



საქართველო
GEORGIA

გარემოს დაცვისა და
სოფლის მეურნეობის
საინჟინრო

MINISTRY OF ENVIRONMENTAL
PROTECTION AND AGRICULTURE
OF GEORGIA

N 9711/01
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UNFCCC

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To: Executive-Office@unfccc.int

Cc: Deputy Executive Secretary Ovais Sarmad

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UNFCCC secretariat

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Platz der Vereinten Nationen 1

53113 Bonn

Germany

Subject: Georgia Submission Under Rule 12 of the Draft Rules of Procedure

Dear Sir/Madam,

On behalf of the Ministry of Environmental Protection and Agriculture of Georgia, I would like to express sincere gratitude to the Secretariat of the United Nations Framework Convention on Climate Change, for support provided to the developing countries including Georgia.

It is our pleasure to submit the attached agenda item on “Achieving equitable geographic representation in the composition of constituted bodies under the Convention.” under Rule 12 of the Draft Rules of Procedure for inclusion in the provisional agenda for the twenty-sixth session of the Conference of the Parties to the UNFCCC.

If you have any questions or require any additional information to ensure the inclusion of this item, please let us know at your earliest convenience.

Let me express once again the appreciation to you for existing cooperation and the confidence in our future collaboration on global climate change policy.

Sincerely,

Annex: Submission by Georgia proposing an additional item for the COP 26 agenda (8 pages).

Yours faithfully,

Nino Tandilashvili
Deputy Minister



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Submission by Georgia proposing an additional item for the COP 26 agenda

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Georgia wishes to further the realization of the widest possible cooperation under the Convention. Equal representation is a defining principle of the United Nations system, and the importance of universal access to cooperative frameworks is nowhere more salient than in the international community's work to address climate change. Indeed, the Convention in its preamble "calls for the widest possible cooperation" in response to this uniquely global challenge.

To this end, Georgia would like to propose an additional agenda item to be included on the provisional agenda for the twenty-sixth session of the Conference of the Parties.

The agenda item is as follows: "Achieving equitable geographic representation in the composition of constituted bodies under the Convention."

As a core tenet of its operating logic, the United Nations recognizes that, to be effective, its organs must equitably represent the Organization's full global constituency. The principle of equitable geographic representation is evident in the United Nations Charter¹ and has been extolled in the structure and statements of entities throughout the United Nations system, including those under the Convention,² since the Organization's founding.

In general, United Nations entities advance equitable geographic representation by allocating and rotating membership positions among the five regional groups: the African States, Asia-Pacific States, Eastern European States, Latin American and Caribbean States, and Western European and other States. One of the earliest codifications of these regional electoral groups came with General Assembly Resolution 1990(XVIII) of 1963, which called for "balanced geographical distribution" within the General Assembly General Committee.³ That decision, adopted unanimously,⁴ also established "equitable geographic rotation" of committee members among the regional groups.⁵ Today, equal representation among these five regional groups is a

¹ Article 23.1 of the Charter provides that "equitable geographic distribution" shall be a factor in the election of non-permanent members of the Security Council, and Article 101.3 of the Charter notes "the importance of recruiting the staff [of the UN Secretariat] on as wide a geographical basis as possible."

² Under Article 11.2 of the Convention, "The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance." The UNFCCC Draft Rules of Procedure provide for equitable geographic representation within the Bureaus of the Conference of the Parties and Subsidiary Bodies under Rules 22(1) and 27(5). Numerous decision texts under the Convention also refer to equitable geographic balance, representation, and distribution.

³ General Assembly Resolution 1990(XVIII), Question of the Composition of the General Committee of the General Assembly: amendments to rules 31 and 38 of the Assembly's rules of procedure, A/RES/1990 (XVIII) (16 Dec. 1963), available at [https://undocs.org/en/A/RES/1990\(XVIII\)](https://undocs.org/en/A/RES/1990(XVIII)).

⁴ The voting record reflects 111 votes in favor, zero votes against, zero abstentions, and two non-votes. United Nations Digital Library, *Question of the composition of the General Committee of the General Assembly: amendments to rules 31 and 38 of the Assembly's rules of procedure: resolution/adopted by the General Assembly* (accessed 9 July 2021), available at <https://digitallibrary.un.org/record/664269?ln=en>.

⁵ General Assembly Resolution 1990(XVIII), *supra* note 3.



fundamental characteristic of the United Nations system, a standard rubric for allocating membership across a vast number and variety of organs and entities.

