



THE ECONOMICS OF  
LAND DEGRADATION

# The Economics of Land Degradation in Georgia: Pasture Management

SCIENTIFIC INTERIM REPORT

Legal and institutional  
analysis



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**Edited and coordinated by:**

Hanna Albrecht (GIZ)

**Contributing authors:**

Sarah Robinson

**Visual concept:**

MediaCompany, Bonn

**Layout:**

Additiv. Visuelle Kommunikation, Berlin

**Photography:**

Sophie Esteulle, Giorgi Arabuli, Sarah Robinson, Pietro Visetti

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## **Legal and institutional analysis**

## Acronyms and abbreviations

<b>APA</b>	Agency for Protected Areas
<b>ASP</b>	Agency for State Property
<b>CDA</b>	Cooperatives Development Agency
<b>CPRM</b>	Common Property Resource Management
<b>ELD</b>	Economics of Land Degradation
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>LDN</b>	Land Degradation Neutrality
<b>MoESD</b>	Ministry of Economy and Sustainable Development
<b>MoA</b>	Ministry of Agriculture (former)
<b>MoEPA</b>	Ministry of Environmental Protection and Agriculture (current)
<b>MoEPNR</b>	Ministry of Environment Protection and Natural Resources (former)
<b>NAPR</b>	National Agency of the Public Register
<b>NEA</b>	National Environmental Agency
<b>RECC</b>	Regional Environmental Centre for the Caucasus
<b>UNCCD</b>	United Nations Convention to Combat Desertification

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## Executive summary

The report complements the findings of an Economics of Land Degradation (ELD) study in the Kakheti region of Georgia with an analysis of the broader legal and institutional context within which pastures are managed, and identification of pathways and barriers to improved land management associated with property rights arrangements.

The legacy of past reforms means that Georgian pastures today include both privately and government owned pastures (the latter administered by the Agency for State Property (ASP), municipalities, and the Agency for Protected Areas). Under current laws, pastures are not subject to privatisation, although loopholes mean that purchase of land into private ownership does occur. Formally, state-owned pasturelands should be accessed through leasehold contracts, although large areas of these lands are used informally. The vast majority of pastures are administered by the ASP, but this organisation is not currently issuing new leaseholds whilst it conducts an inventory of state agricultural lands.

The leasing process is held by electronic auction at the national level, with pasture provided to the highest bidder regardless of their residency and actual use of the pastures in question. In some cases leaseholders do not own livestock and sub-lease to others for short periods, undermining incentives for long term management. These issues have also contributed to the imposition of the moratorium whilst alternatives are considered. In the meantime the ASP is issuing a restricted set of leasehold agreements to cooperatives in mountainous areas, outside the auction system and on an experimental basis.

Village pastures in particular are often de facto commonly managed as herds are comprised

of animals belonging to multiple owners who manage grazing as a group. But these pastures have no specific legal status and the only legal protection from leasing is the possible veto on ASP-administered leasehold agreements by the local municipality. The lack of legal instruments to delimit and designate municipal pastures to village users for common use is both a source of insecurity for village-based livestock owners and a barrier to structured management. Whilst some municipalities own pasture in their own right (registered under laws in place from 2005 to 2010) it is estimated that this pasture makes up only 2% of the total and the legal possibility to register municipal pasture is no longer available.

The role of municipalities in administration of pastures within their boundaries is important as decentralisation to this level is one possible way in which issues with leaseholds and collective pasture use might be resolved. One mechanism which has been identified to unify pasture use zoning, allocation, management and monitoring at the local level is the spatial planning procedure, for which the legal basis is currently being introduced and which is being piloted in a small number of municipalities. For example, Akhmeta municipality directly administers leaseholds over pasture in the Tusheti Protected Landscape. However, few municipalities have this level of jurisdiction over pastures.

Georgia could consider designing new land tenure legislation specific to pastures which recognises the specific ways in which pastures are actually used and managed, rather than applying procedures originally designed for arable land reform. Where use is organised on a collective basis then the law should reflect this in forms of common property resource manage-



ment (CPRM), at the appropriate spatial scale. It should be clear whether the primary managers are the municipality, user groups, or a combination of both. Where leaseholds are more appropriate, there should be a mechanism to prioritise access by resident users who actually own livestock. The roles of the ASP, municipalities and Ministry of Environmental Protection and Agriculture (MoEA), currently responsible for monitoring of land degradation, should be clarified.

Once appropriate property rights frameworks are designed at the national level, more specific technical instruments can be employed at the local level. For example, extension workers could be trained to advise pasture users on technical aspects of pasture management. Other obvious instruments include the leasehold contracts themselves, which may include pasture management obligations, and enumerate roles and responsibilities regarding responsibility for contract enforcement and pasture monitoring. Here, existing examples developed for protected areas may provide models. If CPRM is introduced, then charters specifying user rights and obligations, decision making procedures and sanctions would be required. Roles of the municipality, ASP and MoEA in oversight and monitoring should be defined.

Under Georgia's commitment to the United Nations Convention to Combat Desertification (UNCCD), the country has committed to monitor progress towards land degradation neutrality (LDN) at the local level, including measurement of change in soil organic carbon, land cover change and biomass production. It has been suggested that LDN principles could be incorporated into the spatial planning process by identification of anticipated losses due to spatial development and definition of areas within the municipality which should be preserved, improved or restored (LDN priority areas). For the moment this is a challenge given the capacity at municipal level, but if these bodies have no role in the administration of pastures then it seems even less likely that they would engage in LDN activities on these lands or be able to implement concrete actions to restore priority areas.

Decentralisation processes are often vulnerable to local corruption. The design of new legislation and institutional relationships should draw



heavily on international experience and the current work of RECC in elaborating policy recommendations will be a welcome step forward.

## 01

# The evolution of pastoral land reform in Georgia

## 1.1 Background

This report was produced in support of a study on the Economics of Land Degradation (ELD) which aims to estimation of theoretical costs and benefits of various pasture management scenarios in the Kakheti region of Georgia. The report complements these findings with an analysis of the broader legal and institutional context within which pastures are managed, and identifies both pathways and barriers to improved land management associated with property rights and institutional arrangements. It is based on a literature review and series of interviews with key policy makers and stakeholders in Tblisi (see Annex 1 for list). A visit to Dedoplistskaro municipality, site of winter pastures covered by the ELD study, was also conducted.

Pastoral property rights are important as they define which mechanisms and tools are available for management of grazing lands, who is able to access pastures and under what conditions. Georgia has around 1.9 million hectares of natural pasture and hay lands of which about 1.4 million are used for grazing. Today these lands can be classed according three major types of property right: privately owned, leased (or sub-leased) and unleased state-owned pastures. The latter category is usually informally used according to traditional claims to grazing sites, or managed as common pasture. In addition, some pastures are registered to local municipalities, although the status of these pastures is under question as we will see.

These different forms of property right have emerged since independence, during different stages of the reform process. Not all of these forms are available to new users today and some

arrangements remain only as a legacy of past reforms. The current land tenure situation can therefore best be understood by examining reforms over the past 20 years, which can be divided into three phases.

The first comprised a process of active distribution of agricultural land to the population by the state, which began in 1992. The second was initiated in 2005 when the law on the Privatisation of State-Owned Agricultural Lands defined the rules and conditions for the privatisation of additional agricultural land plots by application. Since 2010, the Law on State Property replaced previous legislation and regulates the rules and conditions of the privatisation of agricultural land today. In addition to these laws, which principally regulate privatisation, additional legislation governing leaseholds and the respective roles of municipalities and the state in the disposal of pastoral property rights have also been crucial in determining the picture we see today (see Box 1 on levels of government in Georgia).

### BOX 1

#### Administrative levels of local government

Before 2006 Georgia had a two-tier form of local government, with both district and village levels. After application of the 2005 Organic Law, the village level was abolished, leaving a single administrative level consisting of 67 municipalities (successors to districts) and five cities.

Each municipality has an elected council (sakrebulo) which is the representative legislative organ. The city hall (gamgeoba) headed by an appointed mayor (gamgebeli) constitutes the executive organ.

