



THE REGIONAL ENVIRONMENTAL CENTRE FOR THE CAUCASUS

Terms of Reference

Procurement of Consultancy Services of Pastureland Policy National Expert for Technical Assistance in Structuring Institutional Analyses for Development of National Pastureland Management Policy Documentation in Georgia

Publication Reference Number: 027RECC/G/FAO-17-2021

Contract Title:	Consultancy Service Contract for Technical Assistance in Structuring Institutional Analyses for Development of National Pastureland Management Policy Documentation in Georgia		
Contract Type:	Fee-based		
Contracting Organization:	The Regional Environmental Centre for the Caucasus (RECC)		
Division/Department:	RECC Projects' Implementation Unit		
Programme/Project Number:	"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)		
Duty Station:	Tbilisi, Georgia		
Expected Start Date of Assignment:	September 01, 2021	Duration:	4 months (up to 31 December 2021)
Estimated Number of Working Days:	60 Working Days		
Reports to:	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")¹. 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

¹ 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>

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 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 (*Strengthening the regulatory and institutional framework for sustainable management of pasturelands in Georgia*) 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.

Under the component 1 the project will facilitate the development of the State vision / policy and laws for pasture management following SLM principles and will ensure establishment of the required institutional framework for pasture management. Building on the baseline, the project will address the lack of pastureland conservation and development policies in the context of the LDN. It will enhance legal, policy, and institutional frameworks for LDN with the focus on the implementation of SLM principles on pasturelands, and ensure effective coordination mechanism at horizontal (between responsible Ministries and Agencies) and vertical levels (between levels of administration), as well as the synergies between the three Rio Conventions in Georgia.

NPMPD will be discussed and agreed by the national pasture platform and working group. NPMPD will be disseminated for wider public review and facilitation of at national and local levels for governmental approval.

The policy should be supported by technical tools/information and capacity needs and opportunities. Therefore, NPMPD will be closely linked to the work being done under Components 2 and 3.

National pastureland management policy will closely be linked to existing agricultural and other sectoral national policies and strategies and will be reflected into updated Strategies for Agriculture and Rural Development and their Action Plans, to be prepared by the GoG.

Georgia land reform conducted in the 1990's distributed the state owned land equally to the rural households and resulted in a large number of small private family farms with an average holding size of less than 1 ha and fragmented into an average of 4-5 parcels. In the three target Municipalities, the majority of farmers own 1-2 ha of agricultural land, where only a small percent of them are female owners.

Pastures can be under the private, municipal or state ownership. Nevertheless, the vast majority of pastures are owned by the State and Municipalities, and only a small amount is in the private ownership. Since 2005, the privatization of pastures is no longer allowed. Municipalities may lease the registered pastures, but it was rarely practiced. All pastures that are not registered after municipalities or private owners, are managed by the Agency of Public Registry (NAPR) under the Ministry of Economy and Sustainable Development of Georgia. Currently there is a moratorium on leasing out public pastures until the land has been registered.

Most villagers rely on so called "village pastures" located within 1-9 km around the settlements. These pastures are de facto managed as commons and there are no specific legal provisions regarding them. These pastures are either used by all residents free-of-charge or leased to someone informally (without contract).

The project will develop Pastureland Management Plans in three target municipalities and manage LDN counterbalancing at the level stipulated in the plans (Dmanisi, Gurjaani, and Kazbegi). The project will strengthen the enabling environment for LDN, land-use planning processes, and security of tenure rights with the specific focus on pasture lands.

The World Bank and the National Agency of Public Registry (NAPR) of Georgia are currently working on systematic land registration. Systematic land registration mechanisms were piloted in 12 areas in order to inform the design of a future national systematic land registration programme. **The Ministry of Environmental Protection and Agriculture**

(MEPA) is also interested and attempting to integrate land consolidation activities into the process of systematic land registration. Opposed to all other countries in the region, a first systematic land registration was never completed in Georgia and only around 30 percent of the arable agricultural land is registered in NAPR.

To address land degradation and promote sustainable pastureland management in Georgia will thus need to integrate and possibly generate change at the level of the land tenure governance. In this regards, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) (FAO CFS, 2012b) which are the only internationally negotiated framework on governance of tenure can serve as a reference for the policy formulation process.

