



A CLIMATE LAW FOR GEORGIA **A GREEN PAPER TO EXPLORE IDEAS**

A consultation from the Environmental Protection and
Natural Resources Committee of the Parliament of Georgia

February 2023



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PARLIAMENT OF GEORGIA



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FOREWORD

Climate change is one of the most pressing challenges facing the world today, threatening the humanity and our planet. Collective recognition of the dangers it poses and the responsibility to address it by all states is the only way forward. Georgia participates in all international efforts to combat climate change and has declared its readiness to contribute its share to the achievement of global targets.

Our work on Georgia's Climate Law is another clear demonstration that Georgia, realizing both the ongoing and future negative consequences of climate change for Georgia and the world, is amplifying its efforts to develop the climate change agenda and to mitigate its impact. Over the past few decades, Georgia has made important advances in addressing the effects of climate change and in fulfilling its international obligations. Environmental protection and tackling climate change are the government's stated priorities, and we are committed to further reforms in these fields. Adopting the Climate Law will help create an important legislative framework, integrating issues currently scattered across multiple pieces of legislation while also enhancing the role of the Parliament of Georgia in shaping and supervising the implementation of climate change policy. The efforts of the Government of Georgia to address climate change are welcome and significant. In addition, strengthening the role of the Parliament in policymaking on climate change is especially important in the context of the principles of the parliamentary republic.

Naturally, public participation is another principle we are committed to, and, therefore, the process is planned in a way that ensures the participation of all stakeholders from an early stage. Preparing a Green Paper on Climate Law serves this very purpose, and we hope that active public participation and a close cooperation with the Government of Georgia will enable us to adopt an effective law, significantly aiding Georgia's capacity to contribute to the global effort to address climate change.

I would like to thank the Westminster Foundation for Democracy and the Government of the United Kingdom for their support, for the assistance of our international partners is crucial in such ambitious endeavours. I believe the development of Climate Law will set another example of our successful collaboration.

Maia Bitadze

**Chairperson of the Environmental Protection and Natural Resources
Committee of the Parliament of Georgia**

1. INTRODUCTION

Climate change is perhaps the greatest threat to humans and nature on planet Earth. Georgia has already experienced the consequences of climate change, especially through increased and more severe natural disasters and forest fires, desertification of some areas, and degradation of ecosystems. Around the world, people are experiencing floods, droughts, heatwaves and storms, which are destroying livelihoods. Particularly noteworthy, the negative effects of climate change on vulnerable groups, ecosystems and economic sectors. In addition to this, the climate crisis is not “gender neutral”. Women and girls are facing the disproportionate effects of climate change, exacerbating existing gender inequalities and threatening their livelihoods, health and security.^{1,2}

The world’s climate scientists have agreed that we should try to keep the global temperature rise below 1.5°C. But the planet is already 1°C warmer than in pre-industrial times,³ and we are heading to nearly 3°C unless more is done to reduce emissions. The myriad causes and consequences of climate change demand a significant rethinking and restructuring of society, government and the economy.

Georgia has International obligations on climate change. These are through the United Nations (UN), including the Paris Agreement goal of keeping the temperature rise to “well below 2°C above pre-industrial levels” and pursuing efforts to limit the temperature increase to 1.5°C. And also through the accession process with the European Union (EU), which requires alignment with EU climate and energy policies, with a focus on renewable energy and energy efficiency.

Of course, Georgia has taken action already. The country has demonstrated increased climate ambition through its updated Nationally Determined Contribution (NDC) document.⁴ There is a National Climate 2030 Strategy⁵ and 2021-2023 Action Plan (CSAP) for NDC mitigation target implementation.⁶ A Long Term Low Emission Development Strategy (LEDS) with a climate neutrality scenario and a National Energy and Climate Plan (NECP) are in the process of approval.

Georgia has legislation which relates to climate change, detailed in section 5a. Although Georgia does not operate comprehensive, dedicated legislation on climate change, and no single legal act on climate can be found in the system, the country has, in recent years, adopted a cascade of new sustainability legislation and policy documents. These laws jointly, with some relatively old regulatory standards, establish the set of legislation accommodating the legal approximation requirements stemming from AA and EnC frameworks.

A recent analysis⁷ found that the current laws, strategies, plans and programmes do not guarantee the delivery of climate targets because there is no overall legal obligation to meet those targets, and plans and even laws in different sectors do not have to contribute to meeting those targets.

A Climate Law would create that overall framework, putting targets into law, making developing strategies and plans mandatory and defining them more clearly, increasing the level of coordination on the delivery of climate targets between different sectors and between central government and municipalities, and ensuring streamlining between multiple climate processes.

1 Country Gender Equality Profile of Georgia, 2021 UN Women, available at: https://georgia.unwomen.org/en/digital-library/publications/2021/11/country-gender-equality-profile-of-georgia_georgia

2 Explainer: How gender inequality and climate change are interconnected, UN Women, <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected>

3 There is no definition of the pre-industrial level in the Paris Agreement. IPCC uses the reference period 1850–1900.

4 Georgia’s Updated NDC, https://unfccc.int/sites/default/files/NDC/2022-06/NDC%20Georgia_ENG%20WEB-approved.pdf

5 2030 Climate Change Strategy, <https://mepa.gov.ge/En/Files/ViewFile/50123>

6 Action Plan 2021-2023, <https://mepa.gov.ge/En/Files/ViewFile/50122>

7 Climate Law for Georgia: Regulatory Gap Analysis and Legislative Roadmap, GIZ 2022

A Climate Law can also provide the framework for putting current and future international obligations on climate and energy into Georgian law and provide the legal basis for carbon trading.

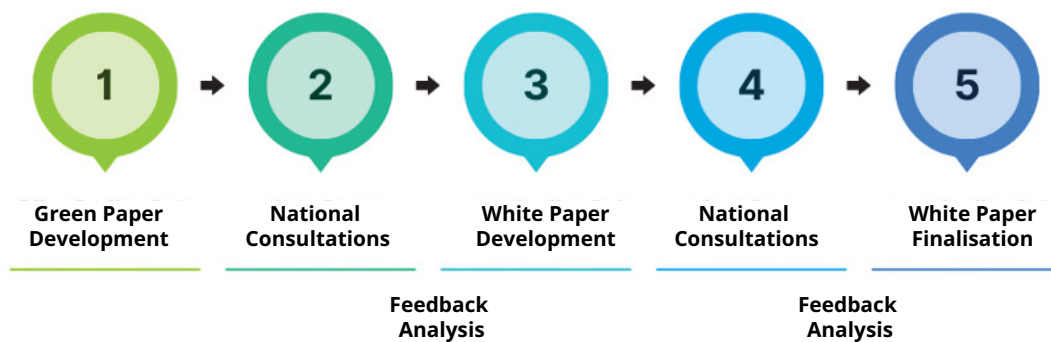
Climate action is also an opportunity to create green businesses and benefit from international markets for low- or zero-carbon products and services. With its low-carbon electricity supply, varied geography and stable government, Georgia is well placed to benefit from this transition to a zero-emissions world. Green ambitions should be a key part of Georgia's future development and economic plans.

This consultation document launches a new process for creating legislation. The Georgian Parliament's Environmental Protection and Natural Resources Committee (the Committee), in close cooperation with the government, is leading the process to define and create a draft Climate Law for Parliament to consider.

This Green Paper outlines some of the measures that could be in a draft Law and asks for your views. The aim is to consult as widely as possible. The answers you give will help to create a White Paper in the Spring and Summer 2023 with firm proposals for what a draft Climate Law will contain. Again, there will be a wide consultation for creating the Climate Law.

Working with the Government, the Committee will use the responses to the White Paper to create a draft Climate Law for Parliament to debate and agree. The Draft Climate Law will be subject to rigorous and comprehensive impact assessments, including gender-specific needs, regulatory and socio-economic. If things run smoothly, Georgia will have its own Climate Law by early 2024.

Development of the Green and White Papers



The process of creating a climate law

This paper explains the current international debate on climate change and Georgia's place in that debate. It describes the climate change impacts that Georgia is already experiencing, and it explains where Georgia's current emissions come from. It describes the country's current plans and then describes the kind of measures that could be included in a Climate Law – **and asks you what you think in a series of specific questions.**

2. THE NEED FOR A CLIMATE LAW AND CLIMATE CHANGE ACTION

After the restoration of independence in 1991, Georgia actively joined the international community in efforts to overcome the existing global challenges related to sustainable development, protection of the environment and tackling climate change.

In 1994, Georgia joined the United Nations Framework Convention on Climate Change (UNFCCC) as a non-Annex I country, in 1999, it became a party to the Kyoto Protocol (KP), and in 2017 to the Paris Agreement (PA). In the PA framework, Georgia self-defines as a developing country. In 2014, Georgia signed the Association Agreement (AA) between the EU and the European Atomic Energy Community and their Member States on the one side, and Georgia on the other, that entered into force in 2016, and since 2017 Georgia has been a member of the Energy Community (EnC). It is noteworthy that Georgia ratified the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) in 2000. These international treaties and agreements of Georgia are part of the laws governing the country and take precedence over domestic laws unless there is a conflict with the Constitution or the Constitutional Agreement of Georgia. Georgia has two agreements already signed under the PA Article 6, "Voluntary Cooperation," with Switzerland and Japan. The operationalisation of Article 6 has started, and it is assumed that more countries will express an interest in cooperating. Accordingly, carbon trading will become a new reality and an opportunity for Georgia.

Georgia has experience in accessing international climate funds and gets financial support from different countries. As Georgia has quite a high conditional tar-

get⁸ in the current NDC and proposes climate-neutrality by 2050 in the case of international support, access to international climate funding will become even more important.

Regular data collection and analysis as well as the use of reliable information on climate action and support to reduce Greenhouse Gas (GHG) emissions and increase resilience, as well as data on historical and projected GHG emission trends, is essential for evidence-based and informed decision-making and information-sharing. This transparency and clarity in turn build trust and understanding. This data collection and reporting activity forms a critical component of what is commonly known as Measurement, Reporting and Verification (MRV) under the UNFCCC and has recently been encapsulated by the term 'enhanced transparency' under the PA. Currently, there is a lack of a normative framework that will act as a basis for a binding MRV system in a national legislation. Currently, MRV is project-based, financed by Global Environment Fund (GEF), data collection relies on partial obligation and the goodwill of data providers. Accordingly, in a time of enhanced transparency requirements, including NDC implementation tracking, there is need for a robust MRV system rooted in law.

In this time of unprecedented and adverse effects of climate change in Georgia and elsewhere, the aspiration for aligning with the image the country wants to have in the international arena, the top-priority need for urgent climate actions, implementation of international commitments and attracting investments for low-carbon development, Georgia needs a stable, long-term, and holistic approach to climate governance rooted in law. It is noteworthy that following the PA temperature goal requires almost all sectors of the economy to be reoriented to low-carbon and climate-resilient futures, and the efforts of line ministries, local governments and regional actors have to be relatively aligned. Accordingly, the respective degree of reorientation and transition as well as the level necessary to protect society cannot be delivered without a robust legal basis. Additionally, the climate law is an opportunity for Georgia to make a just transition to a Green Economy, take into account national needs, circumstances and global mega-trends,

⁸ Georgia is committed to a target of 50-57% of its total greenhouse gas emissions by 2030 compared to 1990, in case of international support. If the world will follow 2OC average global temperature increase holding scenario, reduction of emissions by 50% will be necessary while in case of limiting increase to 1.5OC, it will be necessary to reduce emissions by 57% compared to 1990 level

create a climate-resilient future, including disaster risk reduction (DRR) and management (DRM) and respond to local challenges in an inclusive, equal, informed, coordinated and well-structured manner.

The national implementation of five international treaties are top priorities for Georgia, the UNFCCC and its PA on climate change, the EU-Georgia AA, the Accession Protocol to the EnC Treaty and the Aarhus Convention. Since the system and effectiveness of the PA rely entirely on the national level determining, implementing, achieving and over time progression of the ambition of the efforts, it is important for Georgia to develop a national legal framework to align with the implementation of the commitments and expectations of the PA. In the case of the EU-Georgia relationship, the AA approximation process highly affects Georgian legislation, so the EU's climate law and EU Green Deal are expected to have a substantial impact on the development of a climate framework in Georgia. Especially, taking into account Georgia's aspiration for EU membership, it is necessary to develop a legal framework. The climate law will be considered positively by the EU and may play an important role in closer alignment to the EU. The respective law can help Georgia implement the EnC obligations too. As a result of the Aarhus convention national implementation, Georgia actively tries to promote access to environmental information and provide platforms for public participation, for all interested parties, including women and youth and their specific groups (such as persons with disabilities, ethnic minorities, sexual minorities, single mothers, internally displaced persons and conflict-affected women and girls etc.).

Georgia has no specific climate law and is yet to develop a fully-fledged climate legislative framework. The matters related to climate are currently regulated in a scattered manner with no holistic approach and system and are fragmented in general and sectoral laws mainly without reference to climate change. Still, what can be found in Georgia's existing climate legal and strategic outlook is several outputs of a legal and political nature with constant iteration at the national level. This includes several primary legislative acts being responsible for accommodating the major legal foundations for

sectoral or cross-sectoral secondary provisions related to climate change. Therefore, the adoption of an overall climate law would reduce the risk of duplication and discrepancy, and ensure streamlining between multiple climate international and national processes.

With the adoption of the climate law, which will be developed in close coordination with the Ministry of Environment Protection and Agriculture of Georgia, the commitments taken by Georgia in the framework of climate change will be strengthened at the legislative level, and carbon trading, investment and development opportunities presented by transitioning to a Green Economy will be realised, the role of all relevant agencies will be determined, and there will be a stronger legal basis for implementing international climate agreements. The creation of the climate law is a political process in which citizens, industry groups and climate, environmental and other organisations and other stakeholders can all participate.

a. the UNFCCC and the Paris Agreement

International cooperation on addressing global climate change began in the last decade of the twentieth century with the establishment of the UNFCCC. 198 countries, including Georgia, by joining the convention have acknowledged the change in the Earth's climate and its adverse effects as a global concern of humankind.

From the beginning, the principle of "common but differentiated responsibility and respective capacities" (CBDR-RC) was dominant in international decisions. Commitments to reduction of GHG emissions have been mostly delivered by the developed countries. Several mechanisms, including emission trading (for example, the Clean Development Mechanism (CDM) under the KP), technology transfer, Nationally Appropriate Mitigation Actions (NAMAs), etc., have been developed for developing countries in order to increase their mitigation⁹ and adaptation capacities.

During the implementation of the KP, Georgia managed to develop several CDM projects and NAMA proposals, as well as prepared its Technology Needs Assessment (TNA). Nevertheless, the benefits from these mecha-

⁹ Mitigation is action to reduce greenhouse gas emissions.

nisms were limited compared to the other developing countries.

In 2015, the CBDR-RC principle was repeated in the PA with a slight modification: "in the light of different national circumstances" was added. All 194 parties to the PA, including Georgia, have submitted their NDCs with quantified mitigation targets. Hence, the burden of limiting GHG emissions has been shared by both developed and developing countries.

All PA countries must provide complete GHG inventory reports biannually estimating the most carbon-intensive sectors. Furthermore, information on NDC implementation has to be reported. This reporting by countries means that everyone interested in national climate policy development can track the key achievements and challenges in climate mitigation, adaptation and resilience pathways.

b. European Legislation Approximation Related Obligations

Georgia's international climate obligations under the European integration are twofold: i) specific legislative acts covered within the EU-Georgia AA, ii) commitments assumed by the membership of the Energy Community (EnC). These obligations, in large part, reflect a harmonisation of Georgia's national regulatory framework with the EU acquis.¹⁰

i. Association Agreement (AA)

EU-Georgia AA, as a binding document triggering the harmonisation of the national climate and energy regulatory framework entered into force in July 2016, and aims to provide a framework that allows for deeper political and economic relationships between the EU and Georgia, including through the increased alignment of some of the EU's regulations and standards. The role of the AA is instrumental in delivering on the promise of ongoing climate and energy sector reform. The creation of an Association Agreement is grounded on economic, political and legal bases.

Climate Action is a crucial aspect of the agreement, underpinning an important part of EU-Georgia cooperation.¹¹ Key commitments are derived from the specific Annexes attached to climate and energy actions of the agreement. Although some of the regulations and directives are outdated, no formal revision of the Agreement and its respective Annexes have taken place so far. Thus, Georgia is still committed to the original versions of the legal acts negotiated in 2014.

Pursuant to the latest consolidated version (01/09/2021) of the EU-Georgia AA, the climate commitments in the AA are tackled in two directions: the norms with general character promoting combating climate change and the specific normative framework requiring Georgia's legal alignment with the EU climate acquis.

The general norms are:

- Article 230 (4) reaffirms Georgia's commitment to the international climate change regime in reaching the ultimate objective of the UNFCCC and the development of the future international climate change framework under the UNFCCC and its related agreements and decisions.
- Article 307 requires parties to develop and strengthen their cooperation to combat climate change, Article 308 lists the specific areas aiming at mitigating and adapting to climate change.
- Article 310 stresses the development and implementation of (a) National Adaptation Plan of Action (NAPA); (b) Low Emissions Development Strategy (LEDS), including nationally appropriate mitigation actions.

As for the specific normative framework, climate designated Annex XXVII covers two regulations of the EU to be approximated in due time into national acquis:

- Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases.¹²

¹⁰ The EU acquis is the collection of common rights and obligations that constitute the body of law that governs the European Union.

¹¹ Like climate action, 'energy' makes up a sizable portion of the cooperation in the EU-Georgia AA, as the energy sector is a crucial aspect of the Agreement. This is mainly addressed by the provisions of a general nature and Annex XXV (energy). However, the detailed analysis of this falls beyond the scope of this green paper.

¹² A new F-gas Regulation (517/2014) has been adopted in the EU introducing several new or revised definitions of F-gases; renewed HFC phase-down schedule, but Georgia is still bound to the original regulation of 2006.

- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer.

ii. Energy Community (EnC)

In 2017, Georgia acceded to the EnC Treaty by signing the Protocol Concerning the Accession of Georgia to the Treaty Establishing the EnC, which seeks to liberalise and align energy markets with those of the EU Member States and other EnC Parties. Article 2 of the Accession Protocol sets out the list of the acquis (Third Energy Package) to be transposed in due course.

In November 2021, adopted by the 19th Ministerial Council, the EnC passed the Clean Energy for all Europeans Package¹³ into its acquis. The package covers legislation in the area of energy efficiency, renewables, governance, electricity market design and electricity security of supply rules. According to the Ministerial Council decision, which entered in force on 30 November 2021, five key legislative acts of the EU are to be incorporated into the EnC acquis with the deadline of 31 December 2022.

In the field of climate action, the Clean Energy Package's Governance Regulation 2018/1999, setting common rules for planning, reporting and monitoring on energy and climate policies and targets, is of crucial importance. Under the Governance Regulation EU Member States develop integrated national energy and climate plans based on a common template, these set out the policies and measures Member States will put into place to reach climate neutrality. Since there is no predefined formula for transposing the Governance Regulation, it is up to the EnC Contracting Parties (including Georgia) to design the transposition model. So Georgia must reflect the adapted version of the Government Regulation as adopted by the EnC. The Governance Regulation requires the adoption of a National Energy and Climate Plan and Long-term strategies, which should be aligned meaningfully with each other.