In this report we present these three major phases and examine their outcomes in terms of the area of pasture held under different property rights regimes at the present time. We also present issues with land registration and cadastral development and discuss how these affect the accuracy and interpretation of the statistical data. We go on to examine current debates around the future of pastoral tenure arrangements and the likely evolution of property rights in coming years.

Lastly, we explore potential pathways for improved pasture management, thinking about improved legislative frameworks, institutional and contractual mechanisms and the roles of existing spatial planning processes and extension services in future management.

## 1.2 Initial reform: 1992-2005

### *The first transfers of land into private ownership*

The “small parcels reform” (Resolution No. 48 of the Cabinet of Ministers of 18 January 1992) distributed land to individuals for inheritable lifetime use. A “privatization reserve” was created, which included 650,000 hectares of mostly arable land to be distributed to the rural population in addition to land already held in household plots. Covering around 25 percent of all agricultural land, the privatization reserve represented 70 percent of arable land and orchards in the country (Lerman, 2004). Most of this land was distributed to persons permanently living in rural areas and employed in agriculture in parcels of up to 1.25 ha, although other rural residents and some urban residents were also eligible for smaller amounts (Gvaramia, 2013). Although we do not have figures for the amount of pasture privatised at this time, the figures cited above suggest that this wave of reform concerned mostly arable land and that the area of grazing land privatised may have represented only a small percentage of the total 1.4 million hectares.

### *The Law on Leasing*

True private ownership, buying, selling and leasing of land parcels became legally possible in Georgia only after the passage of Law on Ag-

ricultural Land in March 1996 and the related Law on Agricultural Land Leasing of the same year, which regulated provision of leases on state land, including pasture, to physical and legal persons.<sup>2</sup> During the period in question, the process of leasing state pastures was delegated to local governments (district *gameobas*), so the lessor (considered to be the state) was represented by local government bodies, while the lessee could be a person, group of persons, or a legal entity. In order to administrate the leasing process, local government bodies formed commissions upon which sat representatives of various ministries, departments, and local government bodies. Leasing was held by auction following broadcast of information on the land parcel concerned and a call for applications. The ensuing competition for leasehold could be either “commercial” or “non-commercial.” In case of a commercial competition, the lease was awarded to the applicant offering the highest financial bid. In case of a non-commercial competition, the lease was obtained by the applicant who submits the most satisfactory “business plan” as judged by the commission. The maximum duration of leaseholds was 49 years, but the actual length was established during the negotiations between the commission and the potential lessee.

We have some idea of how much pasture was leased during this period from a report and leasing statistics compiled by the Association for the Protection of Landowners’ Rights (Tsomaia et al., 2003). By 2002, it was estimated that 48,000 leases involving 903,000 hectares of state-owned agricultural land, including cultivated land and pastureland had been concluded. Of this, the authors estimated that 600,000 hectares of pastureland had been leased, with another 1.2 million hectares of state pastures remaining unallocated.<sup>3</sup> Leaseholds involving pastureland were found predominantly in Kakheti and Samtskhe-Javakheti regions, which contained over 76% of all leased pastureland. Pastureland leases averaged 112 hectares, with 20% of leases for 200 hectares or more and about 35% for less than 10 hectares. The one-third of leases involving 100 hectares or more of leased pastures, controlled nearly 90% of all the leased pastureland. Over 74% of pastureland was held in leases with no cropped land, whilst about 10% involved both cropland and pastureland.

<sup>2</sup> The Civil Code repealed this law in the following year, on 26 June 1997. Subsequently, Presidential Order No. 446 (2 August 1998), “On the Rules for Leasing State-Owned Agricultural Land” in effect brought the 1996 Law on Agricultural Land Leasing back into force (Tsomaia et al., 2003).

<sup>3</sup> Given that the total of pasture and hay land in the country is said to be 1.9 million ha, of which around 1.4 million are grazing lands, these estimates must include hay land.





### 1.3 The Law on Privatisation of State-Owned Agricultural Lands: 2005-2010

The Law on Privatisation of State-Owned Agricultural Land of July 2005 initiated the second wave of privatisation, during which applicants could apply to privatise agricultural land either through auction or through direct sale, administered by two levels of government.

1. The Ministry of Economy and Sustainable Development of Georgia was in charge of the privatization of leased agricultural land through direct sale as well by an open action of non-leased land.
2. Village-level councils (sakrebulo) were in charge of the privatization of non-leased agricultural land by special auction.

These modes of privatisation are described below. A number of types of land, including pasture, were excluded from most forms of privatisation under the 2005 law (Article 2(3)). However, privatisation by the direct sale of already-leased land, which effectively converted leaseholds into private ownership, was an exception - effectively applied to pasturelands from 2007 onwards (Gvaramia, 2013).

#### ***Privatisation by auction***

The auction process included public or electronic auctions for non-leased land, handing the title to the highest bidder. According to the law, land parcels should initially be opened to a special auction - in which only persons residents of the town, village, settlement, or community where the land

plot was located had the right to participate. In the event that such an auction failed to select a winner, open auctions would be held, available to any citizen of Georgia and any legal person of private law registered in Georgia. In actual fact special auctions were only applied in a small number of eligible communities so most auctions concerned the open variety (Gvaramia, 2013).

#### ***Privatisation by direct sale***

The most common form of direct privatisation was that through which those already leasing state lands were given the opportunity to purchase that land at market prices through direct application to the appropriate services of the Ministry of Economy and Sustainable Development. Pasture lands leased before 30 July 2005 were subject to privatisation by direct sale from 2007 to 2011 (Gvaramia, 2013).

Other types of direct sale included the decision of the President of Georgia based upon the proposal of the Ministry of Economy and Sustainable Development to transfer land to investors, based on direct applications. It is not clear whether this mechanism included pasture or not.

#### ***Transfer of leasing competence from local government to the state***

The leasing of agricultural land was prohibited from 29 July 2005 after the Law of Georgia on Privatisation of Agricultural Land was adopted. This law explicitly stated that those lands subject to privatisation were not to be leased. However as noted above, pastureland was not subject to (most forms of) privatisation and thus continued to be leased out by local governments (district gameobas) on behalf of the state as before.

This state of affairs continued until autumn 2006 when the Organic Law on Local Self-Governance annulled district gameobas as legal governing bodies, so they could no longer act as intermediaries between leaseholders and the state or dispense new leasehold contracts on state lands.

Instead, the Ministry of Economy and Sustainable Development of Georgia became the sole agency in charge of the management of state property and theoretically the sole dispenser of leasehold contracts, through its Agency for State Property (ASP).

We were unable to find out how many leasehold contracts were issued by the Ministry/ASP since 2006, and indeed it is unclear whether it issued any at all. Gvaramia (2013 and personal communication) states that the Ministry has not issued any leaseholds on pasture, initially due to a lack of methodology for determining the lease amount, but later due to bureaucratic difficulties faced by would-be lessees with the auction system. However interviews with representatives of the ASP, NAPR and Dedoplistskaro municipality suggested that some leaseholds, albeit a small number, were issued after 2006.

### ***The registration of pastureland to municipalities***

The question of pasture ownership by municipalities themselves is significant, as in many countries local government control is the basis for decentralisation of pasture allocation and management. Article 47 of the 2006 Organic Law on Local Self-Governance, stipulated that agricultural land that was not subject to privatisation (i.e. pastures that were not already privatised or granted on lease) should be transferred to the ownership of municipalities. This implied that the local self-government owned all non-privatised and non-leased pastures on its territory. Some municipalities used these rights to formally register pastures to themselves in the public registry.

Thus, although municipalities could no longer administer leaseholds on state lands they could continue to lease out the land registered to them as 'municipal lands', as this category does not fall under the label of 'state lands'. In this capacity they continued to issue new leaseholds during this period (although according to Gvaramia (2013), these appear to have been few). But as we will see, the window for registration of pasture to municipalities was soon to close.

## **1.4 The Law on State Property: 2010-today**

### ***Modes of privatisation***

In 2010 the Law on State Property replaced the Law on Privatisation of Agricultural Land as the primary legislation governing land transaction

on state land, the majority of which by this time was pasture as most arable land had already been transferred into private ownership.

