy Efficiency Centre

EESC: European Economic and Social Committee

EIA: Environmental impact assessment

IEEC: Environmental Information and Education Centre

EU: European Union

EWG: Expert working group

FAQ: Frequently asked questions

GEF: Global Environment Fund

GHG: Greenhouse gas

GIZ: German Society for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH)

GMG: Greens Movement of Georgia – Friends of the Earth Georgia

GNP: Georgian National Platform

HIHK: Heidelberg Institute for International Conflict Research (Heidelberger Institut für Internationale Konfliktforschung)

IKI: International Climate Initiative (Internationale Klimaschutzinitiative)

INDC: Intended Nationally Determined Contribution

LEDS: Low Emission Development Strategy

LTS: Long-term Strategy

MENRP: Georgian Ministry of Environment and Natural Resources Protection

MEPA: Georgian Ministry of Environmental Protection and Agriculture

MESD: Georgian Ministry of Economy and Sustainable Development

NAMA: Nationally Appropriate Mitigation Action

NAPR: National Agency for Public Registry

NASA: National Aeronautics and Space Administration

NC: National Communication

NCI: NewClimate Institute

NDC: Nationally Determined Contribution

NEAP: National Environmental Action Plans

NECP: Integrated National Energy and Climate Plan

NEEAP: National Energy Efficiency Action Plan

NFP: National Forest Programme

NGO: Non-governmental organisation

NOAA: National Oceanic and Atmospheric Administration

NREAP: National Renewable Energy Action Plan

OGP: Open Government Partnership

RCDA: Rural Communities Development Agency

REC Caucasus: Regional Environmental Centre for the Caucasus

SDCA: Social Development Centre Akhaltsikhe

SEA: Strategic environmental assessment

SEAP: Sustainable Energy Action Plan

SECAP: Sustainable Energy and Climate Action Plans

SEMA: Georgian Ecological Agricultural Association

UfU: Independent Institute for Environmental Issues (Unabhängiges Institut für Umweltfragen)

UNCED: United Nations Conference on Environment and Development

UNDP: United Nations Development Programme

UNECE: United Nations Economic Commission for Europe

UNEP: United Nations Environment Programme

UNFCCC: United Nations Framework Convention on Climate Change

USAID: United States Agency for International Development

WECF: Women in Europe for a Common Future

WEG: World Experience Georgia



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1 Introduction

1.1 Background and overarching questions

Analyses by the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) show that Earth's global surface temperatures in 2019 were the second warmest since modern recordkeeping started in 1880. The five years between 2015 and 2019 were the warmest in the last 140 years.¹ The United Nations Framework Convention on Climate Change (UNFCCC), adopted in May 1992, set limits on greenhouse gas (GHG) emissions to prevent this dangerous anthropogenic global warming. At the Conference of the Parties of the UNFCCC in 2015 (COP 21), 195 countries, also Georgia, agreed on the Paris Agreement. Thus, they committed themselves to undertake ambitious efforts to keep the rise in global temperature in this century well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 °C. The long-term goals of each country to reduce national emissions and adapt to the impacts of climate change are demonstrated in the Nationally Determined Contributions (NDCs) that must be updated regularly. However, time is running out and current climate actions are insufficient.

Within this political process, civil society actors, such as civil society organisations (CSOs) and non-governmental organisations (NGOs) play a key role. They should be involved in developing and implementing climate policy because they act as “watchdogs” and “advocates” for a fair socio-environmental transformation. The scope of their activities and advocacy work ranges from raising awareness about climate change, building capacity, supporting climate change mitigation and adaptation activities to conducting research, developing strategies and measures, and influencing concrete climate policies (Reid et al., 2012).

Since 1992 different declarations, agreements, treaties and national laws have been developed that promote the participation of civil society in environmental matters. The **Rio Declaration** documented the results of the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, in 1992. The 27 principles laid the foundation for sustainable development around the world and still serve as a set of guidelines for states and intergovernmental bodies. **Principle 10** highlights the role of the participation of citizens in environmental issues. It sets out the three fundamental pillars of public participation: access to information, access to public participation and access to justice. The **Bali Guidelines** (Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters), adopted in 2010, aim to guide governments to align their national environmental governance with Principle 10 of the Rio Declaration and enforce adequate laws and regulations. The **Aarhus Convention** (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters), adopted in 1998, is the first legally binding treaty on the three pillars of public participation and codifies environmental protection rights for all. Similar to the European Aarhus Convention, the **Escazú Agreement** (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean) has the objective

¹ www.ncdc.noaa.gov/sotc/global/201913, accessed 20 January 2020.

of guaranteeing the full and effective implementation of the three pillars in Latin America and the Caribbean.

However, the global alliance of CSOs and activists “CIVICUS”² stated that the real influence of civil society on crucial climate-related decisions is limited and that the currently available opportunities to participate are not very effective. Moreover, participatory democracy and citizens’ freedom of association and expression cannot be taken for granted. In many countries, civic space is shrinking and fundamental rights have to be defended every day. A recent report by the European Environmental Bureau (EEB) shows that barriers to public participation are numerous and growing in the EU. Even though international treaties, such as the Aarhus Convention, formulate clear requirements in terms of access to information, public participation and access to justice on environmental matters, the space given to civil society in some member states is not aligned with such agreements (European Environmental Bureau (EEB), 2019).

Yet in spite of the potential and obvious threats climate-related civil society participation is facing, detailed information on its status in different countries is still rare. Moreover, there is a lack of knowledge on the various possible ways to strengthen the involvement of civil society in making climate policies.

Which opportunities do civil society actors have to participate in climate policy? Which legal framework does exist that requires public participation and the involvement of civil society within climate-related policy making? How does the practical implementation of these rights look like? And which barriers hamper meaningful participation and how can they be overcome? These questions were analysed in the framework of a comprehensive study by the Independent Institute for Environmental Issues, supported by local research teams, in the framework of the international project “Strengthen civil society for the implementation of national climate policy”. The project that was supported by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMU) as part of the International Climate Initiative (IKI), analysed the situation in Colombia, Georgia and Ukraine. This country report presents the results of Georgia and evaluates the environment and conditions for climate-related participation and concrete practices of participatory policy making in the country.

² <https://monitor.civicus.org>, accessed 13 August 2020.

1.2 Framework of this study

Aim and contents of the study

The full study analysed the civic space and participation opportunities of CSOs in Colombia, Georgia and Ukraine working on environmental and climate issues. The purpose of the study was to investigate the environment and conditions for climate-related participation, such as the legal framework for participation, as well as concrete practices of participatory policy making in the three countries. Considering that Georgia, being party of the Paris Agreement, has committed to undertake ambitious action to keep global temperature rise in this century well below 2 °C above pre-industrial levels, this country report explores how national civil society is being involved in the related political processes. The focus thereby lies on organised groups, rather than individuals and the general public. The study furthermore identifies concrete country-specific barriers that hamper or avoid meaningful, effective and long-term participation, and gives advice for overcoming these barriers.

In order to give a systematic overview of the findings, we additionally introduce a standardised evaluation scheme that assesses the general conditions for participation, as well as concrete opportunities and practices. It comprises 5 criteria with 25 indicators. This classification enables the evaluation of the situation in further countries as well.

In addition, “good practice” examples of participation processes and supporting governance and structures from other countries around the globe were collected in the full study. Although each country has its own unique context and the adaptation of one certain country’s approach to another country might be difficult, these examples can nonetheless inspire other countries and spark ideas to strengthen civil society involvement based on their individual shortcomings.

Methodology

The study is based on desk research, analysing reports, scientific papers, reviews, and other secondary literature that deals with civil society participation in climate policy. It furthermore refers to the results of focus group workshops with different experts that were organised in each country in spring 2019. Each focus group consisted of eight to twelve participants from CSOs, ministries, scientific institutions, foundations, international programmes and organisations such as UNDP, the German Society for International Cooperation (GIZ), and the Heinrich Böll Foundation. The focus of the workshops was on assessing the framework and opportunities for CSOs to participate in national climate policy as well as on discussing existing barriers that hamper participation, and collecting solutions on how to overcome them. In addition to this, semi-structured interviews and consultations with representatives of CSOs and other key stakeholders were conducted between July 2017 and November 2019, either in person or via Skype/ phone. Country research teams were additionally engaged in completing the

analyses based on their local knowledge, contacts, experience and access to sources in national languages.

In Georgia, the focus group, interviews, and consultations were conducted with representatives from the following organisations and institutions:

Table 1: Sources in Georgia

Greens Movement of Georgia (GMG)	Women Engage for a Common Future (WEFC, office Georgia)	Caucasus Environmental NGO Network (CENN)
Remissia	World Experience for Georgia (WEG)	Green Alternative
REC Caucasus	Environment and Development (ED)	Black Sea Eco Academy
Heinrich Böll Foundation (regional office South Caucasus)	Friedrich Ebert Foundation (regional office South Caucasus)	NewClimate Institute
Energy Efficiency Centre (EEC)	Centre for Biodiversity Research & Conservation (NACRES)	Collective Leadership Institute (CLI)
Tbilisi State University	City Institute Georgia	Scientific Network for the Caucasus Mountain Region (SNC-mt)
Deutsche Gesellschaft für Internationale Zusammenarbeit, German Society for International Cooperation (GIZ)	United Nations Development Programme (UNDP)	Ministry of Environmental Protection and Agriculture of Georgia (MEPA)

Evaluation scheme

The research team of the Independent Institute for Environmental Issues (UfU), supported with feedback from the project partners in the countries investigated, developed a standardised evaluation scheme to analyse and assess the general conditions for participation as well as concrete opportunities and practices in different countries (see **Appendix**). Even though we are suggesting a universal scheme in this study, it should be noted that it is not necessarily suitable for every country in the world. There may be country-specific particularities that are not considered in the proposed assessment.

Based on international literature on civil society participation and civic space, and the findings and conclusions of our case studies, the following **five evaluation criteria** were defined:

- 1
FUNDAMENTAL REQUIREMENTS
- 2
ENABLING LEGISLATION
- 3
SUPPORTING GOVERNANCE & STRUCTURES
- 4
QUALITATIVE PARTICIPATION PROCESSES
- 5
CAPACITY BUILDING

Afterwards, a set of four to eight indicators was determined for each criterion. In total, **25 indicators** were defined. Each indicator has an associated scoring system. The scoring options are not the same for every indicator. Depending on the question, a graduated answer or a clear yes or no may be required. With regard to complex topics, such as stability and conflicts, corruption, or the security of citizens, we suggest to use existing indices, such as for instance the Corruption Perception Index (CPI), to assess the respective indicators.

Regarding the legal framework for participation (second criterion), our assessment methodology mainly derives from the Environmental Democracy Index (EDI), that measures the degree to which national laws in 70 countries promote environmental democracy rights harmonised with the Bali Guidelines. Although the EDI also tracks national progress in promoting environmental democracy in practice, the focus clearly is on legal frameworks. Our scheme, however, also aims to evaluate further aspects and concrete practices. It therefore also comprises other criteria and indicators. The indicators are based on international standards for public participation that are defined in the Aarhus Convention and the Escazú Agreement. They have been adjusted based on the findings of this study and furthermore inspired by other participation guidelines, codes, recommendations and evaluations (including the Conference of INGOs of the Council of Europe, 2009; Council of Europe; Pompidou Group, 2015; LIFE PlanUp, 2019; Milano, 2019; United Nations Economic Commission for Europe, 2014; United Nations Environment Programme (UNEP), 2015).