Upon introducing the Regulation within the EnC acquis, Georgia was supposed to transpose the Regulation into the national context by December 2022. This is running late and the November 2022 EnC Implementation Report said the climate implementation pattern of Georgia is assessed as 62 % complete, including the finalising of its draft NECP and Long-term Strategy. It also mentions the work on the preparation of the Climate Change Law, which – pursuant to the report - is expected to transpose the climate-related parts of the Governance Regulation.

In December 2022, the Ministerial Council of the Energy Community adopted a Decision incorporating the system for monitoring, reporting and verification of greenhouse gas emissions. This comprises Regulation (EU) 2018/2066 on monitoring and reporting, Regulation (EU) 2018/2067 on accreditation and verification as well as certain basic elements of Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading. The transposition deadline is December 31st 2023 and the draft Climate Law could later adopt these measures when it becomes law.

c. The NDC and current national and sectoral targets

Under the PA, Georgia updated its NDC and officially communicated it to the UNFCCC in May 2021. NDCs are post-2020 climate pledges that embody a country's efforts of reducing national greenhouse gas (GHG) emissions, including economy-wide emission reduction or limitation targets and the mitigation measures to achieve them. NDCs are short documents, that summarise countries' climate targets and plans and are updated every five years for the purpose of communication to the international community.

Currently, the updated NDC is the key document defining the international commitments of Georgia in the field of climate change. Its goal is stated as: "to support the sustainable and balanced development of the country, equally taking into consideration climate change, environmental and socio-economic challenges." The NDC covers the period between 1st January 2021 and 31st

¹³ The Clean Energy Package is a set of eight legislative acts on the energy performance of buildings, renewable energy, energy efficiency, governance and electricity market design. The Clean Energy Package is the fourth package of its kind, with each energy package increasing in scope and detail compared to the previous one.

December 2030. The updated reference approach considers the level of anthropogenic emissions by sources of GHGs estimated for the year of 1990.

The commitments in the NDC of Georgia are as follows:

- Georgia is fully committed to an unconditional target of emissions 35% below the 1990 level of its domestic total GHG emissions by 2030 (approximately equals to reducing the aggregate GHG emissions by 16% per capita);
- Georgia is committed to a target of 50-57% of its total GHG emissions by 2030 compared to 1990, in the case of international support;

- the commitment also entails elaboration of a Climate Change Strategy for 2030 and its Action Plan for 2021-2023 with outlined mitigation measures contributing to the achievement of unconditional and conditional commitments and mitigation targets;
- Georgia is committed to continue to study its adaptive capacity of different economic sectors and to plan and implement the respective adaptation measures.

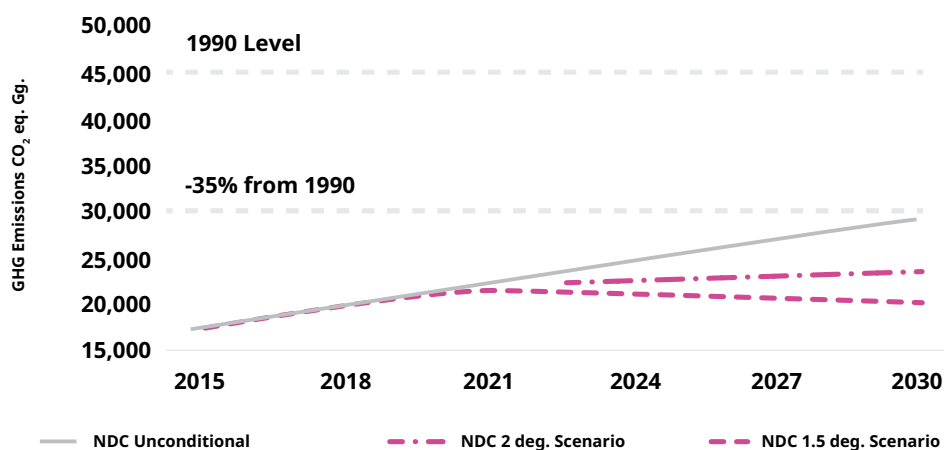


Figure 1: Current Nationally Determined Contribution targets for Georgia

The emission limitation targets include and are based on the analysis of seven economic sectors - transport, buildings, energy generation and transmission, agriculture, industry, waste, and forestry. For each sector, Georgia has identified the level of its GHG target limits, stated as a specific % of reduction in some cases and as a general target in other cases.

The sectoral mitigation targets are:

- **Transport** - by 2030, Georgia plans to reduce the GHG emissions from the transport sector by 15% from the reference level

- **Buildings** - to support the development of low carbon approaches in the building sector, including public and tourist buildings, through encouraging climate-goal oriented energy efficient technologies and services

- **Energy generation and transmission** - by 2030 to reduce the GHG emissions by 15% from the reference level

- **Industry** - 5% of emission limitation compared to emissions projected by the reference scenario by supporting the low carbon development of the industry sector through encour-

aging climate-friendly innovative technologies and services

- **Agriculture** – to support low-carbon development approaches of the agriculture sector through encouraging the climate-smart agriculture and agritourism
- **Waste** – to support low-carbon development of the waste sector through encouraging climate-friendly innovative technologies and services and through effective implementation of separation practices and principles of a circular economy
- **Forestry** – by 2030 to increase the carbon capturing capacity through the forestry sector by 10% compared to the 2015 level

Georgia's updated NDC sets the implementation period for the Climate Change Strategy and Action Plan between 2021 and 2030. The 2021-2023 Climate Action plan identifies individual mitigation measures contributing to the achievement of the sectoral goals.

The NDC is due to be updated again by 2025. The PA also requests updating biannually the information necessary to track progress made in implementing the NDC document and the GHG inventory (enhanced transparency). Georgia is responsible for using the 2006 Intergovernmental Panel on Climate Change (IPCC) Guidelines for National GHG Inventories and any subsequent version or refinement of the IPCC guidelines agreed upon. The reporting requirements cover seven greenhouse gases (carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆) and nitrogen trifluoride (NF₃)) and the following IPCC sectors, according to the 2006 IPCC Guidelines: energy, industrial processes and product use, agriculture, LULUCF and waste. In addition, Georgia is responsible for quality assurance and quality control on the country's GHG emissions inventory and providing information on functions related to inventory planning, preparation and management. As for the methodology, Georgia is

responsible for describing each methodology and/or accounting approach used to define the targets, construction of baselines and each indicator, including key parameters, assumptions, definitions, data sources and models used, and the IPCC guidelines and metrics used.

Georgia is also encouraged to update biannually information related to climate change impacts and adaptation, as well as information on financial, technology development and transfer and capacity-building support needed and received.

d. Comparisons to 'fair shares' targets

With the updated NDC, Georgia has set more ambitious targets that exceed its previous NDC targets by 7% (unconditional) and 10-17% (conditional), respectively. The updated NDC includes a commitment that Georgia will make a fair contribution to the global efforts against climate change, taking into consideration national circumstances, resources and capacities.

Although it is not part of the UN process, there is an international methodology to assess a country's 'fair share' of future climate emissions. This is based on historical emissions, population levels and resources available to make change. The Climate Action Tracker (CAT) uses this methodology to assess whether a country's climate plans, as detailed in their NDC, are a fair share of the global effort to reduce climate change.¹⁴ Currently, they focus on large countries/largest emitters but collecting the necessary data and applying this methodology to Georgia might provide a useful comparison to assess the country's plans.

e. The benefits of acting on climate change

Acting to reduce climate change emissions requires a transition in the economies of every country in the world, but this also presents an opportunity to create green businesses and benefit from international markets for low- or zero-carbon products and services. With its low-carbon energy supply, varied geography and stable government Georgia is very well placed to benefit from this transition to a zero-emission world.

¹⁴ Climate Action Tracker 'fair shares' methodology. <https://climateactiontracker.org/methodology/cat-rating-methodology/fair-share/>

Georgia has one of the highest fractions of electricity coming from renewables of any country in the world (mostly hydropower as well as wind), in 2022 with 76% of domestic electricity generation coming from renewables.¹⁵

There is little fossil fuel produced in Georgia, so all natural gas and most oil products, mostly road fuels, are imported. Increasing the amount of energy produced in Georgia from renewables, and changing heating and transport over to electricity, is a big opportunity to reduce dependency on foreign imports. The war in Ukraine has shown both the vulnerability of depending on gas imports and the steep fossil fuel price rises that countries can experience.

Georgia's varied landscape means it has good potential for more renewable energy, with wind, solar and geothermal¹⁶ power particularly suitable for expansion. High levels of renewable electricity and Georgia's geographical location mean that the country could become an important exporter if large markets for green hydrogen (made with renewables) develop.

Following the EU Association track and the membership of the EnC, Georgia is in the process of implementing significant reforms in the country's energy sector. This is mainly delivered by gradual alignment with the negotiated EU energy and climate acquis, as explained above. The reform seeks to transform the Georgian energy market from a bilateral monthly settlement and low competition trade system to an EU style open market with liberalised, competitive price-setting mechanisms, balance responsibility and sustainability approaches. This also addresses the EU call for climate action and decarbonisation, helping Georgia transpose the EU's Green Deal ambition, and accelerate the EU accession process.

Georgia produces copper and manganese, both valuable materials for the energy transition to renewable energy and the electrification of transport and heating. Scrap metal is currently exported, but the availability of

plentiful renewable electricity makes Georgia a good country to locate an electric arc furnace for recycling iron and steel.

Changing diets away from red meat to reduce climate impacts is a growing trend in some countries, and Georgia's nut exports can contribute to global supplies of alternative proteins with a very low carbon footprint.¹⁷

Georgia has a high level of forest cover, locking up carbon, and there is potential to increase the amount of carbon locked up in vegetation and soils within international rules for carbon sinks. According to the Forest Inventory done in 2019-2020, 44,5% of territory is covered with forest.

More generally, Georgia is known as a country with low levels of corruption and a stable system of government, both of which help to attract outside investment.

Q1. what positive opportunities do you see for Georgia in moving to a low or zero-carbon economy? How could a draft Climate Law help this happen?

f. The climate change impacts that Georgia is already experiencing

The latest National Communication of Georgia under the UNFCCC outlines the main negative consequences of climate change in Georgia:

- sea level rise of the Black Sea has affected areas of land, and destroyed and/or damaged houses and infrastructure along the coast
- in the highlands, growing frequency and intensity of floods, flash floods, landslides, and mudflows have caused huge damage to the economy [security of women, girls and elderly]¹⁸
- due to decreased rainfall and enhanced evaporation, semi-arid regions in Eastern Georgia are under threat of desertification

¹⁵ Electricity Balance of Georgia https://esco.ge/files/data/Balance/energobalans_2022_eng.pdf?fbclid=IwAR2G49fxRh2blX_hFohP3fxO4lmcih45ELxc4M-HjvKTFvNWA5h7iuC-luY

¹⁶ G. Melikadze, O. Vardigoreli, N. Kapandze, Country Update from Georgia <http://www.geothermal-energy.org/pdf/IGAstandard/WGC/2015/01064.pdf>

¹⁷ The Environmental Impacts of Food, <https://ourworldindata.org/environmental-impacts-of-food>

¹⁸ UN Women Explainer: How gender inequality and climate change are interconnected, <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected>

- more frequent and intensive heat waves have negative impact on human health [especially on risk groups]
- rising temperatures, changes in precipitation patterns, reduced water availability, forest fires, pests and diseases have slowed down growth and lowered the productivity of forests
- rising temperatures, increased winds and reduced water availability have significantly reduced agricultural productivity¹⁹
- all of the above mentioned significantly harms the middle and low-income population living in the regions of Georgia, especially women.

Impact results analyses are based on a comparison of the two 30-year periods (1956-1985 and 1986-2015), which demonstrates that average annual surface air temperature increased throughout the country by 0.25–0.58°C across the regions, with the average increase of 0.47°C. The annual precipitation has increased in the western part of the country and decreased in some eastern regions, although the changes in annual precipitation were mainly unstable with no clear trends observed. Relative humidity has increased throughout the country, with fluctuations between (-1%) – (5%). High humidity is observed in winter months in western Georgia, driven by extremely humid days (10-12 days/year), with decreasing trends most intensely observed in early summer-autumn. The average wind speed has decreased at almost all meteorological stations. It decreased by 1-2 m/sec in the second period as compared to the first period. The number of high wind days (≥ 15 m/s) has decreased in western and increased in the eastern regions of Georgia.²⁰

i. Natural Resources

Water - Georgia is rich in water resources, including rivers, lakes, reservoirs, glaciers and groundwater. Rivers are the most numerous water bodies: there are 26,060 rivers with a total length of 60,000km of which 99.4% (25,075 rivers) are less than 25km in length. The average annual runoff of Georgian rivers is about 61.45 km³, including local runoff of 52.77 km³ and transit runoff (originating in Turkey and Armenia) of 8.68 km³. There are about 860 lakes in Georgia, most of them smaller than 0.1 km². The total area of all lakes is approximately 170 km². Most of them are freshwater. There are 43 artificial water reservoirs in Georgia, of which 35 with a total volume of 1,700 million m³ are located in the Caspian Sea Basin, while 8 with a total volume of 1,470 million m³ are in the Black Sea Basin.

Georgia is rich in freshwater; however, these resources are unevenly distributed (heavily concentrated in western regions) and issues in the water supply system mean that people in rural areas rely on wells and boreholes for their water. This increases vulnerability of population, especially women and elderly, to potential reductions in groundwater and drought periods. Rivers fed by glaciers and snow, such as the Khrami-Debed and Alazani, are projected to see reduced flow levels of between 30% and 55% by the end of the 21st century, posing a threat to an important source of water supply.²¹

Glaciers - glaciers are an important climatic and economic resources of Georgia. They contain large amounts of freshwater and play a decisive role in the water regime and the regional climate. The climate change impact on glacial basins in general and small glaciers in particular can be measured by comparing glacial basin contours and areas, established with the help of Satellite Remote Sensing (SRS) in 2012-2016, with data of the same basins contained in the glacier catalogue.²² The almost 50-year difference between the SRS and the catalogue data allows an effective assessment of changes in glacial basins.

19 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf

20 Government of Georgia (2021) Georgia's 2030 Climate Change Strategy, URL: <https://mepa.gov.ge/En/Files/ViewFile/50123>

21 World Bank Group (2021) Climate Risk Country Profile – Georgia, URL: <https://www.adb.org/sites/default/files/publication/707481/climate-risk-country-profile-georgia.pdf>

22 Following a large-scale glaciological research, conducted in 1960-1970 in the former Soviet Union, glaciers of Georgia were catalogued and systematized as part of the Caucasian glacier system. Katalog lednikov SSSR. V. 8, Part. 11 (1977), Part 12 (1977); V. 9, Edition 1, Parts 2 – 6 (1975), Edition 3, Part. 1 (1975), L: Gidrometeoizdat (in Russian).

According to the catalogue, there were 409 glaciers in the glacial basins in Western Georgia, covering an area of 456.1 km². Based on the current SRS data, there are 323 glaciers (79% of the original number) covering the area of 331.2 km² (72.6% of the original area).

According to the catalogue, there were 132 glaciers in the glacial basins in Eastern Georgia, covering 86.9 km². According to the current SRS data, the number of glaciers is 60 (45.5% of the original number) and their area has shrunk to 45.8 km² (52.7% of the original area).²³

Coastal Zone - the level of the Black Sea rose by 0.7 m on the Georgian coast between 1956 and 2007, and the frequency of storms increased by more than 50% over the same period.²⁴ Coastal erosion and loss of coastline along the Black Sea has been of national concern, with mitigation efforts and investment aimed at reducing sea level rise impacts for the country's coastal tourism.²⁵

These changes are largely explained by pressure anomalies in atmospheric circulations, notably the North Atlantic Oscillation.²⁶ This sea-level rise threatens the port cities of Batumi and Poti, with the latter having experienced flooding caused by sea storms in recent years.²⁷

Land, Soil, and Biodiversity - desertification as a result of both climate change factors (e.g. increased temperatures and drought probability, strong winds) and economic factors (e.g. agricultural practices, irrigation, mining) is causing an expansion of semi-arid and arid areas in Georgia. This has reduced the quality of the soil, such as in the eastern Shiraki plain, where the humus content of black soil has fallen from 7.5% to 3.2% during the period 1983–2006.²⁸

Salinization is also an issue in the country, especially the eastern Kakheti region, where salinized soil constitutes 22% of the total area.²⁹ As land and soil go through climate change-driven transitions, ecotypes may shift in range or be lost. The implications of climate change for Georgia's rich ecosystems are generally poorly studied but the available evidence points to potentially significant reductions in habitats for many species.³⁰

Forest - Georgia is one of the world's most forest-rich countries with more than 44,5% of its territory covered with forests of which 95–98% is naturally occurring forest. The rich biodiversity of Georgia's forests is conditioned by species composition, growth and development characteristics and other factors.

More than two-thirds of Georgia's forests grow on mean and steep slopes and provide soil protection, water storage, regulation, purification and other critical protective functions.

Climate change impacts the composition and quality of forests, and makes them more vulnerable to pests, diseases and fires. The direct impacts show in a decrease in forest cover, sometimes in its increase (for example, the expansion of temperate-belt forests towards the poles), replacement of forest species and changes in forest distribution.³¹

ii. Extreme Hydrometeorological Events

The complex terrain of Georgia often contributes to intensification of atmospheric circulation processes and the formation of various types of extreme hydrometeorological events (flood, flash flood, avalanche, strong

23 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf

24 ADB (2020b). Key Indicators for Asia and the Pacific 2020. Asian Development Bank. URL: <http://dx.doi.org/10.22617/FLS200250-3>

25 Avsar, N. and Kutoglu, S. (2020). Recent Sea Level Change in the Black Sea from Satellite Altimetry and Tide Gauge Observations. *International Journal of Geo-Information*. 9(3), 185. DOI: <https://doi.org/10.3390/ijgi9030185>

26 Tsimplis, M.N. and Josey, S.A. (2001). Forcing of the Mediterranean Sea by atmospheric oscillations over the North Atlantic. *Geophysical Research Letters*, 28(5), pp. 803–806. URL: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1029/2000GL012098>

27 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

28 ADB (2020b). Key Indicators for Asia and the Pacific 2020. Asian Development Bank. URL: <http://dx.doi.org/10.22617/FLS200250-3>

29 World Bank Group (2021) Climate Risk Country Profile – Georgia. URL: <https://www.adb.org/sites/default/files/publication/707481/climate-risk-country-profile-georgia.pdf> [accessed 14/12/2022]

30 Chaladze, G. (2012). Climate-based model of spatial pattern of the species richness of ants in Georgia. *Journal of Insect Conservation*, 16(5), pp. 791–800. URL: https://www.researchgate.net/publication/256088238_Climate-based_model_of_spatial_pattern_of_the_species_richness_of_ants_in_Georgia

31 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf

wind, drought, etc.). Such events have become increasingly frequent and intensive in the context of climate change causing significant economic damage and often human casualties. Women, girls and the elderly are particularly vulnerable to these challenges.