Under the 2010 law, all state lands are administered by the Agency for State Property under the Ministry of Economy and Sustainable Development, whether subject to privatisation or not (Article 1(6)). As with the 2005 law, pasture and cattle trails remained in the category of lands which cannot be privatised, but as in previous arrangements, land leased before 2005 did not fall into this category and could thus be privatised by direct sale (Box 2).

#### **BOX 2**

### **Status of pasture under the Law on State Property of 2010**

Article 4(1). The following state property shall not be subject to privatisation:

bb.a) Pasture lands, except for pasture lands leased out before 30 July 2005 and pasture lands attached thereto, under an act duly issued by the relevant state or local self-government body, and the facilities located on these lands, where such facilities are in the private ownership of natural and/or legal persons and/or are in state ownership.

A deadline was attached to this privatisation process, and applications by leaseholders had to be made before May 2011, after which this mode of privatisation was no longer possible (Article 47(4)).

Following May 2011 there were no legal processes for privatisation of pastureland unless this land could be re-designated as another type of agricultural land, on which privatisation is permitted (Raaflaub and Dobry, 2015).

For these other agricultural lands, the option of special auctions held at the municipal level, was removed. Only open auctions, held at the national level, open to all citizens of Georgia and providing land to the highest bidder are now available. These auctions are announced and bidding

takes place on the website: [www.eauction.ge](http://www.eauction.ge) or [www.nasp.gov.ge](http://www.nasp.gov.ge). Information is also published in national newspapers. Modes of privatisation are listed in more detail in Box 3.

As before, for unleased lands there remains a second direct sale option by which large investors may apply to the Georgian Government directly for land, based on business plans, with or without competition.

Resolution No. 15 of Georgia of 13 January 2011 “on approval of the nominal price for the privatisation of state-owned leased agricultural land plots through direct sales and non-leased agricultural lands through auction according to administrative-territorial units” sets initial asking prices for land auctions. Pasture is included in this resolution, with prices set at 20 times the annual land tax calculation set in accordance with the Tax Code of Georgia (Gvaramia, 2013).

#### BOX 3

##### Modes of land privatisation under Law on State Property 2010

**Article 7:** Forms of privatisation of state-owned agricultural land and agencies conducting privatisation

1. The forms of privatisation of state-owned agricultural land are:
  - a) an auction;
  - b) direct sale:
    - b.a) direct sale;
    - b.b) competitive direct sale;
    - b.c) direct sale of leased agricultural land;
  - c) transfer of title free of charge.
2. State-owned unleased agricultural land plots shall be privatised by auction by the property administrator.
3. State-owned unleased agricultural land plots shall be privatised by direct sale and by competitive direct sale on the basis of a decision of the Government of Georgia.

##### Leasing: costs and management

Under the current law, leasehold is now the only formal form of property right on land categorised as pasture. Leasing of state lands is managed directly by the ASP through an auction process (Box 4).

#### BOX 4

##### Leasing of agricultural land under the 2010 Law on State Property.

**Article 36.1:** State property shall be transferred by auction to a natural person or a legal entity under private law for consideration, for any form of use determined by the Civil Code of Georgia and with the consent of the property administrator, by the state body, by the body of the Autonomous Republics of Abkhazia and Adjara, by the local self-government body or the legal entity under public law to which the property has been transferred for use or which has the given property on its books. Unless the state property has been transferred for use, it shall be transferred for use to a natural person or a legal entity under private law by the property administrator according to the established procedure.

**Article 36.1.1:** A state-owned agricultural land plot may be transferred for use to natural persons and legal entities under private law for a maximum term of 49 years, except for the cases determined by law.

Resolution No. 15 of the Government of Georgia of 13 January 2011, identified the base amount for lease of pastures. It was first determined to be GEL 25 per hectare, and reduced in June 2012 to an initial asking price set at GEL 15 per hectare.

However, as was the case from 2005 to 2010, it also appears that very few lease contracts have been issued since 2010. Interviews with the NAPR, ASP and Dedoplistskaro municipalities suggest that few lease contracts were concluded

following 2010 (generally for less than the maximum period of 49 years), and none at all since 2012. Possible factors behind the lack or low number of leases may include:

- From the side of potential lessees: bureaucratic barriers such as the inability or unwillingness to participate in open electronic auctions, and the price of pastureland. The minimum price of GEL 15 per hectare must be added to local land taxes which are of a similar order, leading to per hectare prices at a minimum of 30 GEL or €10 equivalent. Given that livestock raisers must typically lease several hundred hectares of pasture, this is considered to be very high relative to typical profits from extensive livestock raising and is a particular burden for those subleasing, who must therefore pay much more than this amount (ELKANA, 2014). Despite these issues, both interviewees and published sources report that demand for formal leaseholds is very high in some regions.
- From the side of the lessor: Gvaramia, writing in 2013, noted that the state was unable to dispense pasture for lease as “there were no regulations to transfer state-owned pasture into use and, more specifically, there is no option of electronic auction”. The ASP told us that leaseholds were issued following 2010, but that they are not issuing any for the moment as they are still conducting land categorization and are also reconsidering the leasing system as a whole.

On summer pastures, where there is a surplus of grazing resources relative to demand, a further reason for not leasing is that most users may be satisfied with their current informal situation. On winter pastures, the high pressure in terms of animals per hectare and limited area of these pastures, which are a bottleneck for extensive livestock production in Georgia, may increase pressure to lease, but this cannot be confirmed with the statistical data available.

Since 2010, few new leaseholds were issued on municipal land either. Notable exceptions include the Municipality of Akhmeta which issued new leaseholds on pastures in 2013 (Gvaramia, 2013).

### *Transfer of land to municipalities*

As mentioned above, between 2006-2010, a number of municipalities registered agricultural land as municipal property, a process which was brought to a halt following the 2010 amendment to the Organic Law. This ban has been confirmed more recently in Paragraph 2 of Article 107 of the Local Self-Government Code of Georgia adopted in 2014, which 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.<sup>4</sup> The land lawyer A. Gvaramia (personal communication) considers this to imply that theoretically municipalities may still register pasture which has not yet been registered by the state. Thus, whichever organisation, state or municipality, registers the pasture first will own that pasture. Indeed, Mansour (2016) mentions that the Ministry for Regional Development responsible for decentralisation has been supporting municipalities to register pasture with the aim of improving their revenue base.

However, the reality is that ministries and state bodies such as the ASP and NAPR consider that municipalities no longer have the right to register pastures as municipal lands. Such an interpretation of the law is supported by the fact their suggestion that such applications have been made and refused. Neither these government bodies nor our interviewee at the Ministry for Regional Development itself were aware of the above-mentioned programme to register municipal pastures. Thus, in the absence of alternative evidence, it appears that no pastures have been transferred to self-government units since 2010, something which has been confirmed by other authors such as Gvaramia (2013) and Raaflaub and Dobry (2015). On the other hand, although pre-existing municipal pasture ownership should theoretically have been annulled, no action has been taken to recognise municipal pasture lands as state property by registering them into the Public Registry, therefore municipalities still own and control those pastures registered before 2010.

<sup>4</sup> Article 107(3): A municipality's property right with respect to unregistered agricultural land that is located in its territory shall arise based on the application, in the prescribed manner, to the respective registering agency and the registration of the rights, which shall not deprive the State of its right to register the unregistered agricultural land as public property.



## Outcomes of the reform process

### 2.1 Summary of current property rights options on pasture

The legacy of former legislation and institutional arrangements means that a proportion of pasture has been privatised, either the 1990s or through conversion of leaseholds made before 2005. Today, pasture cannot be privatised but may be leased either from the Agency for State Property or from those municipalities which registered land between 2005 and 2010. Some leaseholds made on state pastures through municipalities when these administrated state lands may also remain. There is disagreement as to how much pasture has actually been formally transferred to users since the ASP took over administration of state lands, but all stakeholders agree that there is a moratorium on provision of leaseholds on pasture at the current time.

