

**PRC-GEF PARTNERSHIP ON LAND DEGRADATION IN DRYLAND ECOSYSTEMS
CAPACITY BUILDING TO COMBAT LAND DEGRADATION PROJECT**

**COMPONENT 1 - IMPROVING POLICIES, LAWS AND REGULATIONS FOR LAND DEGRADATION
CONTROL**

PROGRESS REPORT ON IMPLEMENTATION

I. BACKGROUND

1. The Financial Agreement approved by ADB Board provided for three main activities under Component 1:¹
 - (i) Developing procedures and mechanisms to improve law and policy capacity to implement IEM;
 - (ii) Building capacity in legislative and policy aspects;
 - (iii) Policy advice and problem solving support.

2. This original group of activities was regrouped in December 2004 in the Consultants Package to better provide for the main legal and policy issues of Component 1:
 - (i) Development of improved provincial policy/legal framework to deliver IEM;
 - (ii) Special legal studies and institutional capacity building;
 - (iii) Development of a provincial legal and policy information system.

3. The Component 1 Work Plan ² and Work Plan Schedule of December 2004 define targets and actions for 2005 to implement the above arrangements. The primary focus of Component 1 is the development of the six provincial environmental law and policy frameworks for an integrated ecosystem (IEM) approach to LD control.³ The provincial legal teams undertake the framework development and backstopping, support, training and specialized studies is provided by ADB consultants and Principal Consultant team (PC team) comprising GEF funded international and domestic consultants.

4. The main targets in the Work Plan and Schedule for 2005 are:

1.1 Development of improved provincial policy/legal framework to deliver IEM:

- (i) Collection and preparation of legal materials for provincial legal specialists;
- (ii) Translation of relevant legal papers for provincial legal specialists;
- (iii) Development of Method for IEM - Steps 1 and 2 of the framework process⁴;
- (iv) Appointment of provincial specialist legal teams;
- (v) Development of legal interpretative and guideline material for implementation of Steps 1 and 2 of framework development process;
- (vi) Appointment of Component 1 Principal and GEF funded consultants;
- (vii) Meetings and feedback from CLPEAG and the PLPEAGs;
- (viii) Regular monitoring and implementation review.

1.2 Capacity building:

- (ix) Training workshops to introduce Method for IEM Steps 1 and 2 and prepare provincial Legal Work Plans.

¹ ADB 2004, *Financial Arrangement*, PRC-GEF Partnership on Land Degradation in Dryland Ecosystems Capacity Building to Combat Land Degradation Project.

² The Work Plan is subdivided into ADB Consultant Actions; Central Actions; Provincial Actions.

³ As outlined in Component 1 document, ADB December 2004.

⁴ See Appendix 1 in Component 1 Document.

- (x) Prepare IEM legal handbook and instructional material;
- (xi) Introductory workshop on environmental law and capacity building;
- (xii) Various provincial workshops to review framework development progress;
- (xiii) Train the trainers workshops;
- (xiv) Commencement of feasibility study into western region law training.

II. IMPLEMENTATION AND PROGRESS

5. All Work Plan targets for the January-April 2005 period, under Activity 1.1 Development of Legal and Policy Framework and Activity 1.2 Capacity Building, have been satisfactorily achieved by ADB Consultants, CPMO and the Provinces on time. See Updated Work Plan.⁵

6. The main achievements include:

1.1 Development of improved provincial policy/legal framework to deliver IEM:

- (i) Supply of relevant legal guidelines on IEM to provincial legal specialists;
- (ii) Translation of legal papers on IEM and LD for legal specialists;
- (iii) Development of Method for IEM Steps 1 and 2 of the framework process;⁶
- (iv) Appointment of provincial specialist legal teams;
- (v) First meeting of CLPEAG;
- (vi) Development of legal interpretative, procedural and guideline materials for implementation of Steps 1 and 2 of framework development process;
- (vii) Appointment of Principal Consultant for Component 1;
- (viii) Initial training workshops to introduce Method for IEM Steps 1 and 2 and commence provincial Legal Work Plans.

7. Final administrative actions are being completed between CPMO and Wuhan University Research Institute of Environmental Law as the successful Principal Consultant for Component 1. It is anticipated that the PC Team will be operational by mid-late May 2005.

8. The Chinese version of the Method for IEM Steps 1 and 2 for the framework development process was presented at two inaugural workshops (5-9 April (Urumqi [Xinjiang, Gansu and Qinghai]) and 12-16 April (Bayan Hot/ Alxa Zuoqi [Shaanxi, Inner Mongolia, Ningxia]), with supportive legal interpretative, guideline and procedural materials.

9. The Legal Component is well positioned at the moment with supportive materials for Steps 1-2. Additional materials prepared during March- April will be progressively translated and forwarded to provincial legal teams in coming months.⁷

1.2 Capacity building workshops

10. Main outcomes of the April training workshops were:

a. General

- (i) Integrated participation between provincial legal and technical officials in sessions to discuss 'common' legal, institutional and technical issues of IEM and LD control,

⁵ See Update notes in "blue" on Component 1 Work Plan.