Precipitation showed an upward trend in Western Georgia in 1986-2015 compared to 1956-1985. All the weather stations on the Black Sea coast (Batumi, Kobuleti, Poti, Zugdidi) reported an increase in maximum 1-day precipitation, especially in autumn. Since one-day heavy rainfall is sufficient for flash flood formation in this region, the increased precipitation has resulted in higher flood risk and increased frequency of floods over the recent decades.

Droughts are observed throughout Georgia and particularly severe in Kakheti, Shida Kartli, Kvemo Kartli and Zemo Imereti. If earlier droughts recurred with the interval of 15-20 years, lately they occur every 6-7 years. In 1995-2008, damage caused by droughts to agriculture alone amounted to GEL 400 million.

Strong winds are particularly damaging to agriculture and various infrastructure facilities. In 1996-1998, wind damage exceeded GEL 80 million, 10 people were killed.

On the territory of Georgia snow avalanches are particularly intense in mid-mountain and high-mountain zones of the Caucasus, Lesser Caucasus and Guria-Adjara region. There are about 5,000 avalanche hotspots in the country, of which more than 1,100 pose threats to highways, populated areas and communication infrastructures. Of particular note in this respect are the years 1970-1971, 1975-1976, 1986-1987, 1996-1997, and 2004-2005 when heavy snowfall caused catastrophic avalanches that killed 176 people and caused damage exceeding \$750 million.

According to the Department of Geology of the National Environment Agency in recent years the quantity and

magnitude of landslides and mudflow processes have increased significantly in the country. As of 2018, 18% (647 settlements) of Georgia's populated areas were at high risk of geological hazards.³²

iii. Economic Sectors

Agriculture - livestock farming is one of the oldest traditional branches of agriculture in Georgia that played and plays an important role in the national economy. Agriculture is the most important employment sector for women in low- and middle-income countries, including Georgia; women involved in agriculture work on average 344 days, and men – 263, however, only 20.7% of agricultural land is owned by women.³³

The impact of hot conditions on livestock health implies heat stress, mainly caused by high temperature and humidity. Accessibility of food and drinking water, as well as changes in the distribution area of pathogens and/or their carriers, have an indirect impact. The issue of stress from hyperthermia has become particularly crucial for livestock breeding in the context of climate change.³⁴

Viticulture - vine growing and winemaking are ancient activities that have played a special role in creating the country's economic and cultural values.

Climate change has a significant impact on phenological phases of the vine. Scientific studies in Georgia show that phenological processes (flowering, ripening, and maturity) of the vine have accelerated over the recent 30 years, which is due to the fact that the maturity period starts 3-5 days earlier compared to the past. This change is expected to further intensify in future.³⁵

Hazelnut growing - hazelnuts are one of the most important agricultural crops for Georgia. Georgia is among the top five hazelnut exporters. Apart from economic benefits, hazelnut is important for the environment in

32 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

33 Country Gender Equality Profile of Georgia, 2021 UN Women, available at: https://georgia.unwomen.org/en/digital-library/publications/2021/11/country-gender-equality-profile-of-georgia_georgia

34 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

35 Cola G, Failla O., D. Maghradze D., Megrelidze L., Mariani L. and others. Grapevine phenology and climate change in Georgia, International Journal of Biometeorology 61(4) 2017, Pages 761-773

terms of stabilising degraded or uncultivated soils, especially on slopes, thus reducing the risk of landslides, also stabilising the water balance in catchments. In general, hazelnut is a relatively climate-resistant plant, though still susceptible to climate change. Warmer winters reduce the winter chill and thus negatively affect the yield.³⁶

Energy - as a result of climate change, rising sea levels, rising temperatures, changes in rainfall, changes in winds and frequent extreme events can seriously threaten the energy sector's reliability.

More than 75% of electricity generated in Georgia comes from hydropower plants (HPPs). As of 2021, according to the latest Energy Balance of Georgia,³⁷ there are 90 HPPs operating in the country with total annual generation of 8,248.2GWh, including 7 large regulating HPPs (with an installed capacity of 1,993MW) and 64 small HPPs (with a total installed capacity of 259.41MW). The impact of climate change on the HPPs, among other factors, is reflected by changes in river flows. Georgia's rivers are fed by rain, snow, glacier and groundwater.

There is only one wind power plant in Georgia, located in the Shida Kartli Region, in Gori Municipality. The 20.7MW power plant generates an average of 84m kilowatt-hours of electricity annually. Georgia plans to enhance production from wind energy. Climate change means an increase in temperature, which reduces the density of air, which in turn causes a decrease in energy generation.

Due to our geographical location, the level of solar radiation in Georgia is high. Some regions of the country are characterised by 250-280 sunny days annually, which is about 6,000-6,780 sunny hours annually. Solar energy potential varies from 1,250-1,800W/m² depending on the region. The following climate factors influence the efficiency of solar power generation under climate change: temperature, precipitation, cloud cover, wind speed, hail, and desertification. Under high

temperatures, solar photovoltaic converters slightly increase power and significantly lower voltage, resulting in less generation. Cloud cover and desertification of the soil also create a problem, which often results in shading or cracking of the surface of the panels, which reduces energy output.

Climate change has a significant negative impact on power transmission and distribution lines, as well as on substations. The problem for transmission lines is the increase in temperature. As the temperature rises, the conduction impedance increases, which in turn impedes the delivery of the required power to the consumer, increasing losses and delivery costs.

As the temperature changes, the behaviour of individuals changes as well. With high temperatures during summer, the demand for electricity and cooling is increasing. Demand rises significantly in the afternoon when peak temperatures are reached - cooling devices are switched on simultaneously, which increases the load on the power grid.

Transport - Georgia is located at the crossroads of Europe and Asia and its economic growth largely depends on effective use of its transit function.

Climate change causes an increase in costs related to the operation, maintenance, repair and rehabilitation of transport infrastructure. Upgrading the infrastructure to adapt it to climate change requires high-cost interventions, but without adaptation measures economic losses will be much more significant.³⁸

Transport is also a large source of climate change emissions so reducing the impact of transport is the other half of this challenge.

Tourism - it is one of the priority areas of the country's economic development. Mountain-ski tourism is particularly vulnerable to climate change, thus, it is necessary to take into account the climate change challenges for its future development.

36 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

37 Energy Balance of Georgia for 2020, Statistical Publication, Geostat 2021, <https://www.geostat.ge/en/single-archive/3366#>

38 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

For several Georgian ski resorts (Mestia, Goderdzi, Gudauri, Bakuriani), the patterns of change in snow cover duration between two 30-year periods (1956–1985 and 1986–2015) were assessed. In all studied resorts except Goderdzi, the snow coverage trend remained negative and the duration of cover decreased by 8%–17%.³⁹

iv. Health

According to World Health Organisation data, extremely high temperatures are one of the leading causes of death from cardiovascular and respiratory diseases, especially in the elderly. They also state that, while a polluted environment harms health in general, it has a particular negative effect on women's health, especially among those over 50.

According to the 2018 report of the National Center for Disease Control and Public Health (NCDC), in 2017 cardiovascular diseases (CVDs) remained the leading cause of deaths in Georgia; the trend was established back in 1990.

The NCDC data show that CVDs made up 17.2% of all recorded diseases and 9.4% of new cases in 2017 in Georgia. In this group of diseases, hypertension (high blood pressure), ischemic diseases (deficient supply of blood and thus oxygen, causing, for instance, myocardial infarction) and cerebrovascular (brain blood vessels) diseases are characterised by high morbidity and mortality. In Georgia, in 2000–2017, there was a rapid increase in the incidence of cardio-vascular diseases compared to other countries; hospitalisation per 100,000 people increased from 500 in 2003 to about 2,600 in 2017.

A large share of CVD is accounted for by hypertension (high blood pressure), which equalled 53.3% as of 2017. High blood pressure was reported in 37.7% of the population, according to a research on risk factors of non-communicable diseases. In 2010 the percentage was 33.4%. Ischemic heart disease (including myocar-

dial infarction) accounts for 16% of CVDs, and cerebrovascular (cerebral circulatory) diseases occupy the third place in this group of diseases (NCDC, 2017).⁴⁰

g. Public attitudes on climate change

A national survey commissioned by the Westminster Foundation for Democracy (WFD)⁴¹ in August 2021 to examine Georgian citizens' opinions and attitudes toward environmental concerns and climate change on a national and global scale, revealed that Georgian citizens are highly concerned about the consequences of climate change, loss of biodiversity and environmental degradation, and regard climate change and environmental degradation as the most serious problem the world is facing currently. Similar nationwide study was commissioned by WFD in November 2022, most of the respondents think that the problem of climate change is very important at both the global (73%) and the country levels (68%). It is interesting to note that a similar national survey, commissioned by the UN Development Programme⁴² in August 2020, found that citizens of Georgia ranked climate change as the third most important challenge globally, preceded by poverty and infectious disease.

The WFD survey conducted in 2021, revealed that Georgian citizens place "high responsibility" for tackling climate change in Georgia on national (70%) and local governments (64%) as well as on individuals (65%) and businesses (61%). It also showed that citizens are more likely to support political parties that create jobs that strengthen the environment (91%), have plans to improve air and water quality (91%), support renewable wind and solar energy (89%), oppose deforestation (79%), and oppose the expansion of environmentally harmful industries as well as support renewable hydroelectric projects (67%). However, the aforementioned UNDP study found that, unlike higher levels of awareness and knowledge of climate change-related issues and challenges, relevant social behaviour ranked rather low. The WFD report argued that this gap is caused by several factors, such as i) socioeconomic factors, in-

39 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

40 MEPA (2021) Fourth National Communication of Georgia Under the United Nations Framework Convention on Climate Change, URL: https://unfccc.int/sites/default/files/resource/4%20Final%20Report%20-%20English%202020%2030.03_0.pdf [accessed 14/12/2022]

41 IPM Market Intelligence Caucasus. (2021). Environment and Climate Focused Nationwide Opinion Poll in Georgia. Commissioned by WFD Georgia.

42 Durglishvili, N., Kechakmadze, I. (2021). What Does the Georgian Population Think About Climate Change? commissioned by the EU4Climate project.

cluding lack of access to finance (for example, using energy-efficient or renewable energy solutions at the household level); ii) infrastructural factors, including absence or lack of sustainable and resilient infrastructure (for example, the underdevelopment of public transportation in Georgian cities incentivises usage of private vehicles); and iii) political factors (for example, climate change and degradation of the environment are not major topics of political debates and social discourse).

The national survey commissioned by WFD in 2022, revealed that 88% of citizens support the introduction of climate change legislation and regulations. On a 1-5 scale, respondents assigned the highest (5) responsibility for tackling climate change to the Government of Georgia (73%) and the Parliament of Georgia (70%), followed by the ruling party (68%), international organisations (65%) and local authorities (62%).

According to the opinion poll, citizens of Georgia name deforestation, increased private car usage, excessive consumption of energy and accumulation of waste, among others, as the leading causes of anthropogenic climate change (see Figure 2).

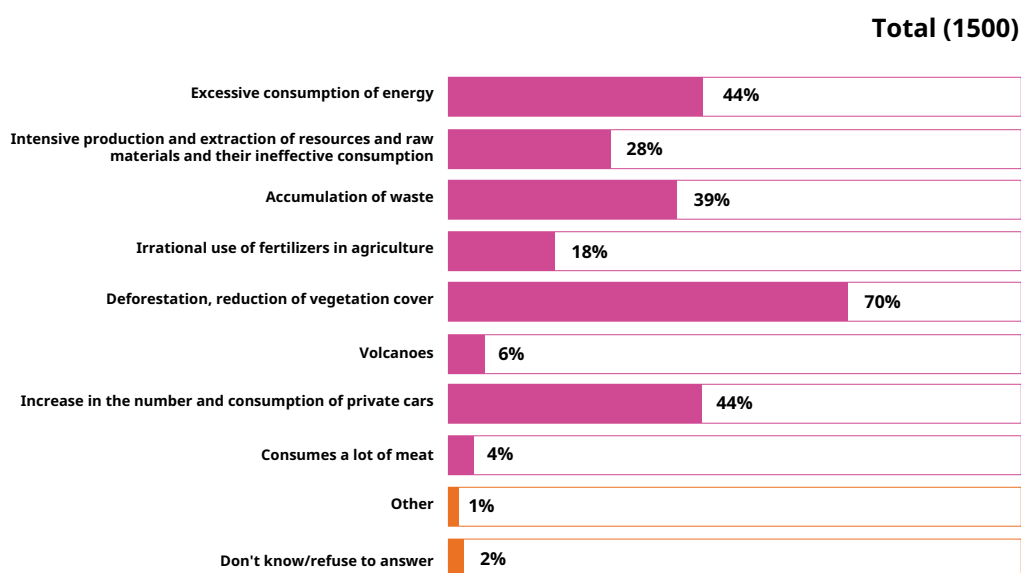


Figure 2. What do you think are the causes of climate change?

The 2022 study explored citizens' preferences (respondents had to rank potential policy options) for Georgia's policy options to tackle climate change in different sectors. For the energy sector, 63% support promotion of renewable energy production: solar, wind and other renewable energy sources. In the transport sector 36% give preference to prohibition of movement of highly polluting vehicles and 31% to promotion of public and clean means of transport. For the waste sector, citizens' preferences were allocated in the following manner: high-standard landfills - 48%, waste sorting and separated collection - 27% and encouraging waste reuse and recycling - 23%. In the field of agriculture, respondents prioritise usage of fertilisers sparingly and replacing chemical ones with natural ones - 38% as well as promotion of organic crops - 23%. For protection of the population from frequent natural disasters (floods, landslides, forest fires, droughts, etc.), citizens prioritise: construction of relevant infrastructure (25%), development of early warning systems (24%) and raising awareness and informing (18%).

Respondents support for introducing various regulations for mitigating climate change is provided on Figure 3.

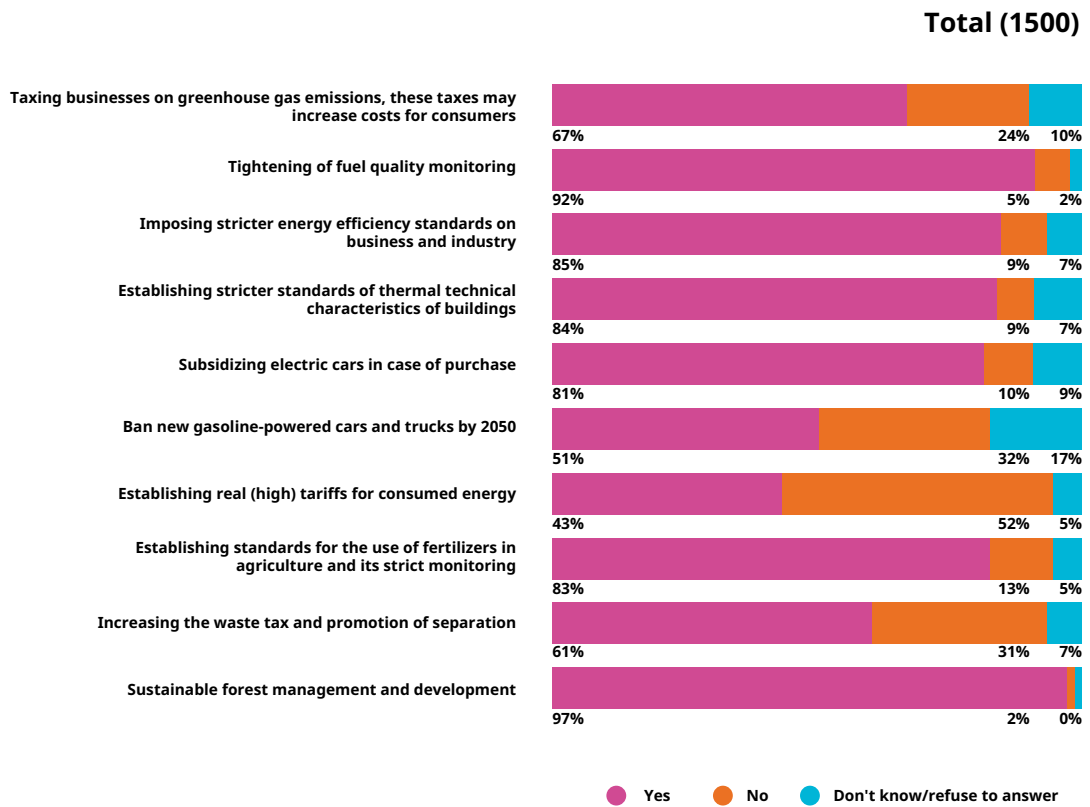


Figure 3. Responses to the questions “Do you support or oppose the development and introduction of the following regulations to reduce climate change?”⁴³

43 IPM Market Intelligence Caucasus. (2022). Environment and Climate Focused Nationwide Opinion Poll in Georgia. Commissioned by WFD Georgia.

3. GEORGIA'S CURRENT EMISSIONS

a. The current inventory and projections for the future

All countries under the UNFCCC are required to report their GHG emissions based on the IPCC's guidelines. In accordance with the IPCC methodology the GHG emis-

sion sources are distinguished between energy-related and non-energy related. Consequently, the GHG emissions from fuel production, delivery and consumption are all reported in the energy sector. The non-energy related GHG emissions are allocated in the following sectors: Agriculture, Industrial Processes and Product Use (IPPU) and Waste. In 2017 the highest level of GHG emissions are from the energy sector (62%), followed by Agriculture (18%), IPPU (12%) and Waste (8%), as shown in Figure 4.

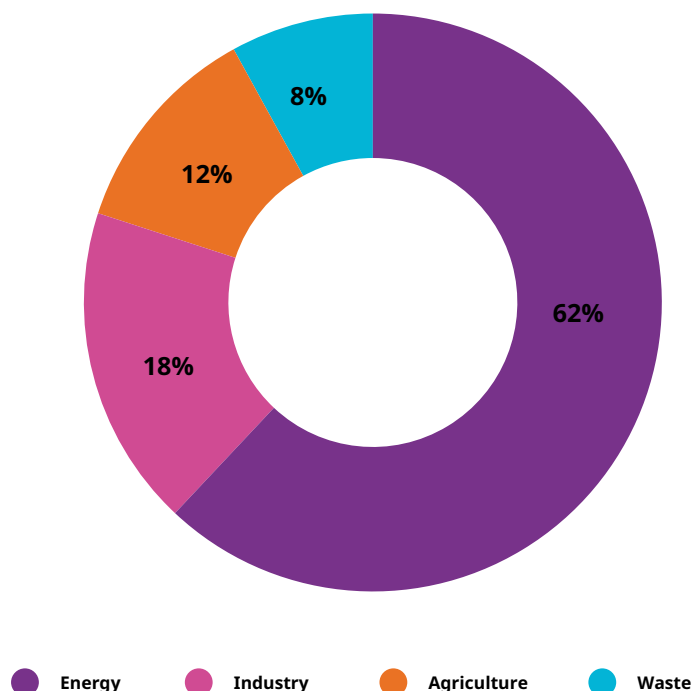


Figure 4: Georgia's emissions by sector for 2017, excluding emissions captured by land uses

The energy sector includes GHG emissions from transport, energy industry, manufacturing and other sources. The highest share of the GHG emissions, about 23% of total emissions, are from the transport sub-sector. Cattle rearing is dominant in GHG emissions from the Agriculture sector.