#### Key points can thus be summarised as follows:

- Pasture may not be privatised but there is a known practise of converting pasture to arable land which may then be privatised by auction. It is unclear how much pasture has been privatised in this way.
- Despite seemingly contradictory clauses in the 2014 Organic Law, the interpretation of government bodies is that municipalities cannot register pasture at the present time.
- Pasture may be leased only from the Agency for State Property or from municipalities which successfully registered pasture as municipal property before 2010.
- There is currently a de facto moratorium on leasing from the ASP. All interviewees confirmed that no new leasehold contracts are

currently being issued by the state and it seems highly likely that few leaseholds are being issued by municipalities either. Interviewees and published sources differed widely in their assessment of how long this has been the case. Some say no leasehold contracts have been issued since 2006, others state that it has been 2 years since any were issued.

### 2.2 Land tenure types by area: available statistics

So where do all the reform processes described above leave pastoral tenure in Georgia today? The last complete land surveys in the 1980s suggested that there were 1.9 million ha of pasture and hayland of which 1.4 million ha are pasture (Information Research Centre of the Ministry of Environment and Agriculture, personal communication). The nationally reported figures for pastures and meadows given by FAOSTAT is also 1.9 million ha, so this seems the likely figure for natural grazing lands although some of this may have been ploughed in recent years.

#### *Issues with data: land registration records*

The National Agency for Public Registry (NAPR) was created in 2004. Before that time the registering agency for fixed assets was the State Department for Land Management. The main document certifying ownership of land during the reform process was a handover document issued to citizens by the local self-governing units (the village sakrebulo). In some cases, these handover documents would bear the seal of the Department of Land Management but in other cases they did not. Some citizens did not receive handover documents at all, although such agreements can be



proven by application to the Archive Unit operating in the relevant municipality (Gvaramia, 2013). From 2012 The National Agency of the Public Registry began the systematic primary registration of agricultural lands and their borders, with the aim that all previous land documents should be converted to nationally registered titles. However, according to the Ministry of Agriculture of Georgia (2015), by 2015 only 20-30% of the private and leaseholds contracts on agricultural lands had been officially registered.

At the same time, the ASP is conducting a full inventory and survey of state lands. So far the inventory of parcels and their boundaries is complete, but their categorisation into the three official types of agricultural land - arable, pasture and hay land - is ongoing (see Law of 2008 on the Public Registry for legal definitions). Thus, it is not possible to know how much unregistered state pastureland exists at the present time.

Barriers to the registration process include the fact that some citizens who privatised land in the 1990s subsequently sold it, transferring their documents to the purchaser. Although these transfers may have been recorded by a solicitor, some ownership documents were not renewed and remain in the name of the initial owner. Some are reticent to register these transactions out of fear that they may be told the land is not legally theirs. In addition, some have registered land under the general category of 'agricultural land' so that it is not always possible to recognise pasture in the registration information (NAPR, personal communication).

As explained above, leasehold contracts were made with municipalities on behalf of the state, during the period when these administrated state lands; with the municipality directly (for municipal lands), or more recently with the MoESD or the ASP for state lands. Data from the ELD study survey in Kakheti suggest that a large proportion of leaseholders do not know with whom their leasehold agreement is registered. In addition, many leaseholders rent from private owners or sublease from primary leaseholders. The only comprehensive statistics on leaseholds which disaggregated pasturelands were found in Tsomaia (2003) and concern the year 2002. Since then and up to 2011, many leaseholders privatised their land under the direct sale mechanisms given in

the Law on Privatisation of State-Owned Agricultural Lands and Law on State Property. Others did not and those leaseholds presumably remain as such, although some may now have expired.

The problems mentioned in this section mean that it is extremely difficult to paint a statistical picture of the current pastoral tenure situation in Georgia. Here, we examine and compare those sources which we were able to obtain, both at the national level and for Kakheti region, where the ELD study was conducted.

#### ***Pasture ownership and lease statistics at the national level***

Concerning national-level statistics, a number of sources are described here and tabulated for comparison in Table 1.

T A B L E 1

#### **Estimates for areas of pasture and hay land under different tenure arrangements**

	FAOSTAT	Mansour (2016)		ASP (pers. comm.)	Agricultural census GeoStat 2014)
<b>Total area</b>	1,940,000	100%	1,940,000	1,940,000	1,940,000
Privately owned		20%	388,000		
State owned		75%	1,455,000	450,000	
<i>Of which leased</i>				30,000	
Municipality owned		3%	58,200		
APA		2%	38,800		
Total holdings leased or private					300,000

Based on results of a workshop with stakeholders, Mansour (2016) estimates that the current ownership of pastures can be broken down as follows:

- Private owners: 15% -25%
- Municipalities: 2-5%
- Agency for Protected areas (APA): 2% (out of the 7% of total protected areas)
- State Property: 70-80%

The agricultural census (GeoStat, 2016) provides figures on agricultural land leased and owned as reported by households, although the exact registration status of these lands is unknown. According to this census there are 78,299 holdings with pasture and hay land in Georgia, covering a total of 300,000 ha. This figure suggests that just 15% of pasture and hay land in Georgia is held under some kind of formal claim, whether leasehold or ownership - presumably leaving the remainder of the national total 1.9 million hectares as unleased state lands.

In contrast to this figure, the ASP quoted verbally a much lower figure of around 700,000 ha

of unleased state property (property with no registered leases in any case). Of this area, they estimated that only 60% or around 420,000 ha is pasture. In addition, 200,000 ha of state lands are said to be leased, of which only around 30,000 are pasture. This suggests that there are a total of around 450,000 ha of state-owned pastures, leased or unleased. This is far from the estimates of over a million hectares implied by the paragraph above (and by a number of other authors) and seem unlikely to be realistic.

### *Pasture ownership and lease statistics for Kakheti region*

Statistics compiled in 2017 by the Kakheti Governor's Office, together with the representatives of the Ministry of Agriculture in Kakheti, are much more informative, but exist only for this region and not for the country as a whole. These figures suggest the following breakdown of pasture ownership between the state and private owners (Table 2) and suggest that about 37% of pastureland in the region is private and 63% remains state owned. Municipal lands are excluded from these statistics and may have been subsumed into state lands for the purposes of this exercise.

T A B L E 2

### Pasture ownership in Kakheti region<sup>5</sup>

Municipality	Total	Private	State	% Private	% State
Akhmeta	87,890	3,510	84,380	4%	96%
Gurjaani	5,388	2,070	3,318	38%	62%
Telavi	14,999	1,385	13,614	9%	91%
Sagarejo	56,719	27,710	29,009	49%	51%
Dedoplistskaro	65,189	23,992	41,197	37%	63%
Lagodekhi	11,398	0	11,398	0%	100%
Sighanghi	54,121	53,477	644	99%	1%
Kvareli	11,439	1,544	9,895	13%	87%
<b>Total Kakheti</b>	<b>307,143</b>	<b>113,68</b>	<b>193,455</b>	<b>37%</b>	<b>63%</b>

<sup>5</sup> Hay land is not included in these statistics but cover only 2330ha, of which about half are private.

The total amount of pasture given in these statistics is 307,143 ha. In contrast, according to the 2014 agricultural census, about 149,230 ha of pasture and hay land are found in agricultural holdings in Kakheti. This suggests that around 50% of the total pastures in the region are found inside holdings, presumably leaving around 150,000ha of state pastures unallocated or used informally (outside holdings).

Key wintering areas like Dedoplistskaro, Signagi and Sagarejo, have very high proportions of private pasture. Akhmeta has large areas of winter pasture (an enclave in Dedoplistskaro), plus summer pastures in the high mountains, most of which remain unprivatised.

