

CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN COLOMBIA, GEORGIA AND UKRAINE

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The example of the Nationally Determined Contributions (NDCs)



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Abbreviations

ACOLGEN: Colombian Association of Energy Providers (*Asociación Colombiana de Generadores de Energía Eléctrica*)

ANDESCO: Colombian National Association of Public Service and Communication Enterprises (*Asociación Nacional de Empresas de Servicios Públicos y Comunicaciones*)

ANDI: Colombian Chamber of the Pharmaceutical Industry (*Cámara de la Industria Farmacéutica*)

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

BTI: Bertelsmann Transformation Index

CAMACOL: Colombian Chamber of Construction (*Cámara Colombiana de la Construcción*)

CAP: Georgian Climate Action Plan

CCC: Georgian Climate Change Council

CCCS: Colombian Council of Sustainable Construction (*Consejo Colombiano de Construcción Sostenible*)

CCD: Georgian Climate Change Division

CENN: Caucasus Environmental NGO Network

CLI: Collective Leadership Institute

CoM: Covenant of Mayors

CONPES: Colombian National Council for Economic and Social Policy (*Consejo Nacional de Política Económica y Social*)

COP: Conference of the Parties

CSO: Civil Society Organisation

DNP: Colombian National Planning Department (*Departamento Nacional de Planeación*)

EBRD: European Bank for Reconstruction and Development

ECCD: Georgian Environment and Climate Change Department

ECDBC: Colombian Low Carbon Development Strategy (*Estrategia Colombiana de Desarrollo Bajo en Carbono*)

EEB: European Environmental Bureau

EEC: Georgian Energy Efficiency Centre

EIA: Environmental impact assessment

EICDGB: Colombian Comprehensive Strategy to Control Deforestation and Manage Forests (*Estrategia Integral de Control a la Deforestación y Gestión de los Bosques*)

EIEC: Environmental Information and Education Centre

ENREDD+: Colombian National Strategy for Reducing Emissions from Deforestation and Forest Degradation (*Estrategia Nacional de Reducción de Emisiones por Deforestación y Degradación de los Bosques*)

EU: European Union

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

ICCC: Ukrainian Inter-Agency Commission on Climate Change

IDEAM: Colombian Institute of Hydrology, Meteorology and Environmental Studies (*Instituto de Hidrología, Meteorología y Estudios Ambientales*)

IKI: International Climate Initiative (*Internationale Klimaschutzinitiative*)

ILO: International Labour Organisation

INDC: Intended Nationally Determined Contribution

LEDS: Low Emission Development Strategy

LTS: Long-term Strategy

MADS: Colombian Ministry for the Environment and Sustainable Development (*Ministerio de Ambiente y Desarrollo Sostenible*)

MEEP: Ukrainian Ministry of Energy and Environmental Protection

MENR: Ukrainian Ministry of Ecology and Natural Resources

MEPA: Georgian Ministry of Environmental Protection and Agriculture

NAMA: Nationally Appropriate Mitigation Action

NASA: National Aeronautics and Space Administration

NC: National Communication

NCI: NewClimate Institute

NDC: Nationally Determined Contribution

NECP: Integrated National Energy and Climate Plan

NEEAP: National Energy Efficiency Action Plan

NGO: Non-governmental organisation

NOAA: National Oceanic and Atmospheric Administration

NRCC: Regional Climate Change Hubs in Colombia (*Nodos Regionales de Cambio Climático*)

NREAP: National Renewable Energy Action Plan

OGP: Open Government Partnership

PAS: Colombian Sectoral Action Plans for Mitigation (*Planes de Acción Sectorial de Mitigación*)

PNACC: Colombian National Climate Change Adaptation Plan (*Plan Nacional de Adaptación al Cambio Climático*)

PNCC: Colombian National Climate Change Policy (*Política Nacional de Cambio Climático*)

PND: Colombian National Development Plan (*Plano Nacional de Desarrollo*)

RCDA: Rural Communities Development Agency

REC Caucasus: Regional Environmental Centre for the Caucasus

REDD+: Reducing Emissions from Deforestation and Forest Degradation

SEA: Strategic environmental assessment

SEAP: Sustainable Energy Action Plan

SIDA: Swedish International Development Agency

SISCLIMA: Colombian National Climate Change Governance System (*Sistema Nacional de Cambio Climático*)

UCN: Ukrainian Climate Network

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

UN: United Nations

UNCED: United Nations Conference on Environment and Development

UNDP: United Nations Development 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

WWF: World Wildlife Fund



Preface



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Civil society actors are playing an increasingly important role around the world, especially when viewed in the context of the accelerating global crises of climate change and biodiversity loss. In many cases, it is civil society actors in particular who draw attention to the impact of these crises on the ground. They act as nature’s advocate and voice, driven by the desire to protect the environment and preserve healthy living conditions for human beings. Environmental organisations fulfil many roles simultaneously: they are watchdogs that raise awareness of sensitive issues and unsustainable conditions. Their strong ties at the local level and knowledge of the local environment and the threats it faces are their greatest assets and also their most important legitimisation to fulfil this role. They are the mobilisers of change when putting issues and policies onto the agenda, rallying public opinion against the unsustainable use of natural resources or to support policies that protect the environment. They are not afraid to question the paradigms of growth and to trigger societal debates about how socio-ecological change can be fostered. Often, they take solutions into their own hands and implement innovative projects and actions themselves. They also act as mediators, pooling social interests and fighting for all to be able to participate in political processes. Working in an agile network, we observe that civil society organisations and activists around the world fulfil many of these roles in their work on climate protection. Unfortunately, we also see that our partners face numerous barriers and threats while doing their tremendously important work for the planet and the people.

The climate crisis and the need for all nations, regions and communities to deal with climate protection and adapt to climate change will be on the agenda for decades to come. The economic and social system must be adapted to changed framework conditions because the alternative to this is not the continuation of the status quo, but rather the collapse of society and ecosystems. The long-term perspective required for this enormous task is not something which politics and markets possess, but many civil society organisations do. Furthermore, there is a need to mediate the different legitimate interests and conflicts that arise. Involving civil society is a catalyst for the comprehensive, effective and professional implementation of climate protection and adaptation measures. However, there is a need for modern, effective and sustainable participation mechanisms on all political levels. Adequate representation, transparency about the opportunities for participation and the highest possible degree of commitment to the results of participation are desirable framework conditions for this.

This study has comprehensively dealt with how civil society is currently involved in setting climate policy at the national level. In addition to analysing the global framework for participation, the authors present studies of three countries, identify barriers and examples of good practice, and formulate specific recommendations of measures that could make the participation of civil society more effective. With this, they describe a participatory approach to reach our vision of a future living within the planetary boundaries, with decarbonised societies and social justice for all.



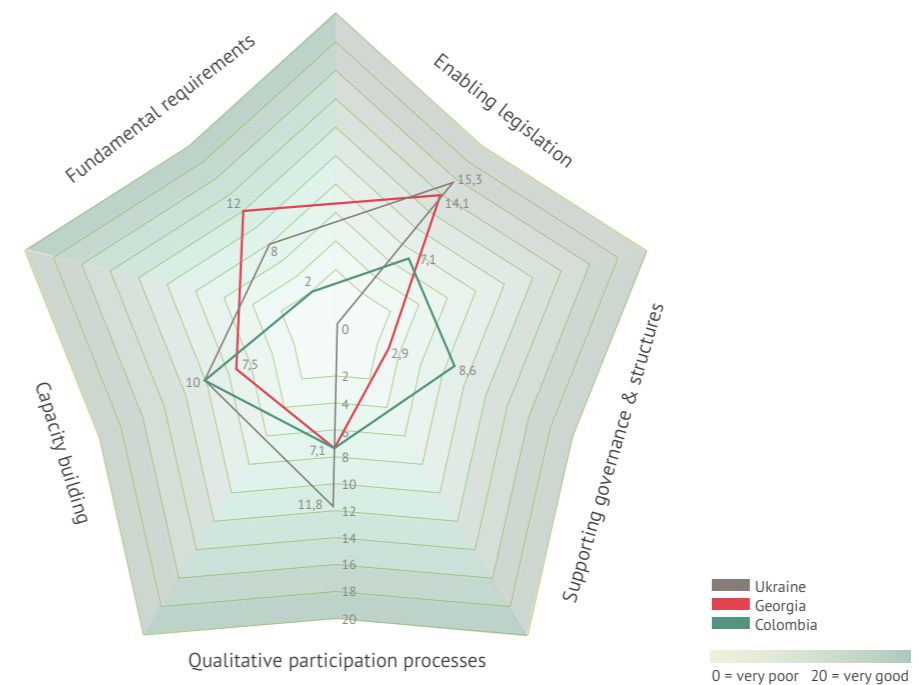
Dr. Michael Zschiesche,
Executive Director, Independent
Institute for Environmental
Issues (UfU)

Summary

In 2015, Colombia, Georgia and Ukraine, 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 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.

The purpose of the study “Civic space for participation in climate policies in Colombia, Georgia and Ukraine” was to investigate the environment and conditions for climate-related participation, such as the legal framework for participation and specific examples of participatory policy making in Colombia, Georgia and Ukraine (.). The analysis explores how national civil society is being involved in political processes related to the Paris Agreement. The focus thereby lies on organised groups, rather than individuals and the general public. Are civil society organisations (CSOs) involved in the development of climate-relevant national plans, strategies and other documents? Are there good examples or good approaches of participation that enable civil society actors to effectively influence national political processes and raise the ambition of climate policies? 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 “Civic space for participation in climate policies in Colombia, Georgia and Ukraine – the example of the Nationally Determined Contributions (NDCs)” is a summary of the larger study and analyses in particular the process of elaborating or revising the NDCs in the three countries.

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



1 Introduction

1.1 Background and overarching question

Analyses by the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) show that the earth's global surface temperatures in 2019 were the second warmest since modern record keeping 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 adopted the Paris Agreement. Thus, they committed to undertake ambitious efforts to keep a global temperature rise 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 embodied in the Nationally Determined Contributions (NDCs) that must be updated regularly. However, time is running out and climate actions currently being taken are insufficient.

In 2015, 195 countries agreed on the Paris Agreement and committed themselves to undertake ambitious efforts to keep the rise in global temperature in this century well below 2 °C and to pursue efforts to limit the temperature increase even further to 1.5 °C.

Nationally Determined Contributions (NDCs)

The NDCs are central for implementing the Paris Agreement. They describe climate related targets, national climate plans, policies and measures governments aim to implement in response to climate change and as a contribution to global climate action. All Parties are requested to submit the next round of NDCs (new NDCs or updated NDCs) by 2020 and every five years thereafter.

Within this political process, civil society actors, such as 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, various 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.

Civil society actors should be involved in developing and implementing climate policies because they play a crucial role as watchdogs and advocates for a fair socio-environmental transformation and can raise national climate ambition.

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

It sets out the three fundamental pillars of public participation: (1) access to information, (2) access to public participation and (3) 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 to ensure these laws and regulations are adequately enforced. 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 of guaranteeing the full and effective implementation of the three pillars in Latin America and the Caribbean.

Despite these conventions, agreements and declarations, the real influence of civil society on crucial climate-related decisions is limited and the opportunities to participate currently available are not very effective, according to the global alliance of CSOs and activists “CIVICUS”². Moreover, participatory democracy and citizens’ freedom of association and expression should not be taken as a given. 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) showed that barriers to public participation are numerous and growing in the European Union (EU). Even though international treaties formulate clear requirements in terms of access to information, public participation and access to justice on environmental matters, the provisions given to civil society in some member states are in reality lacking (European Environmental Bureau (EEB), 2019)

Yet in spite of the potential and obvious threats that the participation of civil society in climate policy formulation 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 developing climate policies such as the NDCs.