In addition to the above-mentioned sectors, there is the Land Use, Land Use Change and Forest (LULUCF) sector. In the latest national GHG inventory of Georgia, the LULUCF sector is the only sector that removes GHG emissions from the atmosphere. Currently, 28% of GHG emissions are captured by the forests of Georgia. According to the Climate Change Strategy, the forest sector carbon capturing potential is expected to increase.

As mentioned above, in 2021 the updated NDC with Climate Change Strategy 2030 and its action plan 2021-2023 was adopted by the Government of Georgia. By the end of this decade, Georgia envisages reducing its GHG emissions by 35% compared to the level of the year of 1990. In the case of international support, Georgia plans to follow global 2°C or 1.5C scenarios with reduction of GHG emissions by 50 - 57%.

The unconditional target is accompanied by sectoral targets. Consequently, the emissions profile by 2030 is expected to be as presented in Figure 5.

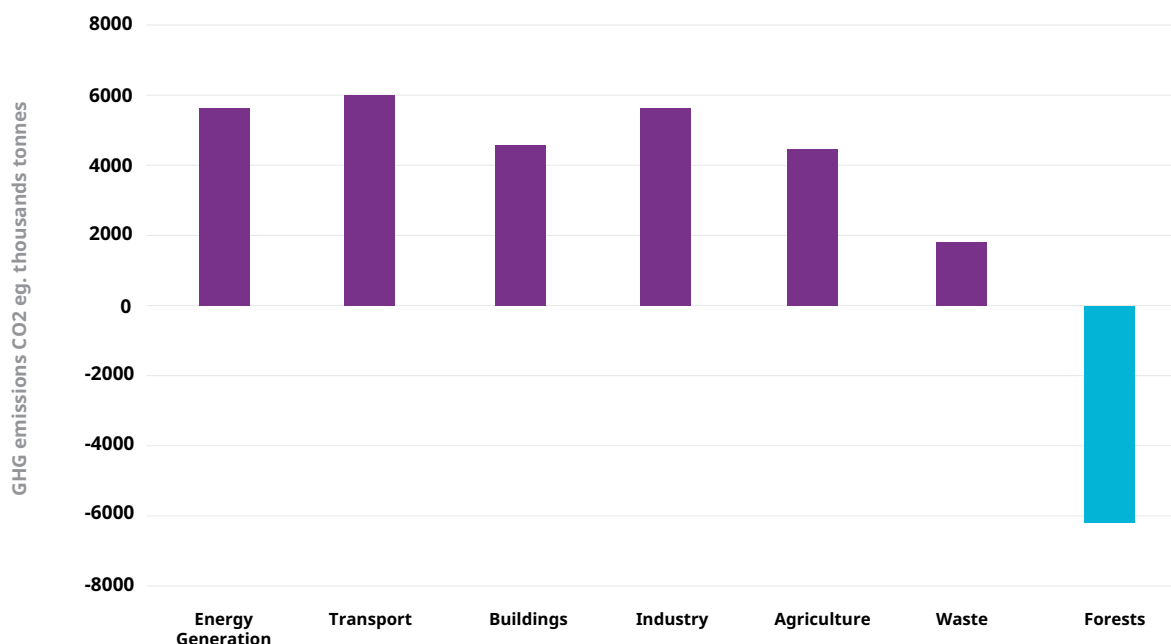


Figure 5: expected emissions by sector in 2030 (ktCO₂eq)

b. Predictions of future climate impacts

According to current climate change predictions, the average annual temperature will increase from 1.6°C to 3.0°C throughout the country in the period of 2041-2070 compared to the 1971-2000 period. The temperature rise for this period will be within the range of 2.1°C-3.7°C compared to the 1971-2000 average.

In the period of 2041-2070, the annual precipitation in Eastern Georgia will be reduced by 9% on average. The largest decrease (12.3%) will be in Pasaauri and the smallest (5.3%) in Sagarejo.

The main adverse effect of global warming on the coastal zone is sea-level rise, which will cause flooding and loss of territories.

The glacial area and the number of glaciers in Georgia have decreased, and this reduction is more intense in eastern Georgia than in western Georgia. It is clear that climate change accelerates the retreat of large glaciers, and some more individual glaciers are to completely melt.

The changes in climate will influence water resources in Georgia. The HBV-IHMS hydrological model showed that the average normal Rioni River discharge at the Rioni Alpana of the total rainfall will be reduced by about 8% in the period of 2041-2070 and decreased by 5% in the period of 2071-2100; The average normal value of the Rioni River discharge in the Rioni Chaladidi cross-section will decline by 9% in 2041-2070 as compared to the period of 1971- 2000 and will be reduced by 3% within the period of 2071-2100; the average normal rainfall value will decrease respectively by 17.6% and 16.1%.

Heatwaves are another climate-induced extreme weather event that affects Georgia's urban population's health, particularly the elderly, women and girls. According to the Fourth National Communication Telavi is most vulnerable at present, Batumi in the first forecast period (2041-2070) and Telavi again in the second forecast period (2071-2100).

4. CURRENT CLIMATE ACTION IN GEORGIA

a. The Climate Strategy 2030 and the Action Plan 2021-2023

In order to ensure fulfilment of its NDC targets, Georgia developed and approved its first National Climate Change Strategy 2030 and the Action Plan 2021-2023. Derived from the updated NDC document, its long-term vision involves reducing the total GHG emissions to 35% below 1990 levels by 2030 for all the key sectors of the economy relevant to climate change. The Strategy and Action Plan includes one unconditional commitment and two additional conditional scenarios for further emission reductions, implementation of which would be dependent on international support.

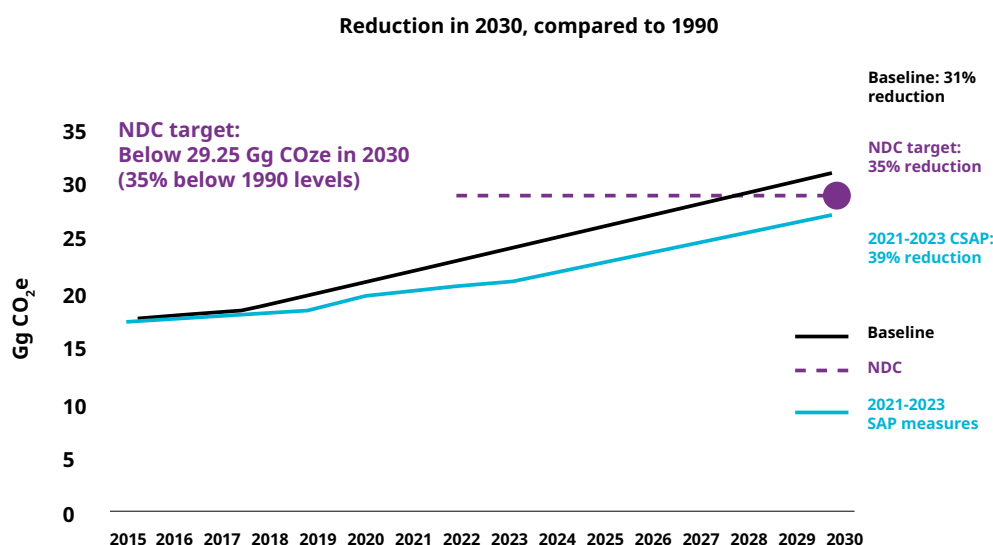


Figure 6: GHG emissions trajectory in all the major sectors of the Georgian economy (2015-2030). The figure compiles emissions from all the major sectors of the economy, excluding carbon sinks from LULUCF

b. The National Energy and Climate Plan

The National Energy and Climate Plans (NECPs) are the EU-backed strategic planning documents originally requested from the EU Member States as part of the Clean Energy for all Europeans package. Pursuant to Article 1 of the Decision of the EnC Ministerial amending Article 20 and Annex I to the Treaty establishing the EnC, NECPs preparation and submission becomes mandatory for Georgia, as the EnC Contracting Party is obliged to transpose the EU Governance Regulation into national legislation. Elaboration of the NECP is also enabled by Article 7(3) of the primary law of Georgia on Energy and Water Supply, providing the legal basis for the NECP development. Article 3 of the Governance Regulation calls on the EnC Contracting parties to

prepare NECPs and notify the EnC Secretariat. While Georgia needs to prepare and communicate its NECP to the EnC Secretariat by June 2024, the draft version should be submitted by June 2023. The draft NECP sets out the scenarios and assumptions for 2030 and is currently being verified with different stakeholders in Georgia, including public authorities, intra-governmental institutions, civil society organizations.

Under the draft NECP, Georgia covers the period of 2025-2030 (i.e. the Governance Regulation timeline). It addresses five dimensions (energy security, internal energy market, energy efficiency; decarbonisation and research, innovation and competitiveness) of the Energy Union and includes national objectives and targets in each dimension as well as proposing policies and

measures (PaMs) in achievement of defined goals (including impact assessment).

In terms of concrete commitments, according to the latest draft of the NECP, no new decarbonisation commitments are, in principle, set. Instead, the document reiterates the targets from the NDC and national laws, and identifies measures in relation to adaptation. What is also notable is the increase in the share of renewable energy sources in final energy consumption (target: 27.4 % by 2030). However, according to the NECP scenario only 22.41 % will be achieved by 2030, while 24.44% will be achieved by 2040, and 27.66% by 2050.

As for energy efficiency, the NECP aims to achieve primary energy consumption savings (target 15% under the BAU in 2030) in the sectors of building, transport and industry sectors, and gas and electricity infrastructure. It also aims for rehabilitation and upgrade of existing energy infrastructure within the energy security dimension via deploying domestic energy sources, reducing energy import dependency in the electricity sector etc. Other commitments include cross-border transmission capacity, increasing system flexibility, market integration and coupling, mechanisms for dispatching, re-dispatching and curtailment and real-time price signals. The fifth dimension of the NECP identifies priorities related to Research, Innovation, and Competitiveness (RIC) to support the clean energy transition. It also strengthens international cooperation in Research, Development and Innovation, which will include further integration of Georgia into the EU research community. Access to EU research infrastructure is crucial for technology and knowledge transfer.

c. The Long-Term Strategy

Georgia, as a Party to the UNFCCC, is expected to prepare a mid-century Long-term strategy ("LTS" or "LT LEDS")⁴⁴ for Low GHG emission development. This is enshrined in the Paris Agreement (Article 4(19), decision 1/CP.21, Para 35) requesting identification of the vision towards 2050 based on projected GHG emissions from the climate relevant sectors (energy, industry, industrial processes (IPPU), buildings, transport, agriculture, waste and LULUCF), as defined by the IPCC as

GHG sources and sinks, resulting in the national total net GHG emissions. Beyond the UNFCCC framework, Georgia is obliged to submit the LTS according to the EU Governance Regulation by the time "this Regulation [Governance Regulation] comes into force" (Article 15 (1)). The Regulation comes into force on the day of adoption at the 19th Ministerial Council. Thus, the LTS submission date is even more ambitious, to be delivered by the time of transposing Governance Regulation (i.e. December 2022).

Georgia's draft LTS assumes no new binding commitments, but endorses the targets enshrined in the NDC, NECP and respective national laws (e.g. 35 % renewable energy share increase articulated in the Renewable Energy law). It is required to provide the country's vision for emission reduction by 2050 with a 30-year perspective and consistent with the EnC's climate-neutrality objective. The draft LTS defines the sectoral priorities and argues that Georgia can become carbon neutral, displaying six scenarios (pessimistic to optimistic) to demonstrate the tentative range of the GHG emissions up to 2050. In addition to this, the document mentions a climate neutrality objective in passing. The document shows that it is possible to achieve climate neutrality, but only in the case of the deployment of the additional measures' scenarios (WAM scenario) and not with the existing measures (WEM scenario).

As an overall assessment, the draft LTS is in a broad sense in compliance with the international obligations of Georgia be it from UNFCCC/PA, EU and/or EnC. It largely reflects the political reality of the country's green transitional agenda and scenarios.

d. Work on adaptation

As detailed in section 2(f) climate change has already impacted our economy and ecosystems.

According to the latest IPCC report the world is still far from the 1.5°C scenario, so the adverse effects of climate change will continue at least in the near future. Consequently, the measures to increase our resilience and reduce damages anticipated from extreme weather events are more essential than ever. Adaptation meas-

⁴⁴ Difference between these two abbreviations lies in the two perspectives of UNFCCC Secretariat and EU framework.

ures to climate change help protect the country's growing economy.

Nowadays, a few adaptation projects are ongoing in Georgia. One of these projects is the UN Green Climate Fund funded project titled "Scaling-up Multi-Hazard Early Warning System and the Use of Climate Information in Georgia" Within the project, Georgia plans to improve resilience of about 258,841 households, 1.71 Million people (direct beneficiaries, 47% of the population) who are at risk from climate-induced hazards on an annual basis, including in the most vulnerable communities in mountainous rural areas as well as densely populated urban areas. The whole Georgian population will benefit from the enhanced nation-wide Early Warning System and climate-informed planning and risk management through reduced damages to infrastructure, reduced loss of livelihoods and disruption to economic activity, reduced impact on GDP and reduced recovery costs.

Another project is funded by the Adaptation Fund titled: "Dairy Modernization and Market Access: Adaptive and climate-resilient pasture management." The overall goal of the project is to improve the governance and management of pastures to make the sector fit to withstand current and future climatic change. The project will contribute towards the formulation and implementation of the new law on pastures.

Most developing countries, including Georgia, have acquired resources to develop a National Adaptation Plan (NAP). The Climate Law could make the adoption and regular revision of a National Adaptation Plan a legal requirement on the government.

Climate change strategies on adaptation cannot be "gender neutral". Men and women have different adaptive capacities and different access and control over resources. While climate change often intensifies existing economic and gender disparities, gender-based adaptation addresses these inequalities as well as enhances adaptation outcomes and gender equality. The Climate Law and an Adaptation Plan are the best responses to the adverse effects of climate change. Under the Climate Law, it would be possible to involve men and women and their specific groups' representatives, starting with needs assessment, followed by awareness raising, capacity building and addressing population challenges at all stages of the adaptation process.

Q2. how could a Climate Law help Georgia prepare to adapt to the changing climate?

5. THE ADVANTAGES OF CREATING A LEGAL FRAMEWORK FOR CLIMATE ACTION

Georgia's history of engagement with the climate issue and with the international climate negotiations is summarised in the table below:

| | |
|-------------|---|
| 1994 | Georgian Parliament acceded to the United Nations Framework Convention on Climate Change ⁴⁵ |
| 1999 | The country acceded to the Kyoto Protocol |
| 2015 | In September 2015, Georgia submitted its Intended Nationally Determined Contributions to the UNFCCC Secretariat. Under INDC Georgia planned to unconditionally reduce its GHG emissions by 15% below the Business-as-Usual scenario (BAU) by 2030, which could be increased up to 25% if the country had access to international financial and technological support. |
| 2016 | Georgia signed the Paris Agreement |
| 2017 | Georgia approved the Paris Agreement |
| 2021 | The Government of Georgia developed and adopted the updated NDC and submitted it to UNFCCC on 5 May 2021. Georgia's National Climate Change Strategy 2030 and Action Plan 2021-2023, adopted by the Government at the same time as the updated NDC, outlined the concrete actions the country will take to implement this ambitious agenda |
| 2022 | The Parliament of Georgia launched the Climate Law development process. Georgia finalised its Long-Term Low Emission Development Strategy, ⁴⁶ which looks at the country's climate ambition beyond 2030 up to 2050, with one of the possible scenarios reaching climate-neutrality by 2050. Georgia created a draft National Energy and Climate Plan. |
| 2023 | The Parliament of Georgia developed the Green Paper of the Climate Law |

45 Convention status: https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXVII-7&chapter=27&Temp=mtdsg3&clang=en

46 The Climate Change Council approved draft LT-LEDS on the 31st of January, 2023. The governmental approval is the next step.

a. The current legal framework

While Georgia does not have a fully-fledged climate legislative framework, the legal system in Georgia relating to climate change is a patchwork of normative interaction between EU law, EnC acquis and domestic legislation. The matters related to climate nationally are currently regulated in a scattered manner with no holistic approach and system.