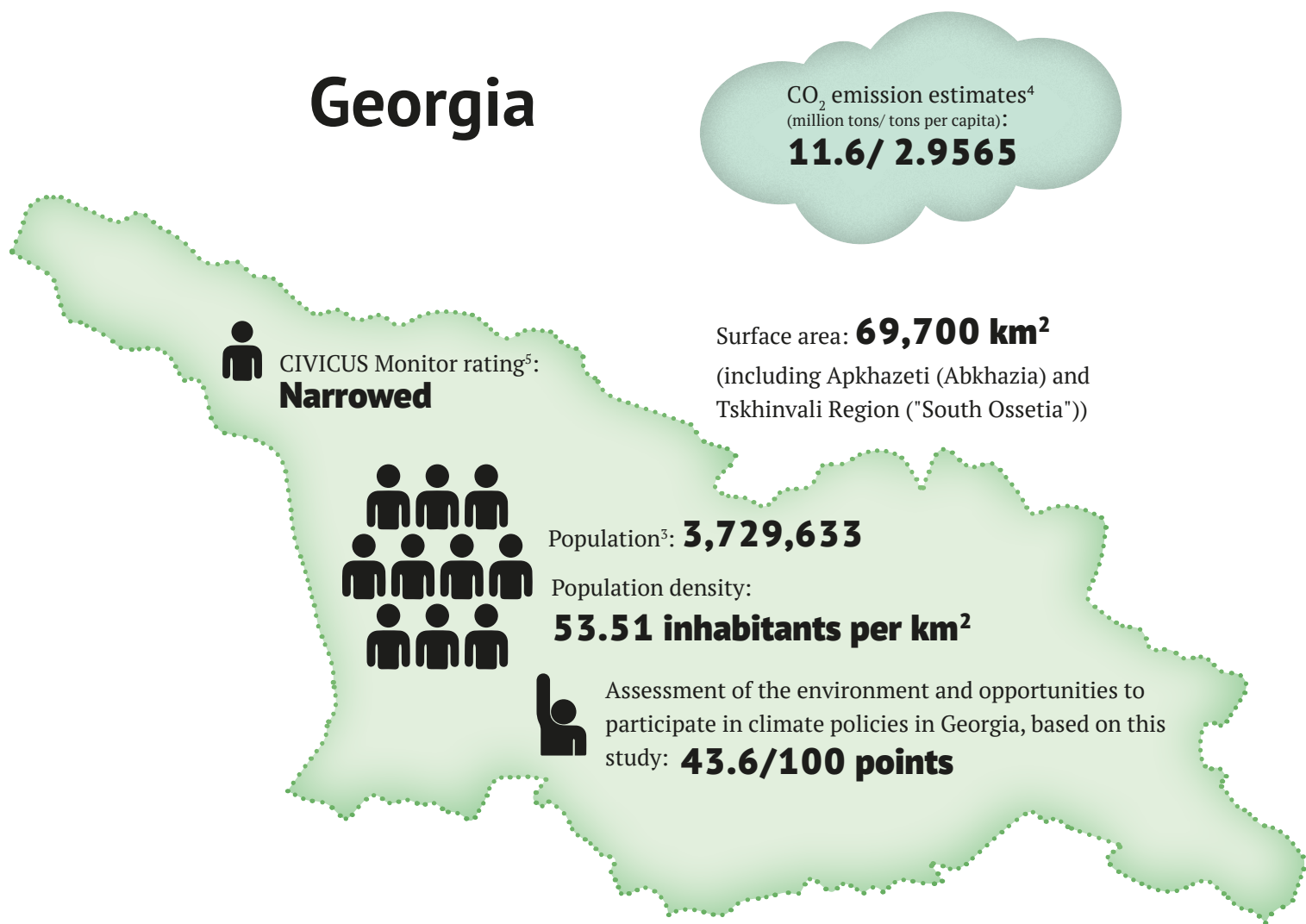
In total, a maximum score of 59 points can be achieved. However, due to the varying numbers of indicators, certain criteria are given more weight than others.

By scaling each criterion to a maximum score of 20, we balance out the criteria evenly (Table 2). The detailed evaluation scheme with indicators and scoring options can be found in the annex.

Table 2: Weighting of the scores

Criteria	Possible max. score	Scale factor	Scaled max. score
1 Fundamental requirements	10	2	20
2 Enabling legislation	17	1.18	20
3 Supporting governance & structures	7	2.86	20
4 Qualitative participation processes	17	1.18	20
5 Capacity building	8	2.5	20
Total	59		100





³ United Nations data, based on the results of the 2014 Population Census, <https://unstats.un.org>, accessed 21 November 2019.
⁴ <https://edgar.jrc.ec.europa.eu/overview.php?v=booklet2018&dst=CO2emi>, accessed 26 March 2020.
⁵ CIVICUS Monitor is a research tool built by civil society that aims to share data on the state of civil society freedoms (civic space) all over the world. It analyses to what extent states fulfill their duty to protect the freedom of association, the freedom of peaceful assembly and the freedom of expression. Each country is assigned a rating of the following categories: open, narrowed, obstructed, repressed or closed. For more information: <https://monitor.civicus.org/methodology>, accessed 27 April. 2020.

2 Georgia

2.1 National climate policy⁶

Georgia ratified the **United Nations Framework Convention on Climate Change (UNFCCC)** in 1994. After the ratification of the Kyoto Protocol in 1999, the country acceded to the **Copenhagen Accord** in 2010. It declared it would participate in international actions against climate change and submitted its **Intended Nationally Determined Contribution (INDC)** to the UNFCCC in 2015. According to the INDC, Georgia plans to reduce its greenhouse gas (GHG) emissions by 15% below the business as usual scenario by the year 2030 (unconditional target). A reduction of up to 25% is intended if the country gets access to low-cost financial resources and if technical cooperation and technology transfer happen.⁷

In May 2017, Georgia ratified the **Paris Agreement** and thus took responsibility to develop a more ambitious **NDC** by 2020. So far, increasing commitments towards climate change mitigation can be noted, but there is still much room for improvement (Lui, 2018). The Ministry of Environmental Protection and Agriculture (MEPA) is responsible for the coordination of the relevant processes and the implementation of measures laid out in the UNFCCC and the Paris Agreement. In order to coordinate and implement the major climate-related documents of Georgia, including the enhancement of the NDC, the preparation of a **Climate Action Plan** as well as **National Communications (NC)** and **Biennial Update Reports (BUR)** to the UNFCCC, the **Environment and Climate Change Department and Climate Change Division (CCD)** were formed under the MEPA.

The Third NC of Georgia was submitted to the UNFCCC Secretariat in 2016, and the Fourth NC is currently in preparation. Another important document regarding national mitigation actions is the **Low Emission Development Strategy (LEDS)**. The draft document, which covers emissions from energy, transport, industry, buildings, waste, land use, land-use change, forestry and agriculture was prepared by Winrock International and the NGO Remissia. The draft was accepted by Georgia’s inter-ministerial LEDS Coordination Committee⁸, however it was not officially adopted by the government (Lui, 2018). The LEDS Coordination Committee was chaired by MEPA and consisted of high-level representatives of all climate change-related ministries, mostly the deputy ministers. The coordination committee enabled the LEDS design processes and it had the authority to adopt working plans, establish implementation units and communicate with the Government of Georgia. It considered reports, advice, plans and proposed actions in a working group, which has been the counselling body of the management system. The Expert Working Group (EWG) included civil servants from central government, as well as independent experts. The key functions of the group were to prepare detailed working plans that specify how LEDS targets are to be attained, to identify priority sectors, and to report to the coordination committee on the progress made.

⁶ Mainly based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
⁷ www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Georgia%20First/INDC_of_Georgia.pdf, accessed 20 January 2020.
⁸ <https://policy.asiapacificenergy.org/sites/default/files/Draft%20Georgia%27s%20Low%20Emission%20Development%20Strategy%20%28LEDS%29%20%28EN%29.pdf>, accessed 20 January 2020.

At the end of 2018, the government announced the transformation of the LEDS Coordination Committee to the Climate Change Committee in order to enhance coordination among key ministries and stakeholders. Within this structure, it is envisaged that a Covenant of Mayors Coordinating Group (CMCG) will be established to support the priority matters of the municipalities and to strengthen the vertical dialogue concerning climate change. This is important as the local level plays a crucial role with regard to mitigation and adaptation actions. Under the Covenant of Mayors for Climate & Energy, local authorities commit to reduce their CO₂ (and possibly other GHG emissions) by at least 40% to increase their resilience to the impacts of climate change, and to provide secure access to sustainable and affordable energy by 2030.

In January 2020, the Government of Georgia created the **Climate Change Council** that aims to coordinate the effective implementation of Georgia's climate change policy and climate-related international commitments.⁹ The council is composed of the Minister of Environmental Protection and Agriculture (chair), the Minister of Education, Science, Culture and Sport, the Minister of Regional Development and Infrastructure, the Minister of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs, the Minister of Economy and Sustainable Development, the Minister of Finance, the Executive Director of the National Statistics Office of Georgia, the Chairman of the Government of the Autonomous Republic of Abkhazia, the Chairman of the Government of the Autonomous Republic of Adjara, and the Coordination Team of the Covenant of Mayors of signatory municipalities. This coordination team also acts as advisory body to the council. Additionally, a working group advises the council on the development of specific issues in climate change policy in the economic and social spheres. The working group consists of public officials, experts and representatives of the scientific community, and is formed and approved by the council. Representatives of civil society are not part of the council or the working group and can only attend a meeting in agreement with the head of the working group.

In order to reach the country's climate targets defined in the NDC, Georgia is currently developing a Climate Action Plan (CAP) for 2021-2030. It is a short to medium-term roadmap that will define the legal instruments, activities and methods to implement the NDC of Georgia (Day et al., 2019).

In addition to the LEDS, the NDC, and the CAP, the Ministry of Economy and Sustainable Development of Georgia is responsible for the development and implementation of the **National Renewable Energy Action Plan (NREAP)** and the **National Energy Efficiency Action Plan (NEEAP)**, which are required by the Ministerial Council of the Energy Community. Both documents were adopted in December 2019 and should inform the update of the NDC and feed into the upcoming **National Energy and Climate Plan (NECP)**. Similar to the NREAP and NEEAP, this plan is required by the Ministerial Council of the Energy Community and aims to streamline multiple monitoring and reporting obligations on climate and energy. It should cover the period 2021 to 2030, demonstrating the pathway to achieve the agreed 2030 targets and including a perspective until 2050. The process to develop a **Long-Term Strategy (LTS)**, including climate change mitigation targets until 2050, started in 2019 with the support of the project EU4Climate (Day et al., 2019).

⁹ <https://matsne.gov.ge/ka/document/view/4780380?publication=0>, accessed 12 June 2020.

Moreover, the following policy documents, plans and programmes refer partially to climate issues: the **Regional Development Program of Georgia** (2018-2021)¹⁰ reflected a number of priority environmental goals, such as ambient air protection, climate change, developing water supply and sanitation, sustainable use of forest resources, waste management and implementing new mechanisms to reduce natural and anthropogenic hazards. The **Strategy for Agricultural Development in Georgia** for 2015-2020 has identified environmental protection and the sustainable management of natural resources as priority areas. The document has a strategic direction (3.7) devoted to climate change, environment and biodiversity. The **Rural Development Strategy** for 2017-2020¹¹ has three priority directions, one of which is environmental protection and the sustainable use of natural resources. The relevant measures are outlined in the action plan of the strategy.

2.2 Climate-engaged civil society in Georgia

In Georgia, civil society, including registered non-governmental organisations (NGOs), enjoys quite a strong degree of political freedom and has established itself as an influential actor in the process of democratisation (Freedom House, 2018). Freedom of expression and assembly rights are guaranteed by the constitution and have been improved over the last few years. Civil society organisations (CSOs) play an important role as watchdogs and cooperate closely with the international community for that reason (Bertelsmann Stiftung, 2018). In December 2013, the Georgian parliament passed a memorandum at national level aiming to promote better cooperation between the state and civil society. Furthermore, Georgia joined the Open Government Partnership¹² in 2011. The partnership's aim is to bring together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive and accountable (Bertelsmann Stiftung, 2018). However, the current political crisis is having an impact on civic space and there have been attempts to discredit civil society and other critical voices. Protests against the government started in summer 2019 and have become stronger since November 2019 because the parliament failed to pass the amendments necessary to enact the promised proportional electoral system. Since then, a backlash and threats against independent civil society groups, particularly those that are engaged in human rights and governance-related work, has been observed.¹³

The CIVICUS Monitor that tracks the state of civil society freedoms worldwide, rates the civic space in Georgia with the category "narrowed".¹⁴ This means that the state allows individuals and CSOs to exercise their rights to freedom of association, peaceful assembly and expression but at the same time, these rights are violated,

¹⁰ Government of Georgia (2018). Regional Development Programme of Georgia 2018-2021 // Approved by the Decree #1292 of 11 June, 2018 of the Government of Georgia / Legislative Herald of Georgia, 11.06.2018, www.fao.org/faolex/results/details/en/c/LEX-FAOC185566, accessed 14 October 2020.