⁶ See Appendix 1 in Component 1 Document.

⁷ See Attachment 1.

including development of the integrated provincial IEM Strategies and Actions Plans (IS&APs). This proved very effective as evidenced by the complexity of IEM and LD problems and issues raised and detailed level of discussion in the plenary sessions;

- (ii) On days 4-5, the legal specialists met separately for specific legal training and introduction of the Method for IEM and interpretation of guidelines;
- (iii) The three provincial/regional legal teams are well-balanced in age/experience and are enthusiastic about for their framework tasks ahead. They welcome the initiative to replace the narrow sector-based approach;
- (iv) Extensive discussion on Component 1 Work-plan and Schedule with the legal teams.

b. Specific

- (i) Time was spent refining terminology in the legal Method for IEM, especially the 17 legal and institutional elements;⁸ clarifying IEM principles and the IEM definition; discussing types of legal information for analysis; reviewing interpretative techniques/tables;
- (ii) Specific legal inputs to the IS&P process were canvassed, including continued cooperation between provincial legal and technical officials on LD issues and legislative and policy needs;
- (iii) Indication is that the legal teams will move quickly on collection of legal materials for the nine primary areas of law. The Method includes the template to collate and interpret information on areas of law and individual laws;⁹
- (iv) Provincial legal specialists rely on ADB consultants for backup and support with interpretative tools, practical legal working examples, and periodic review of results of provincial analyses;
- (v) Legal teams are anxious to improve the quality of their laws for LD control but require assistance to fully understand how the different laws will integrate to meet the IEM objective;
- (vi) Provincial Legal teams will submit their Work Plans and Schedules to CPMO by May;
- (vii) The provincial legal group requested ideas on how to engage the public in IEM legal framework development process and plan to start cooperative action soon;
- (viii) Legal specialists request examples of legal mechanisms used to engage stakeholders in legal revision and reform processes and made a special request for International ADB Environmental Law and Policy Specialist to prepare a paper on 'public participation procedures for natural resource law', by June 2005.

III. FUTURE PROGRESS WITH TARGETS FOR 2005

11. Main target areas are the activities associated with the development of the legal and policy frameworks and capacity building for provincial legal specialists to improve their capabilities.

12. Critical success factors include:

a. Backstopping and Monitoring to maintain progress with framework development process

⁸ Especially the 17 legal and institutional elements, following the comments at the CLPEAG meeting on 24 February

⁹ Laws for Grassland; Desertification; Water and Soil Conservation; Water; Forestry; Agriculture; Land Administration; Environmental Protection; Environmental Impact Appraisal; the provinces/regions indicate that up to 60-70 individual laws, regulations may be involved per province/region.

12. ADB consultants will provide on-going backstopping, guidelines and interpretative procedures. This will assist the provincial legal specialists develop capacity to understand the integrated approach to the examination and application of laws and regulations for IEM. Each legal team is quite strong but may not move at the same pace. Based on the current trend, it is expected the provincial legal teams will make substantial progress with Steps 1 over the next 4-6 months and with Step 2 by 6-9 months.
13. Particular attention will be paid to quick turnaround of review of provincial results to ensure continuity of progress. This will be monitored constantly by ADB consultants, and the Domestic Environmental Law Specialist will liaise with International Specialist as necessary.
14. Various additional support materials in Attachment 1 not provided for the inaugural workshops will be progressively translated and forwarded to provincial legal specialists. This includes some materials developed for Steps 3 and 4 that will be effectively used for “checklist” purposes in Steps 1 and 2.
15. Additional materials will be prepared as required.

b. Forming the effective link between ADB consultants and Principal Consultant team

16. Once the PC team is established, the Component 1 Work-Plan and Schedule will be jointly reviewed between the ADB consultants and the PC team. Procedures for effective coordination and interaction will be developed to ensure best use is made of the combined legal resources and the provincial teams receive timely and comprehensive support, and all Component 1 products are produced on Schedule.
17. Important focus areas over the next 6 months (until next review date) include:
 - (i) Maintain progress on implementation of Steps 1 and 2 of the framework development;
 - (ii) Develop Training Manual by International Capacity Building and Training Specialist;
 - (iii) Confirm clear responsibilities and targets for Domestic GEF consultants;¹⁰
 - (iv) Confirm clear roles and lines of communication between Principal consultant/ GEF domestic consultants and the provincial legal teams;
 - (v) Implement Introductory Workshop on Environmental Law and Policy Aspects of IEM;
 - (vi) Implement first series of provincial capacity building workshops;
 - (vii) Maintain effective liaison between ADB consultants, PC team and PMO's;
 - (viii) Undertake half yearly revision of Work Plan implementation.