Which opportunities are available to civil society actors to participate in developing climate policy? What is the legal framework that requires public participation and the involvement of civil society within climate-related policy making? What does the practical implementation of these rights look like? And which barriers prevent 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 (Donges et al., 2020) as part of the international project “Strengthen civil society for the implementation of national climate policy”. The project was supported by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMU) as part of the International Climate Initiative (IKI). It analysed the situation in Colombia, Georgia and Ukraine. This report is a summary of the overall study and analyses the process of developing or revising the NDCs in Colombia, Georgia and Ukraine.

Since 1992 different declarations, agreements, treaties and laws have been developed to promote the participation of civil society in environmental matters.

Participatory democracy should not be taken as given. In many countries of the world, civic space is shrinking and fundamental rights have to be defended every day.

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

1.2 Framework of this study

Aim and contents of the study

The detailed study analysed the civic space and participation opportunities of CSOs working on environmental and climate issues in Colombia, Georgia and Ukraine. 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. Colombia, Georgia and Ukraine are party to the Paris Agreement and as such have committed to undertake ambitious action to keep global temperature rise in this century well below 2 °C above pre-industrial levels. The study 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 hinder or prevent meaningful, effective and long-term participation, and gives advice for overcoming these barriers.

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

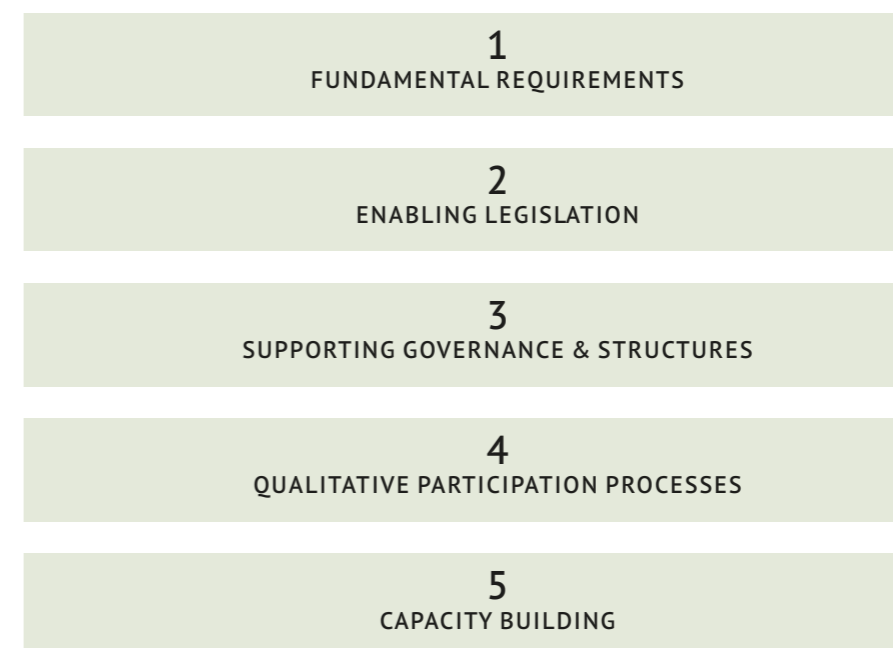
Methodology

The study is based on desk research with the analysis of 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 various 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 the United Nations Development Programme (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 making as well as on discussing existing barriers that hinder participation, and collecting solutions for 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. Institutions and organisations with whom the focus groups, interviews and consultations were conducted are listed in the full study.

The purpose of the full study was to investigate the environment and conditions for climate-related participation as well as concrete practices of participatory policy making in Georgia, Ukraine and Colombia.

This report summarizes the findings and analyses in particular the process of establishing or revising the NDCs.

In order to give a systematic overview of the findings, the full study additionally introduces a standardised evaluation scheme that assesses the general conditions for participation, specific opportunities and practice. It comprises the following 5 criteria:



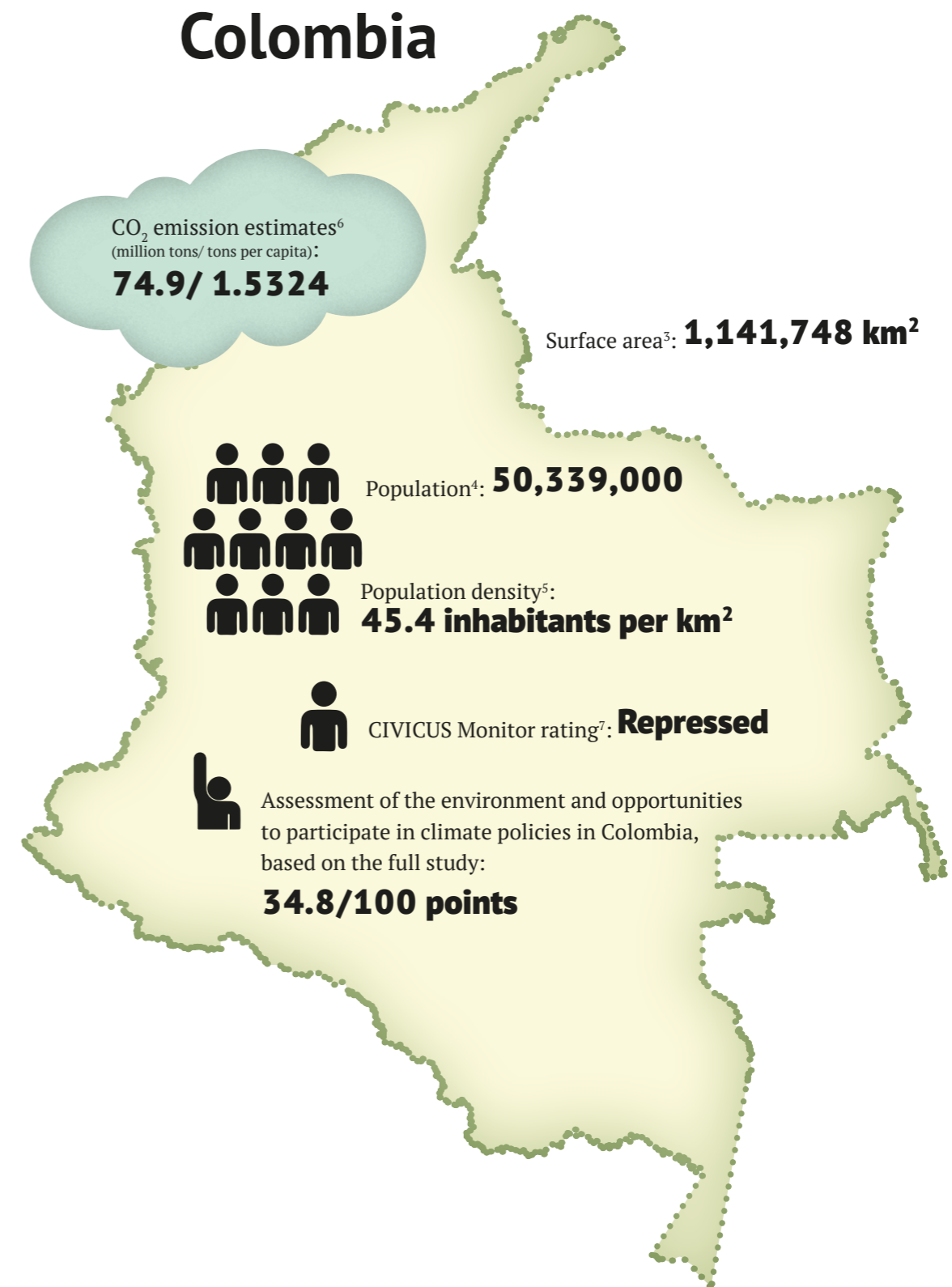
A set of four to eight indicators was determined for each criterion. In total, 25 indicators were defined. Each indicator has an associated scoring system. In total, a maximum score of 59 points can be achieved. However, due to the varying numbers of indicators, certain criteria are given more weight than others. By scaling each criterion to a maximum score of 20, we balance out the criteria evenly (Table 1). The detailed evaluation scheme with indicators and scoring options can be found in the full study. This report only summarises the results of each country.

Table 1: 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

Based on the detailed analysis we finally derive recommendations on how to improve participatory policy making in Colombia, Georgia and Ukraine regarding climate policy. In this context, we use the concept of the “Participation Handprint” (Figure 2) that illustrates five dimensions, in which country-specific changes should take place to improve conditions and possibilities for civil society engagement .

Figure 2: The Participation Handprint



³ United Nations data, <http://data.un.org/en/iso/co.html>, accessed 21 December 2019.

⁴ Ibid.

⁵ Ibid.

⁶ <https://edgar.jrc.ec.europa.eu/overview.php?v=booklet2018&dst=CO2emi>, accessed 3 April 2020.

⁷ 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 23 April 2020.

2 Colombia

2.1 National climate policy

Colombia is party to the UNFCCC and ratified the Kyoto Protocol in 2001. However, significant changes in its climate policy framework were only implemented a few years later following the “La Niña” episode of 2010/2011 that caused serious economic, social and environmental impacts in many regions of Colombia. Specific climate change strategies were included in the **National Development Plan (PND)** for the first time for the period of 2010-2014. This created demand for the development of an institutional structure for decision-making processes regarding climate change to coordinate climate policy measures among different sectors. Thus, in 2011, the National Council for Economic and Social Policy (CONPES) approved the “**Institutional Strategy to Articulate Climate Change Policies and Actions in Colombia**”. Based on this, the formulation of the **National Climate Change Policy (PNCC)** began at the end of 2014, including the development of the **Climate Change Law**. In parallel, Colombia actively participated in the international negotiations that led to the adoption of the **Paris Agreement** in December 2015 at the COP 21. Colombia also implemented the institutional, political and legal framework for climate change actions and created the **National Climate Change Governance System (SISCLIMA)**, which was approved by Decree 298 of 2016. This contributed to further progress in the development of the following strategies and plans that are important for Colombian climate policy:

- _ the Colombian Low Carbon Development Strategy (ECDBC),
- _ the National Climate Change Adaptation Plan (PNACC),
- _ the Sectoral Action Plans for Mitigation (PAS),
- _ the National Strategy for Reducing Emissions from Deforestation and Forest Degradation (ENREDD+) and the Comprehensive Strategy for Deforestation Control and Forest Management (EICDGB),
- _ and the Policy Strategy for Public Financial Management of Natural Disaster Risk.

In 2015, Colombia developed its **Intended National Determined Contribution (INDC)**, which includes the goal of reducing GHG emissions by 20% with respect to the projected level by 2030. Furthermore, due to its relevance for the country, Colombia voluntarily included ten adaptation actions.

2.2 Climate-engaged civil society and its right to participate

Colombia has a long history of civil war and internal violent conflicts between the state, paramilitary groups, criminal organisations and communist guerrilla groups. Although a peace process started in 2011, it has been on hold since 2016. Historically, many problems and conflicts of Colombian civil society have their roots in an extremely unequal distribution of land ownership and national

Colombia implemented the institutional, political and legal framework for climate change actions and created the National Climate Change Governance System.