The following horizontal and sector-specific national framework laws are of relevancy to the climate change:

| | |
|--|--|
| The Law on Environmental Protection | Addresses climate change in practical ways. Article 51 on the “protection of the climate from global changes” stipulates that in order to protect the climate from global changes, an operator (a natural or a legal person carrying out an activity) shall comply with standards of GHG emissions defined under the system of integrated control of environmental pollution and take measures for their reduction. Article 13 of the law grants the Ministry of Environmental Protection and Agriculture regulatory powers to organise mitigation and adaptation measures. |
| The Environmental Assessment Code regulates | The Environmental Assessment Code regulates matters related to strategic documents and public or private activities which may have significant effects on human health and safety and the environment, including: biodiversity and its components, water, air, soil, climate, landscape and protected areas. The Code defines the purposes of the Environmental Impact Assessment as: to identify, study and describe direct and indirect impacts, resulting from the activities provided for by the Code on the water, air, soil, land, climate and landscape (among others). |
| Forest Code | The Forest Code includes “climate” within the definition of “environment”. Moreover, it establishes the principles of sustainable forest management and categorises forests based on ecological, social and economic functions and the main objectives of forest management. Article 7 of the Forest Code lays out the purpose of categorising forested areas, namely to facilitate the preservation and protection and enhancement of soil protection and functions regulating the local water and climate. According to the Code, “forest caring” is a system of measures, which mainly aims at preserving and improving the social and environmental functions of forest, including the protection of soil, water and local climate, and other useful functions/properties of forest. |

| | |
|--|--|
| <p>Law on Ambient Air Protection</p> | <p>Climate change was introduced into the Law on Ambient Air Protection through successive amendments. The Law does not mention “climate change” as a key notion, but it defines “main harmful substances” (sulphur dioxide, nitrogen dioxide, nitrogen oxides, solid particles, lead, benzene, carbon monoxide, ozone, arsenic, cadmium, mercury, nickel, benzopyrene, manganese dioxide) as well as fluorinated gases (these have a direct greenhouse impact). Article 53 on the protection of climate from global changes introduces GHG emission standards and implementation measures and charges the government to develop knowledge about the issue. The Law authorises MEPA to coordinate the development and implementation of a climate change national strategy and the action plan to fulfil the commitments of Georgia under the UNFCCC. The Law and its secondary legislation include rules for registration, recovery, decontamination, use, prevention and emission of fluorinated greenhouse gases.</p> |
| <p>Law on Windbreaks</p> | <p>The Law on Windbreaks determines the legal status and management measures of the windbreak to protect the soil from wind erosion and maintain its fertility, to provide an appropriate soil and microclimatic environment for agricultural crops, and to protect these crops from the prevailing winds, as well as biodiversity.</p> |
| <p>Waste Management Code</p> | <p>Georgia’s Waste Management Code is related to climate action in a plurality of ways. Emissions from the waste sector notably originate from the decomposition of organic waste, a process that creates methane. The production and incineration of inorganic waste use natural resources such as water, fuel, metal, timber in their production and this results in further GHG emissions, particularly carbon dioxide and other pollutants. Besides, waste management can positively affect climate action through waste-to-energy schemes and other indirect co-benefits. The purpose of the Code is to establish a legal framework in the field of waste management to implement measures that will facilitate waste prevention and its increased re-use as well as environmentally safe treatment of waste (which includes recycling and separation of secondary raw materials, energy recovery from waste and safe disposal of waste). The Code also establishes a hierarchy according to which waste management policy and legislation are based on the following principles: prevention; preparation for re-use; recycling; other recovery, including energy recovery; disposal.</p> |
| <p>Law on Promoting the Generation and Consumption of Energy from Renewable Sources</p> | <p>The Law on Promoting the Generation and Consumption of Energy from Renewable Sources creates legal ground for the encouragement, promotion and consumption of energy generated from renewable sources. It also determines the mandatory national common target indicators of the total share of energy generated from renewable sources in the total final consumption of energy and in the consumption of energy by transport. The Law establishes norms related to support schemes, statistical transfers and joint projects between Georgia and the contracting parties of the Energy Community and Georgia and third countries, certificates of origin, administrative procedures, information support and trainings, the accessibility of energy received from renewable sources and biogas to the electric power network and the natural gas network. It also establishes sustainability criteria for biofuel and bioliquids.</p> |

| | |
|---|---|
| <p>Law on Energy Labelling</p> | <p>The Law on Energy Labelling lays down a framework that applies to energy-related products placed on the market or put into service. It provides for the labelling of those products and the provision of standard product information regarding energy efficiency, the consumption of energy and other resources by products during use and supplementary information concerning products, thereby enabling customers to choose more efficient products in order to reduce their energy consumption.</p> |
| <p>Law of Georgia on Energy and Water Supply</p> | <p>The Law of Georgia on Energy and Water Supply provides a general legal framework for the generation, transmission, distribution, supply and trade in the electricity sector and for the transmission, distribution, supply, storage and trade in the natural gas sector, with a view to promoting the establishment, opening, development and integration of proper, transparent and competitive electricity and natural gas markets. In terms of climate change, the Law states that the State Energy Policy shall consider all the energy resources used in the country, and it shall include a national, integrated climate plan aiming to provide energy security and solidarity. Article 9 on considering the general economic interest stipulates that an energy undertaking may be subjected to the obligation to provide a public service in order to ensure security, continuity, and appropriate quality and cost of supply, as well as environmental protection, energy efficiency, and energy production from renewable energy sources and climate protection.</p> |
| <p>Law on Energy Efficiency</p> | <p>to Increase energy savings, energy supply security and energy independence, as well as to maximally eliminate barriers to improving energy efficiency in the energy market. It determines the general legal basis for the measures required to promote and implement energy efficiency in the country in order to ensure the achievement of the goals set out in the Protocol on the Accession of Georgia to the Treaty Establishing the Energy Community. The Law defines obligations and responsibility measures of public and private institutions, household customers, energy service providers, and other industry and economic sectors in the process of energy consumption efficiency, energy saving, and the market development of energy services.</p> |
| <p>The Law on Energy Efficiency of Buildings</p> | <p>The Law on Energy Efficiency of Buildings promotes the rational use of energy resources and improvement of the energy efficiency of buildings, taking into account the external climate and local conditions of buildings, the demand for indoor climate conditions and cost-effectiveness.</p> <p>The law stipulates the rules on the methodology for calculating energy efficiency of buildings, on minimum energy performance requirement for buildings, parts of buildings or building elements, as well as energy performance requirements of the engineering and technical support systems of buildings, also on nearly zero-energy buildings, energy performance certification of a building, and the inspection of heating and air conditioning systems in buildings.</p> |
| <p>Law of Georgia on Traffic</p> | <p>Among other issues, Law of Traffic establishes rules of periodic technical inspection for cars and other motor vehicles and requirements related to protection of environment</p> |

Law of Georgia on determination of the designated purpose of land and on sustainable management of agricultural land

The Law regulates issues related to the designated purpose of land, determines the categories of agricultural land and the procedure for changing such categories, as well as the principles of sustainable management of agricultural land

Although Georgia does not operate comprehensive, dedicated legislation on climate change, the country has in recent years adopted a cascade of new sustainability legislation and policy documents. These laws jointly, with some older regulatory standards, establish the legal framework accommodating the legal approximation requirements stemming from AA and EnC frameworks.

Apart from the obligations stemming from the EU-Georgia AA, the EnC Accession Protocol (i.e. Third Energy Package) and recently adopted Clean Energy Package (i.e. Governance Regulation) explained above, there are some parallel processes at the EU level with a huge influence on Georgia's national climate policy setting. This primarily relates to the launch of the European Green Deal (EGD) initiative, which Georgia is not yet formally attached to. The EGD sets out the vision of a new growth strategy transforming the EU into a fair and prosperous society with a 'climate neutrality commitment' by 2050. In terms of specific actions, the EU has also published the largest legislative package related to climate and energy – the "Fit for 55 package" with a list of prioritised actions in order to align current laws with the 2030 and 2050 ambitions and a binding target of achieving climate neutrality by 2050.

Although the EGD process has a strong conceptual impact on the national law-making realm, at the time of writing, it does not establish direct and immediate political or legal (i.e. Communication of the EC) applicability to Georgia. Neither the European Climate Law nor the "Fit for 55 package" proposal require any new binding elements in Georgia's national legal system or policy targets. What is obvious though is the extra pressure that the EGD system created with its EU climate law and "Fit for 55 Package."

The country, therefore, should start considering integrating EGD-related legislation in its normative system. This might include the legislative alignment in the fields of climate, environment, energy and particularly relates to issues of carbon pricing, CO2 taxation, Emissions Trading System, methane emissions reduction, Climate adaptation strategy, Industrial policy package, Biodiversity and ecosystems, Waste Management, Air, water and soil pollution, Renewable Energy and Energy Efficiency targets, Energy efficiency in buildings, Eco-design and labelling, Just Transition Mechanism etc.

Amongst the legislative initiatives of Green Deal related prioritised actions, which are all connected and complementary to each other, a Regulation proposing a Carbon Border Adjustment Mechanism (CBAM) is of particular interest. CBAM is a relatively new concept developing at a rapid pace, which is proposed to put a carbon price on imports of a targeted selection of products⁴⁷ and to ensure that ambitious climate action in Europe does not lead to "carbon leakage." Thus, what the mechanism is aimed at is to safeguard European emission reduction pathways contributing to a global reduction, and not pushing carbon-intensive production outside Europe.

Given that CBAM seeks to encourage industries outside the EU and its international partners to take measures in the similar direction and foster decarbonisation, the impact of the proposed Regulation largely applies to third countries (including Georgia). What is more important, the legislative deal in the EU has recently in December 2022 been reached in the EU proposing CBAM rules to apply from 1 October 2023 with a transition period. This means that non-EU companies that import into the EU are to purchase so-called CBAM certificates to pay the difference between the carbon price paid in the country

47 CBAM covers iron and steel, aluminium, cement, fertilisers, electricity and hydrogen, as well as some precursors and a limited number of downstream products.

of production and the price of carbon allowances in the EU ETS. The proposed law incentivises non-EU countries to increase their climate ambition, as the countries with the same climate targets as the EU will be able to export to the EU without getting CBAM certificates. The new rules should therefore encourage Georgia to align with CBAM requirements and to support the EU's increased ambition on climate mitigation in compliance with PA and World Trade Organization (WTO) rules.

Along with the Climate Change Strategy 2030 and its Action Plan 2021-2023, which are currently the key climate change mitigation national level planning documents, climate change related issues also appear in other strategies and programmes. For instance, the latest National Environmental Action Program (NEAP 4)⁴⁸ includes climate change as one of its strategic directions. The programme aims to tackle the issues that are not covered in the Climate Change Strategy. Only one objective was defined - to create and systematise quantitative and qualitative data in the field of climate change, both in terms of greenhouse gas emissions and the vulnerability of economic sectors to climate change.

The Agriculture and Rural Development Strategy of Georgia 2021-2027⁴⁹ sets out priorities, strategic goals and objectives for agriculture and rural development. One of its Goals refers to "sustainable usage of natural resources, preservation of ecosystems, adaptation to climate change". The objectives identified under this goal include among others: dissemination of climate-smart and environmentally-adapted agricultural practices, sustainable usage of forest resources, and supporting energy-efficient and renewable energy technologies and practices. With regard to climate change, the strategy focuses mostly on climate change adaptation, however some components of the strategy are relevant to climate change mitigation targets.

An analysis by GIZ⁵⁰ found that, despite having tremendous importance in setting strategic directions, "these documents cannot guarantee that the targets will be achieved, because 1) meeting the targets is not legally binding, and 2) sectoral legislation does not sufficiently

transpose the objectives set out in the strategy and the action plan."

As proposed in the analysis, the creation of a framework climate law should reduce the risk of duplication, make climate targets legally binding, increase the level of coordination on the delivery of climate targets and ensure streamlining between multiple climate processes. The work towards a comprehensive, single legislative act on climate could focus on putting into law the binding international and national targets, hosting the general clauses on climate (and energy) governance (including the Governance Regulation requirements), setting the framework for aligning with the European Green Deal and future initiatives like CBAM, helping coordination between national and municipal governments and bringing together the existing sectoral by-laws and strategies.

A Climate Law could also put into law the international concept of climate loss and damage. The 'losses and damages' of climate change refer to the irreversible impacts of the climate crisis which cannot or have not been avoided by reducing emissions or adapting to global temperature increases. They affect humans and the natural environment.

Damage from climate change includes impacts such as loss of life, loss of land, loss of income, loss of traditional knowledge and culture, or loss of personal possessions. These losses may be from floods, droughts, storms, or processes such as desertification, sea-level rises or the spread of tropical diseases.

The devastating floods in Pakistan have affected 33 million people and early estimates put losses at \$43bn. The COP27 UN climate talks in Egypt at the end of 2022 agreed to set up an international loss and damage fund.

The creation of the draft Climate Law will of course take into account environmental, social (including climate justice) and economic impacts and consequences.

48 Fourth National Environmental Action Program (NEAP4), 2022 <https://mepa.gov.ge/Ge/PublicInformation/34047>

49 Agriculture and Rural Development Strategy of Georgia 2021-2027 <https://mepa.gov.ge/Ge/PublicInformation/20395>

50 Climate Law for Georgia: Regulatory Gap Analysis and Legislative Roadmap, GIZ 2022

Q3. should a Climate Law include measures relating to all of these areas: reducing emissions, adaptation, the monitoring and reporting of climate emissions and loss and damage ?

b. International examples of climate laws

Examples from elsewhere may or may not translate to the situation in Georgia but some countries have had climate legislation in place for nearly 15 years so there are some lessons to be learned on how to formulate this kind of legislation and what can go well or badly in its implementation.

As a backbone of the European Green Deal and proposed decarbonization strategy, the EU has adopted the European Climate Law enshrining the goal to reach Net-Zero emissions into law, plus including a set of measures to achieve it. Apart from the climate-neutrality pledge of 2050, a main assumption is to reduce greenhouse gas emissions by 55% in the Union by 2030 compared to 1990 levels. Thus, the EU Climate law is a framework law which writes into law the goal set out in the European Green Deal for Europe's economy to become climate-neutral by 2050. The law also enshrines a Union-wide climate target for 2040 to be set during the 2023 global stocktake of the PA.

The European Council and the European Parliament reached a provisional political agreement on the proposed Climate Law Regulation on 21 April 2021 setting a 55 % net GHG emission reduction target for 2030 and an EU-wide climate neutrality target for 2050. Finishing the formal procedures in June 2021, the law entered into force on 29 July 2021.

Following the EU's Net Zero emission plan by 2050, domestic climate laws in Europe are considered as an essential tool for achieving continent-wide climate neutrality.

While the climate neutrality target binds the EU collectively and does not apply to each Member State individually, some 13 countries of the EU (against more than 80 framework climate laws and policies in Europe

and Central Asia) have already gone beyond this and adopted (or have in draft) national whole economy wide climate neutrality targets in the form of laws.⁵¹ Most of these laws establish mid- and long-term, integrated and coherent policy frameworks and create an enabling, conducive environment for delivering on their national targets also reflected in their respective NECPs. The ultimate goal is to correspond to the Union's climate neutrality target and "Fit for 55 Package" to achieve a "levelling up" of national standards.

What is notable in most of the national climate acts is the increased credibility and responsibility (so-called "ownership") of the national governments and domestic authorities to deliver their fair shares in Europe's climate neutrality pledge by setting and sharpening their energy and climate governance systems and to increase accountability. National laws on climate currently in place vary lots in length and sizes, in contents and methodologies.

By way of example, the Climate Change Act of Austria, enacted in 2011, sets emission ceilings for a total of six sectors and defines rules on the development and implementation of effective climate mitigation measures outside the EU emissions trading scheme, while Denmark's 2020 Climate Act sets a target to reduce emissions by 70% in 2030 compared to 1990 and reach climate neutrality by 2050.

The first German Federal Climate Protection Law, which entered into force in December 2019, sees an emission reduction of at least 65% by 2030 (instead of 55% according to the target adopted in 2019) as well as the introduction of a new reduction target of at least 88% by 2040 and climate neutrality by 2045. Climate neutrality commitments can be found in France's law on energy and climate notably enshrining the objective of carbon neutrality for 2050, setting a number of quantified objectives for the energy sector, as part of France's commitment to the 2015 PA.

⁵¹ Nevertheless, there are some EU countries (i.e. Cyprus), which does not have a national climate law in place and relies solely on the European Climate Law to meet national climate targets.

A campaign by civil society led to the world's first Climate Act,⁵² in the UK in 2008. It was amended in 2019 to set a net-zero target for 2050. It set up a system of five-year carbon budgets with programmes of action and created the Climate Change Committee⁵³ as the independent scientific advisors to the government, with duties including annual progress reports to the UK Parliament. The UK Government has a duty to respond to each of these reports. The Act also requires Ministers to report to Parliament on the risks created by climate change in the UK at least every five years and to publish an adaptation programme after each of these reports.

UK's Act also provided enabling powers for governments to introduce incentives for increasing the availability of clean products, including through trading schemes.

The Act excluded emissions from international aviation and shipping but gave Ministers the power to include it later. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 modified the 2050 target to become a net-zero target.

Following an extensive civil society campaign, the Scottish Parliament passed the Climate Change (Scotland) Act 2009.⁵⁴ This included reduction targets of 42% by 2020 and 80% by 2045. Instead of five-year budgets there are targets for every year. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019⁵⁵ set the 2030 target at a reduction of 75% and set a net-zero target for 2045. It also added a duty for Ministers to report on just transition⁵⁶ in climate plans. There are emissions targets in law for every year. Like the UK Act there is annual reporting to Parliament and 5-year programmes containing policies and proposals. International aviation and shipping is included in Scotland's targets.

The Scottish Act also places a duty on public bodies, including municipalities, to contribute to the nation-

al targets. It also requires periodic reporting on Scotland's global climate footprint/consumption emissions and sets a limit on the use of international credits in meeting targets in any one year. It also requires the government to produce adaptation plans. If an annual target is missed the Act requires the Minister to report to Parliament on how they are going to compensate in future years for the emissions which should not have been emitted.

This Act also required the Scottish Government to set up an independent Citizen's Assembly on climate change, which is to submit a report to Parliament and to which Ministers have to respond.

Looking into other examples, Latvia's first draft climate law was published on 30 July 2021, with its revised version published since then, including comments received from other ministries and public consultation. The current draft climate law offers a rather narrow focus on the EU Emissions Trading System (ETS) and has a limited scope of its subjects.

Portugal's ambition for 2030 is to reduce at least 55% in greenhouse gas emissions relative to 2005, which is below what is recommended by NGOs, since that value, to comply with the 1.5 °C objective of the PA, should be no less than 60 %. For 2050, it enshrines a reduction of at least 90% in greenhouse gas emissions and 13 Mt for carbon sinks, which, in practice, implies that the country should achieve net neutrality prior to 2050 and be carbon net negative by 2050. In its climate law, Spain has established an objective of 23% reduction in greenhouse gas emissions by 2030 compared to 1990, three points higher than the preliminary version, and the goal of reaching climate neutrality before 2050.

The Climate Change Mitigation Act of Bulgaria was adopted, duly promulgated and entered into force in 2014. Since then, it was amended several times, the last amendment dates back to March 2021. While the

52 UK Climate Act 2008 <https://www.legislation.gov.uk/ukpga/2008/27/contents>

53 The UK Climate Change Committee <https://www.theccc.org.uk>

54 Climate Change (Scotland) Act 2009 <https://www.legislation.gov.uk/asp/2009/12/contents/enacted>

55 Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 <https://www.legislation.gov.uk/asp/2019/15/contents/enacted>

56 The International Trades Union Confederation definition: "A Just Transition **secures the future and livelihoods of workers and their communities in the transition to a low-carbon economy**. It is based on social dialogue between workers and their unions, employers, and government, and consultation with communities and civil society." <https://www.ituc-csi.org/just-transition-centre>

law transposes the requirements of 7 EU directives and 11 Regulations of the EU, the law does not specify any climate targets as they are outlined in the European Climate Law (2021). It does not stipulate a national commitment to a concretely defined, long-term and research-based emission reduction goal.

In the United States the Biden administration has focused on positive incentives to reduce emissions, especially the Inflation Reduction Act, despite its fossil fuel loopholes, will invest nearly \$375bn over the decade in action to reduce emissions, including investments in renewable energy production and tax breaks for consumers buying electric vehicles.⁵⁷

Q4. which ideas from these and other international climate laws should be used to create a Climate Law for Georgia ?

c. Climate neutrality, net-zero and other targets

As detailed in the sections above Georgia has already set a target for 2030 and has said it will aim for 'climate neutrality' by 2050 in case of international support, in line with the overall EU legal goal. Climate neutrality is defined in different ways, but in relation to the EU goal it means reducing all greenhouse gas emissions as much as possible and absorbing greenhouse gases from the atmosphere to balance out any remaining emissions, for instance by growing more trees.⁵⁸ This definition means that the EU climate-neutrality target is the same as a net-zero target. More than 60 countries have passed laws which provide an overall framework for action on climate change, and the EU has an overall climate law setting targets for the bloc.

Most Climate Laws include duties on their government to produce plans for reducing emissions and to report regularly. Some include adaptation plans, some include action on Just Transition. Some include mechanisms to make sure their citizens can participate in decision-making about climate change.

Q5. what national targets should the draft Climate Law refer to ? e.g. 2030, 2040, 2050 ?

Should there be a Net Zero or climate neutrality target included in the draft Climate Law ?

Most climate laws place a duty on the government of a country to regularly publish strategies or plans which show in detail how emissions will be reduced to meet targets. Georgia already has both a Strategy and a short-term plan but the draft Climate Law could make these a legal requirement.