Agreed and validated (at national level) NPMPD will be used as guiding tool (and Terms of References) for drafting the pastureland management legislation with the focus on implementation of LDN principles. The LDN principles for good governance in particular underpin the whole LDN process and are integral to its overall success. They promote the establishment of mechanisms and policies at the national and sub-national levels that guarantee the long-term sustainability of LDN achievements and the sustainable and participatory management of land. During COP 14, the parties decided to encourage to follow the VGGT principles, taking into account the principles of implementation, in the implementation of activities to combat desertification/land degradation and drought and achieve land degradation neutrality. To this end, the parties have requested FAO to support UNCCD secretariat with the production of a technical guide for the integration which can be used during the NPMPD formulation process.

Based on the policy recommendations, presenting the overall State vision of the management of pastures, the project through Component 1 will support Government of Georgia (GoG) in the drafting a Law on Pastureland.

1.2. General objective of the assignment

Pastureland Policy National Expert (“National Expert”) provides consultancy services of technical assistance for Development of National Pastureland Management Policy Documentation.

He/She will work under the overall guidance and supervision of the RECC Executive Director (Project Policy and Institutional Advisor – RECC Project Core Team Supervisor/Manager), the Project Technical Advisor in Agricultural Development (RECC Project Core Team Coordinator) and under the technical guidance of the RECC’s International Consultants hired for Development of NPMPD.

2. SCOPE OF THE ASSIGNMENT

2.1. Specific Task

Specific task of the assignment of the **National Expert** is technical assistance for **structuring of background institutional analyses** for Development of National Pastureland Management Policy Documentation in Georgia.

Development of the NPMPD is prescribed under activity 1 of Output 1.1.1 (*A national pastureland management policy contributing to implementation of LDN principles, designed and agreed with key stakeholders*) of the Project.

The purpose of the NPMPD will be establishment of unified, consistent pasture management approach that will facilitate achievement of LDN national targets, as well as ensure sustainable development of livestock farming and increasing agricultural productivity.

The NPMPD shall consider pasturelands (including all types of pastures – summer winter, intermediary and s.c. “*village pastures*”) as part of wider grazing systems, often spanning multiple ecosystems and territories used by different social and economic categories of livestock holder, with different priorities and reasons to engage in livestock production. Issues of integrated summer and winter pasture management and traditional nomadism will be also considered.

The NPMPD will be a general policy document that will discuss the need to develop a strategy and include the identification of problems, vision, principles and sectoral priorities on which the strategy should be based. The NPMPD will be approved to save resources so as not to plan policies that are not needed or are not in line

with government priorities and objectives, or that different agencies cannot agree on principled issues to develop a specific area. The concept should also include information on the means of implementation.

The structure of the NPMPD shall be in accordance with the requirements set by the legislation of Georgia, in particular, by the "Rules on Policy Development, Monitoring and Evaluation" approved by the Resolution #629 of the Government of Georgia adopted in December 20, 2019 and an annex to the same resolution "Policy Planning, Monitoring and Evaluation Guide". In particular, the NPMPD should include the following chapters: 1. Introduction; 2. Situation analysis; 3. Vision; 4. Principles; 5. Sectoral priorities; 6. Implementation; 7. Deadlines (for a specified period). The above chapters should be developed in accordance with the "Policy planning, monitoring and evaluation guideline" (An Annex to the Government of Georgia /GoG/ Resolution #629 of December 20, 2019).

In recent years a number of studies were conducted for assessment of pasturelands management in Georgia under UNDP², GIZ³, other donor driven projects and programs, and also during the current project formulation. The socio-economic analysis revealed a number of constraints that the proposed policy will target. For example, sustainable access to pasturelands was revealed as a major constraint for agricultural producers in Georgia.

These studies should be considered in situational analysis for the NPMPD in parallel with other sources. Additional studies shall be performed as needed.

With the above regard, the **National Expert** shall prepare the **Report on Pasture Management Background Institutional Analyses** ("*Institutional Analyses Report*").

Institutional Analyses Report should be based on and involve the following methodological approaches:

(a) Defining institutional context

Institutions take many forms, but concretely it should be identified two types of institutions that are of critical importance to pasture management and pasture users – **service providers** that provide services, and **enabling agencies** that establish the policy, set the rules and regulations and determine how resources are distributed. In order to understand these, it is needed to understand not just the structures and capacities of the organizations and agencies that fall into these two categories, but also the quantity and quality of relationships between these institutions and pasture users.