¹¹ Government of Georgia (2016). Georgia's Rural Development Strategy 2017-2020 and 2018-2020 Action Plan // Approved by the Decree #631 of 30 December, 2016 of the Government of Georgia / Legislative Herald of Georgia, 30.12.2016 / Official Web-page: matsne.gov.ge, <https://mes.gov.ge/uploads/files/MES%20final%20eng.pdf>, accessed 27 April 2020.

¹² www.opengovpartnership.org/countries/georgia, accessed 10 April 2019.

¹³ www.transparency.org/news/pressrelease/georgia_political_crisis_dialogue_with_civil_society, accessed 20 March 2020.

¹⁴ <https://monitor.civicus.org/country/georgia>, accessed 20 March 2020.

for example with reports of occasional assaults and the use of tear gas against peaceful activists. The environment for CSOs is still not fully conducive to inclusive participation in policy dialogue and decision-making at national and local level.¹⁵

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. They mainly focus on social, environmental and political topics such as environmental protection, women's rights, anti-corruption and drug liberalisation. This movement of young people and youth groups is new as it is not donor-driven, but based on independent volunteerism and social mobilisation (Freedom House, 2018).

Despite these recent developments, a deeply rooted participatory civic culture is missing in Georgia (Freedom House, 2018). CSOs suffer from limited public trust and recognition for their work. Data from Caucasus Resource Research Centre (CRRCC)'s Caucasus Barometer¹⁶ shows that between 2008 and 2017, Georgians' trust in CSOs decreased from 35% to 23%.¹⁷ This leads to a lack of donations from individuals and money from membership-based funding, making the NGO's and CSO's dependent on international grants and donors (Puig, 2016).

Another process that strongly influences the possibilities and activities of NGOs is the accession to the European Union (EU). In 2014, the EU and Georgia signed an Association Agreement, which fully came into force in 2016. The agreement clearly underlines the importance of civil society cooperation in Chapter 20 and demands a joint civil society dialogue forum with CSOs facilitated by the parties. Moreover, the agreement describes the Eastern Partnership Civil Society Forum (EaP CSF) and the Civil Society Platform as appropriate structures to promote meetings and exchanges among civil society.¹⁸ Within the EaP CSF, civil society can participate through working groups, among others for the environment and energy.

When looking at the roles and topics of CSOs in Georgia, it can be observed that four main groups of CSOs actively participate in policy making. The first group focuses on human rights and democratic governance. These CSOs are urban-based and mainly play the role of a watchdog. The second large group is formed by CSOs that work on specific topics such as education, health and environment. They often work on the regional or local level and provide services and advocacy. The third group consists of faith-based organisations that are directly linked to different churches in the country. The fourth group is composed of institutionally strong CSOs with international roots and good resources (Puig, 2016). Findings of the National Agency for Public Registry (NAPR) reveal that there were a total of 23,561 registered "non-entrepreneurial (non-commercial)" organisations in Georgia in 2016. But as these numbers also include government-owned entities such as kindergartens, they don't reflect the real number of CSOs (United States Agency for International Development, 2017).

According to the portal www.csogeorgia.org, 147 out of 1066 Georgian CSOs deal with ecological topics.¹⁹ CSOs and NGOs that work on climate issues represent a small minority and are not organised in bigger networks. Only a few organisations such as Greens Movement of Georgia (GMG), Energy Efficiency Centre (EEC), the

¹⁵ <https://monitor.civicus.org/Ratings>, accessed 10 April 2019.

¹⁶ <https://caucasusbarometer.org/en>, accessed 10 April 2019.

¹⁷ <https://caucasusbarometer.org/en/cb-ge/TRUNGOS>, accessed 15 April 2019.

¹⁸ https://eeas.europa.eu/sites/eeas/files/association_agreement.pdf, accessed 10 April 2019.

¹⁹ <https://csogeorgia.org/ge/organizations?searchQuery=&showCategory=7>, accessed 11 February 2020.

Caucasus Environmental NGO Network (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 energy. The climate-engaged civil society in Georgia is still a relatively new movement with limited financial and personal resources. NGOs such as GMG and CENN are mainly engaged in projects and activities that practically contribute to climate protection (mitigation) or climate change adaptation. Together with local partners they conduct activities such as installing solar panels, promoting climate change resilience building in communities, improving adaptive capacities in the rural agricultural sector and undertaking a lot of environmental education. They show a high willingness to cooperate with different ministries and to advise the government. They contributed to national mitigation instruments such as the Nationally Appropriate Mitigation Actions (NAMAs), comment on climate-relevant draft laws and participate in the NDC revision process. In 2019, GMG initiated a process to elaborate the civil society's understanding of ambitious NDCs. Together with other NGOs they analysed the INDC of Georgia and worked out new sector-specific recommendations on how to decrease GHG emissions. The document also includes recommendations for strengthening stakeholder participation within the NDC revision process. The common understanding is supported by 38 civil society actors and was presented to governmental representatives by GMG at an international climate conference in Tbilisi in November 2019.²⁰

²⁰ <https://greens.ge/en/articles/12>, accessed 20 January 2020.



2.3 Legal framework for participation in Georgia²¹

2.3.1 International level

Georgia is party to the following international treaties (Table 3) that are related to public participation in climate-related decision-making, and that play a significant role, not only with regard to participation, but also in the overall national policy-formulating process, influencing environmental governance at the national level.

Table 3: International treaties ratified by Georgia that are related to public participation

Treaties	Date of Ratification/ Accession
United Nations Framework Convention on Climate Change (UNFCCC)	1994
Montreal Protocol on Substances that Deplete the Ozone Layer	1996
Vienna Convention for the Protection of the Ozone Layer	1996
Kyoto Protocol to the United Nations Framework Convention on Climate Change	1999
Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters	2000
London, Copenhagen and Beijing Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer	2000-2011
Paris Agreement on Climate Change	2017

The **Aarhus Convention** is an important treaty as it is to date (together with its Protocol on Pollutant Release and Transfer Registers) the only global legally binding instrument on environmental democracy that puts Principle 10 of the Rio Declaration on Environment and Development into practice. Georgia signed the convention in 1998 and ratified it on 11th April 2000. The Aarhus Convention came into force on 30th October 2001. Since then, the requirements of the convention have a legal force prevailing over national law (except the constitution of Georgia). According to Georgian legislation, international treaties do not need to be incorporated (transposed) into national law and might be applied as directly applicable sources of law. However, with the ratification of the convention, Georgia committed itself to transpose the convention into national legislation through

21 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.

concrete laws. It is bound to report to the United Nations Economic Commission for Europe (UNECE) on the implementation of the convention, which regularly publishes the national implementation reports of the member states.²² So far, legal requirements of the Aarhus Convention are not fully incorporated into national legislation.

Another document that deeply influenced the formal framework for participation in environmental decision-making is the **EU-Georgia Association Agreement** of 2014²³ that fully entered into force in 2016.

According to the association agreement (Chapter 3 Environment), access to environmental information and public participation in decision-making is crucial for good environmental governance. Respective national legislation and international agreements, including conventions and protocols that Georgia is a party to, have to ensure a legal basis for the government to develop proper mechanisms for effective access to environmental information and public participation. The association agreement also states that the process of setting-up an environmental information management system is ongoing and once developed, it is expected to ensure more effective access to environmental information as required by the current national legislation, the EU-Georgia Association Agreement and the Aarhus Convention.

The association agreement states that the general public in Georgia can be involved in the decision-making process via legally defined public hearing procedures on activities subject to Environmental Impact Assessment (EIA). The public can also use a hotline to inform the MEPA about any environmental problems. Other IT-based tools have been developed by the Environmental Information and Education Centre (EIEC) such as E-Notice, a notification service that distributes news regarding environmental legislation and public hearings and notifications pertaining to individuals in violation of Georgian legislation on environmental protection.

Furthermore, Georgia is obliged to transpose **Directive 2003/35/EC of the European Parliament and the Council** providing for public participation in respect to the drawing up of certain plans and programmes related to the environment into national legislation (Margvelashvili et al., 2017).

2.3.2 National level

The **Constitution of Georgia** creates the basis for public participation in environmental decision-making, including climate-related matters. Along with general rights related to freedom of information and access to public information, the constitution specifically deals with environmental matters including access to environmental information and participation in decision-making. Article 29 (Right to Environmental Protection) of the constitution 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. According to the constitution of Georgia²⁴ (Article 4), any

22 www.unece.org/env/pp/reports.html, accessed 17 April 2019.
23 EU-Georgia Association Agreement (2014). Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part / Official Journal of the European Union (OJ), L 261, Vol. 57, EN, 30.8.2014.
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:261:FULL&from=EN>, accessed 28 November 2019.
24 Constitution of Georgia (1995) // Consolidated version – Last amended on 23.03.2018 // Official Bulletin of the Parliament of Georgia, 1995 / Legislative Herald of Georgia (LHG) 2018, Official Web-page: matsne.gov.ge - English Version [Unofficial Translation], accessed 28 November 2019.

international treaty shall take precedence over national legislation unless it comes into conflict with the constitution of Georgia.

Furthermore, civil society can make use of direct-democratic mechanisms such as referenda, public initiatives and petitions. Non-binding referenda are possible at local and national level, while binding referenda can be held only at the national level. According to the Organic Law of Georgia²⁵, binding referenda can be initiated with the signature of 200,000 eligible voting citizens of Georgia (Council of Europe, 2016). Within the framework of Georgia’s Open Government Partnership (OGP) Action Plan²⁶, the Georgian government launched an e-petition platform (ichange.gov.ge) in 2017.²⁷ Each Georgian citizen can use it to submit and collect online signatures on electronic petitions on issues within the competence of the government. Petitions with a minimum number of 10,000 signatures will be sent to the government for consideration. The government is obliged to provide a response to a successful e-petition within three months and to make it publicly available online.²⁸

The legal framework for public participation in climate-related decision-making in Georgia as of January 2020 has been summarised in table 4.

25 Organic Law of Georgia – Election Code of Georgia (2015): <https://matsne.gov.ge/en/document/download/1557168/22/en/pdf>, accessed 18 June 2020.
26 www.opengovpartnership.org/documents/georgia-action-plan-2018-2019, accessed 18 June 2020.
27 https://idfi.ge/en/electronic_portal_of_petitions_was_launched, accessed 17 June 2020.
28 Government of Georgia, Decree No. 245: <https://matsne.gov.ge/ka/document/view/3672138?publication=0>, accessed 18 June 2020.

Table 4: National legal framework for public participation in climate-related decision-making in Georgia

Decision-making topic	Forms of public participation	Procedure that envisages public participation	Relevant legislation
Development of climate change-related policy, plans and programmes	<ul style="list-style-type: none">• Written comments• Public hearings, conferences,• Working groups• Other forms	Within the general framework for public participation in the development of strategies, plans and programmes related to national policy documents (incl. environment and climate-related documents)	Rules of Procedure for Development, Monitoring and Evaluation of Policy Documents (2019)
Development of policies, plans and programmes that may impact the climate (including spatial plans for cities and districts)	<ul style="list-style-type: none">• Written comments• Public hearings	Strategic Environmental Assessment	Environmental Assessment Code (2017) Law of Georgia on Environmental Protection (1996) Ambient Air Protection (1999) Spatial Planning, Architectural and Construction Activities Code (2018) Rules for Development of Spatial and Urban Plans (2019)
Decision-making for specific projects that may have a significant impact on the environment/ climate	<ul style="list-style-type: none">• Written comments• Public hearings	Environmental Impact Assessment	Environmental Assessment Code (2017) Procedures (Rules) for Public Hearing (2018) Rules for Proactive Disclosure of Public Information (Public Records), Standard for Claiming Public Information Electronically and Rules for Access to Environmental Information (2017)

Primary legislation

The national legislation of Georgia consists of primary (laws) and secondary (sub-laws) legislation. From the primary legislation, the laws of Georgia on Environmental Protection²⁹ and on Ambient Air Protection³⁰, General Administrative Code³¹, Environmental Assessment Code³² and Spatial Planning, Architectural and Construction Activities Code³³ formulate requirements for public participation in environmental and climate-related decision-making.