Q6. should the draft Climate Law place a duty on the government to produce regular plans detailing how targets will be met ? If so, how often should a new plan be required ?

It is important how the information on emissions is divided up into sectors. For instance, currently emissions are often listed as coming from the 'energy sector' but these include emissions from transport. This makes it harder to see quickly what sources are most important and also harder to set meaningful targets. Similarly, if the full scale of GHG emissions from the Agriculture sector are to be clear, it is important to provide both energy related and non-energy related GHG emissions from the sector together.

The main sectors listed in the current inventory are: the energy sector, agriculture, industrial processes and waste. As listed in section 2(c) there are already sectoral targets defined in the NDC and there the sectors are defined differently: transport, buildings, energy generation and transmission, industry, agriculture, waste and forestry.

There are arguments for and against sectoral targets. On the positive side, it is clear what each sector has to do and also clear over time if that sector is not on track to make its fair contribution to the overall national targets. On the negative side, changes in technology or other factors may make it easier for a sector to meet its target that originally expected but fixed sectoral targets mean that it is hard to re-balance the targets between sectors to allow for this kind of gain.

⁵⁷ Biden's landmark climate and spending bill – what's in it, and what got cut?, Guardian, 8 August 2022, <https://www.theguardian.com/us-news/2022/aug/08/biden-climate-spending-bill-inflation-reduction-act>

⁵⁸ 5 Facts about EU climate neutrality, the European Council, 2022, <https://www.consilium.europa.eu/en/5-facts-eu-climate-neutrality/>

Q7. what sector definitions and divisions should be used to report emissions ?

Q8. should there be separate targets for each sector ?

In addition to the general accountability mechanisms of the government or individual ministries established by the Rules of Procedures of the Parliament of Georgia (for example, the annual report of the prime-minister, the minister's hour, etc.), special accountability may be established regarding the implementation of the Climate Law. The government may submit a report to the parliament once a year (as a general practice of reporting in the Parliament of Georgia). The report should include an assessment of the performance of the activities under the Climate Law and an analysis of the results achieved. In addition, the Ministry of Environment and Agriculture may be required to submit interim reports to the Environment and Natural Resources Committee.

Q9. how often should the government report on climate policy and action progress to Parliament ?

Some climate laws set or require Ministers to set annual targets, some use longer 'carbon budget' periods. Annual targets mean more accountability every year but meeting them can be influenced by, for instance, a cold winter meaning people use more energy at home..

Q10. What is the most effective - annual targets or other ?

If targets are missed then Georgia's total emissions will be higher than they should be. Some countries have a duty in law for Ministers to publish additional plans to make up for the extra emissions in future years. Missing some EU targets can sometimes lead to a country paying fines.

Q11. what mechanisms could be used to catch up if targets are missed ?

In general, Georgia follows the IPCC principle that GHG

emissions are estimated at their production sites. The GHG emissions related to overseas goods and services must be measured if its consumption within the country produces the GHG emissions, for instance, imported air-conditioning fluids.

As well as direct emissions from sources like energy production, transport use, buildings and agriculture, there are greenhouse gas emissions involved in creating the goods and services from outside the country that people in Georgia use. For instance, if you buy a new car built in Germany, there will be climate emissions involved in creating it. For the purposes of reporting emissions to the UN these emissions are the responsibility of Germany not Georgia. But these kind of imported or consumption emissions can make up a large part of the total emissions that a person or a country is responsible for - that country's carbon footprint. For some countries these consumption emissions are larger than their direct emissions but one estimate puts Georgia's total carbon footprint at 22% more than its direct climate emissions in 2020.⁵⁹ Knowing the scale of this extra global impact helps a country understand its full climate impact and helps to manage it, so some countries include a duty to estimate these consumption emissions in their climate laws.

Q12. should the emissions from overseas goods and services be measured ?

d. The National Climate Change Council, a Parliamentary Climate Change Council and an Advisory Body

There is already a National Climate Change Council, which includes Ministers and decides on what climate action to progress, and it has been suggested that there should also be a standing Parliamentary Council on Climate Change, which would monitor the government's progress on delivering climate change plans, as well as an independent Scientific Advisory Body, which would provide scientific advice including annual progress assessments.

⁵⁹ Georgia's consumption based carbon footprint <https://ourworldindata.org/co2/country/georgia#consumption-based-accounting-how-do-emissions-compare-when-we-adjust-for-trade>

These three bodies relate to each other like this:

Table 1 - Existing Legislative Acts

| | Standing Parliamentary Council on Climate Change | Climate Change Council | Climate Change Advisory Group |
|-------------------------|--|---|---|
| Already Exists ? | No | Yes | No |
| Composition | MPs | Ministers (+ representatives of: Municipalities, Autonomous Republics, National Statistical Service of Georgia) | Field Experts, Academic Sector Economists |
| Functions | Oversight of the implementation process, Improvement of the Climate Law | Coordinating and ensuring effective implementation of the Climate Law | Scientific, non-political expert advisory |

As the Climate Change Council already exists,⁶⁰ issues related to the other two entities - the Parliamentary Council and the advisory group - are of more interest.

The Parliamentary Council on Climate Change could be formed as a permanent (standing) consultative council of the Parliament (like the Parliamentary Standing Council of Open Government, the Permanent Parliamentary Gender Equality Council and the Standing Parliamentary Council the Protection of Children’s Rights). According to the Rules of Procedure of the Parliament, standing consultative councils of the Parliament should be created to promote elaboration and coordination of continuous, systematic and sustainable policies for determined areas.⁶¹ Members could include the MPs. A Parliamentary Council on Climate Change could use most of the parliamentary mechanisms in its work; also the Council may have its own mechanisms related to its specific mission.⁶²

60 Ordinance #54 of the Government of Georgia, on the Establishment of the Climate Change Council, <https://www.matsne.gov.ge/ka/document/view/4780380?-publication=0>

61 Rules of Procedures of Parliament of Georgia, art. 75

62 For comparison, see the functions and mechanisms of other councils, Rules of Procedures of Parliament of Georgia, art. 76, 77, 77

Q13. what role could a Parliamentary Council on Climate Change perform ?

The Advisory Body could be like the UK Climate Change Committee which is required to report to the UK and Scottish Parliaments on progress on the UK and Scottish Climate Laws every year. As the role of the advisory body is to provide scientific, non-political scrutiny of progress on the Climate Law, there could be field experts, academics and civil activists. Detailed work would be needed on how this body should be formed and operate (for example, composition, term of office, technical support).

Q14. what role could an advisory body perform and what kind of experts should be on it ?

e. The role of municipalities + the Covenant of Mayors

It is a well acknowledged fact that, in delivering Georgia's climate-related commitments and aspirations, much of the work will ultimately be undertaken at municipal level. A general look at priority mitigation sectors of Georgia, reveals that most of these sectors fall either under exclusive responsibility of local authorities or are under their shared responsibility. Urban transport, waste management, water management, forestry, buildings are just a few of these. Moreover, climate induced disasters such as floods, landslides, forest fires impact municipalities, their citizens and property. Thus, the adaptation component of the climate change process is also crucially important for local authorities.

Intuitively this has been well understood at municipal level in Georgia. The review below is largely based on the National Roadmap for Removing the Barriers and Fostering the Drivers of Sustainable Energy and Climate Action Plan Implementation, commissioned by EU4Energy and the Covenant of Mayors (CoM) East Office in 2019, describes a process of Georgian municipalities engaging with the Covenant of Mayors initiative.

In 2008, the Covenant of Mayors Initiative was launched by the European Commission with the objective of engaging and supporting local governments to make voluntary commitments of reaching the EU climate and

energy targets. The initiative gathered about 2,000 signatories by the end of 2010 and encouraged the European Commission to extend the initiative and cover the EU Eastern Partnership (EaP) countries, including Georgia. Since 2015, the Covenant has enlarged its scope and set new targets: to reduce CO₂ emissions by at least 40% by 2030, adapt to the impacts of climate change and undertake climate change risk and vulnerability assessments. Today the Covenant of Mayors represents one of the biggest networks of local authorities counting over 10,962 signatories and covering more than 300 million citizens.

In October 2010, Georgia hosted the conference dedicated to the Covenant of Mayors. The event highlighted the importance of cities and municipalities as leading drivers in mitigation of GHG emissions, as they have less complex governance structures than national bodies and at the same time sufficient political power to implement actions. In 2011, the Covenant of Mayors EaP project was launched. The first phase of the project (2011-2015) covered 11 countries of the EaP and Central Asia (CA) regions. The second phase of the project (2016-2020) covers 6 countries of the EaP region.

Tbilisi, Rustavi, Batumi and Kutaisi were the first Georgian cities joining the CoM in 2010-2011 and committing themselves to reduce GHG emissions at least by 20% by 2020 through the introduction of energy efficient technologies and the increase of renewable energy use. The cities were followed by 9 other municipalities with the same objectives of reaching EU energy targets. By 2015, the Georgian CoM network had 24 signatories representing 59.8% of the total population of the country - every second citizen in Georgia lives on the territory of a CoM Signatory. 10 Sustainable Energy (and Climate) Action Plans (SE(C)AP) have been developed and accepted with an expected result of reducing about 903,000 tonnes of CO₂ per year. Sectors and measures in Georgian SE(C)APs are related to: energy efficiency in buildings, transport, street lighting, local renewable energy generation, landscaping, raising public awareness.

In 2017, the Covenant of Mayors for Climate and Energy and Compact of Mayors merged into the Global Covenant of Mayors for Climate and Energy (GCoM). Con-

sequently, the scope of the CoM has been enlarged, covering climate change mitigation, adaptation to the adverse effects of climate change and universal access to secure, clean and affordable energy. The time horizon for the new initiative is by 2030. The CoM signatories were given the opportunity to continue local climate actions within the framework of CoM. In 2022 Georgia has 27 signatory Municipalities, 25 of them are working on SECAP development.⁶³

Georgian Covenant signatories are supported by the CoM National (CNC) and Territorial (CTC) Coordinators. The Ministry of Environmental Protection and Agriculture of Georgia and the Ministry of Economy and Sustainable Development of Georgia are coordinating the CoM at national level and Administration of State Representatives – Governors in Guria, Kakheti and Mtskheta-Mtianeti Regions - are in charge of CoM coordination at sub-national level.

Pursuant to the Fourth National Environmental Action Programme⁶⁴ of Georgia (NEAP) and the NDC the climate actions at a municipal level are considered significant input for the national climate policy empowerment. In order to strengthen the vertical integration in climate policy development in Georgia the Methodology for Introduction of Reporting System for the Covenant of Mayors Signatory Municipalities in the Climate Change Field was adopted by the decree #2-348 of the Minister of Environmental Protection and Agriculture of Georgia, dated 2022, 11 May.

Georgian CoM signatories are also supported by the Energy Efficiency Center of Georgia (EEC), the National Association of Local Authorities of Georgia (NALAG) and the Caucasus Mountain Sustainable Development Network. As Covenant Supporters, they take actions in their areas of expertise to promote the CoM and to mobilise and support signatories to reach the CoM's objectives.

Based on the consultations with representatives of CoM signatory municipalities, non-governmental organisations, questionnaires' and expert assessment, barriers and needs of effective implementation of Sustainable Energy Action Plans have been revealed and summarised in a table below:

63 <http://www.eecgeo.org/en/como.htm>

64 Governmental Resolution Nr. 1629 on approval of the Fourth National Environmental Action Program, 7.09.2022 <https://www.matsne.gov.ge/ka/document/view/5563250?publication=0>

Table 2 - Legal, Institutional, Administrative and Financial Barriers to SEAP implementation in Georgian municipalities

| Barriers | | | |
|--|---|--|--|
| Legal | Institutional | Administrative | Financial |
| Incomplete national norms and standards on energy efficiency | Absence of municipal energy managers | Dependence on external expertise of local staff and | Lack of skills to develop and design projects and grant proposals |
| Incomplete secondary legislation (subordinate normative acts) | Lack of coordination mechanisms between national and local governments | Lack of cooperation and coordination between different municipal departments | Time consuming legal process for receiving grant financing by municipalities |
| Lack of supporting national policies and programs to support investments in municipal sustainable climate change policies. | Absence of well-defined and structured internal responsibility mechanisms within municipality | Absence of local statistical data | Dependence on grant financing for SEAP implementation |

Q15. what role should municipalities and other public bodies created by central government play in reducing emissions ?

Q16. should the climate law of Georgia introduce provisions for climate related obligations such as the adoption of local climate plans at local level?

f. Just Transition

The concept of Just Transition is now an important part of national and international discussions of climate

change. One of the most widely accepted definitions comes from the International Trades Union Confederation: “a Just Transition secures the future and livelihoods of workers and their communities in the transition to a low-carbon economy. It is based on social dialogue between workers and their unions, employers, and government, and consultation with communities and civil society.”⁶⁵ International Labour Organisation (ILO) and international trade unions lobby actively on Just Transition and encourage the states where economies are dominated by the “declining industries” to plan and start the transition process in a just manner as soon as

65 The International Trades Union Confederation <https://www.ituc-csi.org/just-transition-centre>

possible because it takes time and resources. Due to its high-carbon footprint the coal industry is considered as a declining sector and must be phased out as soon as possible. In some countries the decline of, for instance, the coal industry, has been unplanned and while emissions have reduced, the social consequences for workers and communities have been severe. Accordingly, transition to green sectors require careful planning to take into account the interests of impacted workers and communities.

According to ILO, a Just Transition means greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind. Many sectors of the Georgian economy will need to change in order to reduce emissions. Tkibuli is a coal mining municipality and mining is still the backbone of the local economy and the primary source of employment in Tkibuli Municipality. Tkibuli mines have two primary challenges: one, labour safety standards, and another, global decarbonisation trends and decline in coal use. Even if the operator ensures the required safety standards and satisfies labour inspection demands, the global decarbonisation trend and coal mining as a “declining industry” is inevitable.

It is worth noting that the EU has a Just Transition Mechanism which provides targeted support to help mobilise around €55 billion over the period 2021-2027 in the most affected regions, to alleviate the socio-economic impact of the transition to net zero.

Engaging workers, trade unions, communities and businesses is essential to start the discussion about what Georgia’s Just Transition might look like.

Around the world, some climate laws include action on

Just Transition, for instance, a duty for the government to produce Just Transition plans or strategies, like the second Climate Law in Scotland. Scotland also has a semi-independent Just Transition Commission,⁶⁶ which is advising Ministers on the way forward.

Q17. what measures could a Climate Law include to help drive a Just Transition of the economy ?

g. Gender Justice

Gender equality and the empowerment of women are acknowledged as a critical component of democratic and stable societies. Georgia prioritised gender equality and women’s empowerment goals and made commitments by joining relevant international platforms and actions. In order to implement the commitments Georgia has developed the respective policies⁶⁷ and legislation,⁶⁸ ratified international treaties,^{69,70} and has established institutional mechanisms for the advancement of women at different branches and levels of the Government. In the legislative branch, the Gender Equality Council of the Parliament has been a standing body since 2010. The council aims to support the Parliament of Georgia in defining state policy on gender issues, ensuring gender mainstreaming in legislative processes and providing monitoring and oversight to the executive government’s progress on gender equality. At the local level, the Law on Gender Equality obliges the local municipalities to establish gender equality councils. The municipal gender equality councils are responsible for ensuring systematic work on gender issues in their municipalities, implementing relevant national gender equality policies, studying gender equality related issues, and planning and implementing activities in their Municipalities.

Georgia has taken significant steps forward to increase

66 The Scottish Just Transition Commission, <https://www.gov.scot/groups/just-transition-commission/>

67 Including 2014–2020 Human Rights Strategy and Action Plan of Georgia for the periods 2014–2016, 2016–2017 and 2018–2020. The new Strategy for 2022-2030 is currently at the stage of Parliamentary review. Action plans include activities per various critical areas of human rights, including gender equality, available at: <https://parliament.ge/legislation/25243>; 2018-2020 National Action Plan of Georgia for Implementation of the UN Security Council Resolutions on Women, Peace and Security available at: <https://georgia.unwomen.org/en/digital-library/publications/2018/09/2018-2020-national-action-plan-of-georgia> and October 26, 2022 the Government adopted 2022–2024 National Action Plan of Georgia for Implementation of the UN Security Council Resolutions on Women, Peace and Security <https://georgia.unwomen.org/en/stories/news/2022/12/government-adopts-2022-2024-national-action-plan-of-georgia-for-implementation-of-the-un-security-council-resolutions-on-women-peace-and-security>

68 Including The Law of Georgia on Gender Equality (2010); The Law of Georgia on the Elimination of All Forms of Discrimination (2014)

69 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> <https://matsne.gov.ge/ka/document/view/3860268?publication=0>

70 The Council of Europe’s Istanbul Convention on Violence Against Women <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention> <https://matsne.gov.ge/ka/document/view/3789678?publication=0>

women's participation in decision-making processes in recent years. The mandatory quota introduced in Election Code of Georgia requiring political parties for the next parliamentary elections in 2024 to include one member of the opposite sex for every four members in the election lists is one of the most important changes.⁷¹ However, the data illustrate that the representation of women in the legislative as well as executive government, at both the local and central levels, in the judiciary system, in managerial positions and in higher ranks, remains low. Also, the latest Country Gender Equality Profile of Georgia, published by UN Women in 2021, found that gender mainstreaming is missing from many normative documents and laws. According to the World Economic Forum's Global Gender Gap Report (2021), Georgia ranks 49th out of 156 countries with a score of 0.732 on the Global Gender Gap Index.⁷²

The Gender dimension is present in the updated NDC document of Georgia, which is in compliance with Article 11 of the Constitution of Georgia on the right to substantial equality, Law of Georgia on Gender Equality, UNFCCC COP Decision 21/CP.22 on Gender and Climate Change, and Enhanced Lima work programme on gender and its gender action plan. According to the NDC, Georgia considers to empower women as agents of change through their participation in decision-making processes related to energy efficiency measures and efficient use of water resources in households. Furthermore, given that the majority of teachers at primary and secondary schools, 58% of lecturers at universities, and 65% of doctors are women, Georgia intends to accelerate the involvement of women in decision-making processes addressing healthcare issues induced by climate change and in the activities and programmes, such as awareness raising on climate change, capacity building and knowledge sharing aiming at changing behaviour.

Multiple studies show that women are disproportionately affected by environmental challenges and natural disasters. The most vulnerable groups towards natural disasters are people living in high mountainous regions

and rural areas, as well as those living below the poverty line and people living alone. Furthermore, studies show that women and children are 14 times at greater risk of dying during disasters than men.⁷³ So in relation to the adaptation to climate change, the updated NDC invites all stakeholders and relevant domestic organisations to provide adaptation resources channelled towards women wherever their vulnerability level is high.

Georgia's updated NDC intends to collect, manage, report and archive the information on gender-disaggregated relevant data in its national reports related to the greenhouse gas mitigation and climate change adaptation. In addition, Georgia intends to carry out gender analysis, capacity building and knowledge sharing within climate related projects. NDC also acknowledges the nationalisation of targets 5.1-5.6, 5.a, and 5.b of Sustainable Development Goal 5 on the achievement of gender equality and empowerment of all women and girls.