The constituted bodies under the Convention, however, have typically allocated membership positions based primarily on the Convention's Annexes. Numerous bodies under the Convention reserve seats for non-Annex I Parties from Africa, Asia-Pacific, and Latin America and the Caribbean, but allocate the remaining seats to Annex I Parties, omitting allocations for Eastern European and Western European and other States. The allocation of membership positions to the African, Asia-Pacific, and Latin American and Caribbean regions reflects Parties' understanding of the importance of balanced geographical representation, as well as the conviction shared by all Parties that developing countries must be adequately represented to ensure that international work to address climate change reflects their "specific needs and special circumstances," as prescribed by Article 3.2.

Yet the substitution of Annex I for the regional groups representing European and other States has the effect of disadvantaging the following Eastern European developing countries not included in Annex I: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, the Republic of Moldova, and Serbia.

For instance, one Convention body, the Technology Executive Committee (TEC), completely excludes non-Annex I Eastern European Parties because of its membership composition. The TEC allocates nine seats to Annex I Parties, three each to Parties from Africa, Asia-Pacific, and Latin America and the Caribbean, and one each to the small island developing states (SIDS) and least developed countries (LDCs). Under this composition, nine developing country Parties – Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, Republic of Moldova, and Serbia – are ineligible to be represented in the TEC.

Similarly, these nine Parties cannot hold seats on the Consultative Group of Experts (CGE), whose membership allocation to Parties is comparable to that of the TEC. One observer seat on the CGE is set aside for the non-Annex I Eastern European Parties,⁶ but this status falls short of full participation. The composition of the CGE was the subject of a series of bilateral consultations undertaken by the Chair of the Subsidiary Body for Implementation at SBI 41 in 2014. Summarizing those consultations, the Chair relayed Parties' shared understanding that the question of non-Annex I Eastern European Parties' participation in the CGE "should be addressed in the broader context of transparency, *the right for all Parties to have full CGE membership*, the need for inclusiveness, and *a balanced representation among Parties*."⁷ Parties accepted the allocation of one observer seat to the non-Annex I Eastern European Parties as an "approach [that would] provide time and opportunity for Parties to continue consultation among each other to deepen the understanding of different positions and bridge the gap," but there was

⁶ COP 19 conclusion, FCCC/CP/2013/10, para. 131; SBI 41 report, FCCC/SBI/2014/21, para. 137.

⁷ SBI 41 report, FCCC/SBI/2014/21, Annex II (emphasis added).

no consensus that the allocation of an observer seat would be an adequate solution in the long term.⁸

By definition, an observer cannot take part in the activities, discourse, and decision-making of a constituted body in the same way that members do. Observer status is a separate class of involvement; it is not a substitute for membership, and does not achieve equal representation.

Further, representation on four bodies constituted under the Convention – the Advisory Board for the Climate Technology Centre and Network (CTCN Board), the Executive Committee of the Warsaw International Mechanism (WIM ExCom), the Joint Implementation Supervisory Committee (JISC), and the Standing Committee on Finance (SCF) – is accessible to these nine Eastern European developing country Parties only via seats set aside for a catch-all category of non-Annex I Parties. For instance, the WIM ExCom and SCF both set aside 10 seats each for non-Annex I Parties, distributed as follows: two seats each for Parties from Africa, Asia-Pacific, and Latin America and the Caribbean; one each for Parties from the SIDS and LDCs; and two additional seats for non-Annex I Parties. Because any Party not included in Annex I, whether developed or developing, and not currently represented on the WIM ExCom or SCF may seek to fill one of these two seats even if its regional group is already represented, the Eastern European developing country Parties have significantly less overall opportunity than other developing country Parties to be represented on these bodies.

Finally, a slim majority of bodies constituted under the Convention – eight of 15 – allocate membership to each of the five United Nations regional groups, including Eastern Europe, as well as other categories of Parties and stakeholders. Four Convention bodies⁹ make no reference to the Annexes in their composition, allocating membership strictly according to geographic balance.

In sum, the nine non-Annex I developing country Parties from Eastern Europe do not benefit from the same access to many bodies constituted under the Convention as other developing country Parties. This reality not only falls short of the goal of equitable geographic representation but also defies the principle of sovereign equality among states. Article 2.1 of the Charter establishes that the UN “is based on the principle of the sovereign equality of all its Members.” This fundamental credo is echoed in the preamble to the Convention, framing cooperation across all manner of multilateral fora. Sovereign equality is the basis, too, of equitable geographic representation, in that equal access and participation across the world’s regions is necessary because the world’s States are equal. Depriving any Party or Parties of equitable representation on bodies charged with facilitating the implementation of the Convention denies not only an entire region of equitable representation but also such Parties

⁸ Ibid.

⁹ The Committee to facilitate implementation and promote compliance referred to in Art. 15, para. 2 of the Paris Agreement; the FWG of the LCIPP; the Katowice ExCom; and the PCCB.

themselves of equal participation as sovereign States in bodies whose work affects the interests and rights of these States and their peoples.