The newly adopted **Environmental Assessment Code (2017)** introduces the principles harmonised with the EU environmental acquis on the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) Directives, as well as the approaches of the Aarhus Convention and the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) including its protocol on SEA. Activities which are likely to have significant impacts on the environment and human health will be subject to an EIA, including public participation during screening and scoping, as well as during the procedure for issuing environmental decisions. According to the Law of Georgia on Environmental Impact Permits from 2007, a permit seeker is obliged to organise a public hearing on the EIA report before submitting it to the permitting public authority. That means that NGOs as well as any other interested party can participate in the decision-making process by commenting on the report. The permit seeker is also obliged to prepare a protocol of the public hearing and to submit it to the administrative body, attached to the application for the permit (Ministry of Environment and Natural Resources Protection of Georgia (MENRP), 2016). One of the important novelties of the Environmental Assessment Code is that it envisages the unification of screening and scoping procedures in one step, giving interested people the chance to apply for the joint scoping and screening application during the screening procedure.

Public participation on plans, programmes and policies in environmental issues (Article 7 of Aarhus Convention) is not required by national legislation. Georgia did not sign the protocol on SEA under the Espoo Convention that ensures that individual parties integrate environmental assessment into their plans and programmes at the earliest stages and promote public participation (Ministry of Environment and Natural Resources Protection of Georgia (MENRP), 2016). Nevertheless, the Environmental Assessment Code can be considered a key step towards the implementation of a functional system for SEA and EIA applications.³⁴

29 Law of Georgia "On Environmental Protection" of 10 December, 1996 / Official Bulletin of the Parliament of Georgia - Parliamentary Gazette, 1-2(33-34/7), 22/01/1997 / LHG Official Web-page: matsne.gov.ge - English Version [Unofficial Translation], <https://matsne.gov.ge/document/view/33340?publication=2>, accessed 28 November 2019.

30 Law of Georgia "On Ambient Air Protection" of 22 June, 1999 / Legislative Herald of Georgia, LHG, 30(37), 13/07/1999 / Official Web-page: matsne.gov.ge - English Version [Unofficial Translation], <https://matsne.gov.ge/en/document/view/16210?publication=14>, accessed 28 November 2019.

31 Law of Georgia "General Administrative Code" of 25 June, 1999 / Legislative Herald of Georgia, LHG, 32(39), 15/07/1999 / Official Web-page: matsne.gov.ge - English Version [Unofficial Translation], <https://matsne.gov.ge/en/document/view/16270?publication=30>, accessed 28 November 2019.

32 Law of Georgia "Environmental Assessment Code" of 1 June, 2017 / Legislative Herald of Georgia, 01.07.2017 / Official Web-page: matsne.gov.ge - English Version [Unofficial Translation], <https://matsne.gov.ge/en/document/view/3691981?publication=1>, accessed 28 November 2019.

33 Law of Georgia of 18 July, 2018 "Spatial Planning, Architectural and Construction Activities Code" (Legislative Herald of Georgia - LHG Official Website, 13/08/2018 / Consolidated text as of 30.05.2019 as modified by the Law of Georgia No. 4748-III of 30/05/2019 - LHG Official Website, 30/05/2019) [Georgian Version], <https://matsne.gov.ge/document/view/3076667?publication=0>, accessed 28 November 2019.

34 www.unece.org/environmental-policy/conventions/environmental-assessment/about-us/protocol-on-sea/enveiaaboutea-green/georgia.html, accessed 17 April 2019.

The Law of Georgia on Environment Protection (1996) is a framework law that had been adopted before Georgia ratified the Aarhus Convention. However, the law contains principles that demand participation in environmental decision-making processes and the access to environmental information.

The right to access public information is enshrined in the **General Administrative Code (1999)** in Chapter III. Access to information is one of the most important transparency tools that currently exists in Georgia. According to the code, public information has to be disclosed immediately or no later than 10 calendar days in cases where it requires additional effort. If the freedom of information request is denied, individuals have a right to appeal the decision internally and afterwards to the court within 30 days of receiving the decision. Access to information is the legal right for citizens to request and receive information from the public authority.

There are no unified official guidelines on access to public information in Georgia. Although websites of individual public agencies provide brief instructions on how to request public information, they mainly duplicate the requirements of the law. Nevertheless, such guidelines have been produced by civil society (Hughes & Buadze, 2017) and they provide citizens with information on the nature of public information, request procedures, legal means of protecting the right and practical recommendations on access to information. Some of the recommendations from the guidelines include: adopting internal regulations for the management of public information, installing electronic management systems, establishing electronic systems enabling the electronic request of public information, analysing information request trends, and increasing the role of freedom of information officers in public institutions.

The **Spatial Planning, Architectural and Construction Activities Code (2018)** establishes a detailed mandatory procedure for public participation in decision-making on city and district spatial plans. According to the code, spatial plans cannot be approved without preliminary disclosure and public hearings.

Secondary legislation

When it comes to secondary legislation, the following acts have a direct linkage to public participation in environmental and climate-related decision-making:

- _ Rules for Proactive Disclosure of Public Information (Public Records), Standard for Claiming Public Information Electronically and Rules for Access to Environmental Information (2017)³⁵
- _ Procedures (Rules) for Public Hearing (2018)³⁶
- _ Statute of the Environmental Information and Education Centre (EIEC) of the Ministry of Environmental Protection and Agriculture of Georgia (2018)³⁷
- _ Rules for the Development of Spatial and Urban Plans (2019)³⁸
- _ Rules of Procedure for the Development, Monitoring and Evaluation of Policy Documents (2020)

The latest specifications and requirements for public participation can be found in the **Policy Planning, Monitoring and Evaluation Handbook** (2019)³⁹ that includes the **Rules of Procedure for the Development, Monitoring and Evaluation of Policy Documents**. They were approved by Decree 629 of December 2019 that 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. A coordinating body is only obliged to notify stakeholders within a reasonable time prior to the date of each public consultation and shall prepare a summary report on the results of each consultation. The report must include information about the conduct of the consultation, on participants (total number) and on agreements on recommendations/proposals that were taken or not taken into account.

35 MEPA (2017). Rules for Proactive Disclosure of Public Information (Public Records), Standard for Claiming Public Information (Public Records) Electronically and Rules for Access to Environmental Information // Approved by the by the Order #12 of 27 March, 2017of the Minister of Environmental Protection and Agriculture of Georgia / Legislative Herald of Georgia, 28.03.2018 / Official Web-page: matsne.gov.ge - Georgian Version [Official Text], <https://matsne.gov.ge/ka/document/view/3616403?publication=0>, accessed 28 November 2019.

36 MEPA (2018). Procedures (Rules) for Public Hearing // Approved by the Order #2-14 of 22 February, 2018 of the Minister of Environmental Protection and Agriculture of Georgia / Legislative Herald of Georgia, 22.02.2018 / Official Web-page: matsne.gov.ge - Georgian Version [Official Text], <https://matsne.gov.ge/ka/document/view/4054941?publication=0>, accessed 28 November 2019.

37 MEPA (2018). Statute of the Environmental Information and Education Centre - EIEC // Approved by the Order #2-742 of 6 September, 2018 of the Minister of Environmental Protection and Agriculture of Georgia / Legislative Herald of Georgia, 10.09.2018 / Official Web-page: matsne.gov.ge - Georgian Version [Official Text], <https://matsne.gov.ge/ka/document/view/4286574?publication=0>, accessed 28 November 2019.

38 Government of Georgia (2019). Rules for Development of Spatial and Urban Plans // Approved by the Decree of the Government of Georgia No.260 of June 3, 2019 “On Rules for Development of Spatial and Urban Plans (Legislative Herald of Georgia - LHG Official Website, 04/06/2019) [Georgian Version], <https://matsne.gov.ge/ka/document/view/4579368?publication=0>, accessed 28 November 2019.

39 www.ge.undp.org/content/georgia/en/home/library/democratic_governance/PolicyDevelopmentHandbook.html, accessed 12 June 2020.

2.4 Structures and institutions enabling participation in climate policy

The following structures, institutions and initiatives were identified within this study, which support the involvement of Georgia’s civil society in climate-related policy.

2.4.1 EU accession and Eastern Partnership

As mentioned above, the EU accession deeply influences the relations between the state and civil society as the EU places considerable emphasis on supporting CSOs. Existing agreements, the European Commission’s guidelines for civil society support (European Commission, 2013) and other recommendations aim at more participatory modes of governance, pluralism and democratic transitions in the enlargement countries.⁴⁰

In 2008, the **Eastern Partnership Civil Society Forum** (EaP CSF)⁴¹ was founded within the framework of the **Eastern Partnership**⁴². The forum that brings together approximately 800 organisations from the six Eastern Partnership countries and the European Union aims to promote constructive dialogues between civil societies from Eastern Europe and the EU in order to strengthen the diversity of public discourse and political decision-making. 62 Georgian NGOs are members of the forum, among them environmental CSOs such as the Caucasus Environmental NGO Network (CENN), Greens Movement of Georgia (GMG), Green Alternative, the Foundation Caucasus Environment, and the Regional Environmental Center for the Caucasus (REC Caucasus).⁴³ To ensure the active involvement of the partner country’s civil society, six national platforms were created. Georgian CSOs can thus participate through the Georgian National Platform (GNP) that unites 185 NGOs and has contributed to improve structural dialogue between civil society and the government (Georgian National Platform, 2018). Moreover, five working groups were founded which meet once a year in Brussels to work on common goals and activities regarding different topics. Working Group 3 (WG3) deals with environment, climate change and energy security, and is also involved in Panel 3 on Environment and Climate Change under Platform 3 of the Eastern Partnership.⁴⁴ According to the Annual Activities Report of 2018 from the working group (Working Group 3 of the Eastern Partnership Civil Society, 2018), climate change initiatives were undertaken by the WG3 members World Experience Georgia (WEG), Foundation Caucasus Environment, and GMG. WEG prepared the Second Biennial Report (BUR) of Georgia to UNFCCC and the Foundation Caucasus Environment and GMG presented the report “EU-Georgia cooperation in combating the climate change” (Devidze & Ckhkobadze, 2018). Additionally, civil society submitted a declaration to the European Economic and Social Committee (EESC) highlighting the role of sustainable forest management as a climate protection measure in Georgia, and criticising the government’s focus on hydropower instead of prioritising renewable energy such as solar and wind energy. The members of Working Group 3 summarised

40 For more research results about the role of CSOs within the process of the EU enlargement in Central and Eastern Europe and its influence on state-civil society relations see also (Bobić & Božić, 2012)(Bobić & Božić, 2012); ((Börzel, 2010); (Fagan & Wunsch, 2018) and (Sudbery, 2010)(Sudbery, 2010).

41 <https://eap-csf.eu/civil-society-forum>, accessed 18 April 2019.

42 <http://eap-csf.eu/front-page-full-width/eastern-partnership>, accessed 18 April 2019.

43 <https://eap-csf.eu/eap-csf-members-georgia>, accessed 18 April 2019.

44 <https://eap-csf.eu/eap-platforms-and-panels>, accessed 18 April 2019.

their key messages on environment and climate change in two position papers (Working Group 3 of the Eastern Partnership Civil Society, 2018).

In addition to the EaP CSF, the EU-funded project **Eastern Partnership Civil Society Facility**⁴⁵ aims to enhance the impact of CSOs in the EaP countries. Under this facility an “EU Roadmap for engagement with civil society in Georgia 2018 – 2020” was elaborated by the EU Delegation, EU Member States and CSOs in Tbilisi, Kutaisi and Telavi and through online consultations in order to improve policy dialogue between civil society and public institutions as well as civic participation in all regions of Georgia. The roadmap sets out, among others, the priority area “connectivity, energy efficiency, environment and climate change” containing priority 4 on supporting “CSOs in promoting energy efficiency, as well as the road safety and air quality, measures, and monitoring their implementation”.⁴⁶

Another EU-funded structure that supports the involvement of CSOs in decision-making on the local level is the **Covenant of Mayors** (CoM).⁴⁷ In Georgia, many municipalities already joined this initiative that brings together local governments and citizens who are willing to implement EU climate and energy objectives.⁴⁸ The movement aims to accelerate decarbonisation, and strength the capacity of municipalities to adapt to climate change and to offer secure, sustainable and affordable energy. Several NGOs are actively engaged in mitigation and adaptation processes under the CoM. After launching the CoM in 2008, the European Commission started the regional Covenant of Mayors East (CoM East) programme in 2010 to extend CoM activities to the Eastern Partnership countries. Under this programme, several Georgian cities, including Tbilisi, Rustavi and Gori started to develop Sustainable Energy Actions Plans (SEAPs) that contribute to the national Low Emission Development Strategy (LEDS). The NDC Support Cluster⁴⁹, established by the German Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety (BMU), describes these activities as a good practice that demonstrates how NDCs, LEDS, NAMAs, and transparency systems are being effectively designed and implemented. At the same time, a variety of barriers are identified, such as the absence of statistical information and data or the lack of donor coordination creating conflicts in approaches and overlaps.⁵⁰

2.4.2 Open Government Partnership (OGP)

The Open Government Partnership (OGP)⁵¹, launched in 2011, is another example of cooperation between the state and CSOs. It brings together government reformers and civil society leaders to promote inclusiveness and accountability of governments through concrete action plans. Georgia currently lists 52 commitments in its action plan. For example, the adoption of the Environmental Assessment Code, the introduction of a platform for citizen engagement that enables participation in decision-making processes, and the activation of an environmental portal, meeting the requirements of the Environmental Assessment Code.⁵²

⁴⁵ eapcivilsociety.eu, accessed 18 April 2019.