The 2030 climate change strategy of Georgia covers gender issues briefly, the only objective explicitly mentioning women is the one related to the development of a forest management system adequate to climate change challenges. As a result of this objective, the climate change mitigation measures will be integrated in 100% of the Sustainable Forest Management Plans of protected areas and more than 50% of sustainable forest management plans will be gender-sensitive by 2030.

The latest draft of the Long-Term Low Emission Development Strategy (LT LEDS) of Georgia, 2021 prioritises the importance of the gender aspect in climate change policy planning and implementation. More specifically, the following aspects are mentioned:

- Equal access for women to the economy and society transformation process of low emission development to mid-century, participation of women in LED planning, monitoring and updating process;

71 The Organic law of Georgia Election Code of Georgia 2012, amendment of 2020, available at: <https://matsne.gov.ge/en/document/view/1557168?publication=75>

72 Country Gender Equality Profile of Georgia, 2021 UN Women, available at: https://georgia.unwomen.org/en/digital-library/publications/2021/11/country-gender-equality-profile-of-georgia_georgia

73 UN Women, 2021

- Involvement of women in technology needs assessment and introduction processes, including and especially, preparation of enabling environment, capacity building and services;
- Adequate use of women's expertise and capacities in consulting services in practically all economic, environmental and climate change fields and sectors;
- Equal access of women to involvement in mitigation activities in all sectors according to their expertise and preferences.

Climate change is a “threat multiplier” - it exacerbates social, political and economic tensions in fragile and conflict-affected communities and environments, instigating disputes around the world, where women and girls face all forms of gender-based violence. When natural disasters occur, women are more vulnerable due to long-standing gender inequalities.⁷⁴ Often, social and cultural stereotypes result in women's lack of access to information, resources, finances and development. Subsequently, women and girls may receive less assistance and support, which negatively affects their security, livelihoods and recovery, and creates a vicious cycle of vulnerability to future disasters.

Promoting social equity values aligned with sustainable development goals can facilitate both women's empowerment and implementation of effective policies, including climate-resilient strategies, over the long term. In particular, aligning national development efforts with the SDGs is expected to result in social equity values being included in national action plans and NDCs. Cooperation at the institutional level could help to improve the effectiveness of climate-resilient policies. International institutions and national governments should align their goals and values to promote social equity in the face of climate change thus creating additional opportunities to empower women and girls.

One of the first steps to undertake is a comprehensive needs assessment of specific groups. Women and men

are not homogenous groups, they have differing needs and priorities that require respective solutions. In majority of the cases, the challenges that various stakeholders face are not evaluated in the view of specific groups, and their representatives are rarely engaged in the process of planning and even implementation of the programs and projects that are targeted at increasing their resilience and empowerment. It is very important to consider these aspects when elaborating and developing each law, policy or a program. The Climate Law could require feasibility studies and needs assessments considering gender sensitive approaches, and developing and maintaining sex disaggregated data. This, in turn, could be used to elaborate the results-oriented programmes.

The Climate Law should consider engaging women and specific groups in elaboration and decision making processes. Their increased participation can also lead to capacity-building of women and girls and enhancing social status. This may provide an additional opportunity for awareness raising about various governmental and non-governmental initiatives aimed at increasing the level of their security and empowerment.

Collaboration between the specific groups of interest, governmental and civil society organisations can facilitate a joint and comprehensive action ensuring inclusive governance, facilitating implementation of gender-responsive and gender-transformative solutions to the impacts of climate change on women and men.

Q18. how can the Climate Law be made sensitive to gender issues ?

h. Vulnerable Groups

According to the Updated NDC, the observation of the impacts of extreme weather events on Georgia's population, induced by the climate change during the last decades, reveals the following vulnerable groups requiring urgent adaptation measures: children and adolescents, women, elderly persons, persons with disabilities, persons with chronic diseases, and eco-migrants displaced as a result of disasters caused by climate

⁷⁴ UNFCCC, Considerations regarding vulnerable groups, communities and ecosystems in the context of the national adaptation plans, <https://unfccc.int/sites/default/files/resource/Considerations%20regarding%20vulnerable.pdf>

change or those, who are threatened to be eco migrated due to climate change. In addition to this, according to multiple studies, internally-displaced persons, conflict-affected communities and ethnic minorities, ethnic minorities in conflict-affected areas are particularly vulnerable to the negative effects of climate change.^{75,76} It is noteworthy that no climate vulnerability assessment for any of identified groups has ever been conducted in Georgia.

The draft Climate Law will be a subject to impact assessments including on gender and regulatory.

i. Engaging with business stakeholders

Engaging with business interests is essential in creating a draft Climate Law. From agriculture and tourism to financiers and manufacturers, businesses in Georgia have a large direct and indirect influence on the country's emissions. They also have a key role in transforming the economy from high-carbon jobs to low-carbon ones, a transition which Georgia is well placed to benefit from.

The existing National Climate Platform (NCP)⁷⁷ brings together business, civil society, academic and government interests to discuss climate change and it has specific working groups on energy, agriculture, tourism and waste management. A review is underway to increase the effectiveness of the National Climate Platform.

The consultation can also make use of the existing Public-Private Dialogue (PPD) Platform in the Parliament of Georgia. The Global Compact Network Georgia, with support from the USAID Economic Governance Program, facilitates dialogue between the Georgian Parliament and private sector on economic reforms, and promotes the establishment of a sustainable PPD platform in the Parliament. The platform aims to ensure active and effective private sector engagement in the legislative process.

This consultation welcomes input from individual businesses and business associations such as the Business Association of Georgia.⁷⁸ The Committee is keen to engage with businesses as ideas for the draft Climate Law are further developed.

Q19. how should businesses best be involved in the creation and delivery of the Climate Law ?

j. Building in public participation

This section focuses on providing context and practical recommendations concerning the role and channels that citizens' participation should have in governing climate policy in Georgia, which ought to be put into law in the Climate Law.

Bottom-up mechanisms for citizen participation on climate change governance are highly desirable, because as noted earlier the broad range of changes needed for transition to a low-carbon or carbon neutral society concern multiple spheres of human activity, including economic activity, and lifestyle choices, and the scale and pace of change may sometimes make smooth, incremental transitions difficult and generate distributional conflicts. Therefore, participation is an indispensable element of a democratic Just Transition country strategy and of climate governance conducive to gender justice and to the safeguarding of vulnerable groups.

Citizens' participatory mechanisms in decision-making are not new to Georgia,⁷⁹ as local authorities have created participative bodies to channel citizens' input into decision-making, such as by appointing "civil advisors", and the monitoring of civil servants' performance by citizens, as well as local budgeting.

More recently, the Ministry of Finance has launched efforts to introduce public engagement in the budget process, including the presentation (December 24th) of the Budget Transparency and Engagement System (ebtps.

75 Climate Just, Socially vulnerable groups sensitive to climate impact, <https://www.climatejust.org.uk/socially-vulnerable-groups-sensitive-climate-impacts>

76 UNFCCC, Considerations regarding vulnerable groups, communities and ecosystems in the context of the national adaptation plans, <https://unfccc.int/sites/default/files/resource/Considerations%20regarding%20vulnerable.pdf>

77 The NCP was established by the support of the EU Financed project, implemented by CENN. However, the NCP is facilitated by the Ministry of Environmental Protection and Agriculture of Georgia

78 The Business Association of Georgia, <https://bag.ge/en/home>

79 The Ordinance #629 of the Government of Georgia, "The Procedures for the Preparation, Monitoring and Evaluation of Policy Documents" states the mandatory public consultations in the development of policy documents. The parliamentary sessions are open and citizens and stakeholders can attend. There are other participatory mechanisms rooted in the Georgian legislation.

mof.ge) the electronic platform that enables all interested parties to get acquainted with state budget information, key country priorities, state budget programs, and plan their own budget. Through this system, the inputs provided by the users go directly to the public officials of the Budget department.⁸⁰ The Municipality of Marneuli was the first municipality in Georgia that started to implement a participatory budgeting programme that allowed citizens to allocate budgetary funds according to priorities identified by them. Civil society, local government and 118 participants from 43 villages voiced their opinions on how to allocate 5% of the annual budget of the local government.⁸¹

Enhanced participation can increase citizens' trust in public decision-making, as well as its legitimacy, fairness, transparency, inclusiveness, and responsiveness, and provide decision-makers with information about people's preferences and indications of how to reconcile a multitude of conflicting interests.

It can also help build a much-needed whole-of-society approach to climate action and greater support for public action overall through mass education and awareness raising, particularly if their design allows for interactions between their members and the wider public while they are being conducted, and if they are implemented alongside a communication strategy where the media and civil society organisations have a critical role to play.

The sixth IPCC report⁸² mentions climate assemblies as a "potential tool for effective and democratic climate governance". In addition, there are other innovative and less cost-intensive mechanisms for participation in environmental decision-making which can be replicated across different contexts and scales. The August 2021 report of the Parliamentary Assembly of the Council of Europe 'More participatory democracy to tackle climate change'⁸³ recommends states to increase opportunities

for citizen participation in political decision-making on climate change, and details what citizens' assemblies must accomplish to be relevant and credible in addressing the underlying systemic drivers of the climate emergency.

i. Core Principles for Citizen Democracy

As Julia Keutgen notes in An Introduction to 'Deliberative Democracy for Members of Parliament',⁸⁴ deliberative democracy describes a form of active democracy that brings people into political decision making. It is based on the idea that an entire population has a stake in political decisions and that those decisions are best made following fair and reasonable discussion, or deliberation, among a microcosm of that population. It offers a way to breathe new life into governance. Political work, in this model, is seen as a shared enterprise with citizens who should be offered an opportunity to participate.

When embarking on deliberative processes there are essential principles that should not be compromised. If these principles cannot be adhered to, it might be better not to undertake a deliberative engagement because it is likely to lead to a further decline in trust.

In 2020 the Organization for Economic Cooperation and Development (OECD) published the synthesis report Innovative Citizen Participation and New Democratic Institutions.⁸⁵ This report gathered close to 300 representative deliberative practices to explore trends in such processes, identify different models, and analyse the trade-offs among different design choices as well as the benefits and limits of public deliberation. Noting that it is difficult for large groups of people to find agreement on complex decisions, the report included a section on Good Practice Principles for Deliberative Processes for Public Decision Making, to make group decision-making easier, based on comparative

80 <https://fiscaltransparency.net/creating-public-participation-opportunities-in-georgia/>

81 Council of Europe handbook on Transparency and Participation in Georgia, 2017, p. 36 <https://rm.coe.int/georgia-handbook-on-transparency-and-citizen-participation-en/168078938d>

82 IPCC 6th Assessment Report, 2022, <https://www.ipcc.ch/assessment-report/ar6/>

83 <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=29354&lang=en>

84 An Introduction to Deliberative Democracy for Members of Parliament, Westminster Foundation for Democracy, 2021. <https://www.wfd.org/what-we-do/resources/introduction-deliberative-democracy-members-parliament>

85 Innovative Citizen Participation and New Democratic Institutions, OECD, 2020, <https://www.oecd.org/gov/innovative-citizen-participation-and-new-democratic-institutions-339306da-en.htm>

empirical evidence gathered by the OECD and in collaboration with leading practitioners from government, civil society, and academics. These principles improve the deliberative quality of group work by creating the environment for the consideration of the broadest range of sources while giving participants time, an equal share of voice and authority.

The OECD principles are explained in the table below.

CORE PRINCIPLES OF DELIBERATIVE DEMOCRACY

A clear remit: A clear, neutrally-phrased plain-language challenge or question should be asked of the group. It should be a question that explains the task, shares the problem and provides a strong platform for discussion about priorities and trade-offs. The question will determine the scope of the process, setting the boundaries for what the group is considering.

Transparency: the deliberative process should be announced publicly before it begins. The process design and all materials – including agendas, briefing documents, evidence submissions, audio and video recordings of those presenting evidence, the participants' report, their recommendations and the random selection methodology – should be available to the public promptly. The funding source should be disclosed. The commissioning public authority's response to the recommendations and the evaluation after the process should be publicised and have a public communication strategy.

Diverse information: Participants should have access to a wide range of transparently-sourced, relevant, and accessible evidence and expertise, and are able to request additional information. Citizens should spend extensive time asking questions and identifying sources they trust for the information they need.

Democratic Sortition: A stratified sample of the community should be recruited through a democratic lottery (sometimes called a civic lottery). Simple demographic filters (age, gender, education, location) can be used to help stratify the sample to reflect the entire population. This happens in two stages: (1) a randomised invitation is offered to participate in a deliberation and (2) a transparent selection process is undertaken that will deliver a genuine cross-section of a population, one that matches the community's or country's demographic profile.

Adequate time: These processes develop participants' thinking on a complex issue by giving them multiple opportunities to question experts, learn from one another and find agreement on trusted sources of information. As deliberation requires adequate time for participants to learn, weigh evidence, and develop collective recommendations, the more time they are provided, the more thorough their consideration of the issue.

Influence: It is important to be clear what impact the work of everyday citizens will have. The convening authority should publicly commit to responding to or acting on recommendations promptly. A meaningful opportunity to influence a decision must be demonstrated to participants before they commit their time.

Dialogue, not debate: Group deliberation entails finding common ground, which requires careful and active listening, weighing and considering multiple perspectives, every participant having an opportunity to speak, a mix of formats, and skilled facilitation. The task for the group is to find common ground on answers to the question; this emphasises the avoidance of simple majorities and challenges them with finding where they can agree.

A free response: A group should not be asked merely to review a government or parliamentary proposal (or proposals entirely written by active stakeholders). Instead, group members should be given a 'blank page' to provide their own set of recommendations with a rationale and supporting evidence that emerges from their shared learning.

There are further principles that underpin them: the importance of respecting participants' privacy, having these methods conducted at arm's length from the decision-maker, for example, implemented by a civil society organisation or university, with independent oversight and evaluation.

ii. Citizens' Assemblies

The Citizens' Assembly is considered as the most robust and elaborate model of representative deliberative processes. It was first introduced in Canada in the early 2000s – 2004 in British Columbia and 2006 in Ontario – to address the question of electoral reform.

In recent years, a growing number of deliberative processes have emerged to address the people's lack of trust and deficits of legitimacy within government and institutions and to guide climate policies towards options that are socially acceptable.

Often an independent advisory group of researchers is formed prior to the assembly with a mandate to prepare a diverse information and evidence base for this purpose. Assembly members also consider inputs from other citizens, either by holding citizen hearings and calling for online submissions, or drawing from various citizen consultation and engagement processes that have been done in preparation for the assembly.

Learning and consultation is followed by citizen deliberation, when evidence is discussed, options and trade-offs are assessed, and recommendations are collectively developed. The process is carefully designed to maximise opportunities for every participant to express their opinion and is led by impartial trained facilitators.

The final set of recommendations is voted on by all participants, most commonly by a majority vote, resulting in a detailed report and often a minority report, which acknowledges other opinions that were expressed but did not achieve majority consensus. Final recommendations are made publicly available and presented to

the government authority. The government authority responds to recommendations providing feedback to the participants and the broader public.

One-off citizens' assemblies on climate have been convened in several countries by the executive arm of government (e.g. in France and Spain) or by the legislative power (e.g. the UK Climate Assembly,⁸⁶ which was convened by the House of Commons), with great benefits in terms of raising public awareness and ownership of the climate action agenda. Members of these deliberative assemblies were entitled to comprehensive and professional advice from the academic community to make their consensus choices during the process leading to the publication of recommendations to decision-makers.

The French and UK assemblies discussed climate measures that affect people's daily life – what they eat and buy, how they heat their house and travel. They also made their resources and briefings available online, which can contribute to greater public awareness and education on climate issues.

The legitimacy of citizens' assemblies rest on a different form of representation than that of parliaments, one that mirrors the full diversity of the society. Their members are randomly selected by sortition out of a pool of solicited volunteers – based on key parameters such as age, gender, education, and location – to put together a sample of the population. Citizens' assemblies selected by sortition better reflect minorities than elected assemblies and can voice the needs of all social groups. Like their broader societies, about one-quarter and more than a third of French⁸⁷ and British assemblies' members respectively, did not have a degree. Both assemblies were not open to elected representatives and employees from political parties to preserve their independence.

The latest generation of Climate Laws, such as the Scottish Climate Law⁸⁸ (2019) or the Spanish Climate Law⁸⁹ (2021) mandate the convening of citizen assemblies

⁸⁶ <https://www.parliament.uk/get-involved/committees/climate-assembly-uk/>

⁸⁷ <https://www.conventioncitoyennepourleclimat.fr/comment-sont-ils-selectionnes-2/> (in French)

⁸⁸ <https://www.legislation.gov.uk/asp/2019/15/contents>

⁸⁹ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-8447 (in Spanish)

on climate change. The Scottish Act required Scottish Ministers to establish a citizens' assembly on climate change, to function independently from the Scottish Government. The Assembly deliberated on information provided by experts, which led to the production of a set of recommendations with the aim to inform decision making. The Assembly's full report was laid in the Scottish Parliament on 23 June 2021 and includes 16 goals and 81 associated recommendations with supporting statements.

In these cases, from a legal perspective the role of these assemblies is exclusively advisory, they represent a lower form of participation. Their lack of continuity can also be seen as a weakness, as it prevents them from holding the government accountable on the uptake of their recommendations.

However, more recently, the government of the federal region of Brussels, Belgium, has decided the creation of a permanent Citizens' Assembly for Climate as a new institution, which will be the first of its kind worldwide.

The Assembly will have 100 members who will be renewed annually. It will set the climate policy agenda, propose solutions, and monitor results. The Assembly will be deliberate and make recommendations to local authorities about climate policy but unlike similar initiatives, the Assembly will also be entitled to follow-ups and detailed explanations by the regional authorities. The example of the Brussels Citizens' Assembly for Climate illustrates a progressive trend of increasing robustness of participatory mechanisms, both in terms of expanding the duration and the powers of these bodies.

In this context, it is important to ensure that Georgia's future Climate Law includes robust mechanisms for citizen participation informed by best international analysis and practice in order to be best capable of deliver the interlinked benefits of (1) strengthening democratic practice and citizens' trust in public authorities, and (2) ensuring that climate change policies and laws are as legitimate, fair, transparent, inclusive, responsive, non-partisan and ultimately enforceable as possible.

COMPARISON OF THE CITIZENS' ASSEMBLIES ON CLIMATE IN THE UNITED KINGDOM AND FRANCE

A review⁹⁰ found that both the French and UK Climate Assemblies provided evidence of the strong potential for fruitful synergy between citizens' work and that of democratic institutions, and left open questions about the type of commitments and process that could help ensure transparency and trust in the way the citizens' proposals are considered to feed into legislation.

Although both experiences were initiated in the wake of protests, the French and UK climate citizens' assemblies had different starting points. The French citizens' convention stemmed from an executive decision following the Yellow Vests' protests and at the outset, the French President assured that the convention's proposals would be submitted for adoption without "any filter" – revision – through legislation, executive decree or referendum. This initiative divided members of the National Assembly: some insisted that the deliberation of randomly selected citizens should never replace proper parliamentary debates by elected representatives. Others underlined that the innovation changes parliamentary work for the better. By contrast, the Climate Assembly UK was called by six Select Committees of the House of Commons as a massive parliamentary consultation with strong cross-party support.