(b) Structuring and mapping the institutional framework

Structuring and mapping the action arena will enable to understand some of the essential elements in the institutions that influence the livelihood outcomes of the pasture users. However, the way in which these elements are defined will depend not only on the agencies and people involved themselves but also on: the policy factors, including the policies themselves, the way in which those policies are generated, the mechanisms by which they are implemented, the feedback mechanisms that allow to understand their impacts, and the degree to which conflict or harmonization exists between policies in different sectors; the administrative framework, including the different sorts of rules and regulations that are in place as well as the processes by which these are established and enforced; the resource and incentive structures that support pasture users investment will play a major role in determining the extent to which institutional processes support the pasture users or otherwise.

(c) Recommendations on development of strategies for further institutional change(s)

Developing effective strategies for initiating and sustaining processes of pasture management related institutional change requires: staying focused on the desired end result; positive change in the livelihood outcomes of the pasture

² **Strengthening Policies for Pastures Management in Georgia: Gap Analysis, International Good Practice, and Proposed Roadmap.** MoEP/EU/UNDP. 2016.

https://www.ge.undp.org/content/georgia/en/home/library/environment_energy/strengthening-policies-for-pastures-management-in-georgia.html

³ REC Caucasus (2019). **Pastures Management in Georgia: Situation Analysis and Main Challenges, Recommendations for Development of Pastures Sustainable Management Programme** / Document of Desk-based Research (Background Study) for Facilitation of Establishment of the State Program for Sustainable Pasture Management in Georgia / Authors: Anja Salzer, International Expert, Germany (Team Leader), Ana Rukhadze, National Expert, Georgia / Prepared under the German Government supported GIZ Programme "Integrated Biodiversity Management in the South Caucasus (IBiS)" / REC Caucasus, Tbilisi, October 2019. <https://rec-caucasus.org/wp-content/uploads/2020/08/1574947976.pdf>

users; using knowledge about institutions to define, as accurately as possible, the changes needed at different institutional levels to achieve positive change; making strategic choices about what can and cannot be achieved; defining what needs to be done to achieve changes at different levels, and the actions required to sustain those changes; assessment of the capabilities of different institutional actors to lead and participate in the process of pro-pasture users oriented pasture management institutional change(s).

2.2. Planned Activities under the Assignment

The following steps are envisaged to be undertaken by the **National Expert** within the assignment process:

a. Elaboration of detailed outline for Institutional Analyses Report

In consultation with RECC and RECC's Pasture Policy International Consultants the **National Expert** will develop detailed outline for Institutional Analyses Report.

Outline for Institutional Analyses Report may include, but not be limited to, the following aspects:

- **Overall National Institutional Setup:**
 - *Legislative, judiciary and executive branches*
 - *Administrative-territorial arrangements in Georgia*
 - *Central, regional (Adjara and Abkhazia Autonomous Republics /ARs/) and local (municipal) authorities*
 - *Institute of a state representative ('governor')*
 - *Local government reform of 2005 and elimination of community-level self-government (abrogation of a "community")*
 - *Other related issues*

- **Land (incl. pastureland) management related institutional framework:**
 - *Brief overview of development of land (incl. pastureland) management related institutional system since restoration of independence*
 - *Current institutional system of land (incl. pastureland) management*
 - *Division of responsibilities between central, regional (ARs) and local (municipal) authorities in land (incl. pastureland) management*
 - *Land/soil protection (soil conservation and land degradation neutrality) institutional set-up at central, regional (ARs) and local (municipal) levels*
 - *Spatial planning (land-use planning) institutional set-up*
 - *Other related issues*

- **Main land (incl. pastureland) management and monitoring related institutions:**
 - *Main line ministries, agencies and institutions responsible for land (incl. pastureland) management at central level*
[including but not limited to: (a) National Agency of Public Registry (**NAPR**); (b) National Agency of State Property (**NASP**); (c) National Agency for Sustainable Land Management and Land Use Monitoring (**NASLMLUM**); (d) Spatial Planning/Land-Use Planning and Building Policy Department (**SPBPD**) of the Ministry of Economy and Sustainable Development; (e) National Forest Agency (**NFA**); (f) Rural Development Agency (**RDA**); (g) Protected Areas Agency (**APA**); (h) National Statistics Office of Georgia (**GeoStat**); (i) Revenue Service (**RS**)] *and their mapping according to enabling and service provider agencies – their mandates and detailed functions:*
 - *Enabling agencies*
 - *Service provider agencies*
 - *Main institutions responsible for land (incl. pastureland) management at regional (ARs) level – their mandates and detailed functions*
 - *Main institutions responsible for land (incl. pastureland) management at local (municipal) level – their mandates and detailed functions*

