



## THE REGIONAL ENVIRONMENTAL CENTRE FOR THE CAUCAUS

### Terms of Reference for Pastureland Lawyer

Publication Reference Number: **027RECC/G/FAO-05-2020**

<b>Job Title:</b>	<b>Pastureland Lawyer</b> [National Expert for Specific Tasks]		
<b>Contracting Organization:</b>	The Regional Environmental Centre for the Caucasus (RECC)		
<b>Division/Department:</b>	RECC Projects' Implementation Unit		
<b>Programme/Project Number:</b>	"Achieving Land Degradation Neutrality Targets of Georgia through Restoration and Sustainable Management of Degraded Pasturelands" (GEF Project ID: 10151 / FAO Entity Number: 654524 / FAO Project Symbol: GCP/GEO/006/GFF)		
<b>Duty Station:</b>	Tbilisi, Georgia		
<b>Expected Start Date of Assignment:</b>	December 01, 2020	<b>Duration:</b>	19 months up to 30 June 2022
<b>Reports to:</b>	Sophiko Akhobadze	RECC Executive Director	

#### 1. DESCRIPTION OF OBJECTIVES OF THE ASSIGNMENT

##### 1.1. Background

The Regional Environmental Centre for the Caucasus (RECC) as operational partner is involved in implementation of the Global Environmental Facility (GEF) financed project Achieving Land Degradation Neutrality Targets of Georgia through Restoration and Sustainable Management of Degraded Pasturelands – GEF Project ID: 10151" ("the Project")<sup>1</sup>. GEF Implementing Agency for the Project is the Food and Agriculture Organization of the United Nations (FAO).

With the above regard, in May, 2020 the RECC and FAO signed Operational Partners Agreement (OPA) for implementation of the Grant Project "Achieving Land Degradation Neutrality Targets of Georgia through Restoration and Sustainable Management of Degraded Pasturelands". This Agreement governs the implementation by the RECC of the relevant parts of the Project as defined in the results matrix, work plan and budget in Annex 3 of the OPA. It describes the relationship between the RECC and FAO and their responsibilities.

Under the Project and within the context of Land Degradation Neutrality (LDN), Georgia aims to maintain and increase the amount of healthy and productive land resources in line with the national sustainable development

<sup>1</sup> Project "Achieving Land Degradation Neutrality Targets of Georgia through Restoration and Sustainable Management of Degraded Pasturelands (2020-2023)" - (GEF Project ID. : 10151, Focal Area: Land Degradation, GEF Period: GEF-7, Approved for Implementation: Feb-2020). <https://www.thegef.org/project/achieving-land-degradation-neutrality-targets-georgia-through-restoration-and-sustainable>

goals. Georgia has released five voluntary LDN targets. The project is directly linked to the implementation of two of these targets: Target 1: Integrate LDN principles into national policies, strategies and planning documents; and Target 4: Degraded land will be rehabilitated.

Project consists of four subsequent components: (1) Policy and Regulatory/Institutional, (2) Demonstration, (3) Capacity Building and (4) Knowledge Management.

**Component 1** represents cornerstone of the Project and particularly refers to development and formal adoption of *National Pastureland Management Policy Document (NPMPD)* that will be further used for drafting of **new national legislation on pastures** with focus on implementation of Land Degradation Neutrality (LDN) principles and integration into agricultural and other sectoral national policies and strategies.

The project sets out to support the national efforts to implement LDN targets of Georgia through restoration and sustainable management of the degraded pasturelands (Targets 1 and 4). It follows the STAP (GEF) guidelines “Scientific Conceptual Framework for Land Degradation Neutrality” and takes a phased approach. First, the country has selected three target municipalities based on the priorities of the LDN TSP, and the target landscapes for implementation activities. The target municipalities are located in the Eastern part of Georgia and include Dmanisi, Gurjaani, and Dmanisi. The target municipalities and landscapes have been characterized by key bio-physical and socio-economic parameters to set the project baseline in line with the voluntary LDN indicators.

The experiences of this project will be replicated across Georgia through activities of national and international partners, and shared with other countries in the region and at UNCCD.

## 1.2. General objective of the assignment

Pastureland Lawyer performs functions of the RECC Project Team National Expert for Specific Tasks and is responsible for providing consultancy services for legal issues concerning RECC’s relevant Project parts under the OPA.

He/She will work under the overall guidance and supervision of the RECC Executive Director (*Project Policy and Institutional Advisor – Project Supervisor/Manager*), Technical Advisor in Agricultural Development (RECC Project Core Team Coordinator) and the technical guidance of the FAO Project Coordinator (PC) in close consultation with the government designated National Project Director (NPD) representing the Ministry of Environmental Protection and Agriculture of Georgia (MEPA).