⁴⁶ https://eeas.europa.eu/sites/eeas/files/cs_roadmap_2018-2020_-_part_i_and_ii_consolidated_final_clean.pdf, accessed 18 April 2019.

⁴⁷ www.covenantofmayors.eu, accessed 18 April 2019.

⁴⁸ Focus group workshop, Georgia, 27 February 2019.

⁴⁹ www.ndc-cluster.net, accessed 29 April 2019.

⁵⁰ www.ndc-cluster.net/gpd/developing-municipal-level-mitigation-action-plans, accessed 29 April 2019.

⁵¹ www.opengovpartnership.org, accessed 29 April 2019.

⁵² www.opengovpartnership.org/countries/georgia, accessed 29 April 2019.

2.4.3 Environmental Information and Education Centre (EIEC)

In 2013, the Environmental Information and Education Centre (EIEC) was created within the structure of the Ministry of Environment and Natural Resources Protection of Georgia (MENRP)⁵³. 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.⁵⁴ The EIEC replaced the Aarhus Centre that was established in 2005 in Tbilisi.⁵⁵ The website of the EIEC offers a lot of environmental information, gives an overview of new legislative acts and provides the opportunity for citizens to report cases where Georgian environmental protection legislation has been violated. Thus, according to Margvelashvili et al. (2017), the EIEC has an important role in raising awareness. It should promote national climate targets aligned with the Paris Agreement and support the elaboration of an ambitious and participatory Climate Action Plan (CAP).

2.5 Practices and examples of climate-related participation

The following chapter presents examples in which civil society was engaged in the development of internationally required climate-related policies, plans and programmes, as well as in the development of national strategic documents which provide the policy framework for the overall national environmental policy.

2.5.1 Update of the Nationally Determined Contributions (NDCs) and development of the Climate Action Plan (CAP)

The Paris Agreement dating from 2015 aims to limit global warming to 1.5-2 °C above pre-industrial levels and requires each party to develop Nationally Determined Contributions (NDCs) that it intends to achieve. Georgia submitted its first quantified Intended Nationally Determined Contributions (INDCs) in 2015 and ratified the Paris Agreement in 2017. The recent NDC update started in 2018. In this context, the German Society for International Cooperation (GIZ) is carrying out the project “Capacity Development for climate policy in the countries of South East, Eastern Europe, the South Caucasus and Central Asia, Phase III” that aims to support Georgia and other project countries to integrate their national climate mitigation goals into national development strategies. Furthermore, it aims to raise awareness among decision-makers for effective climate protection policy as well as to improve national framework conditions. The NewClimate Institute (NCI) acts as an implementing partner for technical support on NDC processes and development of the Climate Action Plan (CAP).⁵⁶ The Collective Leadership Institute (CLI) was involved with regard to stakeholder engagement.⁵⁷ However, the focus was rather on inter-ministerial cooperation than on CSO involvement.⁵⁸ To initiate the NDC update, a climate change conference was organised by the Ministry of Environmental Protection and Agriculture of Georgia (MEPA) and GIZ

⁵³ In December 2017 MENRP was merged with the Ministry of Agriculture and is now called Ministry of Environmental Protection and Agriculture (MEPA).

⁵⁴ www.eiec.gov.ge, accessed 29 April 2019.

⁵⁵ Focus group workshop, Georgia, 27 February 2019.

⁵⁶ www.giz.de/en/worldwide/79216.html, accessed 19 November 2019.

⁵⁷ www.collectiveleadership.de/blog/article/projects-in-asia, accessed 19 November 2019.

⁵⁸ Interview with CLI, via phone, 18 June 2019.

in September 2018. Due to an open dialogue format, about ninety stakeholders from different sectors were involved in this process.⁵⁹

Between 2nd and 15th December 2018, the 24th COP was held in Katowice (Poland). Afterwards, on 26th December, the REC Caucasus organised a validation workshop as part of the project “Georgia’s Integrated Transparency Framework for Implementation of the Paris Agreement”. At this meeting, representatives of MEPA that attended COP 24 shared the main results of the conference with the non-governmental sector and local municipalities. Participants were divided into four thematic groups. Two groups consisted of representatives from municipalities, the third group was formed by NGOs and international organisations, the fourth group consisted of representatives of the governmental sector. The groups discussed measures which could be applied to improve climate-related issues in Georgia. Each group shared its results and insights with other participants of the meeting. The workshop served as a communication platform for representatives of the government and NGOs, as well as for representatives of the central government and local authorities. Representatives of NGOs made their remarks and highlighted problems of coordination between the government and the non-governmental sector. They also expressed their willingness to cooperate on climate change mitigation and the preparation of local Sustainable Energy and Climate Action Plans (SECAPs).⁶⁰

At the end of 2018, MEPA initiated seven sectoral working groups that are encouraged to elaborate the CAP of Georgia. Representatives of some CSOs are involved in six of the seven groups that work on construction/buildings, forests, waste, energy generation and transmission, agriculture, transport, and industry.⁶¹ Most of the working groups met in 2019 to elaborate concrete measures to reduce national emissions and fulfil the NDCs⁶². The transport sector chapter was mainly written by the NCI. At the beginning of 2020, MEPA asked stakeholders such as the NGO GMG to comment on this chapter. The chapter about agriculture will also be supported by the NCI. At the end of 2020 the CAP should be adopted by the government (NDC Partnership, 2019).

In addition to the working group meetings, MEPA organised a workshop with NGOs to discuss the integration of gender issues into climate change policies in July 2019. This workshop helped the ministry to identify gender-related problems and to define which gender issues should be considered in climate policy in the future.⁶³ According to the NGO Women in Europe for a Common Future (WECF), MEPA is very open concerning gender issues and demonstrates the will to organise consultations with NGOs working on that topic.⁶⁴

59 Focus group workshop, Georgia, 27 February 2019.
60 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
61 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
62 Communication via E-Mail with MEPA, 12 April 2019.
63 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
64 Interviews with WECF, via phone, 23 June and 06 August 2019.

Development of the Second NDC and CAP



2.5.2 Biennial Update Report (BUR) and National Communication (NC)

Regarding UNFCCC reporting, Georgia submitted its Second Biennial Update Report (BUR) and is currently preparing its Fourth National Communication (NC) through the Global Environment Fund (GEF) project “Development of Georgia’s Fourth NC and Second BUR to the UNFCCC”⁶⁵, which incorporates the GHG inventory component and is being implemented by the United Nations Development Programme (UNDP).

BURs are reports to be submitted by non-Annex I Parties, containing updates of national GHG inventories, including a national inventory report and information on mitigation actions, needs and support received. The First and Second BURs were drafted with joint effort from governmental and non-governmental bodies, substantial parts of reports were written by experts from NGOs. During the drafting process of the BURs, consultations with stakeholders were conducted regularly, interim reports and results were shared with representatives of the government and NGOs. Accordingly, their opinion and remarks were considered for the final report. It is required for a National Communication (NC) report to be submitted by the countries that have ratified the Paris Agreement under the UNFCCC. Georgia has submitted three NCs, currently the Fourth NC is being drafted. NGOs and CSOs were more engaged in the drafting process during the Third and Fourth NCs, as a substantial part of the reports were prepared by experts from the non-governmental

65 Development of Georgia’s Fourth National Communication and Second Biennial Update Report to the UNFCCC - Project Summary 2017 / GEF funded Project ID: 9655/ GEF Project Database, www.thegef.org/project/development-georgia%E2%80%99s-fourth-national-communication-and-second-biennial-update-report-unfccc, accessed 28 November 2019.

sector. The process of preparation of the Fourth NC is more inclusive due to the fact that the experts that are engaged are representatives of NGOs working on energy efficiency, as well as NGOs working on biodiversity.⁶⁶

2.5.3 Low Emission Development Strategy (LEDS)

Regarding the national mitigation strategy, the Government of Georgia has launched the preparation of the Low Emission Development Strategy (LEDS) with support of the United States Agency for International Development (USAID). This bilateral cooperation has been completed, as the process has been entirely handed to the national government. The mitigation measures considered in the strategy have been chosen based on national priorities, resource efficiency and mitigation potential. The LEDS document mostly represents the general capacity towards the NDC fulfilment. Since the Government of Georgia updates its NDC to reflect an increased level of ambition, the assumptions delivered by the LEDS' experts will be a building block for the future advancement of Georgia's mitigation policies. Thematic working groups were created (e.g. transport, buildings, energy efficiency, industry etc.) during the drafting of the Low-Emission Development Strategies, in which representatives of several NGOs participated. During consultations and meetings, representatives of these working groups were able to express their opinion and to make remarks.⁶⁷

2.5.4 Nationally Appropriate Mitigation Actions (NAMAs)

Based on the Bali Action Plan from 2007, Nationally Appropriate Mitigation Actions (NAMAs) represent policy instruments that translate short and medium-term goals into action plans. NAMAs can comprise of strategies, pledges, policies, programmes and projects aiming at the reduction of GHG emissions. Within the project "Civil society organizations cooperate with government and other stakeholders on a gender-sensitive NAMA for sustainable energy in rural areas", CSOs were strengthened to foster climate mitigation activities. Coordinated by Greens Movement of Georgia (GMG) in partnership with Women in Europe for a Common Future (WECF), the Rural Communities Development Agency (RCDA), the Georgian Ecological Agricultural Association (SEMA), and the Social Development Center Akhaltsikhe (SDCA) a gender-sensitive NAMA was developed and written in close cooperation with the Georgian Ministry of Environment and other stakeholders in 2014/2015.⁶⁸ The NAMA was submitted to the NAMA Facility, but did not get financial funding in the end.⁶⁹ Nevertheless, the process was a good example and experience of how civil society can effectively work together with the government in climate matters.⁷⁰

⁶⁶ Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.

⁶⁷ Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.

⁶⁸ www.wecf.eu/english/about-wecf/issues-projects/projects/NAMA-sustainableenergy.php, accessed 29 April 2019.

⁶⁹ Interview with WECF, via phone, 06 August 2019.

⁷⁰ Ibid.

2.5.5 Forest Sector Reform Strategy and Action Plan 2016-2021

Another climate-related process that civil society is involved in is the development of the Forest Sector Reform Strategy and Action Plan 2016-2021. It started in 2015 and will lead to the National Forest Program (NFP) 2022-2027. From 2014 to 2016, around 150 working meetings with representatives of the Ministry of Environment and Natural Resources Protection of Georgia (MENRP), the private sector and NGOs were held to work on a sustainable forest management (Ministry of Environment and Natural Resources Protection of Georgia (MENRP), 2016). Up to 270 stakeholders, among them 20 national NGOs, participated in nine working groups and eight sub groups.⁷¹ The NGO CENN described it as a fruitful and good process coordinated by the ministry. MENRP brought together different relevant stakeholders, and remarks and recommendations by NGOs were taken into account, thus had influence on the political process.⁷² In April 2019, NGOs were invited to participate in the meetings of the working groups "Alternative Energy Resources and Sustainable Use of Firewood" and "Forests and Climate Change".