- ***Institutional set-up for implementation of administrative and procedural rules in changing of land categories and granting of property and use rights:***
 - *Institutional set-up for implementation of administrative and procedural rules in changing of land categories:*
 - *Transferring of agricultural land (including pastureland) category to non-agricultural land category and vis versa*
 - *Transferring of pastureland land category to other agricultural land sub-category (e.g., arable land, permanent plantations) and vis versa*
 - *Institutional set-up for implementation of administrative and procedural rules in granting of property and use rights on pastureland:*
 - *Granting of property rights on pastureland (incl. brief overview and current status of privatization of state and municipal owned pasturelands, administrative/legal bans and formal or informal moratoriums)*
 - *Granting of use rights (such as lease, sub-lease, usufruct and superficies) on pastureland (incl. brief overview and current status regarding state and municipal owned pasturelands, administrative/legal bans and formal or informal moratoriums)*
 - *Other related issues*
- ***Detailed description of NASLMLUMs role in current land (incl. pastureland) management and land-use monitoring system:***
 - *Main administrative and management duties and responsibilities*
 - *Organizational structure and personnel of the NASLMLUM (incl. territorial bodies /if any/)*
 - *Annual budget of the NASLMLUM for 2020, 2021 and projection for 2020*
 - *Responsibilities regarding administrative procedures for land management (e.g., land category transferring procedures etc)*
 - *Responsibilities related to planning and direct implementation and/or coordination of land (incl. pastureland) management and monitoring/inventory programmes*
 - *Responsibilities regarding creation of land data base (incl. current status of data base)*
 - *Responsibilities regarding land use monitoring*
 - *Existing and planned activities, programmes and projects*
 - *Synergies between NASLMLUM and MEPA's structural units responsible for land/soil protection (soil conservation and land degradation neutrality) such as Hydromelioration and Land Resources Management Department and its two units:*
 - *Landuse Unit*
 - *Land Resources Protection Unit*
 - *Other related issues*
- ***Clarification of specific institutional issues related to land (incl. pastureland) management aspects:***
 - *Samples of NASP leasehold contracts and special obligations regarding land management or stocking rates for pastures. Example of one of these contracts*
 - *Conditions for transfer of leaseholds between farmers and existing practice of transfers*
 - *Progress in law on spatial planning: what is the progress since 2018*
 - *Administrative procedures for municipalities to register pasture as municipal property and existing practice of registering pastures as municipal property since 2014⁴*

⁴ E.g.: Local Self-Government Code of Georgia of 2014, indicates that agricultural land (including pastures) which is private property or registered as state property shall not be considered as the property of a municipality. However, Paragraph 3 of the same Article allows municipalities to apply to the Public Registry to register agricultural land (including pasture) *which is as yet unregistered* and lies within the territory of the municipality. It could be considered that this implies that *theoretically* municipalities may still register pasture which has not yet been registered by the state. Also, the Ministry for Regional Development and Infrastructure of Georgia (MRDI) responsible for decentralisation has been supporting municipalities to register pasture with the aim of improving their revenue base. However, the reality sometimes shows that ministries and state bodies such as the NASP and NAPR consider that municipalities no longer have the right to register pastures as municipal lands.

- Institutional role of NAPR in systematic land registration and current status of systematic land registration in Georgia
- Other related aspects - as per RECC's Pasture Policy International Consultants' demand

➤ **Recommendations on development of strategies for further institutional change(s):**

- Needs for further institutional change(s) of existing institutional system to ensure a unified decision-making structure aided by more efficient technical support
- Capacity strengthening of existing institutions
- Development of effective strategies for initiating and sustaining processes of pasture management related institutional change(s)

b. Elaboration of draft Institutional Analyses Report

Based on received comments on outline for Institutional Analyses Report from RECC and RECC's Pasture Policy International Consultants, the **National Expert** will develop draft Institutional Analyses Report.

c. Elaboration of final version of the Institutional Analyses Report

Based on received comments on outline for Institutional Analyses Report from RECC and RECC's Pasture Policy International Consultants, the **National Expert** will develop final version of the Institutional Analyses Report.