## 2. SCOPE OF THE ASSIGNMENT

### 2.1. Specific Task

Specific task of the assignment is implementation of the following activities of Output 1.1.2 (*Pastureland management law and supplementary sub-laws drafted*) of Outcome 1.1 (*Enhanced policy and institutional frameworks for LDN with the focus on the implementation of SLM principles on pasturelands*) under the Component 1 (*Strengthening the regulatory and institutional framework for sustainable management of pasturelands in Georgia*) of the project:

**Activity 1:** Identification of needs for new legislation and/or revisions of existing legislation based on agreed national pastureland policy and pastureland management law drafted

*(According to updated Project Action Plan<sup>2</sup> of the Project, identification of needs for new legislation has to be preceded by review and analyses of existing national legislation on pastureland and livestock management)*

**Activity 3:** Pastureland management law presented to the national stakeholder platform

**Activity 4:** Stakeholder consultations of draft pastureland law (with RIA) for wider review and arrangement of regional public hearing meetings and submission of final draft law to the Government for further formal governmental review procedure

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<sup>2</sup> Project Action Plan was updated in September, 2020 and was approved first by the MEPA, then formally by the Project Steering Committee - PSC (at PSC’s 1<sup>st</sup> Meeting on September 28, 2020) and endorsed later at Project Inception Meeting (20 October, 2020) by wide range of stakeholders.

## 2.2. Planned Activities of under the Assignment

The following steps are envisaged to be undertaken by the Pastureland Lawyer within the assignment process:

### **a. Elaboration of methodology and detailed action plan for analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)**

In consultation with RECC, FAO Project Coordinator (PC) and National Project Director (NPD), Pastureland Lawyer will develop methodology and detailed working plan for analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements).

The work plan for analyses of existing national legislation on pastureland and livestock management should include, but not be limited to the following sectors of legislation covering (i) international treaties and agreements of Georgia – incl. EU-Georgia Association Agreement, (ii) legal acts/laws of Georgia and (iii) sub-laws/regulations:

- Regulatory framework on pasturelands
  - Status of pasturelands in national system of land categories and land title registration
  - Pastureland ownership and use forms  
(incl. Organic Law of Georgia "On Agricultural Land Ownership" of June 25, 2019 and Law of Georgia "On Defining of Land [Category] Designation and on Sustainable Management of Agricultural Land" of June 25, 2019)
  - Privatization and leasing of state-owned pasturelands
  - Privatization and leasing of municipal owned pasturelands
  - Legalization of ownership rights on pasturelands
  - Livestock/cattle
  - etc
- Regulatory framework on taxes/fees concerning pastures and livestock management
  - Tax legislation
  - Fees
  - Export and import duties on livestock and meat and dairy products
  - Tax privileges for agricultural cooperatives
  - Tax privileges for high mountain regions
  - etc
- Regulatory framework on technical aspects of pasture management
  - Pasture management bodies and their rights and obligations (Pasture management under Protected Areas Agency; Pasture management under National Forest Agency; Pasture management under Municipalities)
  - Pasture inventory rules (Pasture classification system according to their functional use and agrotechnical characterises; pasture conditions etc.)
  - Grazing plans and quotas
  - Existing statutory methods for determining production and composition, vegetation sampling techniques etc.
  - New varieties of plants
  - Biopharming
  - Genetically modified organisms
  - Biodiversity protection requirements
  - etc
- Regulatory framework on livestock management
  - Sanitary and phytosanitary rules and standards
  - New breeds of animals
  - EU acquis in light of EU-Georgia Association Agreement
  - etc
- Regulatory framework on meat and dairy products
  - Existing national standards and regulations
  - EU acquis in light of EU-Georgia association Agreement
  - etc
- Regulatory framework on land degradation
  - Legislation on land degradation
  - legislation on soil protection
  - etc

Detailed work plan shall include list of all international treaties and agreements of Georgia and legal acts/laws of Georgia that has to be covered by review and analyses of existing national legislation on pastureland and livestock management.

Methodology and work plan will be agreed by RECC, FAO Project Coordinator (PC) and National Project Director (NPD).

**b. Review and analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)**

Based on agreed methodology and detailed work plan *Review and analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)* will be conducted.

**c. Provision of technical assistance on legal issues in the process of development of National Pastureland Management Policy Document (NPMPD)**

After completion of review and analyses of existing national legislation, Pastureland Lawyer will provide technical assistance and advice on pastureland and livestock management legal issues to experts who will work on development of *National Pastureland Management Policy Document (NPMPD)*.

**d. Identification of needs for new legislation and/or revisions of existing legislation based on agreed national pastureland policy (National Pastureland Management Policy Document - NPMPD)**

In the final stage of development of National Pastureland Management Policy Document (NPMPD), Pastureland Lawyer will identify needs for new legislation and/or revisions of existing legislation based on pre-final or preliminary findings of national pastureland policy (National Pastureland Management Policy Document - NPMPD).