2.5.6 National Waste Management Strategy 2016-2020

In 2015, Georgia established a Waste Management Code, followed by a National Waste Management Action Plan 2016-2020 (adopted in 2016) and a National Waste Management Strategy 2016-2030. The waste sector has a significant potential for GHG mitigation as better waste management avoids methane emissions resulting from anaerobic decomposition of waste (Lui, 2018). Furthermore, in the framework of an EU-financed project on waste management, six public hearings on the draft law on waste management were conducted in 2014 (Ministry of Environment and Natural Resources Protection of Georgia (MENRP), 2016). During the development of the strategy and the plan, public hearings with NGOs were organised in 2015 (Ministry of Environment and Natural Resources Protection of Georgia (MENRP), 2016). This process can be considered as a good approach for participatory governance as NGOs could contribute their opinion and expertise.⁷³

⁷¹ <https://kurzlink.de/ForestSectorGeorgia>, accessed 30 April 2019.

⁷² Interview with CENN, Tbilisi, 28 February 2019.

⁷³ Ibid.

2.6 Barriers to participation

Although participation in environmental matters is a fundamental right and plays a crucial role in the promotion of democratic governance, the improvement of political decisions and the empowerment of civil society, many obstacles exist that impede equal and effective political participation. This chapter gives an overview of the barriers and factors regarding civil society involvement in environmental and climate-related decision-making that were identified in Georgia. The barriers were identified as being fundamental, legal, structural, institutional and process-related challenges.

2.6.1 Fundamental barriers

The first of the five most relevant fundamental barriers in Georgia mentioned by CSOs⁷⁴ is the missing political will to consider climate change as an urgent topic and to involve civil society meaningfully in the corresponding decision-making. The second barrier to democratic and participatory policy making is corruption. Although Georgia performs best in fighting corruption compared to other countries of Eastern Europe and Central Asia, the Corruption Perception Index points out that Georgia has not addressed the problems highlighted in 2019 and that a stagnation of anti-corruption reforms in the country can be observed.⁷⁵ Thirdly, the lobby for climate issues is not strong enough, so that many people are not fully aware of the challenges arising from global warming and the opportunities to participate in policy making and climate protection. A lack of trust in decision makers is the fourth barrier that hinders participation: even if citizens know their rights, they often do not speak out because they have already experienced their opinion being ignored and not having any impact. The fifth barrier is that the media is mostly focused on scandals rather than supporting civil engagement and showing how to shape the future in a positive way.

2.6.2 Legal barriers

The analysis of the legal framework revealed that Georgia's primary and secondary legislation contains several provisions and regulations regarding participation. However, the provisions of the Aarhus Convention are not 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, incorporation into national law creates more legal certainty for affected citizens and the public institutions which have to implement the provisions. In case of a dispute they can refer to legal sources that are available for them in their national language. Additionally, the question of whether and under which circumstances the convention is directly applicable would be clarified.

The framework law "Law of Georgia on Environmental Protection" for example includes a public participation principle, but as it was adopted before the ratification of the Aarhus Convention, it is not in line with this international treaty and lacks details. Even though the Environmental Assessment Code was adopted in 2017, the

⁷⁴ Focus group workshop, Georgia, 27 February 2019.

⁷⁵ <https://transparency.ge/en/post/results-2019-corruption-perceptions-index-point-stagnation-anti-corruption-reforms-georgia>, accessed 14 October, 2020.

implementation of Articles 7 and 8 of the Aarhus Convention (that refer to public participation with respect to plans, programmes and policies, and regarding the preparation of executive regulations and generally applicable legally binding rules) within national legislation to much extent is still missing.

2.6.3 Structural and institutional barriers

Most of the identified barriers can be found on the institutional or structural level. These obstacles refer to political and governmental structures and are also related to society and CSOs:

Political level

Power structures and hierarchies

At the political level, the main obstacles are the existing power structures and strong hierarchies.⁷⁶ Even people working in the ministries often do not have access to the real decision-makers in the government. Although civil servants, for example from the Ministry of Environmental Protection and Agriculture (MEPA), might listen to representatives of civil society and try to consider their concerns, they hardly have the power to successfully raise them in relevant meetings and include them into relevant documents.⁷⁷

Responsibilities and institutional collaboration

Previously, the Ministry of Environment and Natural Resources Protection of Georgia (MENRP), including the Climate Change Unit, was responsible for the development of climate change policies. At the end of 2017, the Government of Georgia was reshuffled by condensing it from 14 to 11 ministries. MENRP was merged with the Ministry of Agriculture and is now called Ministry of Environmental Protection and Agriculture (MEPA). MEPA took over responsibilities regarding climate policy, retained the Environmental Information and Education Centre and created the Environment and Climate Change Department (ECCD). The ECCD coordinates climate mitigation and adaptation measures at the national level, and the implementation of directives from multilateral agreements. This includes the development of the climate change chapter in the National Environmental Action Plans (NEAP), the preparation of climate-related outputs to the UNFCCC, such as NDCs and BURs, the development of Georgia's Climate Action Plan (CAP), and, together with the Ministry of Economy and Sustainable Development (MESD), the preparation of the National Energy and Climate Plan (NECP). Additionally, in 2020 the inter-ministerial Climate Change Council was created.

CSOs that were interviewed in this study criticised that MEPA, which in this context mainly promotes climate-related topics and the involvement of the society, has not enough decision-making power and political influence compared to other ministries. Due to this lack of power and because other influential ministries are not in charge of climate topics, important processes are not sufficiently pursued.⁷⁸

Additionally, weak vertical and horizontal coordination and collaboration between the political levels and ministries has an adverse impact on participation

⁷⁶ Ibid., Interviews with WECF, via phone, 23 June and 06 August 2019.

⁷⁷ Focus group workshop, Georgia, 27 February 2019.

⁷⁸ Interview with CENN, Tbilisi, 28 February 2019.

processes.⁷⁹ Even though climate change is a crosscutting topic, it is not sufficiently mainstreamed in all relevant policies. For instance, topics such as biodiversity and ecosystem approaches are often neglected although they are strongly connected to climate change mitigation and adaptation.⁸⁰

Civil society level

With regard to Georgia’s wider society, one obstacle is the low awareness and interest for climate issues and political engagement.⁸¹ This may relate to the problem that the voices of civil society and CSOs are often ignored, not taken seriously by decision-makers, or have only little influence on political decisions.⁸²

A major barrier for CSOs to participate in meetings, consultations, workshops etc. are often limited by financial and time resources.⁸³

Furthermore, cooperation and networking between environmental NGOs is weak in Georgia. Therefore, potential synergies in promoting more ambitious climate targets are not used.⁸⁴ Although several CSOs are active in climate issues, they do not collect and share knowledge, experience and current activities effectively.⁸⁵

Another barrier to participation is the missing will of some organisations to cooperate with the government. They strongly fulfil their role as a “watchdog” revealing and denouncing the failures of the government, but they hesitate to cooperate with governmental institutions to reach their targets.⁸⁶

2.6.4 Process-related barriers

With regard to existing participation processes, some civil society representatives in Georgia criticise that it is always the same small circle of established organisations that is invited to events and meetings of the government. This means that there is a lack of inclusiveness and transparency that hampers the participation of certain CSOs.⁸⁷ Furthermore, an appropriate variety of participation instruments and methods adapted to different conditions and topics is missing.⁸⁸ Missing or insufficient information before and during participatory events is a further major barrier for effective civil society participation: Invitations and thematic information are not spread widely among the public and not publicly accessible. Information is often very technical and thus hard to understand. In many cases, specific information and international documents on climate issues are only available in English, which represents a language barrier for certain stakeholders.⁸⁹ Another problem is that deadlines for the submission of comments and recommendations are often too short for CSOs to participate meaningfully.⁹⁰ Finally, ideas and comments of the public and CSOs are rarely taken into account and transparency about the decision process is missing.⁹¹

79 Focus group workshop, Georgia, 27 February 2019, Interviews with WECF, via phone, 23 June and 06 August 2019.
80 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
81 Focus group workshop, Georgia, 27 February 2019.
82 Interview with CENN, Tbilisi, 28 February 2019.
83 Interview with CENN, Tbilisi, 28 February 2019, Interview with CLI, via phone, 18 June 2019, Interviews with WECF, via phone, 23 June and 06 August 2019, and based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
84 Interviews with WECF, via phone, 23 June and 06 August 2019.
85 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
86 Interviews with WECF, via phone, 23 June and 06 August 2019.
87 Focus group workshop, Georgia, 27 February 2019, Interview with CENN, Tbilisi, 28 February 2019.
88 Interview with CENN, Tbilisi, 28 February 2019.
89 Focus group workshop, Georgia, 27 February 2019, Interviews with WECF, via phone, 23 June and 06 August 2019.
90 Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.
91 Focus group workshop, Georgia, 27 February 2019, and based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.

2.7 Assessment of the environment and opportunities to participate

This chapter illustrates the results of the assessment of the situation and conditions for civil society participation in environmental and especially climate decision-making in Georgia (Table 5 and Figure 1). The assessment is based on the analysis made in the previous chapters and evaluations from Georgian civil society experts derived from interviews.

Table 5: Assessment of the environment and opportunities to participate in climate policies in Georgia

Criterion 1 Fundamental requirements

Indicators	Scores	Score
a. Stability and peace (What is the intensity of ongoing conflicts?) ⁹²	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)	1
b. Anti-corruption and transparency (What is the perceived level of corruption?) ⁹³	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100	2 (56/100)
c. Security of environmental defenders (Are environmental defenders secure from threats?) ⁹⁴	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)	2

92 This indicator and related scoring is based on the Conflict Barometer 2018 by HIIK (www.hiik.de/conflict-barometer/?lang=en, accessed 23 April 2020). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.
93 This indicator and related scoring is based on the Corruption Perception Index 2019 by Transparency International (www.transparency.org/cpi2019, accessed 27 April 2020). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UfU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” (www.transparency.org/what-is-corruption, accessed 23 April 2020).
94 This indicator and related scoring is based on the Global Witness Report “At what cost? which documents the murder of land and environmental defenders in 2017 (www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost, accessed 23 April 2020). It is important to note that the absence of murder does not mean that there are no other threats, attacks or harassments of environmental defenders and activists.

d. Political commitment (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
	Max. score: 10	6

Criterion 2 Enabling legislation

Indicators	Scores	Score
a. Commitment to international conventions and agreements (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Escazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2
b. National laws requiring the proactive participation of civil society (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?) ⁹⁵	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2

95 If there is a primary act requiring participation that affects several subordinates laws the latter are counted as well.

c. National laws requiring timely participation (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	2
d. National laws requiring information regarding the participation process (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	2
e. National laws requiring the consideration of civil society's comments (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	2

f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	2
	Max. score: 17	12

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
a. Governance structure (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)	0 = no 2 = yes	0
b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)	0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation	1
c. Financial resources (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
	Max. score: 7	1