This different origin explains that the budgets were not the same from one country to the next. The French Convention Citoyenne pour le Climat budget was nearly ten times the Climate Assembly UK's one, respectively 5.4 million euros versus 520 000 British pounds.

The French and UK citizens' assemblies were asked proposals on the way to achieve national carbon mitigation targets already adopted by the legislators. However, French civil society representatives had a formal, active role in shaping the agenda. The civil society representatives on the governance committee, so-called Gilets Citoyens (Citizen Vests), participated actively in determining the convention's framing question. They co-created policy measures with input from experts. By contrast, the UK's Climate Assembly framing question was set by the UK's parliamentary committees, which focused on predetermined policy options developed by experts without input from the citizens' advisory panel.

This means that the French Convention Citoyenne pour le Climat was conceived as a political chamber, while the Climate Assembly UK was a deliberative exercise to inform political chambers. French participants were encouraged to engage with politics. In contrast, the UK process was appointed as an apolitical, rigorous, and deliberative research process to inform policy making. The Climate Assembly UK's aim was to keep the participants as independent as possible, to maintain their representativeness of "ordinary" people.

In France, participants had more freedom to solicit outside input, to engage with their communities, members of parliament, experts as well as speak to the media, with the view to building collective intelligence and consensus to influence policy making. They freely communicated between themselves without any third-party interference, had access to an online platform to increase engagement and attended multiple webinars to support the learning process and maintain momentum between sessions.

⁹⁰ Early lessons from France and the UK on the roles of climate citizens' assemblies and legislators to enhance climate action, WFD & WRI, 2021, <https://www.wfd.org/commentary/early-lessons-france-and-uk-roles-climate-citizens-assemblies-and-legislators-enhance>

Many French participants started acting as de facto representatives, by speaking to the media on behalf of the whole Convention and gathering input from those they believed they were representing. In contrast, UK citizen participants were not encouraged to address the media and neither to do additional research on climate change topic in between sessions but had to be informed exclusively by relevant “balanced, comprehensive and accurate” information.

As a consequence, the French Convention generated more of a national debate while the UK Climate Assembly was not designed to create one.

Both assemblies put forward four types of proposals that, if adopted, could significantly improve climate legislation: the enforcement of existing legislation, the enhancement of climate targets and measures.⁹¹

These experiences showed that citizens’ assemblies can handle the complexity of climate measures with adequate support from experts, with some limitations for cross-cutting issues such as finance. As parliamentarians from the UK and France noted, their evidence-based approach and deliberation with professional facilitators helped address controversial measures and distributional conflicts, which are costly from an electoral point of view.

Both assemblies pointed out key levers for major economic shifts such as bans on the sale of carbon-intensive products, investments in green technologies, changes in market rules, taxes and incentives, and information and transparency on the products’ carbon footprint.

Both assemblies placed emphasis on social equity in climate action. The mandate of the French convention referred to social justice and UK assembly set ‘fairness’ as a core principle that should guide a pathway to net-zero.

A clear timeline for addressing citizens’ measures was expected in both countries. The French government promised a government bill by the end of the year. In the UK, the convening committees wrote to the Prime Minister to ask for a government response to the assembly before the end of the year.

In both countries, post-Assembly scrutiny mechanisms were put in place to hold the government accountable. In the UK, the Business, Energy and Industrial Strategy committee were expected to launch an overarching inquiry to analyse to what extent the government will take assembly’s findings on board. In France, in addition to the regular follow-up meetings proposed by the government, “The 150” association, formed by some members of Assembly, created a website to track legislators’ decisions on citizens’ measures.

iii. Permanent Representative Deliberative Bodies

This model combines a permanent representative deliberative body with the ongoing use of representative deliberative processes. The body has a mandate to initiate and decide the issues for ad hoc Citizens’ Panels. This new institution extends the privilege of giving citizens a genuine voice in setting the policy agenda and providing citizens with the framework and tools to actively explore issues of their choice. It originated in the German-speaking

⁹¹ e.g. the French citizens’ convention on climate called for the banning all single-use plastics by 2023 – not by 2040 as foreseen in the act banning planned obsolescence); measures previously rejected by the parliament (e.g., the banning the rent of poorly energy efficient housing by 2028 which had been rejected in 2019 during the review of the Energy and Climate Bill); and new climate measures (e.g., basing the scale of mileage allowance for the use of private car on carbon emissions, rather than engine power, to reduce allowances for more polluting cars – with an exception for families with more than 3 children; identifying the maximum surface that can be developed in each municipality to contribute to halving urban sprawl at the national level; cutting VAT on train tickets; regulating advertising on polluting products, and banning domestic flights on journeys that can be done by train in under four hours

Community of Belgium, Ostbelgien, where the Citizens' Council was established through legislation, for which all political parties represented in the Parliament of the German-speaking Community of Belgium unanimously voted in 2019. The Brussels Citizens' Assembly for Climate agreed in November 2022 follows this design model.

According to the OECD, in 2021 there had only been 14 examples of institutionalised practices around the world since 2020, so this phenomenon remains relatively rare. However, there are several benefits of institutionalising deliberative democracy. As with the one-off Citizen's Assemblies, institutionalisation can help to consolidate trust in democratic institutions, particularly if the institutionalisation is coupled with a strengthening of their powers.

iv. Implications for Georgia

The above evidence suggests that Georgia may consider either introducing in the Climate Law a provision to hold a deliberative Citizens' Assembly to advise the Parliament and the Government on the choice of policies preferred for the delivery of climate objectives, i.e., multi-annual carbon budgets, stressing the need for the exercise to be aligned with OECD guidance, and / or to set up a permanent institution as a new participatory body elected by sortition providing input and exerting oversight on an ongoing basis. This setup would allow it to for instance initiate ad hoc Citizens' Panels focusing on specific sectoral climate policies in greater detail.

The French experience suggests that a larger budget, a communication strategy and, above all, a framework designed to allow and encourage interaction between Assembly participants and the wider public are more conducive to the highly desirable objective - which should be explicitly mentioned in the law - of catalysing a genuine national debate, raising awareness and educating the population about climate change and the range of policy responses, and creating the conditions for a non-partisan, wide acceptance of ambitious policies, providing a powerful mandate for action for the Government and Parliament. The provision of accountability mechanisms once the Assembly is dissolved, e.g., an obligation on the Parliament to scrutinise the

work of the institutions reviewing and implementing the recommendations on a regular basis, would also be a critical element of credibility and indispensable to fully capitalise on the benefits of the exercise as an instrument for democracy strengthening.

Q20. What role should citizens' participation have in the draft Climate Law ?

6. CONSULTATION QUESTIONS

Here are the consultation questions we have asked in the rest of the report plus a final general question to collect any other thoughts you want to contribute. You may answer as many or as few questions as you want to.

Q1. what positive opportunities do you see for Georgia in moving to a low or zero-carbon economy ? How could a draft Climate Law help this happen ?

Q2. how could a Climate Law help Georgia prepare to adapt to the changing climate?

Q3. should a Climate Law include measures relating to all of these areas: reducing emissions, adaptation, monitoring and reporting, loss and damage ?

Q4. which ideas from these and other international climate laws should be used to create a Climate Law for Georgia ?

Q5. what national targets should the draft Climate Law refer to ? e.g. 2030, 2040, 2050 ? Should there be a Net Zero or climate neutrality target included in the draft Climate Law ?

Q6. should the draft Climate Law place a duty on the government to produce regular plans detailing how targets will be met ? If so, how often should a new plan be required ?

Q7. what sector definitions and divisions should be used to report emissions ?

Q8. should there be separate targets for each sector ?

Q9. how often should the government report on climate policy and action progress to Parliament ?

Q10. What is the most effective - annual targets or other ?

Q11. what mechanisms could be used to catch up if targets are missed ?

Q12. should the emissions from overseas goods and services be measured ?

Q13. what role could a Parliamentary Council on Climate Change perform ?

Q14. what role could an advisory body perform and what kind of experts should be on it ?

Q15. what role should municipalities and other public bodies created by central government play in reducing emissions ?

Q16. should the climate law of Georgia introduce provisions for climate related obligations such as the adoption of local climate plans at local level?

Q17. what measures could a Climate Law include to help drive a Just Transition of the economy ?

Q18. how can the Climate Law be made sensitive to gender issues ?

Q19. how should businesses best be involved in the creation and delivery of the Climate Law ?

Q20. what role should citizens' participation have in the draft Climate Law ?

Q21. what else do you think a draft Climate Law should include ?

7. RESPONDING TO THE CONSULTATION HOW TO MAKE A RESPONSE

We welcome responses from as broad a range of people and organisations in society as possible. Not only will this make sure that a wide range of good ideas are considered, it will also help to make sure that any changes in society that enhanced climate action bring about are not a surprise to people, communities, businesses and public bodies.

In addition to this formal consultation, the Environmental Information and Education Centre⁹² has agreed to lead on a programme of engagement activities. This will include formal public hearings, engagement with a broad range of NGOs, engagement with public bodies and municipalities, the Climate Change Council and the Covenant of Mayors.

This consultation will help the Committee gather a range of views but also help stakeholders start to think through how a new Climate Law might affect them. One Committee session will be an opportunity for the Minister of Environmental protection and Agriculture of Georgia and MEPA's officials to discuss their expectations for a Climate Law with the Committee.

Please send your answers to the questions listed in section 6, along with your name and contact details, to info@eiec.gov.ge. Please let us know if you do not want your response to be made public. The deadline for responses is 30 April 2023.

⁹² The Environmental Information and Education Centre, <https://eiec.gov.ge/En> & <https://eiec.gov.ge/Ge>

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9. GLOSSARY

Accession - An act whereby a State becomes a Party to a treaty already negotiated and signed by other States; it has the same legal effect as ratification.

Adaptation - Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

Adaptation Fund - The Adaptation Fund was established to finance concrete adaptation projects and programmes in developing countries that are particularly vulnerable and are Parties to the Kyoto Protocol. The Fund is financed with a share of proceeds from clean development mechanism (CDM) project activities and receive funds from other sources. It is operated by the Adaptation Fund Board.

Annex I Parties - The industrialised countries listed in Annex I to the UNFCCC, which committed to returning their greenhouse-gas emissions to 1990 levels by the year 2000 as per Article 4.2 (a) and (b). They have also accepted emissions targets for the period 2008-12 as per Article 3 and Annex B of the Kyoto Protocol. They include the 24 original OECD members, the European Union, and 14 countries with economies in transition. (Croatia, Liechtenstein, Monaco, and Slovenia joined Annex 1 at COP-3, and the Czech Republic and Slovakia replaced Czechoslovakia.)

Anthropogenic climate change - Man-made climate change - climate change caused by human activity as opposed to natural processes.

Anthropogenic - caused or produced by humans.

Biofuel - A fuel derived from renewable, biological sources, including crops such as maize and sugar cane, and some forms of waste.

Biomass - the mass of living organisms, and dead matter such as wood, leaves, and other organic matter.

Business as usual - A scenario used for projections of future emissions assuming no action, or no new action, is taken to mitigate the problem. Some countries are pledging not to reduce their emissions but to make reductions compared to a business as usual scenario. Their emissions, therefore, would increase but less than they would have done.

Capacity building - In the context of climate change, the process of developing the technical skills and institutional capability in developing countries and economies in transition to enable them to address effectively the causes and results of climate change.

Carbon dioxide (CO₂) - The amount of carbon that an individual, organisation or country is responsible for, both directly and indirectly through the use of products and services, in a given period of time, or the amount of carbon emitted during the manufacture of a product.

Carbon footprint -The amount of carbon that an individual, organisation or country is responsible for, both directly and indirectly through the use of products and services, in a given period of time, or the amount of carbon emitted during the manufacture of a product.

Carbon neutral - A process where there is no net release of CO₂ or all GHGs. For example, growing biomass takes CO₂ out of the atmosphere, while burning it releases the gas again. The process would be carbon neutral if the amount taken out and the amount released were identical. A company or country can also achieve carbon neutrality by means of carbon offsetting.

Carbon sink - Any process, activity or mechanism that removes carbon from the atmosphere. The biggest carbon sinks are the world's oceans and forests, which absorb large amounts of carbon dioxide from the Earth's atmosphere.

CVDS - Cardiovascular diseases

CDM - Clean Development Mechanism. A mechanism under the Kyoto Protocol through which developed countries may finance greenhouse-gas emission reduction or removal projects in developing countries,

and receive credits for doing so which they may apply towards meeting mandatory limits on their own emissions.

Climate - average weather and its variability over a period of time, ranging from months to millions of years. The World Meteorological Organization standard is a 30-year average.

Climate change - A pattern of change affecting global or regional climate, as measured by yardsticks such as average temperature and rainfall, or an alteration in frequency of extreme weather conditions. This variation may be caused by both natural processes and human activity. Global warming is the main driver of climate change.

COP Conference of the Parties. - The supreme body of the Convention. It currently meets once a year to review the Convention's progress. The word "conference" is not used here in the sense of "meeting" but rather of "association". The "Conference" meets in sessional periods, for example, the "fourth session of the Conference of the Parties."

Emissions trading - One of the three Kyoto mechanisms, by which an Annex I Party may transfer Kyoto Protocol units to, or acquire units from, another Annex I Party. An Annex I Party must meet specific eligibility requirements to participate in emissions trading.

Entry into force - The point at which an intergovernmental agreement becomes legally binding - occurring at a pre-stated interval after a pre-stated and required number of ratifications by countries has been achieved. The Climate Change Convention required 50 ratifications to enter into force. It now enters into force for each new Party 90 days after that Party ratifies the Convention.

EU Emissions Trading System (EU ETS) - an emissions scheme set up within the EU for to limit emissions from around 10,000 installations in the power sector and manufacturing industry, as well as airlines operating between EU countries. It covers around 40% of the EU's greenhouse gas emissions.

Fossil fuels - Natural resources, such as coal, oil and natural gas, containing hydrocarbons. These fuels are formed in the Earth over millions of years and produce carbon dioxide when burnt.

Global warming - a rise in the Earth's temperature, often used with respect to the observed increase since the early 20th century or pre-industrial times.

Global Warming Potential (GWP) - A measure of a greenhouse gas's ability to absorb heat and warm the atmosphere over a given time period. It is measured relative to a similar mass of carbon dioxide, which has a GWP of 1.0. So, for example, methane has a GWP of 28 over 100 years, the metric used in the Kyoto Protocol. It is important to know the timescale, as gases are removed from the atmosphere at different rates.

Greenhouse gases (GHGs) - The atmospheric gases responsible for causing global warming and climate change. The major GHGs are carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). Less prevalent - but very powerful - greenhouse gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆) and Nitrous trifluoride (NF₃).

HPPs - Hydro-electric power plants

INDC - Intended Nationally Determined Contributions - Submissions required by each signatory country to the UN Paris Agreement, showing the future trajectory of emissions, plans to reduce emissions and plans for adaptation to climate change.

Industrial Processes and Product Use (IPPU) - an emissions sector covering greenhouse gas emissions occurring from industrial processes, from the use of greenhouse gases in products, and from non-energy uses of fossil fuel carbon.

Intergovernmental Panel on Climate Change (IPCC) Established in 1988 by the World Meteorological Organization and the UN Environment Programme, the IPCC brings together thousands of the world climate scientist and surveys world-wide scientific and technical literature, and publishes assessment reports

that are widely recognized as the most credible existing sources of information on climate change. The IPCC also works on methodologies and responds to specific requests from the Convention's subsidiary bodies. The IPCC is independent of the Convention.

Kyoto Protocol - An international agreement from 1997 standing on its own, and requiring separate ratification by governments, but linked to the UNFCCC. The Kyoto Protocol, among other things, sets binding targets for the reduction of greenhouse-gas emissions by industrialized countries.

Land use, land-use change, and forestry (LULUCF)

A greenhouse gas inventory sector that covers emissions and removals of greenhouse gases resulting from direct human-induced land use, land-use change and forestry activities.

Loss and damage At COP16 in Cancun in 2010, Governments established a work programme in order to consider approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change as part of the Cancun Adaptation Framework. At COP27 in Egypt in 2022 countries agreed to set up a Loss and Damage Fund.

Mitigation In the context of climate change, a human intervention to reduce the sources or enhance the sinks of greenhouse gases. Examples include using fossil fuels more efficiently for industrial processes or electricity generation, switching to solar energy or wind power, improving the insulation of buildings, and expanding forests and other "sinks" to remove greater amounts of carbon dioxide from the atmosphere.

MRV Measurable, reportable and verifiable. A process/concept that potentially supports greater transparency in the climate change regime.

National Center for Disease Control and Public Health (NCDC) - Georgian health agency tasked with protecting the public's health against dangerous outbreaks of disease. National communication A document submitted in accordance with the Convention (and the

Protocol) by which a Party informs other Parties of activities undertaken to address climate change. Georgia has already developed four national communications and has started working on the fifth national communication.

Nationally appropriate mitigation actions (NAMAs)

At COP16 in Cancun in 2010, Governments decided to set up a registry to record nationally appropriate mitigation actions seeking international support, to facilitate the matching of finance, technology and capacity-building support with these actions, and to recognize other NAMAs.

NDC According to Article 4 paragraph 2 of the Paris Agreement, each Party shall prepare, communicate and maintain successive nationally determined contributions (NDCs) that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.

Non-Annex I Parties Refers to countries that have ratified or acceded to the United Nations Framework Convention on Climate Change that are not included in Annex I of the Convention.

OECD Organisation for Economic Co-operation and Development.

Party A state (or regional economic integration organization such as the European Union) that agrees to be bound by a treaty and for which the treaty has entered into force.

Pre-industrial levels of carbon dioxide The levels of carbon dioxide in the atmosphere prior to the start of the Industrial Revolution. These levels are estimated to be about 280 parts per million (by volume). The current level is around 420ppm.

Renewable energy Renewable energy is energy created from natural sources that can be replenished in a short period of time. The five renewable sources used most often are: biomass (such as wood and biogas), the movement of water, geothermal (heat from within the earth), wind, and solar.

Resilience - The capacity of social, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding or reorganising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation.

Sink Any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere. Forests and other vegetation are sinks because they remove carbon dioxide through photosynthesis.

Technology transfer The process whereby technological advances are shared between different countries. Developed countries could, for example, share up-to-date renewable energy technologies with developing countries, in an effort to lower global greenhouse gas emissions.

UNFCCC United Nations Framework Convention on Climate Change agreed by the world's nations in 1992.

Vulnerability The degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate variation to which a system is exposed, its sensitivity, and its adaptive capacity.

Weather The state of the atmosphere with regard to temperature, cloudiness, rainfall, wind and other meteorological conditions. It is not the same as climate which is the average weather over a much longer period.

Westminster Foundation for Democracy (WFD) The UK public body dedicated to strengthening democracy around the world, with an active programme of work in Georgia. WFD have brought together an expert group to help the Committee create this Green Paper.



A CLIMATE LAW FOR GEORGIA
**A GREEN PAPER TO
EXPLORE IDEAS**