In 2015, Colombia developed its INDC which includes the goal of reducing GHG emissions by 20% with respect to the projected level by 2030.

income. Colombia's civic space is marked by violence. Violent attacks and murders of journalists, lawyers, human rights and environmental defenders and people of indigenous and Afro-descent have increased again after the peace negotiations were suspended. Despite the various difficulties, or maybe because of them, Colombian civil society has managed to create diverse, strong, courageous and multi-sectoral networks, organisations, movements and policy proposals that have been driving social and environmental change in the country for decades (Sánchez-Garzoli, 2016). In 2016, Colombia had approximately around 300,000 registered CSOs and NGOs. This means, there is approximately one CSO for every 163 inhabitants, making Colombia the country with the highest number of CSOs per capita in Latin America (Evans, 2016). Most of them address social topics, however, as many social problems in Colombia are closely linked to environmental degradation issues, many social CSOs also address and support environmental issues in their daily work.

Colombian environmental CSOs have traditionally been active in tackling deforestation, protecting biodiversity and rivers, opposing environmental degradation through mining, oil exploitation, hydroelectric dams and other infrastructure projects, and raising awareness of environmental issues including through environmental education. Furthermore, they actively promote alternative solutions for sustainable development, including ecological agriculture and sustainable energy and mobility concepts. They also have experience in building powerful networks. Targeted civil society involvement in the process of developing national climate policy however is still limited. Nevertheless, recent activities demonstrate the growing importance of climate policy for Colombian civil society. In 2019, CSOs and representatives of the academic world created a roundtable discussion forum for climate change issues. The group seeks to identify synergies and determine joint action plans to monitor the implementation of climate change policies and regulations and the country's NDC.

At the end of 2019, a nationwide protest movement succeeded in forcing the national government to sign the **Escazú Agreement** that it had initially rejected. The implementation of the Escazú Agreement will probably shape Colombia's environmental and climate policies and will enhance participatory democracy and security for civil society in the coming years. In addition to the recent signature of the Escazú Agreement that is not yet legally binding in the country, Colombia has signed and ratified some international conventions and agreements on environmental and human rights that contain references to civil society participation, admittedly to different extents. In this context, the **American Convention on Human Rights** of 1978 (Pact of San José), the **Indigenous and Tribal People Convention** of 1989 (**Convention 169** of the International Labour Organisation (ILO)), and the **UNFCCC** are of particular note. The UNFCCC, including the Paris Agreement, plays the most important role as regards participation rights directly for decisions on climate change. In particular, the regulations on **Reducing Emissions from Deforestation and Forest Degradation mechanisms (REDD+)** contain requirements on the participation and representation of civil society that are relevant for Colombia.

At the national level, the **Constitution** of 1991 is key for the definition of fundamental rights and mechanisms of democratic participation in Colombia. Colombia's legislation regulates (environmental) participation instruments, including many legal/judicial, political, and administrative participation

Colombia's civic space is marked by violence. Violent attacks and murders of journalists, lawyers, human rights and environmental defenders, indigenous and Afro-descent have increased again after the peace negotiations were suspended.

The implementation of the Escazú Agreement will probably enhance participatory democracy and security for civil society in the coming years.

Procedural details for participation processes are not adequately regulated and the enforcement of laws and satisfactory implementation of the legislation is not always ensured or is delayed.

mechanisms. Although the Colombian legal system includes multiple provisions for political participation in environmental matters (Rodríguez & Muñoz, 2009), procedural details for the participation processes are not adequately regulated and the enforcement of laws and satisfactory implementation of the legislation is not always ensured or is delayed.⁸ Within the framework of this investigation, civil society experts identified (partly severe) qualitative deficits in nearly all analysed participation mechanisms. Furthermore, CSOs view their involvement in the elaboration of public policy instruments on climate change as rather lacking.⁹

2.3 NDC development

On 22nd April 2016, Colombia signed the Paris Agreement and the bill for its national ratification was unanimously accepted in the Congress of the Republic through Law 1844 of 2017. This law was revised by the constitutional court which concluded in Judgement C-048 of 2018 that both the Paris Agreement and its implementing law are fully in accordance with Colombian constitutional provisions. Subsequently, the country ratified the agreement on 13th July 2018. Thirty days later, Colombia formally became party to the Paris Agreement. On 7th September 2015, Colombia presented its INDC to the UNFCCC Secretariat.

The preparation phase of Colombia's INDC ran parallel to the formulation of the PNCC, which began one year earlier in 2014. Both processes had many interconnections. At the beginning of the process, participation was limited to the purpose of gaining the needed technical information for the formulation of the INDC. Therefore, the Ministry of the Environment and Sustainable Development (MADS) mainly involved other sector's ministries, the National Planning Department (DNP), the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM), and trade unions. The draft INDC was then published online for a month and a half and during that time was open for public comments. These comments were answered one by one and all information on the process was made available online.¹⁰ Furthermore, several meetings and workshops were carried out in Bogotá and other cities of the country, where further inputs were received (Ministerio de Ambiente y Desarrollo Sostenible - MADS, 2017)

Regarding GHG mitigation, the collecting of input information for the INDC was made in parallel with the collection of information for the ECDBC and eight PAS. For this, macroeconomic assumptions, GHG emission baselines and technical studies were prepared based on input from more than 200 participants. Stakeholders such as unions (including the Chamber of the Pharmaceutical Industry (ANDI), the National Association of Public Service and Communication Enterprises (ANDESCO), the Association of Energy Providers (ACOLGEN), the Council of Sustainable Construction (CCCS), the Chamber of Construction (CAMACOL)), governmental decision makers (ministries and DNP), scientists (Universidad Nacional de Colombia and Universidad de los Andes), research institutes and multilateral agencies (including the World Bank, UNDP and the United States Agency for International Development (USAID)) took part. Furthermore, MADS published an online survey on its website for approximately a month and a half between May and July 2015.

⁸ Interview with a representative of the Universidad del Rosario, November 2019.

⁹ Focus Group Workshop, Bogotá, 13 February 2019.

¹⁰ www.minambiente.gov.co/index.php/component/content/article?id=1784:plantilla-cambio-climatico-46#documentos-relacionados, accessed 27 April 2020.

MADS also organised two discussion workshops with representatives of CSOs supported by the World Wildlife Fund (WWF) and the Fundación Natura (16th June and 5th August 2015).

Regarding adaptation to climate change, Colombia had been developing the PNACC and adaptation plans for different sectors and territories since 2011. The adaptation chapter of the INDC was developed based on these plans. Measures from these plans were identified for integration into the INDC. Workshops with adaptation experts, CSOs, research institutes, representatives of unions and ministries, and the DNP were organised for this purpose. MADS formulated ten specific measures based on the outputs generated in these workshops that were included in the INDC. These were published on the MADS website and were opened for comments.

Finally, multiple workshops, roundtable discussions and work sessions were held with stakeholders from different sectors starting from March 2015, with the purpose of consulting sector experts, both from the government and from unions. Likewise, regional workshops (Barranquilla, Medellín, Pereira, Neiva and Cali) were convened in regions with the support of the Regional Climate Change Hubs (NRCC). In the final stage, the GHG mitigation measures and adaptation measures were merged with measures of implementation to form Colombia's INDC. As Colombia's NDC was strongly built on the basis of its INDC, no additional participation process for the NDC in particular was implemented.

In summary, around 50 consultation opportunities were held during the formulation of the Colombian INDC between March and September 2015 for discussion with different stakeholders on both policy and technical inputs and defining goals. The Colombian INDC explicitly integrated a section on the "Nationally Determined Contribution Planning Process", which recognises the importance of informing citizens about climate change management to ensure that their concerns are reflected in the policies.

However, it is important to mention that all of these discussion forums were strongly dominated by experts and sectoral interest groups. Environmental NGOs and CSOs were underrepresented, excluding some technical inputs from experts from WWF and the Fundación Natura. Normal citizens and grassroots groups from the regions were hardly involved at all, excluding the opportunity to submit comments online. However, many CSOs were not aware of this opportunity as it was not actively promoted by the government. Furthermore, according to a representative of the NGO The Nature Conservancy, the real involvement of NGOs and CSOs began quite late in the process when inputs from other sectors were already integrated into the draft document. Instead of including the inputs of NGOs and CSOs as equal to those from other sectors from the very beginning, MADS organised a workshop where only prominent national NGOs and CSOs were invited. There, the draft INDC was presented and the NGOs and CSOs only had the opportunity to ask questions and to give some comments. According to The Nature Conservancy, the INDC was very advanced at the time of this workshop. "In fact, the document that was presented was almost, or very similar, to the one that was finally published."¹¹

All of the discussion forums were strongly dominated by experts and sectoral interest groups. Environmental NGOs and CSOs were underrepresented.

The real involvement of NGOs and CSOs began quite late in the process when inputs from other sectors were already integrated into the draft document.

¹¹ Interview with a representative of The Nature Conservancy, 30 September 2019.

2.4 Barriers and challenges

The faltering peace process, its related political instability and the problematic security situation of Colombian citizens are the most significant threats to civil society participation in the country. Colombia is the second most dangerous country in the world for environmental defenders (Global Witness, 2017). Besides putting individuals' lives in severe danger, this situation of course also represents a major barrier to the participation of civil society in political processes. People who participate in environmental decision-making processes may be threatened or harassed for promoting their demands and causes. Especially those at the local level who speak up for environmental justice and protest against environmental degradation caused by agribusiness, mining, dams, oil extraction and infrastructure projects are facing severe threats, ranging from verbal and violent attacks to murder. Hence, many people who actively participate and are critical in environmental decision-making processes put themselves and their families at risk of being targeted in violent attacks.

In addition to this, Colombian legislation contains many participatory mechanisms that aim for citizens to be involved in political decision-making in the country. On paper, these legally required participatory instruments seem to be ambitious. However, a closer look at the implementation of these instruments reveals a stark contrast between the highly developed legislative and judicial framework and reality, where people's rights to participate are disregarded.¹² The practice of non-compliance is not only the case when it comes to laws and regulations, but also official agreements with representatives of civil society are often not implemented in practice by public authorities. In some cases, the legislator or jurisdiction has strongly restricted participatory rights.

Even though Colombian legislation requires public participation in many cases, there are no universal mandatory regulations on how the participation should be implemented. Because of this, the authorities that are responsible for the design and adoption of public policies on climate change have often used formats that are not in line with best practice in public participation. Within the framework of this investigation, interviews on the participation processes of several climate change plans and policies were conducted with representatives from different ministries. From this, it can be concluded that open citizen participation processes have not always been implemented as part of the development and implementation of public climate change plans and policies. Although there were some opportunities to participate in most cases, the processes used were neither structured nor transparent, denying CSOs the opportunity to have a real influence on the final decisions.

Furthermore, public participation happened at very different stages, often when the process was already quite advanced and basic decisions had already been taken. This gave civil society limited opportunity to have real influence on the decisions.¹³

Especially at the regional level, the responsible authorities do not always have the capacity to make reasonable decisions on complex topics such as climate change. This lack of capacity also impedes the meaningful participation

¹² Focus group workshop Colombia, 13 February 2019.