Of those surveyed in the ELD study, which sampled five districts in Kakheti region, only 5% owned pasture<sup>6</sup> whilst 22% leased parcels (of which around one quarter were subleasing). Overall, around 26% either owned or leased defined pasture areas whilst others used state lands on an informal basis. However, this split

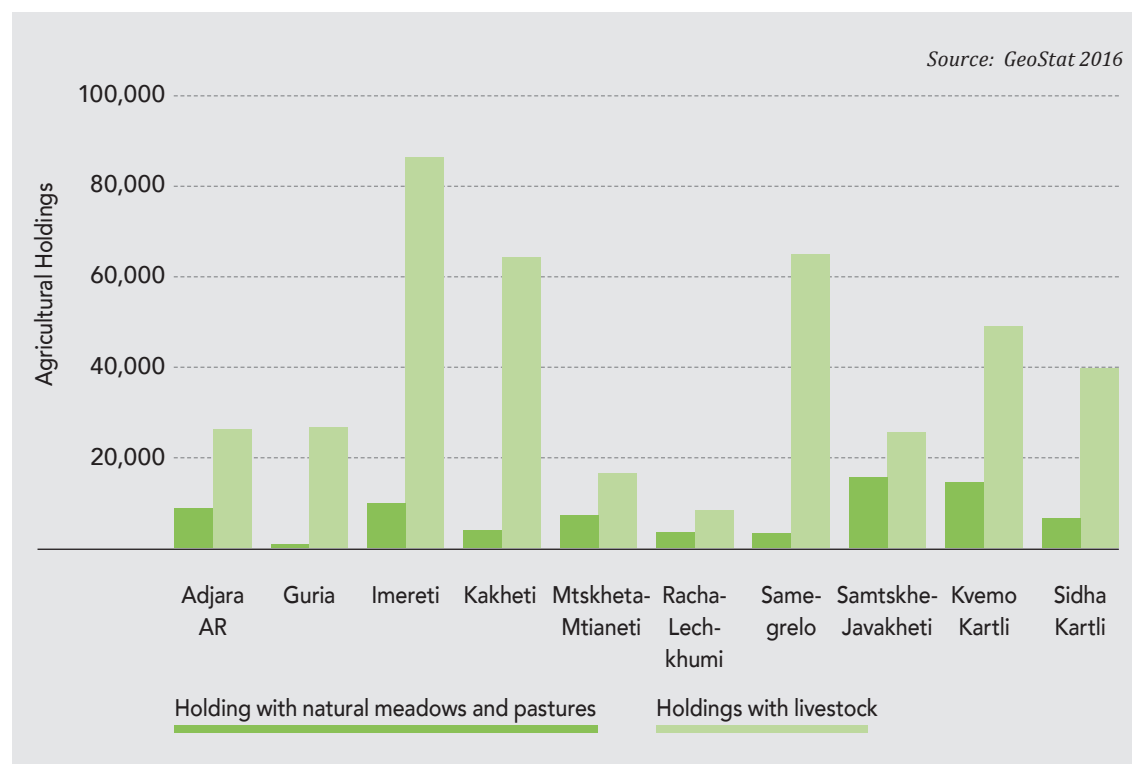
between types of holdings is not necessarily reflective of land areas under different tenure types, with large numbers of smaller owners less likely to have formal access to pastures and larger and more migratory operations more likely to lease or own grazing land.

**Livestock ownership and formal tenure over pastures**

In terms of the numbers of households and farms having livestock, and those with some formal tenure arrangement over pasture, statistics from the 2014 national census list the number of holding with any stock and the number with either ownership or rental contracts for pasture. Whilst we cannot be sure how many of the holdings have grazing livestock species (for example pigs are also livestock), still the statistics suggest that there is likely to be a large proportion of livestock-holding households with no formal access to pasture. This supports the above assertion that many pastures are accessed informally.

FIGURE 1

**Pasture Management in Georgia: Legal and Institutional Analysis**



<sup>6</sup> Although slightly more than this had purchased pasture at some point.

## Future prospects for reform

### 3.1 The future of pasture privatisation

A number of reports (e.g. Raaflaub and Dobry (2015)) have suggested that the privatisation of pasture is imminent and indeed expected by the rural population, citing in particular objectives in the 2014 National Biodiversity Strategy and Action Plan of Georgia as indicating an intention of government in this direction (Table 3). These authors suggest that the ban on pasture privatization given in the 2010 Law on State Property is to be considered as a moratorium rather than a definitive decision. In fieldwork, Neudert et al. (2017) also found that “Interviewees in the case study villages expected that pasture lands will be subject to privatization to individuals or co-operatives via auction in the near future (similar to arable land), while there are no provisions how common lands accessible for a village community should be dealt with.”

T A B L E 3

#### Objectives of the National Biodiversity Strategy and Action Plan of Georgia relevant to pasture

**Objective B.4-o1.** Improve the legislative and institutional framework for conservation and sustainable management of agricultural ecosystems and natural grasslands

**B.4-o1.1.** Introduce amendments to the legislation to provide for the sustainable management of community pastures and define the responsible entities

**B.4-o1.2** Establish terms and conditions for the leasing or privatisation of state-owned pastures

These authors, amongst others, consider that privatisation would create numerous problems (Box 5). However, when we asked the ASP, NAPR and MoEPA how they expected pastoral tenure to evolve in future, none of these organisations mentioned any plans to privatise pastures in the near or distant future.

Moreover, all confirmed the current moratorium on leasing, whilst various modes of pasture management and tenure are considered. It is recognised however that this may not reflect the real situation in the field, in which loopholes enabling privatisation may still be exploited. Data from the ELD study suggests that this may be common – 10 respondents (out of the 24 pasture owners comprising 7% of the sample of 355) had purchased their land since 2011, although it is unclear whether any of these represent transactions between private individuals.

Many of the problems outlined above are common to potential privatisation and to actual leasehold procedures – as both are applied through auctions, enabling the wealthiest to gain use rights regardless of their place of residence or actual use of the pasture at time of application. Both privatisation and long term leasing systems on pasture are often introduced with the aim of avoiding land degradation on the premise that people are more likely to sustainably manage a resource over which they have secure property rights. Privatisation in particular attributes market value to a saleable asset, leading to investment. However it was notable in Dedoplistskaro that some landowners or long-term leaseholders sublease to others, exercising no control over the stock numbers grazed there or having any long term management goals. In addition, the allocation of lotted parcels to wealthy individuals often simply means that those without means to

## B O X 5

**Pasture monitoring systems – responsibilities and methods**

Changes to the Law on Soil Protection passed in 2017 define indicators for the monitoring of soil erosion using the revised universal soil loss equation, and of soil contamination with heavy metals and radionuclides (as defined and measured by the Agricultural Research Centre and National Environmental Agency of the MoEPA). However, this law appears to refer only to arable land. For the moment the soil erosion methodology is being tested in Shedii Khartli by the NEA but has not been expanded to the rest of the country.

Under commitments to the UNCCD on Land Degradation Neutrality (LDN), Georgia will be measuring progress through the three indicators of soil organic carbon (SoC), land cover change and productivity (Huber et al., 2017). SoC is to be monitored at the MoEPA, with a soil carbon map currently under preparation. Land cover change and vegetation productivity are to be monitored by the Land Resources Protection and Mineral Resources Service at MoEPA but they are currently using generic global databases for these indicators and have not yet implemented national systems based on higher resolution data such as Sentinel (see recommendations of Huber et al. (2017).

As part of the protected area pasture management plan, a monitoring guide for Vashlovani Winter Pastures was adapted by Nacres from the "Monitoring Guide for Winter Grazing in the South Caucasus and Azerbaijan (Etzold et al., 2008). This method, as with other aspects of protected area planning could be adapted to municipal level processes. Huber et al. (2017) suggest degradation mapping methodologies by the WOCAT initiative (Liniger et al., 2008), which could perhaps also be used in combination with the above.

obtain these parcels must shift elsewhere. This may have the perverse effect of increasing stocking rates on unleased or commonly used areas, a pattern which has been observed in many parts of the world (e.g. Rohde et al., 2006).

The opinion of the mayor of Dedoplistskaro municipality was that, rather than an open auction, there should be a system which gives current users first priority to purchase or lease land much more easily. Raaflaub and Dobry (2015) suggest that donor-financed projects that facilitate the registration of municipal land must insist that these activities are accompanied by obligations that protect current users' access to pastures. However, as we have seen very few villages have registered municipal lands, and we have not managed to find any evidence that municipalities are actually able to register pasture at the present time. So either such provisions would have to be put in place on state lands, or laws changed to enable registration of municipal lands.