Georgia wishes to discuss at the twenty-sixth session of the Conference of the Parties how all bodies constituted under the Convention may be composed to ensure equitable geographic representation. The central purpose of the Convention, and of the various bodies constituted under it, is to facilitate international cooperation to “prevent dangerous anthropogenic interference with the climate system,” as stated in Article 2. If they – and we – are to meet this task, bodies constituted by this Conference must be effective, credible, and principled. Article 7.2 obliges the Conference of the Parties to make “the decisions necessary to promote the effective implementation of the Convention,” including by “[p]eriodically examin[ing] the obligations of the Parties and the *institutional arrangements* under the Convention” per Article 7.2(a) (emphasis added). Georgia’s conviction is that the Parties are morally obliged and dutybound to address the inequities enumerated above at the upcoming Conference to bring our collective work in line with these principles so essential to our successful cooperation.



Annex I

Decision __/CP.26

The Conference of the Parties,

Recalling that the United Nations is based on the principle of the sovereign equality of all its Members, as noted in Article 2, paragraph 1 of the Charter of the United Nations;

Recalling also that this principle is echoed in the preamble to the Convention, which reaffirms the principle of sovereignty of States in international cooperation to address climate change;

Recognizing that ensuring equitable geographic representation is necessary to realizing the principle of sovereign equality in multilateral fora;

Reaffirming the commitment enshrined in the preamble to the Convention to mobilize the widest possible cooperation and participation by all countries in service of its goal to support Parties in preventing, mitigating, and adapting to climate change;

Reaffirming also the sensitivity to developing countries' specific needs and special circumstances that characterizes the Convention, as set out in its Article 3, paragraph 2, and is evident across initiatives undertaken to implement it;

Reaffirming further the obligation created by Article 11, paragraph 2 of the Convention to ensure equitable and balanced representation of all Parties in the management of the financial mechanism under the Convention;

Guided by Article 7, paragraph 2 of the Convention, which obliges the Conference of the Parties to examine the institutional arrangements under the Convention and to make decisions necessary to promote the effective implementation of the Convention;

1. *Welcomes* the effort to promote equitable geographic representation and facilitate the participation of developing country Parties reflected in certain constituted bodies' allocation of membership to each of the five United Nations regional groups;
2. *Expresses concern* that certain developing country Parties are prevented from participating in other constituted bodies;
3. *Also notes with concern* that still other constituted bodies do not provide equal access to developing country Parties from every regional group;
4. *Further notes* that observer status or any designation other than voting membership does not achieve equal representation;

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5. *Emphasizes* that achieving the widest possible cooperation to address climate change requires full consideration of developing countries' specific needs and special circumstances;
6. *Reaffirms* that developing countries' specific needs and special circumstances cannot receive full consideration without equitable geographic representation;
7. *Declares* that equitable geographic representation in all bodies constituted under the Convention is therefore necessary to achieve the widest possible cooperation to address climate change;
8. *Decides* that all bodies constituted under the Convention shall guarantee equitable geographic representation by referring to the five United Nations regional groups in their distribution of membership among Parties;
9. *Requests* the following constituted bodies whose composition will be affected to submit to the secretariat, by 25 March 2022, input as to how best to revise membership distribution, including how current members may serve the duration of their terms and any other considerations:
 - a) The Advisory Board for the Climate Technology Centre & Network;
 - b) The Consultative Group of Experts;
 - c) The Executive Committee of the Warsaw International Mechanism;
 - d) The Joint Implementation Supervisory Committee;
 - e) The Standing Committee on Finance;
 - f) The Technology Executive Committee;
10. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol review the composition of the Joint Implementation Supervisory Committee and submit to the secretariat, by 25 March 2022, input as to how best to revise its membership distribution;
11. *Requests* the secretariat to identify all constituted bodies whose membership distribution will be affected by the present decision, and to prepare a list, by 25 January 2022, of decision texts mandating the composition of those bodies, including those adopted by this Conference, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, or the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
12. *Also requests* any constituted bodies not listed in paragraphs 9—10 above but subsequently identified by the secretariat to likewise submit to the secretariat, by 25 March 2022, input as to how best to revise each such body's membership distribution;



13. *Invites* interested Parties to submit to the secretariat, by 25 March 2022, input on the matters described in paragraphs 9–12 above;
14. *Requests* the secretariat to compile the submissions referred to in paragraphs 9–13 above into a miscellaneous document for consideration by the Subsidiary Body for Implementation at its fifty-sixth session;
15. *Also requests* the Chair of the Subsidiary Body for Implementation to convene consultations with the Parties, in conjunction with the fifty-sixth session of the Subsidiary Body for Implementation, with a view to recommending to the Conference of the Parties, at its twenty-seventh session, a decision on this matter, for adoption by the Conference of the Parties at its twenty-seventh session, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its seventeenth session and, as appropriate, the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its third session.