¹³ Based on research of the Facultad de Jurisprudencia Universidad del Rosario Bogotá, Colombia, November 2019.

of civil society because reasonable statements from citizens and CSOs cannot be professionally evaluated and integrated into the final decisions.¹⁴ Also smaller CSOs still have a lack of knowledge about participation rights and mechanisms, coupled with a lack of capacity to use them. Additionally, many CSOs do not have trust in the participation processes and they do not believe that their inputs will be taken into consideration in the final decisions. Therefore, although to a certain extent civil society participation processes in environmental and climate matters are implemented in Colombia and there are legal and administrative mechanisms for every Colombian citizen to intervene in political decision-making, the rates of involvement of the various social actors are still very low.¹⁵

In the rare cases where authorities that are responsible for the design of climate change policies do directly invite CSOs to participate at an early stage of the development, this is usually to develop instruments with a high technical and scientific content. Environmental authorities therefore often only invite CSOs that have a sufficient technical and professional capacity to deliver technical knowledge that is necessary for the development of the specific instrument. This shows that the state and CSOs often have a very different understanding of the purpose of participation. While the state sees CSOs mostly as a source of information, knowledge and data, CSOs mainly want to participate to express their views and demands, and to have real influence on the decisions that are to be made.

Therefore, it can be observed that by and large the same CSOs participated in the participation procedures in all processes regarding the development of climate-related policies and plans that were developed in Colombia in recent years. These are mostly large, prestigious and consolidated NGOs that operate nationwide and have their headquarters in Bogotá, such as WWF, The Nature Conservancy and the Fundación Natura. These NGOs have historically been involved in the design and creation of policy instruments on environmental and climate issues. In most of the processes, there were hardly any smaller, grassroots organisations that tend to be weaker in the field of advocacy and with less technical expertise, but more presence in remote regions of the country. This means that most of the processes were conducted without a real representation and reflection of Colombia's civil society.¹⁶

2.5 Recommendations on how to strengthen civil society's participation in climate policies and improve upcoming NDC revisions

In the context of the participation of civil society in political decision-making, it cannot be stressed enough how important it is to ensure people's safety from repression and physical threats for all citizens in the country as a top priority. This most definitely includes those who want to participate in decision-making processes and to express their opinions and demands, such as environmental and human rights defenders. Therefore, the peace negotiations, the fight against the violation of human rights, and the strengthening of the rule of law have to be pushed forward steadily by both national and international actors. Colombia's recent signature

¹⁴ Focus group workshop Colombia, 13 February 2019.

¹⁵ Based on research of the Facultad de Jurisprudencia Universidad del Rosario Bogotá, Colombia, November 2019.

¹⁶ Based on research of the Facultad de Jurisprudencia Universidad del Rosario Bogotá, Colombia, November 2019.

of the Escazú Agreement is already an important first step in strengthening the security of its citizens and environmental participation rights. The country should ratify the agreement quickly and ensure its full and comprehensive incorporation into national law. All existing legislation and procedures on environmental participation have to be revised and mainstreamed with the obligations of the agreement. A full implementation of the agreement's requirements contributes sustainably and comprehensively to a fundamental improvement in Colombia's civil society.

The following calls for action were identified regarding civil society participation in climate policy development:

Define clear legal procedures for public participation and make them mandatory

Although there are several participatory mechanisms in Colombia and the implementation of participation is required by many laws and decision-making processes, the procedural details of these processes are not regulated or standardised. Therefore, a national regulation on the implementation of mechanisms and opportunities for environmental participation is required that legally defines the public participation procedures in environmental and climate policies, plans and programmes. This should include clear legal guidelines on which stages of the decision-making process have to include participation to be implemented by the state.

Budget strengthening and capacity building

Especially at the level of the departments, the budgets for the implementation of participation procedures are low and the budget from MADS has been also reduced year by year. It is therefore necessary to increase the budgets of regional environmental authorities and MADS to guarantee the implementation of civil society participation, in particular to enable them to finance the development of qualitative participatory bodies and mechanisms in the regions. Furthermore, both administrative staff and representatives in Colombia are often not aware of legal participation instruments. It is therefore essential to promote opportunities for capacity building and strengthening of knowledge on formal participation mechanisms with both public officials and civil society actors.

Easy access to information and open participatory processes

It is essential for the public to get access to all relevant information that is needed to fully understand the decision-making process to achieve effective participation. The information available is often highly technical and hard for non-experts to understand. It is vital to provide free information in easy, citizen-friendly language, processed in formats that are easy to access to enable citizens and CSOs to participate effectively. It is furthermore important to open the participation to a real representation of Colombia's civil society. This can be done by actively inviting a broad range of CSOs to participate and by distributing information about the processes via many different channels. The state should especially promote the participation of vulnerable communities and representatives of ethnic groups.

Documentation of participatory processes to make them more transparent

All relevant steps of the participation processes should be documented to increase the transparency and traceability of decision-making processes for climate policies. This contributes to continuity in their implementation when the government changes. It enables a long-term record to be kept of all steps, allowing the evaluation of the processes and the assessment of the real influence of participation in the final texts of the policies.

2.6 Summary and conclusions

The most obvious and severe barrier for the participation of civil society in Colombia is the alarmingly weak security situation for Colombia's citizens due to decades of civil war and internal violent conflicts, as well as persecution, stigmatisation, violent attacks and murders of community leaders and defenders of environmental and human rights. Despite these constant and fundamental threats, it is remarkable how strongly and courageously Colombian civil society leaders, organisations and networks are still continuously fighting for their rights and driving social and environmental change in their country.

The legislative shortcomings are not obvious at first glance. Colombian legislation as a whole includes many participatory mechanisms and opportunities. Most of the existing climate policy strategies and plans include procedures for the participation of stakeholders and civil society to a certain extent. However, the mechanisms and procedures are missing detail and standards for their implementation, which impedes the effective participation of civil society in most of the political and administrative decision-making processes. In most cases, the information provided is highly technical and not adapted to the needs of various target groups. Furthermore, the authorities don't distribute this information actively. Limited knowledge and weak capacity for exercising participatory mechanisms that are legally required are further barriers for citizens and CSOs to effectively participate. This, and the fact that only a limited number of civil society actors are actively invited to participate, leads to the situation that civil society participation in Colombia is not very inclusive. Based on the standardised evaluation scheme that was developed in the framework of the detailed study, the general conditions for participation, specific opportunities and practice in Georgia were assessed as shown in Figure 3. As of 2019, most of the currently required instruments and policies regarding climate change in Colombia, including the NDC, have already been designed. The main role of the participation of civil society will be in monitoring their implementation in the coming years. This can be seen as an opportunity to critically revise and monitor past participation processes, while keeping the following key recommendations in mind:

National climate policy planning in Colombia

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



1 Ensure security and observance of human rights for all citizens:

Citizens who want to participate in environmental decision-making need to be protected from physical and psychological threats and a disregard of their human rights. Reinforce the implementation of existing laws for the protection of citizens, ensure fast and independent investigation of all human rights violations, prosecute alleged perpetrators, and create effective remedies and penalties for human rights violations.



2 Ratify and fully incorporate the Escazú Agreement into national law:

Colombia should ratify the Escazú Agreement quickly to ensure that it becomes legally binding for all state parties. Ensure the agreement's full and comprehensive incorporation into national law, including the revision of all existing legislation and procedures on environmental participation to ensure they are in alignment with the obligations of the agreement.



3 Define clear legal procedures for public participation and make them mandatory:

Create clear legal guidelines on the implementation of participation mechanisms that define which stages of the decision-making process state institutions are obliged to implement participation processes, including a clear definition of all procedural steps and the indication of a clear timeline for their realisation.



4 Include a broader range of civil society actors and increase transparency and traceability of decision-making processes:

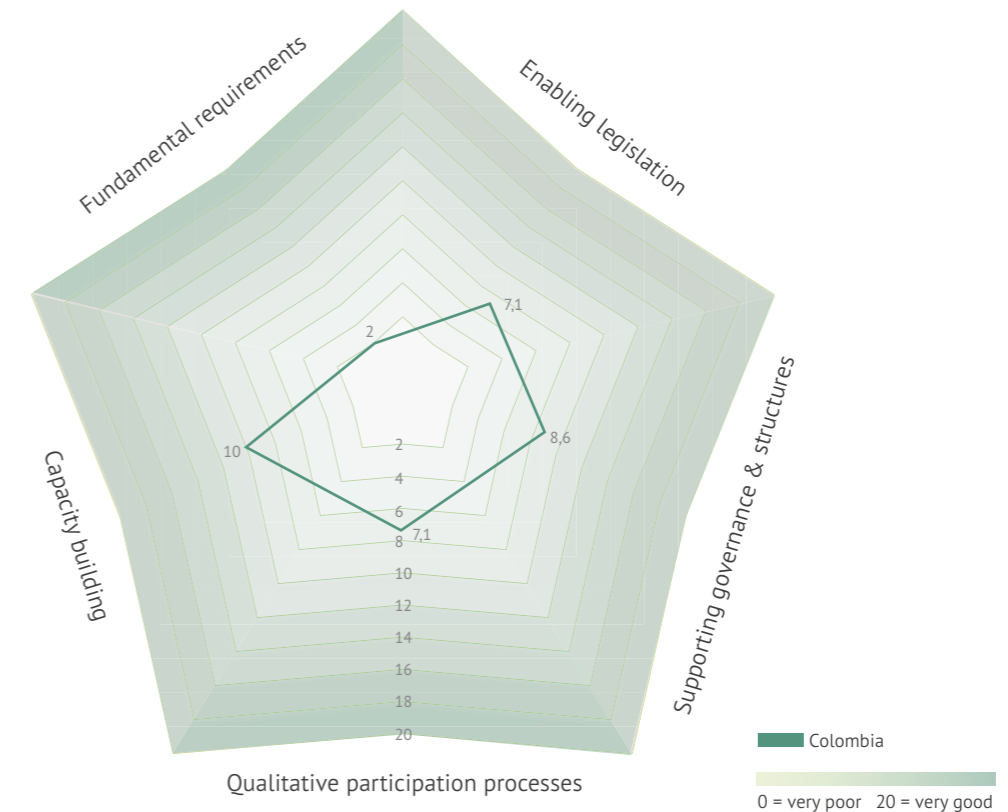
Open participation processes to a broader range of civil society actors to enable a real representation of Colombia's civil society. Actively invite a broad range of CSOs and distribute information about the processes via many different channels adapted to specific target groups. In particular, promote and actively support the participation of vulnerable communities and representatives of ethnic groups. Document all relevant steps of the participation processes and make the documentation publicly accessible to allow higher transparency in decision-making.



5 Increase capacity building for formal and informal participation mechanisms:

Promote opportunities for capacity building of public officials and civil society actors and increase their knowledge on formal participation mechanisms.

Figure 3: Assessment of the environment and opportunities to participate in climate policies in Colombia (scaled to a maximum of 20)



3 Georgia

3.1 National climate policy

Georgia ratified the **UNFCCC** in 1994. After the ratification of the **Kyoto Protocol** in 1999, the country acceded to the **Copenhagen Accord** in 2010. Georgia submitted its **Intended Nationally Determined Contribution (INDC)** to the UNFCCC in 2015. Accordingly, Georgia plans to reduce its 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.²⁰ So far, increasing commitments towards climate change mitigation can be noted, but there is still much room for improvement (Lui, 2018). In May 2017, Georgia ratified the **Paris Agreement** and thus took responsibility to develop a more ambitious **NDC** by 2020. To fulfil 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). The Ministry of Environmental Protection and Agriculture (MEPA) is responsible for the coordination of climate-relevant processes and the implementation of measures laid out in the UNFCCC and the Paris Agreement, such as the enhancement of the NDC, the preparation of a Climate Action Plan as well as the **National Communications (NC)** and **Biennial Update Reports (BUR)** for the UNFCCC. Therefore, the **Environment and Climate Change Department (ECCD)** and the **Climate Change Division (CCD)** were formed under the MEPA. In January 2020, the government of Georgia additionally created the **Climate Change Council (CCC)** that aims to coordinate the effective implementation of Georgia's climate change policy and climate-related international commitments across different ministries.²¹ Another important document regarding national mitigation actions is the **Low Emission Development Strategy (LEDS)**. The draft of the LEDS was accepted by Georgia's inter-ministerial LEDS Coordination Committee²², however it was not officially adopted by the government (Lui, 2018). 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 NEEAP and NREAP, 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 will cover the period 2021 to 2030, demonstrating the pathway to achieve the agreed 2030 targets and including a projection until 2050. The process to develop a **Long-Term Strategy (LTS)**, including climate change mitigation targets until 2050, started in 2019 (Day et al., 2019).