2.3. Reporting Obligations: Deliverables and Reporting Schedule

The **National Expert** will submit reports (in electronic format) to the following deliverables in **Georgian language**:

Table 1. Reporting Obligations

Report Index	Name of Deliverable/Mean of Verification	Time of Submission
R1	(i) Detailed outline of the Institutional Analyses Report	September, 2021
R2	(ii) Draft Institutional Analyses Report	October, 2021
R3	(iii) Final version of the Institutional Analyses Report	November-December, 2021

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

2.4. Payment Schedule and Estimated Time Input

The **National Expert** 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 the **National Expert**) and submitted by the **National Expert** of original invoices to the RECC.

RECC will only make milestone payment based on achievement of specific deliverables as specified in time schedule for submission of deliverables as per Table 1 (Reporting Obligations).

The schedule of payments and estimated time input are specified below:

Table 2. Schedule of Payments and Estimated Time Input

Report Index for Deliverables	Estimated Number of Working Days	Amount of Transfer	% of total contract ceiling for the Services (total Value of the Service)
R1	9	Number of working days x Working day rate	15 %
R2	18	Number of working days x Working day rate	30 %
R3	33	Number of working days x Working day rate	55 %
Total	60	60 working days x Working day rate	100 %

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

3.1. Overall Duties and Responsibilities

The **National Expert** will have the following tasks:

- Liaise with the RECC Executive Director (Project Policy and Institutional Advisor – *RECC Project Core Team Supervisor/Manager*), Technical Advisor in Agricultural Development (*RECC Project Core Team Coordinator*), RECC's International Consultants for development of NPMPD, FAO Project Team, pasture management related agencies and institutions, 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
- Review of lessons learned and make recommendations for improving the performance and the necessary adjustments to the assignment work plan
- Attend (on-line) and support work of the Project Steering Committee when appropriate as per RECC requirement

3.2. Qualifications and Experience Requirements

The **National Expert** should have:

- Master of Science Degree or equivalent in Law, Business Administration and/or other related fields
- At least 3 years of experience and familiarity with institutional, administrative and procedural issues related to agriculture and agricultural land (incl. pastureland) management
- Demonstrated experience with development of agricultural land management policies

3.3. Technical Competencies

- Results focused
- Good expert skills
- Ability to develop good interaction and exchange with a variety of stakeholders
- Good understanding of project document incl. results framework
- Good reporting skills
- Good communication capacity
- Excellent written and oral working knowledge of Georgian language
- Basic written and oral working knowledge of English language
(*Good written and oral working knowledge of English will be an asset*)
- Advanced computer skills

4. AWARD CRITERIA

Evaluation will be made in accordance with the quality/price-based selection method per REC Caucasus procedures and rules. The best value for money will be established by weighing technical quality against price on an 80/20 basis.

The quality of each technical offer will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid specified in Annex 1 of this Terms of Reference.

Annex 1. Evaluation Grid

<i>Ref. Number: 027RECC/G/FAO-17-2021</i>	
<i>Pastureland Policy National Expert for Technical Assistance in Structuring of Institutional Analyses for Development of National Pastureland Management Policy Documentation</i>	
EVALUATION GRID	Maximum
<i>Organisation and Methodology</i>	
<i>(Max 30 points)</i>	
<i>Rationale</i>	5
<i>Strategy</i>	5
<i>Timetable of activities</i>	10
Total score for Organisation and methodology	20
<i>Expert</i>	
<i>(Max 70 points)</i>	
<i>Qualifications and skills</i>	
<i>Adequacy of Educational background for tasks</i>	10
<i>General professional experience</i>	
<i>At least 3 years of experience</i>	10
<i>Specific professional experience</i>	
<i>Specific Knowledge of institutional framework of Gergia related to agriculture and agricultural land management</i>	10
<i>Knowledge about institutional and administrative procedures for land (incl. pasturelands) category changes, land registration and land tenure issues in Georgia at present and for the last 20-year period</i>	15
<i>Practical experience in development of institutional and administrative rules and procedures for agricultural land management and land-use monitoring</i>	15
<i>Experience in performing of analytical and policy work in the field of agriculture and agricultural land management (incl. pasture land management)</i>	10
<i>Specific Qualifications and skills</i>	
<i>Writing and communication skills in Georgian and also strong interpersonal and general communication skills, strong cultural sensitivity and ability to work in multi-cultural environments; Basic knowledge of written and oral English language (Good knowledge of written and oral English language as an asset)</i>	10
Total score for Expert	80
Overall total score	100