There was little consideration amongst interviewees of common property resource management on pastures, despite the existence of such

systems in many countries worldwide. The main options which came up in interviews tended to be leasing or privatisation of lotted parcels to individuals. In Georgia, many village pastures in particular are de facto commonly managed as herds are comprised of animals belonging to multiple owners who manage grazing as a group. The lotting of such pastures would make little sense and these areas would be good candidates for collective management (Neudert et al., 2017). This brings us back to the status of municipal pastures, as the lack of a legal instrument to delimit and designate municipal pastures to village users for common use is both a source of insecurity for village based livestock owners and a barrier to good management. Outside village areas, pasture use claims may be formal or informal, held by groups or individuals. Here, municipalities could also play a role in management through issuance of leasehold contracts based on existing use (as they do in Akhmeta municipality through the spatial planning project in partnership with GIZ). A number of interviewees considered that municipalities should be central to pasture management in Georgia, whilst others stated that corruption was one reason why

land allocation functions were taken away from municipalities in the first place. There has been little discussion of the delegation of pasture management to user groups themselves.

RECC is currently working on a policy paper on future pasture management policy in Georgia. In this policy paper the possibility of common resource property management on village pastures, or even beyond could perhaps be considered, in particular where livestock themselves are collectively herded. However, the popularity of this type of management amongst livestock owners needs to be further explored (see Box 5).

One management mechanism which is already being trialled by the government, is the allocation of pastures to cooperatives, which we describe in detail in the next section.

### 3.2 An experiment in cooperative pasture management

The ASP indicated to us that they are considering modalities for pasture use other than the current auction system. One current experiment run by the Cooperatives Development Agency (CDA) began in 2017 with the objective to support animal husbandry development in Georgia. The programme title is Rational Use of Pasture and Hay land in High Mountainous Regions, based on the Government Resolution 265, May 29 2017.

The CDA selected 29 municipalities in mountain areas having relatively high populations. Cooperatives across the selected communities were invited to bid for a total of 29 projects, which include both land allocations (by leasehold) and grants for livestock production. Thus each cooperative will have two contracts - one with the ASP for the land, the other with the CDA for a grant. The programme is aimed at cattle production, most specifically at dairy farms, and works only with cooperatives.

The main criteria for eligibility are as follows:

- There is a minimum of 11 members per cooperative.

- The cooperative should have at least 200 cows between members.
- They should request a specific area of pasture which is large enough so to allow at least 1.5 ha of grazing per head of cattle and not more than 4 ha.

Conditions of the agreements include:

- There is no auction for this pasture, the selected cooperative will automatically receive a leasehold for pasture if they are selected for the programme.
- Cooperatives are not allowed to sublease to others, a condition monitored by the CDA.
- The lease period is for 25 years.
- Pasture rents are 15 GEL/ha and land tax is 16 GEL/ha, but under this programme, for the first two years the rent is 1 GEL per ha only.
- Over five years the cooperative commits to double the number animals owned.
- The grant includes equipment for hay production, such as balers. The recipients must finance 10% for the cost of the equipment, the rest is a grant from state.

To date, 29 projects in 21 municipalities were funded, so some of the originally selected 29 municipalities have more than one project, whilst others have none. Of the 29 cooperatives, 10 have not yet received their land due to conflicts over pasture and border issues. In some cases, several cooperatives applied for the same area of land and priority was given to those cooperative with the most local members. The municipality is also consulted and in some cases may veto the allocation of certain lands.

If some of the 29 cooperatives existing under the programme were to merge, then they could become eligible for a much larger support programme, including buildings and equipment for milk factories and requiring 25% co-financing from the cooperative over 8 years. In addition to the existing 29 projects, an extra 10 are envisaged in the near future. The MoEPA will assess this programme over coming years and the results will inform decision making about future directions for pasture management and tenure.



## Pathways for improved pasture management

During the consultant's trip, a number of inter-related pathways for implementation of improved pasture management activities were identified, including the use of environmental regulations in leasehold contracts, spatial planning processes (and related pasture management planning in protected areas), extension services and improvements to pastoral tenure legislation.

### 4.1 Environmental regulations, leasehold contracts and monitoring systems

The terms of leasehold contracts and their enforcement are one instrument which could be used to improve pasture management at the level of individual users.

According to Mansour (2016) the 2003 Law on Soil Conservation, Restoration and Improvement of its Productivity is the only active legislation regulating the environmental side of land management, designating the MoA (now the MoEPA) as responsible for monitoring and enforcement of soil conservation measures. Article 4 of this law prohibits the "Excessive amount of grazing beyond the permitted limit in the high mountain pastures, which lead to erosion processes". However the law makes no reference to other pasture types and does not provide any official norms for stocking rates (Mansour, 2016). Thus there is no legal basis to guide the elaboration of the detailed environmental obligations of leaseholders.

However, the Agency for Protected Areas (APA) has been working on its own leasehold agreements with livestock owners in protected areas which include a number of management obligations. For example, in Vashlovani protected area



leasehold agreements include set stocking rates based on detailed vegetation assessments, use of manure for fertiliser and obligations to use planned grazing strategies in partnership with the park authorities (Nacres, 2015). Pasture management plans have also been concluded for Javakheti and Avodekhi protected areas but these are not publically available. It has been suggested that experience gained by the APA in pasture management planning could be applied to other parts of the country.

Outside areas under the jurisdiction of APAs, the ASP, as issuer of leasehold contracts, is responsible for setting terms of pasture use and the MoEPA for monitoring changes in condition. We were not able to obtain samples of ASP leasehold contracts and so it is not clear whether special obligations regarding land management or stocking rates exist for this pasture or not.

The ASP requires that a soil assessment (paid by the lessee) should be made at the beginning of

leasehold contracts and every five years subsequently in order to monitor soil organic carbon. Such sampling is apparently in place for arable lands and hay meadows, but has not yet been applied to pastures.

Other monitoring systems, including those under the United National Convention to Combat Desertification (UNCCD) Land Degradation Neutrality (LDN) framework are described in Box 6. It is eventually envisaged that municipalities should have some responsibility for LDN monitoring and assessment as part of spatial planning process and in this way there could eventually be some feedback between management and monitoring activities. However, as we have seen, local government bodies have little or no jurisdiction over pastures whilst the ASP, owner of large tracts of pasture, has little involvement in spatial planning. The planning process, its legal basis and potential relevance to pasture management are discussed in more detail in the next section.

#### B O X 6

##### **Pasture monitoring systems – responsibilities and methods**

Changes to the Law on Soil Protection<sup>7</sup> passed in 2017 define indicators for the monitoring of soil erosion using the revised universal soil loss equation, and of soil contamination with heavy metals and radionuclides (as defined and measured by the Agricultural Research Centre and National Environmental Agency of the MoEPA). However, this law appears to refer only to arable land. For the moment the soil erosion methodology is being tested in Shedi Khartli by the National Environmental Agency (NEA) but has not been expanded to the rest of the country.

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<sup>7</sup> Original law passed in 1994. We were unable to assess how this law differs from that of 2003 cited in Mansour (2016) as English copies of the two laws were unavailable.



## 4.2 Municipal Spatial planning

Huber et al. (2017), in their report on Land Degradation Neutrality in Georgia included in their list of measures to promote LDN “measures that motivate people to change their resource use patterns by giving them the opportunity to participate in the decision making and governance processes.” They suggest to “promote cooperation among livestock owners & require pasture management plans for community pastures (including carrying capacity). In particular, “Spatial planning could explicitly include pasture management plans as ‘land use plans’ for pastures. This could also give the necessary authority/mandate to the communities to manage their community pastures.”

In this section we describe the spatial planning process and ask whether it may provide entry points for improved pasture management under current legal and institutional conditions.

According to the 2014 Organic Law, the spatial planning process is conducted at the municipality (district) level and will be regulated by the 2018 Law on Spatial Planning whose provisions will come into force in a stepwise fashion in coming months. The law was passed in August 2018, but to date only three paragraphs are currently ‘live’. The central government organ responsible for oversight of the process is the Department of Spatial Planning, which moved from the Ministry of Economy to the Ministry of Regional Development in summer 2018. Many municipalities do not have the capacity to run the spatial planning process themselves and in such cases the Department manages the process directly, (Shanshiashvili, 2018 (draft)), putting planning tasks out to tender.