Georgia submitted its INDC in 2015, the development of the second NDC started in 2018.

To reach the country's climate targets defined in the NDC, Georgia is currently developing a Climate Action Plan for 2021-2030.

Georgia

CO₂ emission estimates¹⁸
(million tons/ tons per capita):
11.6/ 2.9565

Surface area: **69,700 km²**
(including Apkhazeti (Abkhazia) and
Tskhinvali Region ("South Ossetia"))

 CIVICUS Monitor rating¹⁹:
Narrowed



Population¹⁷: **3,729,633**

Population density:
53.51 inhabitants per km²



Assessment of the environment and opportunities to
participate in climate policies in Georgia, based on
the full study: **43.6/100 points**

¹⁷ United Nations data, based on the results of the 2014 Population Census, <https://unstats.un.org>, accessed 21 November 2019.
¹⁸ <https://edgar.jrc.ec.europa.eu/overview.php?v=booklet2018&dst=CO2emi>, accessed 26 March 2020.
¹⁹ 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.

²⁰ www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Georgia%20First/INDC_of_Georgia.pdf, accessed 20 January 2020
²¹ <https://matsne.gov.ge/ka/document/view/4780380?publication=0>, accessed 12 June 2020.
²² <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.

3.2 Climate-engaged civil society and its right to participate

Civil society in Georgia, including registered 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). 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 Partnership (OGP)²³ in 2011 to bring together government reformers and civil society leaders to create action plans to make the government more inclusive, responsive and accountable (Bertelsmann Stiftung, 2018). 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 (Freedom House, 2018). Still, a deeply rooted participatory civic culture is missing in Georgia (Freedom House, 2018). The climate-engaged civil society in Georgia is still a relatively new movement with limited financial and human resources. According to the portal www.csogeorgia.org, only 147 of 1066 Georgian CSOs work on ecological topics.²⁴ 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), the Energy Efficiency Centre (EEC), the Caucasus Environmental NGO Network (CENN), the Regional Environmental Centre for the Caucasus (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. They have contributed to national mitigation instruments such as the Nationally Appropriate Mitigation Actions (NAMAs), commented on climate-relevant draft laws and participated in the NDC revision process.

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.²⁵ The CIVICUS Monitor that tracks the state of civil society freedoms worldwide, rates the civic space in Georgia with the category "narrowed".²⁶ 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, for example with reports of occasional assaults and the use of teargas 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.²⁷

²³ www.opengovpartnership.org/countries/georgia, accessed 10 April 2019.

²⁴ <https://csogeorgia.org/ge/organizations?searchQuery=&showCategory=7>, accessed 11 February 2020.

²⁵ www.transparency.org/news/pressrelease/georgia_political_crisis_dialogue_with_civil_society, accessed 20 March 2020.

²⁶ <https://monitor.civicus.org/country/georgia>, accessed 20 March 2020.

²⁷ <https://monitor.civicus.org/Ratings>, accessed 10 April 2019.

CSOs and NGOs working on climate issues represent a small minority in Georgia and are not organised in bigger networks.

CIVICUS Monitor that tracks the state of civil society freedoms worldwide, rates the civic space in Georgia with the category "narrowed".

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 and the environment for CSOs is still not fully conducive to inclusive participation in policy dialogue.

Participation in environmental governance and the overall national policy-formulating process is influenced by several international treaties ratified by Georgia, the planned accession to the European Union and the national legal framework. For example, Georgia is obliged to transpose **Directive 2003/35/EC of the European Parliament and the Council** into national legislation (Margvelashvili et al., 2017). This directive provides for public participation in respect to the drawing up of certain plans and programmes related to the environment. Furthermore, the **Aarhus Convention** came into force in Georgia on 30th October 2001. Since then, the requirements of the convention have a legal force prevailing over national law (excluding the Constitution of Georgia) and strongly influence public participation in environmental decision-making in Georgia.

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. From the primary legislation, the **Law of Georgia on Environmental Protection (1996) and on Ambient Air Protection (1999)**, the **General Administrative Code (1999)**, the **Environmental Assessment Code (2017)** and the **Spatial Planning, Architectural and Construction Activities Code (2018)** formulate requirements for public participation in environmental and climate-related decision-making.

When it comes to secondary legislation, the **Rules for Proactive Disclosure of Public Information (Public Records)**, the **Standard for Claiming Public Information Electronically**, the **Rules for Access to Environmental Information (2017)**, the **Procedures (Rules) for Public Hearing (2018)**, the **Statute of the Environmental Information and Education Centre (EIEC) of the Ministry of Environmental Protection and Agriculture of Georgia (2018)**, the **Rules for the Development of Spatial and Urban Plans (2019)** and the **Rules of Procedure for the Development, Monitoring and Evaluation of Policy Documents (2020)** have a direct linkage to public participation in environmental and climate-related decision-making. The latest specifications and requirements for public participation can be found in the **Policy Planning, Monitoring and Evaluation Handbook (2019)** that includes the **Rules of Procedure for the Development, Monitoring and Evaluation of Policy Documents**.

3.3 NDC development and update process

In the context of our detailed study, different climate-relevant political processes in which civil society actors in Georgia have recently been involved were identified at national level. In this summary, we focus on the current revision of the NDC.

Georgia submitted its INDC in 2015, the development of the second NDC (update of the INDC) started in 2018. In this context, 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

To initiate the NDC update and the development of the CAP, a climate change conference was organised, followed by the foundation of 7 sectoral working groups.

goals into national development strategies. In order to define the legal instruments, activities and methods to reach the country's climate targets defined in the NDC, Georgia is currently developing a CAP for 2021-2030. The NewClimate Institute (NCI) acts as an implementing partner for technical support on NDC processes and development of the CAP.²⁸ The Collective Leadership Institute (CLI) was involved with regard to stakeholder engagement.²⁹ However, the focus was rather on inter-ministerial cooperation than on CSO involvement.³⁰ To initiate the NDC update, a climate change conference was organised by MEPA and GIZ in September 2018³¹. Due to an open dialogue format, about ninety stakeholders from different sectors were involved in this process.³² 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.³³ Most of the working groups met in 2019 to elaborate concrete measures to reduce national emissions and fulfil the NDCs.³⁴ 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 on agriculture will also be supported by the NCI. The CAP is to be adopted by the government at the end of 2020 (NDC Partnership, 2019).

CSOs tried to influence the update of the NDC and the development of the CAP by participating in the workshops, but also criticised the process for not being ambitious enough. Therefore, in 2019, GMG initiated a process to elaborate a 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 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 2019.³⁵

In addition to the CAP working group meetings, MEPA organised a workshop with NGOs in July 2019 to discuss the integration of gender issues into climate change policies. 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.³⁶ According to the NGO Women in Europe for a Common Future (WECF), MEPA is quite open concerning gender issues and demonstrates the will to organise consultations with NGOs working on that topic.³⁷

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

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

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

31 <https://mepa.gov.ge/En/News/Details/256>, accessed 06 October 2020.

32 Focus group workshop, Georgia, 27 February 2019.

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

34 Communication via E-Mail with MEPA, 12 April 2019.

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

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

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

3.4 Barriers and challenges

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 still impede equal and effective political participation in Georgia. This chapter summarises the barriers that were identified as being fundamental, legal, structural, institutional and process-related.

The stakeholders that were interviewed outlined that the political will to consider climate change as an urgent topic and to involve civil society meaningfully in the corresponding decision-making is missing and as such is a fundamental barrier³⁸. Further problems identified included the stagnation of anti-corruption reforms³⁹ and the risk of democratic backsliding⁴⁰, a lack of trust of citizens in decision makers, a weak lobby for and education on climate issues as well as the fact that the media is mostly focused on scandals rather than supporting civil engagement and showing how to shape the future in a positive way.

The analysis of the legal framework revealed that 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.

Existing power structures, strong hierarchies⁴¹, MEPA's lack of decision-making power and political influence compared to other ministries⁴², and the weak vertical and horizontal coordination and collaboration between the political levels and ministries⁴³ are major challenges that have an adverse impact on participation processes.

Limited financial and time resources are often a major barrier that prevents Georgian CSOs from regularly participating in the development of climate policy.⁴⁴ Furthermore, cooperation and networking between environmental NGOs is weak in Georgia. Another barrier is the reluctance 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.⁴⁵

With regard to existing participation processes such as the NDC update, 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 prevents the participation of certain CSOs.⁴⁶ In addition, an appropriate variety of

38 Focus group workshop, Georgia, 27 February 2019.

39 <https://transparency.ge/en/post/results-2019-corruption-perceptions-index-point-stagnation-anti-corruption-reforms-georgia>, accessed, 10 November 2020.

40 www.transparency.org/news/feature/weak_checks_and_balances_threaten_anti_corruption_efforts_across_eastern_eu, accessed 16 September 2019.

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

42 Interview with CENN, Tbilisi, 28 February 2019.

43 Focus group workshop, Georgia, 27 February 2019, Interviews with WECF, via phone, 23 June and 06 August 2019.

44 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.

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

46 Focus group workshop, Georgia, 27 February 2019, Interview with CENN, Tbilisi, 28 February 2019.

participation instruments and methods adapted to different conditions and topics is lacking.⁴⁷ Missing or insufficient information before and during participatory events is a further major barrier for the effective participation of civil society. Moreover, 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 some stakeholders.⁴⁸ Another problem is that deadlines for the submission of comments and recommendations are often too short for CSOs to participate meaningfully.⁴⁹ Finally, ideas and comments of the public and CSOs are rarely taken into account and transparency about the decision-making process is missing.⁵⁰

3.5 Recommendations on how to strengthen civil society's participation in climate policies and improve upcoming NDC revisions

The political involvement of NGOs should be strengthened at various levels to address the diverse challenges they face. A fundamental requirement for effective stakeholder participation is the strong political will to prioritise the involvement of civil society in climate protection as a key objective in the political programme. The government of Georgia should consider participation and the contributions of civil society as an asset, not as a barrier in the political process. It could benefit from the involvement of civil society and exploit the opportunities arising from it: the state can use CSOs' knowledge about local circumstances, concerns and regional climate vulnerabilities as well as mitigation and adaptation solutions to satisfy international obligations such as the revision of the NDC with the support of civil society in a more dynamic and effective way.

Existing legislation should be amended to ensure the effective implementation of Articles 7 and 8 of the Aarhus Convention (these articles refer to public participation with respect to plans, programmes and policies, and the preparation of executive regulations and generally applicable legally binding rules). Detailed and binding standards for formal and informal climate-related participation procedures should be set 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. Regarding structural opportunities for improvement, leading institutions such as MEPA should foster coordination and cooperation with other ministries, public authorities and political levels to design effective and efficient participation processes. Furthermore, structures such as 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. Human and financial resources are also important requirements for the work of permanent governance structures dedicated to participatory climate policy making and for Georgian CSOs.