Criterion 4 Qualitative participation processes⁹⁶

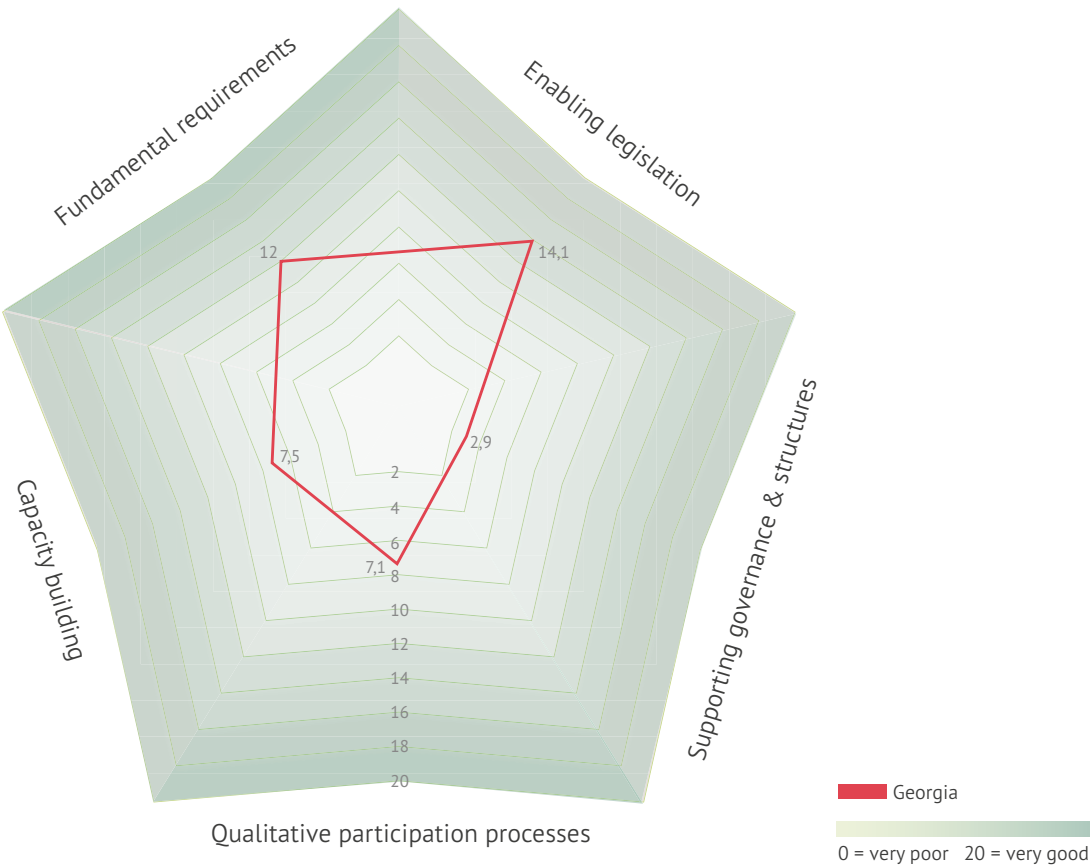
Indicators	Scores	Score
a. Early participation (At what stage was civil society involved in the process?)	0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning	1
b. Broad, inclusive invitation (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)	0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited	1
c. Timely invitation (Was civil society invited early enough to participate?)	0 = some days in advance 1 = less than one month in advance 2 = more than one month in advance	1
d. Adequate participation formats (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration	1
e. Transparency and information (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information	1
f. Available documentation (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
g. Transparent review of recommendations (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 2 = yes	0
	Max. score: 17	6

⁹⁶ The scoring represents the averaged evaluation of some recent national participation processes relating to the environment and climate in each country, described in detail in the respective chapters of this study.

Criterion 5 Capacity building

Indicators	Scores	Score
a. Environmental education (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer	1
b. Public awareness raising on participation rights and opportunities (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
d. Capacity building on participation and stakeholder engagement for governments (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
	Max. score: 8	3
Max. total score	59	28

Figure 1: Assessment of the environment and opportunities to participate in climate policies in Georgia (scaled to a maximum of 20 points)





2.8 Strengthening civil society involvement

One of the main objectives of the project “Strengthening Civil Society for the Implementation of National Climate Policy” is to foster and improve conditions and opportunities for civil society to participate in national climate policy. This chapter therefore presents recommendations derived from the analysed status quo as well as existing barriers and challenges that hamper participation in Georgia. The following conclusions are country-specific and aim to provide guidance for national policy makers as well as other stakeholders who are relevant for climate-related policy making and participation, such as international institutions, donors and civil society itself. The recommendations refer to the current national climate policy in general, but highlight the ongoing planning and revision of the National Determined Contributions (NDCs) which the countries must submit by 2020 and every five years thereafter. The identified entry points on how to improve participation of civil society (organisations) were grouped into five areas of action: fundamental requirements, enabling legislation, supporting governance and structures, qualitative participation processes and capacity building.



2.8.1 Fundamental requirements

Raise political will

A fundamental requirement for effective stakeholder participation is a strong political will to define climate protection involving civil society as a key objective of the political programme. The Government of Georgia should consider participation and the contributions of civil society as something of value, not as a barrier in political processes. The government could thereby benefit from civil society engagement and exploit the opportunities that arise: As CSOs know about local circumstances, concerns and regional climate vulnerabilities as well as mitigation and adaptation solutions, the support of civil society can help the state meet international obligations such as the revision of the NDC in a more dynamic and effective way. Political representatives and bodies could furthermore strengthen the legitimacy of their decisions and foster democratic governance, a fundamental prerequisite for EU accession, by granting more rights to CSOs and the public. It is crucial that participation processes are backed by high-level decision makers across the political spectrum to raise political will.

Create transparency

Transparency and accountability are the basis for political credibility and can contribute to prevent corruption. Access to information and the right to examine the process of decision-making support the formation of free opinion and are crucial for effective participation. This applies to climate policy as well as to other policy areas. The Government of Georgia should consider transparency as a vital value for democracy and strengthen it to gain citizens' and civil society's trust as well as to promote their involvement. Therefore, Georgia's engagement within the Open Government Partnership should be continued and intensified. It is necessary to implement the numerous commitments made in the Open Government Partnership Action Plan of Georgia 2018-2019 with regard to the challenges of improving public services, increasing public integrity, managing public resources more effectively, creating safer communities, and increasing corporate accountability.⁹⁷ Although Georgia has been largely successful in fighting corruption over the last 10 years, more effort is needed to continue progress and to avoid democratic backsliding (McDevitt, 2015). Anti-corruption reforms that started in 2003 should be continued to strengthen the Anti-Corruption Interagency Coordination Council (ACC). The mandate of this institutional body is limited to a coordination, evaluation, and recommendation

⁹⁷ www.opengovpartnership.org/members/georgia, accessed 12 September 2019.

function. In order to guarantee the enforcement of policies, such as the National Anti-Corruption Action Plan, and to combat high-level corruption, it is crucial to assign the ACC with more rights and functions (Tutberidze, 2017).

Additionally, more transparency and information about existing opportunities to participate, current processes and responsible contact persons regarding climate policy are needed. A central website or platform provided by the Environmental Information and Education Centre could be a solution to close the information gap (there are further recommendations below with regard to the “qualitative participation process”). The area of climate policy could thereby serve as a role model for other policy areas.



2.8.2 Enabling legislation

Implement Articles 7 and 8 of the Aarhus Convention into national legislation

To improve the conditions for the participation of civil society in climate-related policy, the requirements of the Aarhus Convention should be fully incorporated into national legislation. Existing legislation should be amended to ensure the effective implementation of Articles 7 and 8 of the Aarhus Convention in particular (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). Requirements for participation in the development of policies, plans and programmes should thereby be specified, without being limited to the SEA Directive and the SEA Protocol. This means that participation should be guaranteed not only regarding plans, programmes and policies that are likely to have significant effects on the environment, but to all plans, programmes and policies relating to the environment. In this framework, Paragraphs 3, 4 and 8 of Article 6 are also to be applied. Paragraph 3 requires reasonable time frames for participation procedures. Paragraph 4 requires parties to provide for early public participation in the process when all options are still open. Paragraph 8 requires that the decision takes “due account” of the outcome of the public participation (United Nations Economic Commission for Europe, 2014).



2.8.3 Supporting governance and structures

Improve coordination and cooperation

In order to design effective and efficient participation processes, leading institutions such as MEPA should foster coordination and cooperation with other ministries, public authorities and political levels. The newly established Climate Change Council could play a major role in this context. Firstly, responsible persons should create awareness for the added value of participative policy-making among political institutions and decision-makers. Secondly, other political entities and bodies should be provided with key functions and involved from the beginning in the organisation of the participation process led by MEPA. Strong hierarchies and power structures hampering open dialogue and participation should be dismantled. Through this approach of multi-level governance, different actors can share responsibilities and bring in their specific competences from the national to the local level.

Strengthen long-term structures

The Environmental Information and Education Centre (EIEC) was established in 2013 as a legal entity under public law. This agency of the Ministry of Environmental Protection and Agriculture of Georgia (MEPA) that relies on the principles of the Aarhus Convention should be strengthened. Currently, its work focuses on creating a data base, giving information, and facilitating environmental education. The tasks of the centre should go beyond that according to Order 742 of the Minister of Environmental Protection and Agriculture of Georgia from 2018⁹⁸. In the future, the EIEC should perform its duties as a permanent governance structure and put more emphasis on enabling the active participation of civil society in environmental matters. Especially regarding the update of the NDC and the development of the CAP as well as the upcoming National Energy and Climate Plan (NECP), the centre should support MEPA with the organisation and realisation of concrete participatory formats. An additional permanent committee, consisting of different stakeholders such as civil society representatives, citizens and scientists, could be elected to discuss and vote on the proposals and recommendations made by the participants. Also, the new 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. Moreover, existing structures and bodies such as the Eastern Partnership Civil Society Forum or the Open Government Partnership should be supported and used to promote and sustain the engagement of civil society in climate policy.

Provide resources

Human and financial resources are basic requirements for the work of permanent governance structures dedicated to participatory climate policy making and for Georgian CSOs that are active in climate policy. The Government of Georgia should prioritise the financial support of governance structures that enable participation and should create an enabling financial environment for CSO involvement, for instance through concrete instruments such as a funding programme to enable participation. Another recommendation is to hire national CSOs for the facilitation of participation formats and trainings. Thus, the competence and professionalism of Georgian CSOs would be appreciated by the political level and could help to relieve the responsible staff members at MEPA, its climate change division and the Environmental Information and Education Centre.

2.8.4 Qualitative participation process

Ensure broad and early invitation

Participation processes benefit from the various perspectives and experiences that a broad group of stakeholders can contribute. As climate policy planning is related to many different sectors and topics, it is crucial that MEPA and its supporting international institutions, such as UNDP, GIZ and others, invite a broad variety of CSOs from the national to the local level to consultations and workshops. Detailed stakeholder mapping, supported by CSOs, can serve as a useful tool to get an overview over existing competencies, knowledge, and networks. The government should not only rely on the experiences of big and powerful CSOs that have been working in the field of climate issues for many years. It should also include smaller and newer

⁹⁸ MEPA (2018). Statute of the Environmental Information and Education Centre - EIEC // Approved by the Order #2-742 of 6 September, 2018 of the Minister of Environmental Protection and Agriculture of Georgia / Legislative Herald of Georgia, 10.09.2018 / Official Web-page: matsne.gov.ge - Georgian Version [Official Text] - <https://matsne.gov.ge/ka/document/view/4286574?publication=0> - accessed 16 September 2019.

organisations that are in close contact with the general public or certain population groups (e.g. the youth). They should be invited to participate in the development and evaluation of plans, programmes and strategies such as the NDC revision and the development of the CAP. Exchange and collaboration with the Covenant of Mayors is useful to reach the local level. CSOs that represent important groups and topics such as gender or youth should be considered as well to ensure inclusiveness. Stakeholders must be invited early, if possible more than one month in advance, to make sure that they have sufficient time to prepare and participate.

Organise appropriate formats

MEPA and other responsible bodies should develop appropriate and diverse formats to engage CSOs meaningfully. Thereby, the aim should not only be to inform civil society, but also to offer methods that foster dialogue and collaboration. The climate change conference organised by MEPA and GIZ in 2018 as well as the creation of sectoral working groups dealing with the CAP and NDC was already a first step towards stakeholder engagement that should be extended. Interactive formats such as roundtables, dialogue fora, regional gatherings, citizen panels, plenums, climate debates or online consultations enable fair and equal participation and strengthen deliberative democracy. The responsible institutions should organise such formats from the beginning for the next revision of the NDC in 2020 and the upcoming development of Georgia's NECP.

Provide transparency and information

The government must comply with its legal obligation to provide comprehensible information about the planned participation process and the topics to be discussed at an early stage. Therefore, the government should establish an online platform in collaboration with EIEC, which informs civil society about policy and climate issues such as the Paris Agreement, the NDC revision and the CAP process as well as ongoing climate-related participation processes in Georgia. Technical information should be simplified, e.g. through short videos and "FAQs" (Frequently Asked Questions). International documents should be translated into the Georgian language. In this context, it is crucial to cooperate with academia, since universities can provide and share sound knowledge about climate change and related topics. Discussions, results, and evaluations of specific events such as the climate change conference organised by MEPA and GIZ or NDC working groups should be documented and published too, in Georgian as well as in English to guarantee easy accessibility. The aim, extent, and time schedule of every participation process should be elaborated and illustrated from the beginning in a stakeholder involvement plan which should be accessible for everyone. The government should extend the possibilities for e-participation by including feedback tools and online consultation. Moreover, print media should complement the communication and information strategy of MEPA. Between the meetings, continuous exchange should be ensured by mailing lists and newsletters.⁹⁹

⁹⁹ An interactive website and other communication tools were already demanded by Margvelashvili et al., 2017.