Needs for new legislation and/or revisions of existing legislation should include justification for new legislation, outline and content of new draft law on pasture management and detailed list of supplementary amendments to existing legislation (supplementary draft laws).

**e. Validation of identified needs for new legislation and/or revisions of existing legislation at national validation workshop**

Needs for new legislation and/or revisions of existing legislation will be validated at national validation workshop. Pastureland Lawyer will make keynote presentation at the workshop and prepare workshop report.

**f. Elaboration of final version of outline and content for new legislation and/or revisions of existing legislation**

Based on outcomes of the national validation workshop and received comments from stakeholders, Pastureland Lawyer will prepare final version of outline and content for new legislation and/or revisions of existing legislation.

Along with written comments, consultations and interviews with stakeholder groups will be one of the most effective ways for finalizing of outline and content for new legislation and/or revisions of existing legislation.

**g. Drafting of new legislation on pastureland management and supplementary amendments to existing legislation**

Pastureland Lawyer will draft new law on pastureland management and supplementary amendments to existing legislation (known as "Legal Package"). New draft law and supplementary amendments have to be accompanied by separate explanatory notes as per requirements of Georgian legislation – Law of Georgia "On Normative Acts" of 22 October, 2009. Explanatory note shall be attached to each draft law containing the following:

- a) general information on the draft law, specifying:
  - a.a) the reason for adopting the draft law;
  - a.b) the purpose of the draft law;
  - a.c) the essence of the draft law;

- b) the financial feasibility of the draft law, specifying as follows:
  - b.a) source of funding of necessary expenses related to adoption of the draft law;
  - b.b) the impact of the draft law on the revenue part of the State Budget;
  - b.c) the impact of the draft law on the expenditure part of the State Budget;
  - b.d) new financial commitments of the State;
  - b.e) expected financial outcomes of the draft law for those persons to whom the draft law applies;
  - b.f) procedure (principle) for determining the amount of taxes, duties or other forms of fees under the draft law;
  
- c) compliance of the draft law with international legal standards, specifying:
  - c.a) compliance of the draft law with European Union (EU) Directives;
  - c.b) compliance of the draft law with the obligations of Georgia for joining international organisations;
  - c.c) compliance of the draft law with bilateral and multilateral agreements and treaties of Georgia;
  - c.d) Title/s of EU Directive/s - in case if adoption of the draft law is determined by the harmonization obligations of Georgian legislation with EU legislation within the scope of EU-Georgia Association Agreement of 2014 or within the scope of any other agreement with EU (Special Comparative Table shall be completed in case if "c.d" is applicable);
  
- d) consultations received in the draft law preparation process, specifying:
  - d.a) state, non-state and/or international organisations (institutions), experts, if any, participating in the preparation of the draft law;
  - d.b) evaluation of the draft law by organisations (institutions) and/or experts, if any, participating in preparation of the draft law;
  
- e) the author of the draft law;
  
- f) the initiator of the draft law.

The following documents shall also be attached to the draft law:

- a) a draft law on amending other legislative acts that results from the adoption of the draft law or that determines the liability for violating the norms established by the normative act;
  
- a) the current full version of the article(s) to be amended and/or removed under the proposed draft law;
  
- b) an opinion of an independent expert, if any;
  
- c) an opinion of a lobbyist, if any, registered with an appropriate body in the manner prescribed by law.

Note: Pastureland Lawyer will have to complete section (b) for each explanatory note (*b. Financial feasibility of the draft law*) in close consultation with Regulatory Impact Assessment (RIA) team and once RIA report for new pastureland legislation is completed.

***h. Presentation of pastureland management draft law and supplementary amendments to existing legislation at the national stakeholder's workshop***

Pastureland Lawyer will present pastureland management draft law and supplementary amendments at national stakeholder's workshop and prepare workshop report.

***i. Elaboration of final version of pastureland management draft law and supplementary amendments to existing legislation based on stakeholder comments***

Based on stakeholders comments, Pastureland Lawyer will prepare final version of pastureland management draft law and supplementary amendments.

**2.3. Reporting Obligations: Deliverables, Reporting Schedule and Estimated Time Input**

Pastureland Lawyer will report to the RECC Executive Director (Project Policy and Institutional Advisor – Project Supervisor/Manager) and Technical Advisor in Agricultural Development (RECC Project Core Team Coordinator).