⁴⁷ Interview with CENN, Tbilisi, 28 February 2019.

⁴⁸ Focus group workshop, Georgia, 27 February 2019, Interviews with WECF, via phone, 23 June and 06 August 2019.

⁴⁹ Based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.

⁵⁰ Focus group workshop, Georgia, 27 February 2019, and based on research of RECC Caucasus, commissioned in the framework of this study, Georgia, November 2019.

With regard to concrete participation processes, such as the NDC update or the development of the CAP, numerous potentials for improvement were identified:

Ensure broad and early invitation

As climate policy planning is related to many different sectors and topics, it is crucial to 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 of 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 organisations that are in close contact with the general public or certain population groups (e.g. the youth). Exchange and collaboration with the Covenant of Mayors (CoM) is useful to reach the local level. Stakeholders must be invited early to make sure 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 roundtable discussions, dialogue fora, regional gatherings, citizen panels, plenums, climate debates and online consultations enable fair and equal participation and strengthen deliberative democracy.

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 the 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 and international documents translated into the Georgian language. Discussions, results and evaluations of specific events such as the climate change conference and working groups should be documented and published, in Georgian as well as in English to guarantee easy accessibility. The aim, extent and time schedule of every participation process should be clearly explained from the beginning in a stakeholder involvement plan which should be accessible to everyone. Especially in times of Covid-19, the government should extend the possibilities for e-participation by including feedback tools and online consultation.⁵¹

⁵¹ An interactive website and other communication tools were already demanded by (Margvelashvili et al., 2017) 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 not taken into account.

Evaluate and enable learning processes

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

3.6 Summary and conclusions

Georgia has a fairly active civil society in the environmental sector including grassroots groups and ones with international links and funding. In recent years, there has been a slight increase in the number of young volunteers and grassroots organisations. Yet, CSOs and NGOs working explicitly on climate issues represent a small minority in Georgia and are not organised in bigger networks. Their involvement, however, is crucial to develop national climate targets and measures to comply with the Paris Agreement. Civil society actors already benefit from some participation rights and specific opportunities to be involved. However, the framework and provision do not yet fully meet the requirements of the Aarhus Convention, which sets out the three fundamental pillars of public participation and entered into force in Georgia in 2001. Based on the standardised evaluation scheme that was developed in the framework of the detailed study, the general conditions for participation, specific opportunities and practice in Georgia were assessed as shown in Figure 4. The new parliament, which will be elected in October 2020, should prioritise the full implementation of the Aarhus Convention and strengthen CSOs' participation rights and opportunities in climate issues. By granting more rights to CSOs and the public, political representatives could strengthen democratic governance, a fundamental prerequisite for EU accession. Moreover, the involvement of civil society is crucial to develop ambitious climate targets and measures that comply with the Paris Agreement. The perspectives and competences of civil society should be included when the next revised NDCs have to be submitted by 2025.

The following five key measures summarise how meaningful, effective and long-term civil society's participation can be ensured :

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 EIEC, increase its capacity and responsibility to design periodic, long-term participation processes and open new overarching structures such as the CCC to civil society.



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

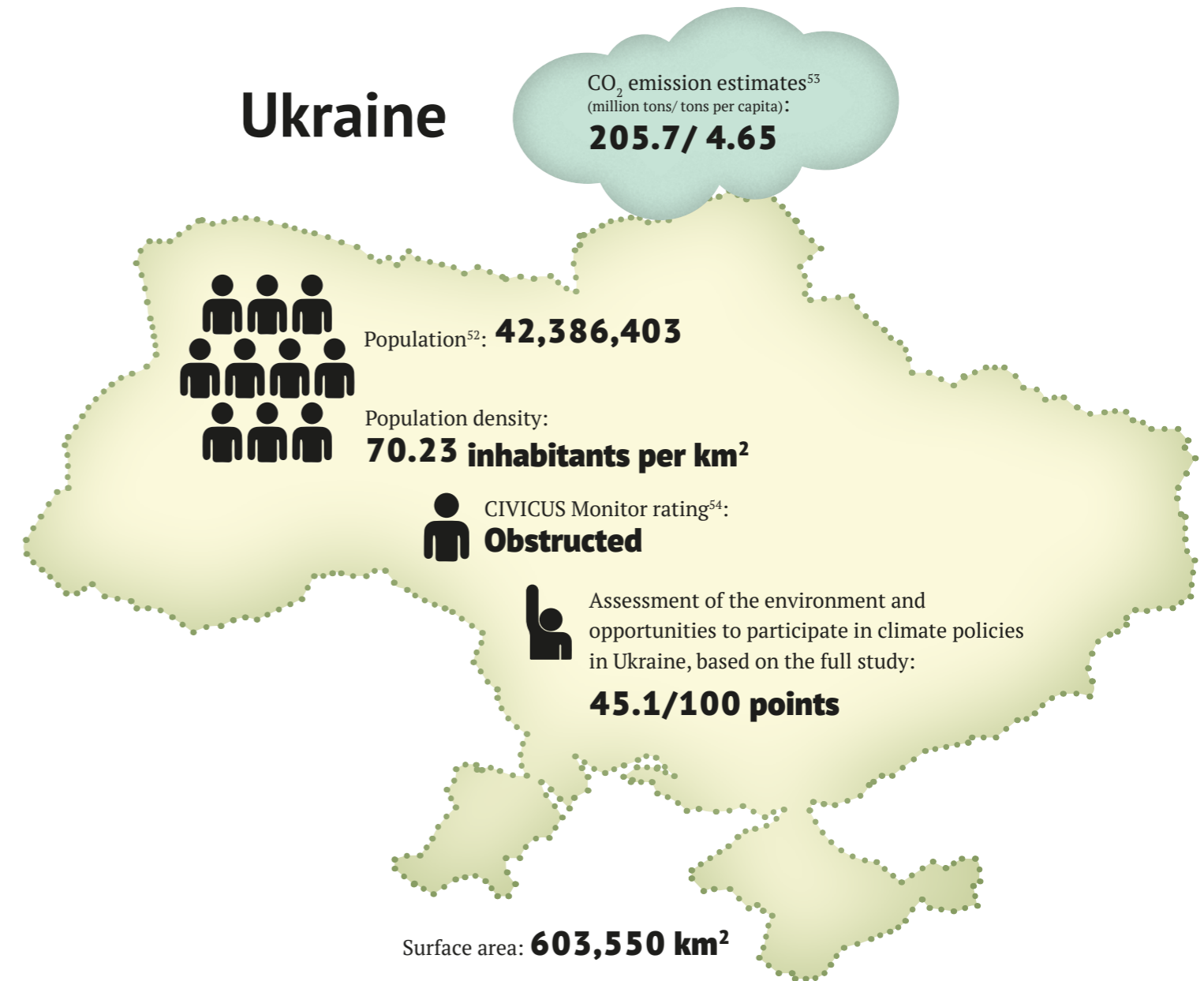
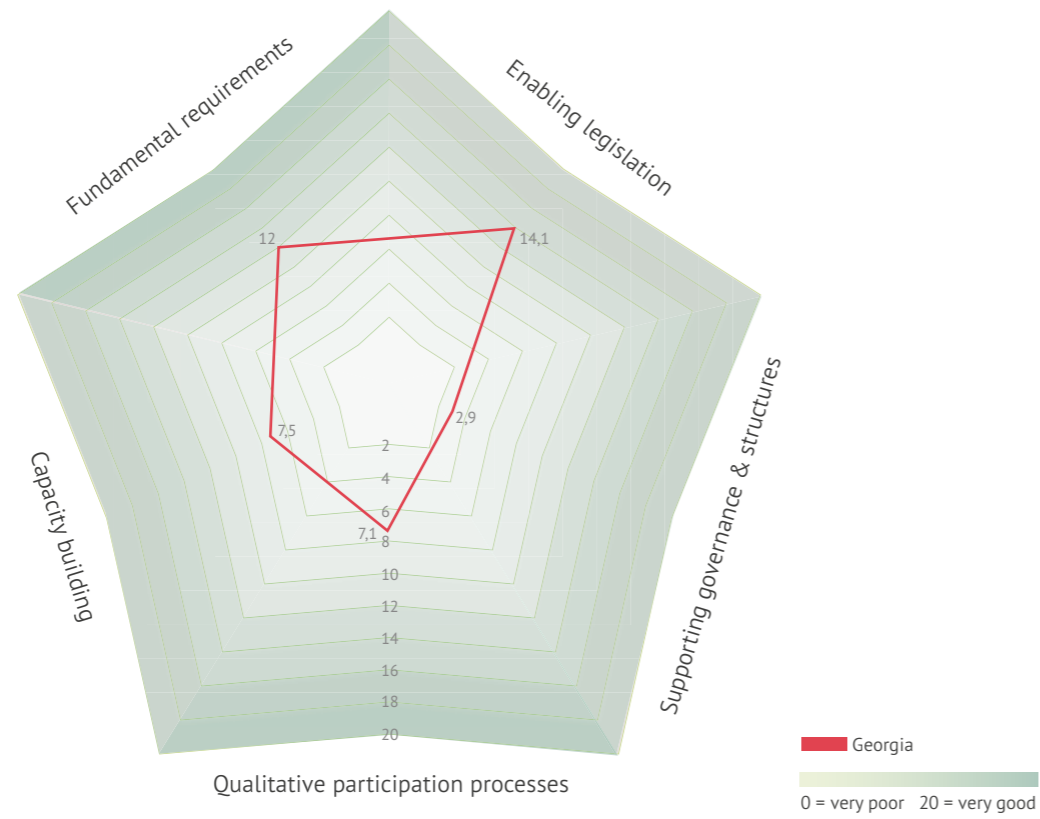
These should include important elements and steps such as stakeholder mapping (including the regions and local level), the elaboration of an engagement plan and timeline, appropriate, interactive formats, transparency, accessible information, clear communication, the provision of adequate resources and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

Figure 4: Assessment of the environment and opportunities to participate in climate policies in Georgia (scaled to a maximum of 20 points)



⁵² United Nations data, based on the results of the 2014 Population Census, <https://unstats.un.org>, accessed 21 November 2019.
⁵³ <https://edgar.jrc.ec.europa.eu/overview.php?v=booklet2018&dst=CO2emi>, accessed 26 March 2020.
⁵⁴ 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.

4 Ukraine

4.1 National climate policy

Ukraine ratified the UNFCCC in 2004 and the **Paris Agreement** in 2016. As an Annex I Party to the UNFCCC, Ukraine has to submit **National Communications (NCs)** that regularly provide information on the state of implementation of climate protection measures. The latest Sixth NC was submitted in 2013. In the same year, Ukraine handed in its first **Biennial Update Report (BUR)**, which included updates of the national greenhouse gas inventories, information on actions taken for climate change mitigation and adaptation, their effects in the national context, and an outline of needs and international support received. The **first NDC** of Ukraine was submitted in 2015, the development of the **second NDC** started in 2019. The first NDC included the commitment to reduce greenhouse gas emissions to 60% of the 1990 levels by 2030, a decrease of 40% in comparison to its emissions in 1990.⁵⁵ In 1990, however, Ukraine was one of the world's highest-emitting countries.⁵⁶ Structural change starting in the 1990s, the financial crisis in 2009, and the war in Donbass have caused a significant decrease in greenhouse gas emissions in recent years. In 2017, Ukraine emitted 66% less than in 1990 (Ministry of Ecology and Natural Resources of Ukraine, 2019). Experts underline that these current reductions in per capita GHG emissions have occurred obviously due to disruption and conflicts rather than being a result of ambitious climate policy.⁵⁷ Several Ukrainian NGOs criticise the low ambition of the first NDC and fear that the intended decrease of emissions by 40% in comparison to 1990 could even lead to a future increase of emissions (Kovac et al., 2019). The Climate Action Tracker ranks the commitments of Ukraine as "critically insufficient" as they "are not at all consistent with keeping global warming to below 2°C let alone with the Paris Agreement's stronger 1.5 °C limit."⁵⁸ Existing climate-related sectoral policies and strategies, such as the **2050 Low Emission Development Strategy (LEDS)** that was published in 2018, are more ambitious and could even lead to an overachievement of the NDC. The most important Ukrainian climate policy instruments are those related to energy, e.g. the **Energy Strategy for 2035**, because the energy sector is responsible for 84% of Ukraine's greenhouse gas emissions. However, the expansion of renewable energy is still slow. The climate-driven civil society also criticises that sector-specific climate-relevant strategies were neither aligned to one another nor to the NDC (Kovac et al., 2019).