Take due account of recommendations

To gain credibility and trust, it is crucial that responsible ministries and bodies invest in a fair and open review process of comments received. They should introduce a transparent system to collect and publish recommendations that were made by CSOs during consultation processes related to environmental and climate issues. The proposals should be evaluated and CSOs should get feedback on whether their recommendations were considered or why they were refused.

Evaluate and enable learning processes

To ensure effective participation processes, it is crucial that MEPA and other responsible actors offer stakeholders involved the opportunity to give feedback on the ongoing participation processes such as the development of the CAP. The processes should be reflected on regularly, not only after the finalisation. Such an evaluation helps to avoid problems such as misunderstandings and makes a learning process possible. Sometimes, it is necessary to adapt formats, methods, or certain procedures to improve the process and ensure successful results.



2.8.5 Capacity building

Raise public awareness

Education and information are the basis for meaningful participation. On the one hand, awareness and knowledge about climate change impacts as well as possible mitigation and adaptation measures should be raised among citizens through the provision of diverse education and information. Non-formal environmental education and education for sustainable development provided by CSOs, and the mainstreaming of environmental education in schools play a crucial role in this context. On the other hand, the broader public should be better informed about existing rights and options in terms of access to information and participation in environmental matters. Besides formal public participation, e.g. within Environmental Impact Assessments, citizens should be aware of their opportunities to influence climate policy making through their commitment and support of CSOs.

Develop skills of CSOs

The capacity of Georgian CSOs to actively participate in policy planning should be strengthened through trainings and other formats. Apart from the need for more technical knowledge about climate change and related climate policy planning from the international to the national level, the study revealed that support is first needed to improve organisational development. To get more political influence and to be taken seriously, Georgian CSOs need to be supported in strengthening their membership base by effective outreach and recruitment. Moreover, capacity building for cooperation and networking between Georgian CSOs is crucial to have more influence on climate policy development.

National climate policy planning in Georgia

5 key measures to ensure civil society's participation is meaningful, effective and long-term

1 Create transparency and strengthen democratic decision-making:

Raise the political will for public participation and consider the contributions of civil society as something of value, not as a barrier in political processes, use mechanisms such as the Open Government Partnership as a forum for increased interaction between the state and civil society.

2 Fully transpose the Aarhus Convention into national law:

Set detailed, binding standards and rules for formal and informal participation procedures that 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 and implement them.

3 Create and strengthen long-term structures that coordinate participation processes:

Strengthen existing structures such as the Environmental Information and Education Centre, increase its capacity and responsibility to design periodic, long-term participation processes and open new overarching structures such as the Climate Change Council to civil society.

4 Design meaningful, inclusive, transparent and binding participatory processes:

Include important elements and steps such as stakeholder mapping (including the regions and local level), the elaboration of an engagement plan and timeline, appropriate, interactive formats, transparency, accessible information, clear communication, the provision of adequate resources and a transparent review procedure.

5 Increase capacity building and environmental education:

Offer training to authorities on how to implement participation procedures, increase network capacity and technical knowledge about climate protection and adaptation of CSOs and enhance awareness raising on climate change and climate policy among the public.

3 Conclusions

Civil society participation in climate-related policy-making can contribute to enhance the quality and ambition of climate policy. Thus, it is especially needed at a time when most countries are currently obligated to revise their NDCs, which will determine climate-related policies for the following years.

In Georgia, civil society and non-governmental organisations have a quite high degree of freedom and play an important role as watchdogs. The state generally allows individuals and CSOs to exercise their rights to freedom of association, peaceful assembly, and expression. However, the current political crisis influences civic space, and there are attempts to discredit civil society and other critical voices. In summer 2019, protests against the government started and have become stronger since November 2019 because the parliament failed to pass the amendments necessary to enact a promised proportional electoral system. Since then, a backlash and threats against independent civil society groups have been observed, particularly towards those that are involved in human rights and governance-related work. There are several Georgian CSOs working on ecological topics, but only a few on climate issues. These organisations often have limited time, financial and personal resources and are not well connected with each other. Even though the number of young volunteers and grassroots organisations has increased slightly over the last few years, there is no deeply rooted participatory civic culture and little public trust in CSOs.

Fundamental requirements for climate-related participation in Georgia can be rated with a score of 6/10. Ecological and climate topics as well as the involvement of civil society in this context do not have high priority in national policy making. Strong power structures and backsliding in anti-corruption reforms are further fundamental barriers to democratic and participatory governance.

Georgia scores quite well (12/17) in regards to its legal framework for participation in environmental policy making. Several provisions and regulations scattered across different policy documents require participation. In particular, the new Rules of Procedure for Development, Monitoring and Evaluation of Policy Documents (2019) are an important national document since they make public participation instruments for the development of political documents such as strategies and programmes mandatory. Yet, the short paragraph about participation does not set detailed standards or guidelines for formal and informal participation processes. Our analysis furthermore showed that the Environmental Assessment Code, adopted in 2017, introduced principles harmonised with that of EU environmental acquis on the Environmental Impact Assessment (EIA) and the Strategic Environmental Assessment (SEA) Directives, as well as the approaches of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its protocol on SEA and the Aarhus Convention. Accordingly, public participation is mandatory within EIAs of projects that are likely to have impacts on the environment. Nevertheless, it can be concluded that the Aarhus Convention, which was ratified by Georgia in 2000, has not yet been fully transposed into national law. To ensure the effective implementation of Articles 7 and 8 of the Aarhus Convention, existing legislation should be amended, considering that the requirements should not be limited to the SEA Directive and the SEA Protocol.

Regarding the structural level, Georgia performs rather poorly (1/7). The Environment and Climate Change Department of the Ministry of Environmental Protection and Agriculture (MEPA) coordinates climate mitigation and adaptation measures at the national level as well as directives from multilateral agreements. MEPA also tries to involve stakeholders in its respective processes. Yet, from the view point of civil society actors, a problem is that the ministry does

not have enough decision-making de-facto power and political influence compared to other ministries. Moreover, weak vertical and horizontal coordination and collaboration between the political levels and ministries prevent the meaningful participation of civil society in climate-relevant decision-making. Additionally, there is no long-term structure that coordinates participation processes sustainably. Civil society actors should push for improvements at the structural level and demand effective long-term structures as well as financial support enabling also smaller CSOs to participate.

On average, the quality of recent participation processes can be rated with a score of 6/17. For example, some CSOs were formally involved in the development of the Biennial Update Reports (BUR) and the National Communications (NC) to the United Framework Convention for Climate Change (UNFCCC), and the Low Emission Development Strategy (LEDS), and they contributed to national mitigation instruments such as the Nationally Appropriate Mitigation Actions (NAMAs). Furthermore, civil society representatives pointed out that they were quite satisfied with the participation processes related to the development of the Forest Sector Reform Strategy and Action Plan 2016-2021, and the National Waste Management Action Plan 2016-2020. Moreover, CSOs had the opportunity to contribute their opinion and competencies within the development of the NDC. The climate change conference organised by MEPA and GIZ in 2018 as well as the creation of sectoral working groups dealing with the NDC and the related Climate Action Plan (CAP) was already a good step towards stakeholder involvement that should be extended. Yet, this study revealed that there is still much room for improvement e.g. regarding information, transparency, comprehensible documentation or the consideration and review of civil society positions in climate matters.

Regarding capacity building, this assessment showed that further effort is necessary to strengthen governmental institutions as well as civil society (score of 3/8). Existing participation mechanisms and opportunities are little known by the public, and also not by some CSOs. Awareness raising on climate change and climate policy should be enhanced to reach citizens and to motivate them to get active. Furthermore, CSOs in Georgia should be supported in their networking efforts so that they can benefit from collaboration and skill sharing. Governmental representatives should be informed and trained continuously to implement meaningful, effective, and long-term participation processes in climate policy.

Overall, the results of our study emphasise the need for further and more vigorous efforts to strengthen civil society participation in climate-related policies worldwide. Although other crises, such as Covid-19, currently seemingly overshadow the relevance of climate protection and civil society participation, it is more important than ever to involve the perspectives of those most affected. Civil society actors must actively demand participation and decision-making power and governments should provide them with opportunities to be involved. This is necessary to improve the quality, effectiveness and ambition of climate-related policies. Tackling climate change is a common goal and can only be achieved if all countries combine their efforts and are willing to learn from each other.

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Appendix

Detailed evaluation scheme with indicators and scoring options

Criterion 1 Fundamental requirements

Indicators	Scores
a. Stability and peace (What is the intensity of ongoing conflicts?) ¹⁰⁰	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)
b. Anti-corruption and transparency (What is the perceived level of corruption?) ¹⁰¹	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100
c. Security of environmental defenders (Are environmental defenders secure from threats?) ¹⁰²	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)
d. Political commitment (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, full
	Max. score: 10

100 This indicator and related scoring is based on the Conflict Barometer 2018 by HIIK (www.hiik.de/conflict-barometer/?lang=en, accessed 23 April 2020). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.

101 This indicator and related scoring is based on the Corruption Perception Index 2019 by Transparency International (www.transparency.org/cpi2019, accessed 27 April 2020). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UfU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” (www.transparency.org/what-is-corruption, accessed 23 April 2020).

102 This indicator and related scoring is based on the Global Witness Report “At what cost? which documents the murder of land and environmental defenders in 2017 (www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost, accessed 23 April 2020). It is important to note that the absence of murder does not mean that there are no other threats, attacks or harassments of environmental defenders and activists.

Criterion 2 Enabling legislation

Indicators	Scores
a. Commitment to international conventions and agreements (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Ezcazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)
b. National laws requiring the proactive participation of civil society (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?) ¹⁰³	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed
c. National laws requiring timely participation (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate, strategic environmental assessment laws, or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed

103 If there is a primary act requiring participation that affects several subordinates laws the latter are counted as well.

<p>d. National laws requiring information regarding the participation process (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>
<p>e. National laws requiring the consideration of civil society's comments (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>
<p>f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>
	<p>Max. score: 17</p>

Criterion 3 Supporting governance & structures

Indicators	Scores
<p>a. Governance structure (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)</p>	<p>0 = no 2 = yes</p>
<p>b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)</p>	<p>0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation</p>
<p>c. Financial resources (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)</p>	<p>0 = no 1 = yes, to some extent 2 = yes, fully</p>
	<p>Max. score: 7</p>

Criterion 4 Qualitative participation processes¹⁰⁴

Indicators	Scores
<p>a. Early participation (At what stage was civil society involved in the process?)</p>	<p>0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning</p>
<p>b. Broad, inclusive invitation (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)</p>	<p>0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited</p>

¹⁰⁴ The scoring represents the averaged evaluation of some recent national participation processes relating to the environment and climate in each country, described in detail in the respective chapters of this study.

c. Timely invitation (Was civil society invited early enough to participate?)	0 = some days in advance 1 = less than one month in advance 2= more than one month in advance
d. Adequate participation formats (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration
e. Transparency and information (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information
f. Available documentation (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully
g. Transparent review of recommendations (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 2 = yes
	Max. score: 17

Criterion 5 Capacity building

Indicators	Scores
a. Environmental education (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer
b. Public awareness raising on participation rights and opportunities (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully
c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available

d. Capacity building on participation and stakeholder engagement for governments (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available
	Max. score: 8
Max. total score	59

In 2015, Georgia, alongside many other countries, adopted the Paris Agreement to limit global warming and its impacts. However, current national commitments (Nationally Determined Contributions (NDCs)) are inadequate to keep the rise in global temperature in this century well below 1.5 °C above pre-industrial levels. Time is running out, and rapid and far-reaching shifts across all sectors are required. Civil society actors play a crucial role in developing and implementing climate policies because they act as nature's advocate and voice, driven by the desire to protect the environment and preserve healthy living conditions for human beings.

The purpose of the comprehensive study “Civic space for participation in climate policies in Colombia, Georgia and Ukraine” was to investigate the environment and conditions for climate-related participation and specific examples of participatory policy making in Colombia, Georgia and Ukraine. The analysis explores how national civil society is being involved in national political processes related to the Paris Agreement, such as the revision of the NDC. The study also identifies concrete country-specific barriers that prevent meaningful, effective and long-term participation, and gives advice for overcoming these barriers. This report presents the results of the country analysis of Georgia

More information in the full study



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