Thus far, only a handful of municipalities (four, plus Adjara) have embarked on spatial planning procedures. One of the chosen municipalities was Akhmeta, where the Department has been conducting a spatial plan with the GIZ IBiS project.

Spatial plans should include a concept and vision as well as concrete steps to be completed for the production of the plan. These include:

1. Definition of areas and boundaries of different land use types, based on zoning criteria.

These are broad - including urban, recreational, agricultural, transport and military zones;

2. Decisions on boundary changes or re-allocations between land use designations;
3. Prioritisation of infrastructure projects including status of existing infrastructure, priorities for repair and for new projects.

The sakrebulo (municipal council) must approve the spatial plans. They should be produced every ten years, but can be updated sooner if there is a need, approved by the sakrebulo each time.

One aim of the planning process is to achieve environmentally sound outcomes, incorporating Georgia’s international commitments to this end (for example: Strategic Environmental Assessment, Ecosystems Services Valuation and LDN instruments (Shanshiashvili, 2018 (draft)). However, the realisation of such tasks is still a long way off. For example, planning for LDN implies the production of land use maps including demarcation of areas subject to unavoidable land degradation (‘losses’) and priority areas for land rehabilitation measures (‘wins’). Gains and losses should be quantified so that a balance can be reported. The definition of priority areas for compensation/rehabilitation measures within the spatial development plan should ensure that land is available to compensate land degradation through rehabilitation measures (Huber et al., 2017).

As we have seen, the majority of pasture in Georgia still belongs to the state, administered by the ASP. Therefore, the most important question for pasture management is how national ownership (and currently administration) can be reconciled with the above-stated mechanisms for local management.

Concerning zoning, the ongoing inventory of the Agency for State Property will decide which parcels of state land should be designated as pasture, arable land or hayland. As much pasture belongs to the state it is thus not clear what say the municipality can have in the zoning process beyond confirmation or publication of the findings of the ASP. Long distance stock migration tracks, which cross many municipal boundaries, are also not subject to spatial planning at the municipal level.

On designated pasture, detailed planning such as identification of areas to be protected from grazing, designation of commonly used areas (not for lease), recommended stocking rates and other leaseholder obligations are not currently components of the planning process. Nor would such decisions be underpinned by the current legal framework. On state lands, municipalities would have very little possibility to implement or oversee such regulations as the primary form of property right – the leasehold – is currently dispensed by the ASP. However municipalities can veto leasehold contracts inside their jurisdiction, for example if these are to be concluded on land which is de facto under common use.

It has been suggested that the spatial planning process should be enhanced with experience from protected areas including mainstream-

ing biodiversity conservation management in production landscapes (Shanshiashvili, 2018 (draft)). From this point of view, the management of traditional use zones and associated leasehold contracts discussed in Section 4.1 above are particularly interesting. But again, this would only work if municipalities are able to dispense the leasehold contracts (as the APA does in protected areas). It so happens that municipalities do administer leaseholds on Category 5 protected areas (the APA administers them on categories 1-4). Thus in the case of Akhmeta, a special unit under the municipality is responsible for leasing on pastures of Tusheti Protected Landscape. It is this arrangement which enabled the GIZ IBiS project to work on pasture management at the municipal level. However, in Georgia as a whole this arrangement is the exception, not the rule.

### 4.3 Extension services

The Information Research Centre of the Ministry of Environment and Agriculture provides technical support to Georgia's agricultural extension system. Extension officers based in the regions may ask for advice, materials and support from the centre based on demand from their farmer-clients.

In terms of mechanisms to better manage pastures, the interviewed representative of the Centre suggested working with private pasture owners and leaseholders, starting from the principle given in the Law on Soil Protection that it is prohibited to decrease soil fertility. The Centre could work with private individuals to meet these requirements through the extension system but it was stressed that new ideas can only be introduced through demonstrations.

The centre is financed from the state budget and also has a laboratory for assessment of chemical composition and energy content of pasture and feed. At the moment they are not focussing on pastures and grazing, as most questions from clients concern cropping or other aspects of livestock husbandry. They developed a method of pasture assessment on the demand of the Ministry, but this has not been implemented to date. Overall, these services could be useful to help individual farmers or communities better manage those pastures to which they have access. But



they do not resolve the issue of how this pasture access is provided, or address the lack of local governance and appropriate national legislative frameworks. It is to this national legislation which we now turn.

#### 4.4 Pastoral tenure legislation

Spatial planning cannot meaningfully be extended to pastures without the requisite legislation which provides municipalities with jurisdiction over pasture designation, allocation or management activities. Local management cannot occur whilst the ASP is the manager of state-owned pastures, allocating land by auction at the national level.

As discussed above in section 3.1, new land tenure legislation specific to pastures should be considered and indeed the moratorium on leasing has itself come about due to problems with the current arrangements. This legislation should recognise the specific ways in which Georgian pastures are actually used and managed.

For example, where pastures are used on a collective or traditional basis, then the law could reflect this in forms of Common Property Resource Management (CPRM), at the appropriate spatial scale. At other locations pastures may not be managed at a group or community level, but be subject to clearly recognised claims of individuals

The design of legislation should draw heavily on international experience, and the current work of RECC in elaborating policy recommendations will be a welcome step forward. The roles of the pasture owner – the state, the ASP and municipalities in terms of pasture management should be defined and clarified in terms of the new property rights institutions introduced.

If management is decentralised, then the relative responsibilities of users and local government should be carefully considered. In the above discussion on spatial planning and the IBiS pilot in Akhmeta, this responsibility is devolved to the municipality. But it should be mentioned that in some countries user groups manage directly, with oversight from government bodies representing the state (owner).