4.2 Climate-engaged civil society and its right to participate

In Ukraine, the Revolution on Granite in 1990, the Orange Revolution in 2004, and the Euromaidan, also called the Revolution of Dignity, in 2013-2014 have

⁵⁵ www4.unfccc.int/sites/NDCStaging/pages/Party.aspx?party=UKR, accessed 19 December 2019.

⁵⁶ Ibid.

⁵⁷ www.climate-change-performance-index.org/country/ukraine, accessed 19 December 2019.

⁵⁸ <https://climateactiontracker.org/countries/ukraine>, accessed 19 December 2019.

strongly influenced the civic space and environment for CSOs.⁵⁹ Civil society and CSOs have increased their presence in public discourses and policy making and have become a strong driving force behind ongoing reforms. They have improved their advocacy activities and joined forces in networks and coalitions. Compared to other former Soviet countries, Ukraine has the richest civil society in terms of number, variety, levels and range of activities (Ghosh, 2014).

In Ukraine, CSOs are mainly focused on promoting democratisation and human rights, but environmental and climate topics have become more and more important in recent years, especially after the ratification of the Paris Agreement in 2016.⁶⁰ NGOs and think tanks such as Ecoaction, Ecoclub Rivne, OPORA, Greencubator and DiXi Group work directly on climate issues and campaign for more ambitious climate and energy policies (Yeremenko et al., 2019). In 2000, 17 NGOs founded the Ukrainian Climate Network (UCN) to join forces and influence national policy making. Today, 30 CSOs cooperate in this network from the local to the international level. The government respects the members of the network as competent stakeholders and gives them the opportunity to comment on draft laws, strategies and plans related to climate and environmental issues (Kovac et al., 2019). In addition to the UCN, the 100% Renewable Energy Coalition was founded by various NGOs at the end of 2018. During 2019, the members of the coalition organised several meetings to establish their working procedures and to develop a new platform that they support with their expertise.⁶¹

In Ukraine, the environment for CSOs and the nature of cooperation between civil society and the state is strongly influenced by the potential EU accession. Signed regulations strongly demand the involvement of civil society actors and foster structures and platforms that enable participation.⁶² 87 Ukrainian NGOs are members of the Eastern Partnership Civil Society Forum, founded in 2008 with the aim of promoting the cooperation between civil society organisations themselves and with the EU. Another effective mechanism that opens doors for NGOs to influence climate policy at the local level is the EU-funded Covenant of Mayors (CoM) East. It supports local authorities in implementing sustainable energy policies and therefore brings together a wide range of actors.

The legal framework for formal public participation (including citizens and CSOs) in environmental decision-making in Ukraine is quite complex. On the one hand, it has the respective provisions of the Aarhus Convention that entered into force in Ukraine in 2001. On the other hand, provisions of sectoral (environmental) legislation of various levels and general legal acts regulate the civic involvement in political decision-making. The **Law of Ukraine on the Protection of the Environment (1991)**⁶³ (as amended in 2002-2006) and the **Law on Principles of Regulatory Policy in Economic Activity**⁶⁴ (2004) require public participation in the development of policy and planning documents (strategies, plans and programmes) relating to the environment and normative acts (laws, decrees of the government and separate ministries etc.) regulating economic activities. Yet, it has to be noted

In Ukraine, CSOs mainly focus on democratisation and human rights, but also environmental and climate topics have become more and more important in recent years. In 2000, NGOs founded the Ukrainian Climate Network to join forces and influence national policy making.

In addition to the Ukrainian Climate Network, the 100% Renewable Energy Coalition was founded by various NGOs at the end of 2018.

⁵⁹ For more information see for instance the Special Issue "Civil Society in Post-Euromaidan Ukraine, <http://kmlpj.ukma.edu.ua/issue/view/7148/showToc>, accessed 07 May 2019.

⁶⁰ Focus group workshop, Ukraine, 05 March 2019.

⁶¹ <https://energytransition.in.ua>, accessed 12 December 2019.

⁶² http://trade.ec.europa.eu/doclib/docs/2016/november/tradoc_155103.pdf, accessed 07 May 2019.

⁶³ <https://zakon.rada.gov.ua/laws/show/1264-12>, accessed 26 September 2019.

⁶⁴ <https://zakon.rada.gov.ua/laws/show/1160-15>, accessed 26 September 2019.

that the national legal framework neither defines which documents are considered as being a 'policy' nor regulates their development and adoption procedures. Thus, Ukrainian laws do not consider the NDCs, the National Energy and Climate Plan, or any other specific policy or planning document related to climate change as being a policy or environmental policy, and they do not specifically require public participation in their development or revision. In 2010, the government adopted the **Resolution of the Cabinet of Ministers of Ukraine 996 on Ensuring Public Participation in the Development and Implementation of National Policy**⁶⁵ which covers all areas of state policy. According to this resolution, all ministries (including the Ministry of Energy and Environmental Protection) have created respective public councils, serving as an official communication and consultation channel between the government and the public. Although the resolution does provide certain elements of public participation, some of its provisions are quite general and unclear. The new **Law on Environmental Impact Assessment** (EIA, 2017) and the **Law on Strategic Environmental Assessment** (SEA, 2018) were enacted with the EU-Ukraine Association Agreement (2014). They establish a proper legal framework for participatory rights in the development of plans, programmes and specific activities that may significantly impact the environment.⁶⁶ According to the Ukrainian Constitution, international agreements ratified by the Ukrainian parliament (such as the Aarhus Convention) become integral parts of national legislation with direct applicability. Due to the given complexity and conflicting legal norms governing public participation in environmental decision-making, Ukrainian courts often rely on the respective provisions of the Aarhus Convention to form their decisions.

4.3 NDC development and update process

In the context of our detailed study, various climate-relevant political processes at national level were identified in which civil society actors in Ukraine have recently been involved. In this summary, we focus on the current revision of the NDC.

During the development of the first NDC (submitted in 2016), CSOs were involved but not very satisfied since the process was neither open nor transparent in their opinion.⁶⁷ The current process to update the NDC started in 2019, and was originally organised by the Ministry of Ecology and Natural Resources (MENR). Now, it is being led by the new Ministry of Energy and Environment Protection (MEEP) with support of the Institute of Economics and Forecasting of the National Academy of Science of Ukraine. A working group that comprises of 50 participants including CSO representatives meets regularly to develop the second NDC of Ukraine.⁶⁸ The first meeting took place in February 2019. The second NDC methodological workshop was held in March 2019 in Kyiv. It was part of the European Bank for Reconstruction and Development (EBRD) project "Support to the Government of Ukraine on Updating its Nationally Determined Contribution (NDC)" funded by the Swedish International Development Agency (SIDA).⁶⁹ CSOs such as Ecoclub, Green

65 <https://zakon.rada.gov.ua/laws/show/996-2010-n>, accessed 26 September 2019.

66 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0529%2801%29>, accessed 17 December 2019.

67 Focus group workshop, Ukraine, 05 March 2019.

68 Ibid.

69 <http://uwea.com.ua/en/news/entry/metodologicheskij-seminar-po-razrabotke-vtorogo-nacionalno-opredelenogo-vz>,

Movement of Nikolaev, Greencubator, Environmental Humanitarian Association Green World, 350.org, and the Ukrainian Climate Network responded to an open call and took part in this workshop.⁷⁰ In July 2019 and February 2020, the third and fourth meeting took place. Public consultations were planned for April and May 2020 but had to be postponed because of the Corona pandemic. In May 2020, a webinar on the preliminary results of modelling scenarios for the second NDC took place. Information about the meetings and working groups can be found in Ukrainian on the former website of the MENR⁷¹ as well as on a Facebook page.⁷² CSOs tried to influence the NDC process by participating in the meetings, but also criticised the process for not being ambitious enough. Therefore, they developed the detailed 2030 Climate Goal Roadmap that they will feed into upcoming climate-relevant political processes.⁷³

4.4 Barriers and challenges

Even though Ukrainian CSOs already profit from different formal and informal opportunities to be heard by political decision makers and although they have improved their advocacy activities over the last years, many obstacles still impede equal and effective participation. Interviews with civil society actors and other national stakeholders conducted in the framework of our study revealed fundamental barriers and challenges on the legal, structural, institutional and process levels.

Representatives of civil society drew attention to a fundamental problem: the political will for participatory governance, besides the legally-required formal involvement of NGOs, is not very strong among high level decision makers.⁷⁴ Furthermore, Ukraine faces huge corruption problems that are connected to a lack of transparency.⁷⁵ Environmental organisations don't have much political weight within the existing power structures compared to other lobby groups.

Even though the legal framework for public participation in environmental policy making in Ukraine is quite extensive and complex, the provisions of the Aarhus Convention and the European Public Participation Directive (Directive 2003/35/EC of the European Parliament and of the Council of 26th May 2003) are not fully implemented within national legislation. The framework environmental law (Law of Ukraine on Protection of the Environment) lacks a clear and detailed legal basis for the involvement of CSOs in environmental and climate decision-making processes.⁷⁶

With regard to the political and structural levels, the still ongoing reshuffling of responsibilities after the parliamentary elections in 2019 and transformation of ministries is a challenge. This has meant that stakeholders have to re-establish contacts. There is criticism that a holistic approach to climate protection is missing or weak, as is a consolidation of policy planning processes, including participation. Furthermore, there are no effective institutional structures or mechanisms at the

accessed 07 May 2019.

70 Communication via E-Mail with the Institute of Economics and Forecasting, 07 May 2019.

71 <https://menr.gov.ua/news/33080.html>, accessed 16 March 2019.

72 www.facebook.com/ukrainendc, accessed 08 May 2019.

73 <https://en.ecoaction.org.ua/roadmap-climate-goals-2030.html>, accessed 12 June 2019.

74 Focus group workshop, Ukraine, 05 March 2019.

75 www.transparency.org/country/UKR#, accessed 01 November 2019.

76 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.

The NDC update process started in 2019. A working group was created which met several times in 2019 and 2020.

national level that organise and coordinate participation processes across different political levels and topics.