c. Next inputs of International Environmental Law and Policy Specialist

18. Given the expected rate of progress with Steps 1 and 2 of the framework development it would be beneficial for the ADB International consultant to return to PRCM in 6-8 months time primarily for review purposes (ie, September-October period). Preferably, the visit should coincide with implementation of one or more major actions under the Component 1 Work-plan and Schedule, eg, interaction with International Capacity Building and Training Consultant; participate in provincial framework review workshops.
19. It will be necessary for the International Capacity Building and Training Consultant to communicate with the ADB International Environmental Law and Policy Specialist on various

¹⁰ Outputs for Domestic GEF consultants are outlined with their ToR's.

issues, including suggestions on relevant resource materials, specific LD legislative issues, and international environmental law and policy relevant to the dryland region of China.

d. Participatory procedures and natural resources law

20. To meet the special request of the provincial legal teams a paper will be prepared by June. It should be around 10 pages and include examples of techniques for the public to participate in natural resource law review and reform processes, including: (1) initiatives driven from the public to be considered by the law; and (2) formal public participation initiated by the law. The paper will be reviewed by ADB Domestic Environmental Law Coordinator.

IV. REGIONAL APPLICATION

21. The western dryland region covered by the PRC-GEF Partnership project has many similarities with the Central Asian region immediately to the west of PRC (Kyrgyzstan, Tajikistan, Uzbekistan), in terms of land degradation problems, small area agriculture, poverty, climatic limitations, water availability and water development limitations, and the high level of the population dependent upon rural enterprises. Similarly to PRC, these Central Asian countries developed a significant amount of environmental law and policy in the early 1990's including the rapid development of new law associated with agriculture and land resources.

22. There is a UNEP integrated and transboundary initiative in Central Asia - "Sustainable Land Management in the High Pamir and Pamir-Alai Mountains".¹¹ The main objective of this project is to develop and implement an integrated sustainable land management system (SLM) for the preservation and rehabilitation of the ecosystems and watersheds in the High Pamir and Pamir-Alai mountain areas as components of sustainable development of the natural environment and local populations living in the mountain ranges and adjacent lowlands. This will be achieved through a strategy that leads to SLM and improved rural livelihoods. The proposed SLM project focuses on the High Pamirs and Pamir-Alai mountain ranges, which are mainly shared by Tajikistan and Kyrgyzstan.

23. Given the above, and the similar objective of both the PRC-GEF Partnership Project and the full UNEP project, there may be opportunity for information sharing between these two initiatives. In the area of environmental law and policy, the approach taken to investigate and determine the capacity of the current law and regulation relevant to land degradation under the PRC-GEF Project is the same as the UNEP Project. The final objective is also the same in that both PRC and Kyrgyzstan and Tajikistan seek to improve the capacity of the legislation to meet complex land degradation and rural poverty issues. Under the circumstances, there may be scope for exchange of key legal and policy officials between the two regions to learn from each other experiences.

¹¹ GEF OP 15 SLM Project (GEF focal area is land degradation); United Nation's University is Executing Agency for current PDF Block B project; cost is USD 1,125,000; period is January 2004 – December 2005. The estimated starting date of full project is January 2006; estimated cost of full project is USD 13 million (estimated GEF contribution is USD 6 million).

Attachment 1 - Documents prepared for Component 1 during March-April 2005 to assist with development of Provincial Environmental Law and Policy Frameworks ¹²

Document	Use
1. Main draft of Method for IEM	Original comprehensive background Method document – used for background only
2. Steps 1 & 2 Draft 4	Final 'slim-line' outline of Steps 1 & 2 of Method – 10 pages
3. Steps 1 & 2 Supplementary material	Contains all interpretative Tables and Examples that go with Steps 1 & 2 of Method
4. Steps 3 & 4	Final 'slim-line' outline of Steps 3 & 4 of Method – 7 pages
5. Steps 3 & 4 Explanatory information	Contains examples of IEM procedures for individual laws – to assist with Steps 3 & 4 Re-drafted as a Checklist for provincial legal specialists when examining laws under Steps 1 and 2
6. Table - Guide to collect preliminary information for framework development tasks	Contains tasks to consider in collection policy, laws and institutional information for Steps 1 & 2
7. Table - Nine primary IEM laws and essential elements	Simple breakdown of each of the nine primary laws based on 17 essential elements - to assist determine capacity of primary laws for IEM
8. Table –IEM aspects to introduce into nine primary laws	Examples of types of IEM elements that could be introduced into the nine primary laws to manage IEM – to assist with Steps 3 & 4
10. Table – Introduction of 12 IEM principles into Tables in IEM Method	Updates Tables in IEM Method with 12 IEM Principles – goes with Steps 1 & 2 of Method
11. Chinese version of Method for IEM	Various aspects of above the documents used by Dr Du Qun to prepare the Chinese version of the Method presented at the April workshops.

¹² Dr Du Qun and CPMO have copies of all documents.