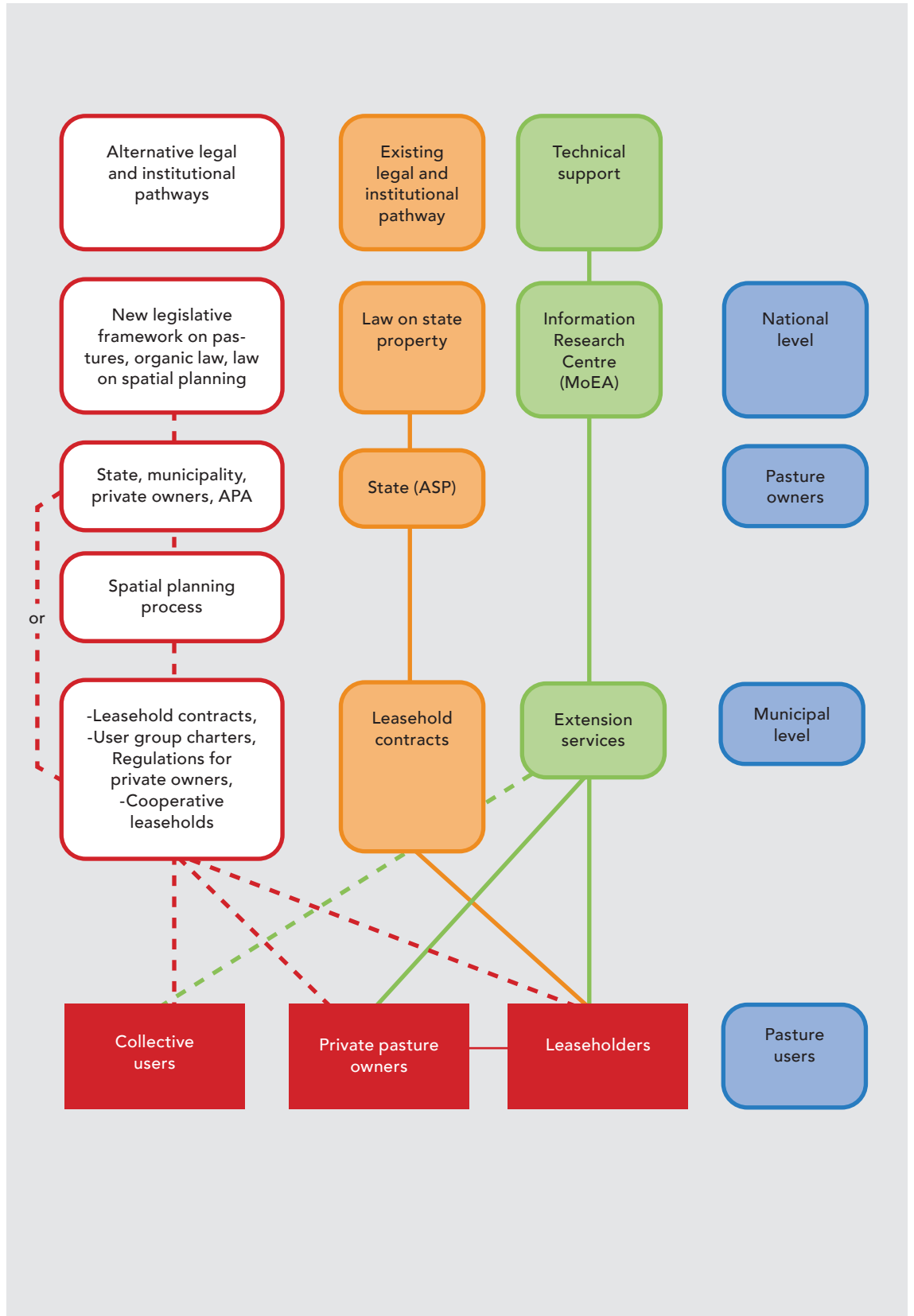
#### 4.5 Summary

Figure 2 presents existing and alternative pathways to sustainable pasture management in Georgia, including the following points:

- The main existing legal and institutional pathway regulates pasture use via issuance of leasehold contracts from the ASP. This mechanism bypasses the municipality and does not include private users who currently have rights but no responsibilities, or those using pastures on a collective basis, who have neither rights nor responsibilities. Leasehold contracts may include management obligations but it is unclear whether this is currently the case.
- Another existing pathway (not shown in Figure 2) includes leaseholds issued by the APA, which do include pasture management obligations but apply to protected areas only. In rare cases municipalities administer leaseholds on their own land or in category 5 protected areas.
- Alternatives could include legal instruments covering pasture use by private owners; leaseholds (between individuals and the state, municipality or private owners); and possibly forms of CPRM. Some mechanisms could be implemented via spatial planning at the district level, which would require that some form of pastures administration be transferred to municipalities, or delegated to user groups formed at this level.

FIGURE 2

Pathways to sustainable pasture management in Georgia  
(dotted lines represent absent relationships)





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## Appendix 1: Consultant's Schedule

DATE	ORGANISATION	MEETING with	PHONE/ADDRESS	WEBSITE
24.09.2016	REC CAUCASUS	Sophiko Akhobadze, Ana Rukhadze	5 77 79 77 59 5 77 38 22 48 13 B.Shoshitaosvili street, Tbilisi,0179	<a href="http://www.rec-caucasus.org/">http://www.rec-caucasus.org/</a>
24.09.2018	Ministry of Environment Protection and Agriculture of Georgia	Nino Chikovani -UNCCD FP Maka Manjavidze, Giorgi Ghambashidze	5 99 51 77 33, 5 99 49 02 22 5 77 75 94 52 6 Marshal Gelovani ave, Melioraton Bulding III floor	<a href="https://mepa.gov.ge/En/">https://mepa.gov.ge/En/</a>
24.09.2018	Association for the Protection of Landowners' Rights (APLR).	Aleko Gvaramia	595 22 10 20 REC Office, 13 B.Shoshitaishvili,Tbilisi	<a href="http://aplr.org/?id=52&amp;pid=953">http://aplr.org/?id=52&amp;pid=953</a>
24.09.2018	REC CAUCASUS	Gizo Urushadze Gela Ghlighvashvili	5 99 58 25 41 5 55 61 87 59 REC Office, 13 B.Shoshitaishvili,Tbilisi	<a href="http://www.agruni.edu.ge/en/node/692">http://www.agruni.edu.ge/en/node/692</a>
25.09.2018	Vakhushti Bagrationi Institute of Geography	Nana Bolashvili	5 77 94 83 14 M. Tamarashvili st. #6, III floor, Tbilisi	<a href="http://geography.tsu.ge/index.php?lang=eng">http://geography.tsu.ge/index.php?lang=eng</a>
25.09.2018	Ministry of Economy and Sustainable Development of Georgia	Kakha Potshkishvili	5 99 14 04 37 4 Kekelidze street, Tbilisi	<a href="http://www.economy.ge/?page=home&amp;lang=en">http://www.economy.ge/?page=home&amp;lang=en</a>

DATE	ORGANISATION	MEETING with	PHONE/ADDRESS	WEBSITE
25.09.2017	Ministry of Finance of Georgia	Nato Mokverashvili	5 98 68 44 61 16 Gorgasali Street, T'bilisi 0114	<a href="https://www.mof.ge/en/">https://www.mof.ge/en/</a>
25.09.2017	Ministry of Regional Development and Infrastructure	Giorgi Tabatadze	0322 51 07 23 12 Al.Kazbegi Ave., T'bilisi	<a href="http://mrdi.gov.ge/en">http://mrdi.gov.ge/en</a>
26.09.2018	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH	Christian Gönner	6 D. Gulua street, Tbilisi	
26.09.2018	Agency of State Property (ASP)	Irakli Khachapuridze	5 99 85 07 07 49a chavchavadze Ave.	<a href="http://nasp.gov.ge/?lang=en">http://nasp.gov.ge/?lang=en</a>
26.09.2019	NACRES	Kakha Artivadze	5 99 55 92 95 Besarion Jgenti St, T'bilisi	<a href="http://nacres.org/">http://nacres.org/</a>
26.09.2018	UNDP	Torniki Phulariani	5 99 54 51 62 UN House, 9 R. Eristavi Street	<a href="https://georgia.un.org/">https://georgia.un.org/</a>
27.09.2018	ELKANA	Mariam Jorjadze	32 253 64 86/87 61 Gazapkhuli street, Tbilisi 0177	<a href="http://www.elkana.org.ge/">http://www.elkana.org.ge/</a>
26.09.2018	Trip to Dedoplistskaro Municipality Meeting with TBC	Malkhaz Merabishvili, Deputy Head of Municipality	5 98 33 11 02 44 Kostava street, Dedoplistskaro	<a href="http://www.dedoplistskaro.gov.ge/">http://www.dedoplistskaro.gov.ge/</a>

DATE	ORGANISATION	MEETING with	PHONE/ADDRESS	WEBSITE
27.09.2018	Trip to winter pasture			
28.09.2018	National Agency of Public Registry (NAPR)	Vano Tsart-sidze	5 77 62 22 21 2 Sanapiro Street, Tbilisi	<a href="https://napr.gov.ge/contact">https://napr.gov.ge/contact</a>
28.09.2018	The National Environmental Agency	Gizo Gogichaishvili	591 40 41 58 150 D. Aghmashenebeli Ave. Tbilisi	<a href="http://nea.gov.ge/ge/home/">http://nea.gov.ge/ge/home/</a>
28.09.2018	Environmental Information and Education Centre (EIEC)	Irina Kutateladze	5 68 43 53 20 35 Besarion Jgenti Street, Tbilisi	<a href="http://eiec.gov.ge/Home.aspx">http://eiec.gov.ge/Home.aspx</a>
28.09.2018	Information-research centre of the Ministry of Environment Protection and Agriculture of Georgia	Soso Sarjveladze	5 99 17 36 20 6, Marshal Gelovani ave, nformation-research centre I Floor, behind Ministry	







For further information and feedback please contact:

ELD Secretariat

Nina Bisom

c/o Deutsche Gesellschaft

für Internationale Zusammenarbeit (GIZ) GmbH

Friedrich-Ebert-Allee 32 + 36,

53113 Bonn

Germany

T + 49 228 24934-400

F + 49 228 24934-215

E [eld@giz.de](mailto:eld@giz.de)

I [www.eld-initiative.org](http://www.eld-initiative.org)

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