One major barrier that hinders Ukrainian CSOs from participating in climate policy regularly is their lack of capacity on different levels: most CSOs do not have enough members, volunteers and employees to take part in all relevant procedures. Often, financial resources⁷⁷ or the specific technical knowledge to contribute meaningfully are also missing.⁷⁸

Representatives of CSOs see the lack of comprehensible information and the lack of cooperation between the government and scientific institutions as a major obstacle to participate in specific climate-related political processes such as the NDC revision. On the one hand, there is not much qualitative national scientific support.⁷⁹ On the other hand, the existing information is too technical and thus cannot be understood by the wider civil society.⁸⁰ Moreover, a transparent review of public recommendations and comments is missing. In many cases, the public and CSOs have not yet received responses on how their contributions were taken into consideration, or why they were dismissed.⁸¹ Even though the Cabinet of Ministers Regulation 996 requires the publication of reports on the results of public consultations by the respective ministry or national authority within two weeks after the relevant decisions have been made, only one in three national authorities currently provide detailed feedback (Council of Europe, 2016).

4.5 Recommendations on how to strengthen civil society's participation in climate policies and improve upcoming NDC revisions

The political involvement of NGOs should be strengthened at different levels to meet the diverse challenges. A fundamental requirement for effective stakeholder participation is the strong political will to prioritise the involvement of civil society in climate protection as a key objective in the political programme. The new Ukrainian government should consider participation and the contributions of civil society as an asset, not as a barrier in political processes. It could thereby benefit from the involvement of civil society and exploit the opportunities arising from it: the state can use CSOs' knowledge about local circumstances, concerns and regional climate vulnerabilities as well as mitigation and adaptation solutions to satisfy international obligations such as the revision of the NDC with the support of civil society in a more dynamic and effective way.

With regard to legislation, Articles 9 and 21 of the Ukrainian Law on Protection of the Environment should be amended to effectively implement international obligations on public participation in the development of strategies, plans and programmes relating to the environment and climate. Additionally, national legislation should be revised in order to create legal requirements for the broad and timely distribution of information to the public on the development of plans, programmes and strategies related to climate change. Laws should be created that

⁷⁷ Focus group workshop, Ukraine, 05 March 2019, Interview with Ecoclub Rivne, Berlin, 13 February 2019, Interview with Friedrich-Ebert-Stiftung, Kyiv, 07 March 2019.

⁷⁸ Focus group workshop, Ukraine, 05 March 2019, Interview with Ecoclub Rivne, Berlin, 13 February 2019.

⁷⁹ Focus group workshop, Ukraine, 05 March 2019.

⁸⁰ Interview with Ecoclub Rivne, Berlin, 13 February 2019.

⁸¹ Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.

oblige officials to disclose accessible information on the launch of decision-making processes as well as the results. Regarding structural opportunities for improvement, the newly established Ministry of Energy and Environmental Protection of Ukraine should benefit from the parliamentary reshuffle and improve cooperation with other important ministries, public authorities, and especially scientific institutions from the very beginning to promote an ambitious climate policy and commitment from civil society. Furthermore, long-term structures for participation as well as financial support for such processes should be established.

Numerous areas with potential for improvement were identified with regard to specific participation processes such as the NDC revision and the development of climate strategies and action plans:

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 to broaden the variety of invited CSOs from the national to the local level. Detailed stakeholder mapping can serve as a useful tool to get an overview of existing competences, knowledge and networks. The government should not only rely on the experience of big and powerful CSOs that have been working in the field of climate issues for many years. Smaller and newer organisations should also be invited to participate in the development and evaluation of plans, programmes and strategies such as the NDC revision and its implementation. Often they are in close contact with the general public or certain population groups (e.g. young people) and can give voice to their concerns. Exchange and collaboration with the CoM is vital to access the local level. CSOs that represent important groups and topics such as gender and youth should be considered as well to ensure inclusiveness. Stakeholders must be invited at an early stage, if possible more than one month in advance, to make sure that they have sufficient time to prepare and participate.

Ensure transparency and provide information

The government must comply with its legal obligation to provide comprehensible information about the planned participation process and the topics to be discussed in the consultations at an early stage. Therefore, the government should establish an online platform in collaboration with the Aarhus Information and Training Centre, which informs civil society about policy and climate issues such as the Paris Agreement, the NDC revision as well as ongoing climate-related participation processes in Ukraine. Technical information should be simplified and international documents should be translated into the Ukrainian language. In this context, it is crucial to cooperate with academia since universities and research institutes can provide and share sound knowledge on climate change and related topics. Discussions, results and evaluations of specific events such as the NDC working groups should also be documented and published in Ukrainian as well as in English to guarantee easy accessibility. The objective, extent and time schedule of every participation process should be elaborated and explained from the beginning in a stakeholder involvement plan that should be accessible for everyone. Especially in times of Covid-19, the government should extend the possibilities for e-participation by including feedback tools and online consultation. The continuous

exchange of information should be ensured between meetings through mailing lists and newsletters. With regard to formal participation processes within SEA and EIA, it is recommended to create an SEA registry to ensure more transparency. This registry aims to record and publish the assessment of each project's potential impact on the environment and human health, to simplify the EIA procedure and to facilitate the participation of civil society.

Take due account of recommendations

The government should introduce a transparent system to collect and publish recommendations that were made by CSOs during the 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 rejected. It is crucial that the Ukrainian government invests in a fair and open review process to gain credibility and trust.

Evaluate and enable learning processes

It is recommended that the Ministry of Energy and Environmental Protection and other responsible actors offer stakeholders the opportunity to give feedback on the ongoing participation processes such as the development of the NDC, to ensure an effective participation process. The processes should be reviewed on a regular basis, not only after they have been finalised. Regular evaluation helps to avoid problems and misunderstandings and makes it possible to learn. It might be necessary to adapt formats, methods and certain procedures to improve the process and ensure successful results.

4.6 Summary and conclusions

Environmental CSOs which participate in national climate policy development processes still form a relatively small group in Ukraine. However, they are becoming increasingly stronger and more organised. Their involvement is crucial to develop national climate targets and measures that comply with the Paris Agreement. Civil society actors already benefit from some participation rights and concrete opportunities to be involved. Yet the framework and provision do not yet fully meet the requirements of the Aarhus Convention, which sets out the three fundamental pillars of public participation and entered into force in Ukraine in 2001. Based on the standardised evaluation scheme that was developed in the framework of the detailed study, the general conditions for participation, specific opportunities and practice in Ukraine were assessed as shown in Figure 5. The new government should prioritise the full implementation of the Aarhus Convention and strengthen CSOs' participation rights and opportunities in climate issues. By granting more rights to CSOs and the public, political representatives could strengthen democratic governance, a fundamental prerequisite for EU accession. Moreover, the involvement of civil society is crucial to develop ambitious climate targets and measures that comply with the Paris Agreement. The perspectives and competences of civil society should also be included in the next step which is to develop the NECP as required by the EU, to implement specific climate protection measures and afterwards submit the revised NDCs by 2025.

The following five key measures summarise how meaningful, effective and long-term civil society's participation can be ensured :

National climate policy planning in Ukraine

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



1 Fight corruption and strong power structures:

Foster the new government's political will to promote participatory decision-making, going beyond the legally-required formal involvement of CSOs.



2 Fully transpose the Aarhus Convention into national law:

Revise the Law of Ukraine on the Protection of the Environment and the Law on Strategic Environmental Assessment to effectively implement international obligations on public participation in the development of strategies, plans and programmes relating to the environment and climate and amend the legislation in favour of better access to information.



3 Establish institutional structures and mechanisms that organise and coordinate participation processes:

Use the parliamentary reshuffle to improve cooperation across different political levels, to consolidate climate-related planning processes including civil society's involvement and to strengthen existing structures such as public councils, the Ukrainian Inter-Agency Commission on Climate Change (ICCC) and the Aarhus Information and Training Centre.



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

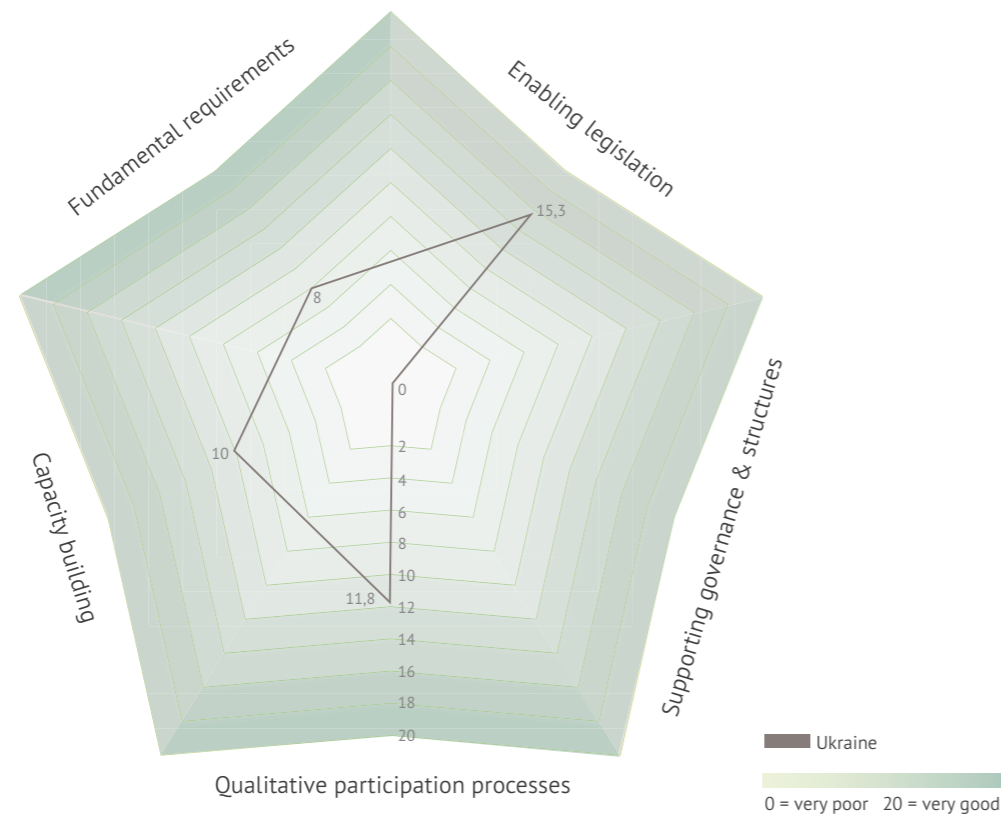
Put emphasis on inviting a broad range of civil society actors at an early stage, on providing accessible and clear information as well as on the evaluation of ongoing participation processes to improve future procedures.



5 Increase capacity building and environmental education:

Offer training to authorities on the interdisciplinary approaches and inter-ministerial cooperation required to foster climate protection and participation, and enhance awareness raising on climate change and climate policy among the public.

Figure 5: Assessment of the environment and opportunities to participate in climate policies in Ukraine (scaled to a maximum of 20 points)



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In 2015, Colombia, Georgia and Ukraine, 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 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. The study also identifies concrete country-specific barriers that prevent meaningful, effective and long-term participation, and gives advice for overcoming these barriers.

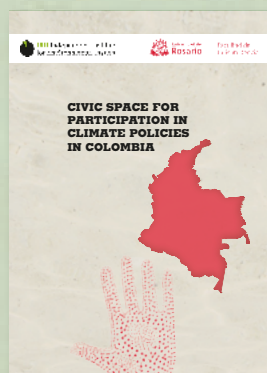
This report “Civic space for participation in climate policies in Colombia, Georgia and Ukraine – the example of the Nationally Determined Contributions (NDCs)” is a summary of the larger study and analyses in particular the process of elaborating or revising the NDCs in the three countries.

More information

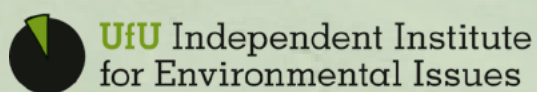
Full Study



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