Pastureland Lawyer will submit reports (in soft copies) to the following deliverables in Georgian and English Languages if it is not otherwise stipulated in the table below:

Table 1. Reporting Obligations

Report Index	Name of Deliverable/Means of Verification	Remark	Estimated Number of Working Days	Time of Submission
R1	(i) Methodology and detailed action plan for analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)	<i>in Georgian and English languages</i>	5	January, 2021
R2	(ii) Review and analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)	<i>in Georgian language</i>	25	April, 2021
R3	(iii) Report on technical assistance on legal issues in the process of development of National Pastureland Management Policy Document (NPMPD)	<i>in English language</i>	5	December, 2021
R4	(iv) Needs for new legislation and/or revisions of existing legislation based on agreed national pastureland policy (National Pastureland Management Policy Document - NPMPD)	<i>in Georgian language</i>	5	January, 2022
R5	(v) Validation Workshop Report <i>(Workshop on Validation of identified needs for new legislation and/or revisions of existing legislation)</i>	<i>in English language</i>	2	January, 2022
R6	(vi) Final version of outline and content for new legislation and/or revisions of existing legislation	<i>in Georgian and English languages</i>	2	January, 2022
R7	(vii) Draft Law on pastureland management and supplementary amendments to existing legislation <i>(including Explanatory Notes for each draft law)</i>	<i>in Georgian language</i>	44	May, 2022

<b>R8</b>	(viii) National Stakeholders Workshop Report  Presentation of pastureland management draft law and supplementary amendments to existing legislation at the national stakeholder's workshop	<i>in Georgian and English languages</i>	2	June, 2022
<b>R9</b>	(ix) Final version of pastureland management draft law and supplementary amendments to existing legislation based on stakeholder comments  <i>(including Explanatory Notes for each draft law)</i>	<i>in Georgian language</i>	10	June, 2022
<b>Total</b>			<b>100</b>	

All deliverables are subject for review and approval by the RECC.

#### 2.4. Payment Schedule

Pastureland Lawyer shall submit to the RECC the reports in the form and within the time periods specified in Table 1 (Reporting Obligations) as per Terms of Reference, acceptable to the RECC. The payment mode for the service will be applied based on delivered reports and acts of acceptance (*Service Delivery Acceptance Acts*) signed by both sides (RECC and Pastureland Lawyer) and submitted by the Pastureland Lawyer of original invoices to the RECC.

The schedule of payments is specified below:

Table 2. Payment Schedule

Report Index	Name of Report	% of total contract ceiling for the Services <i>(total Value of the Service)</i>
<b>R1</b>	(i) Methodology and detailed action plan for analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)	5%
<b>R2</b>	(ii) Review and analyses of existing national legislation on pastureland and livestock management with view of LDN principles (including Georgia's international treaties and agreements)	25%
<b>R3, R4, R5, R6</b>	(iii) Report on technical assistance on legal issues in the process of development of National Pastureland Management Policy Document (NPMPD)  (iv) Needs for new legislation and/or revisions of existing legislation based on agreed national pastureland policy (National Pastureland Management Policy Document - NPMPD)  (v) Validation Workshop Report	14%

	(vi) Final version of outline and content for new legislation and/or revisions of existing legislation	
<b>R7</b>	(vii) Draft Law on pastureland management and supplementary amendments to existing legislation	44%
<b>R8, R9</b>	(viii) National Stakeholders Workshop Report  (ix) Final version of pastureland management draft law and supplementary amendments to existing legislation based on stakeholder comments	12%
		100%

### 3. OVERALL DUTIES AND RESPONSIBILITIES, QUALIFICATIONS, EXPERIENCE AND TECHNICAL COMPETENCIES

#### 3.1. Overall Duties and Responsibilities

Pastureland Lawyer will have the following tasks:

- Liaise with the RECC Executive Director (*Project Policy and Institutional Advisor – Project Supervisor/Manager*), Technical Advisor in Agricultural Development (RECC Project Core Team Coordinator), FAO, MEPA, project partners and other stakeholders to ensure flow of expected deliverables under this Terms of Reference;
- Provide technical support to the implementation of the Project approach;
- Support the facilitation of establishment of local pasture users' unions in 3 target municipalities;
- Review of lessons learned and make recommendations for improving the performance and the necessary adjustments to the work plan;
- Where appropriate, provide advice and technical support to the preparation of legal/policy communication materials of the Project;
- Attend and support work of the Project Steering Committee when necessary as per RECC requirement;
- If appropriate, provide advice and support on identification/development of training plans proposed under project outputs.

#### 3.2. Qualifications and Experience Requirements

Pastureland Lawyer should have:

- Masters of Science Degree or higher in law.
- At least 5-7 years of experience and familiarity with agricultural and land legislation and policy issues, as well as related EU legislation

#### 3.3. Technical Competencies

- Results focused
- Good expert skills
- Where appropriate, ability to travel to the Project pilot regions and municipalities in Georgia
- Ability to develop good working relations with a variety of stakeholders
- Good understanding of project document incl. results framework and project work plans
- Good reporting skills
- Good organizational and communication capacity
- Good written and oral working knowledge in English and Georgian
- Advanced computer skills