



## Project Data Sheet

Project 53168-001

Project Name	Policy Advice for the Yangtze River Protection Law of the People's Republic of China	
Project Number	53168-001	
Country / Economy	China, People's Republic of	
Project Status	Closed	
Project Type / Modality of Assistance	Technical Assistance	
Source of Funding / Amount	<b>TA 9734-PRC: Policy Advice for the Yangtze River Protection Law of the Peoples Republic of China</b>	
	Technical Assistance Special Fund	US\$ 135,000.00
Strategic Agendas	Environmentally sustainable growth Inclusive economic growth	
Drivers of Change	Governance and capacity development Knowledge solutions Private sector development	
Sector / Subsector	<b>Agriculture, natural resources and rural development</b> / Water-based natural resources management	
Gender	No gender elements	

The TA is aligned with the following impact: legislation for achieving environmental protection and sustainable development goals in the YREB improved. The TA will have the following outcome: institutional and legislative capacity to implement coordinated ecological and environmental protection in the YREB strengthened.

Output 1: Review of international approaches and experiences in river basin environmental protection and management prepared. This output will include (i) a review of international river basin conventions and approaches; (ii) a comparative analysis of the current approaches for managing key ecological and environmental issues facing the Yangtze River against international good practices and approaches, covering the following areas as appropriate: institutional coordination, policy mechanisms (e.g., eco-compensation mechanism), environmental and water quality standards, monitoring and reporting, assessment of environmental flows, and compliance and enforcement; and (iii) preparation of a review report to capture key lessons and experiences, outline recommendations for the scope and focus of the YRPL, and provide technical guidance to policymakers on the formulation and structure of the proposed legislation. Site visits and surveys, where appropriate, will be conducted to support these activities.

#### Description

Output 2: First draft of legislative framework for the Yangtze River Protection Law prepared. This output will include (i) conduct of local consultative workshops with participants from key government sectors and civil society organizations, under the guidance of leading national experts, with input from the international experts; and (ii) preparation of an overall first draft legislative framework of the YRPL, including drafting specific articles for environmental and ecological protection components, based on international experience (i.e., output 1). The legislation drafting process will be undertaken in accordance with national procedures.

Output 3: A knowledge product on lessons from the preparation of the draft Yangtze River Protection Law prepared. The specific objective and scope of the knowledge product has not yet been determined. This will be decided through a consultative process during TA implementation. However, the overall purpose of the knowledge product will be to highlight the importance of a legislative framework for environmental and ecological protection of a specific river basin in the PRC context, to document how international best-practice principles have been incorporated into the draft YRPL development process, and to document and communicate some of the innovative policy approaches currently being taken in the PRC with regard to regulatory and policy mechanisms such as eco-compensation.

Project Rationale and Linkage to Country/Regional Strategy	<p>The proposed small-scale knowledge and support TA will provide policy advice to the Ministry of Ecology and Environment (MEE), the National People's Congress (NPC), and the State Council of the People's Republic of China (PRC) through the China Council for International Cooperation on Environment and Development to support the preparation of a legislative framework in line with the preparation of the draft Yangtze River Protection Law (YRPL). MEE, as the leading ministry responsible for the protection of the Yangtze River, will consult with local and international experts in the preparation of the draft YRPL. MEE will prepare the initial version of the draft YRPL by 30 June 2019 for initial submission to NPC, which will review and consolidate submissions received. The revised version will be used as the basis for wider consultation with key ministries and other stakeholders. It is envisaged that the final version of the draft YRPL will be prepared by 31 December 2019, which will then be subject to further consultation and NPC's legislative approval processes and national procedures.</p> <p>ADB's country partnership strategy for the PRC, 2016-2020 focuses on three strategic priorities, underpinned by an emphasis on adopting integrated water resources management and environmental protection which is consistent with the key priorities outlined in ADB's Strategy 2030. ADB is investing \$2 billion in the Yangtze River Economic Belt (YREB), mainly focused on ecological and environmental protection aligned with achieving the outcomes in the YREB Development Plan and the PRC's vision for an 'ecological civilization'. The TA builds on past ADB achievements and interventions in the development of national environmental protection and eco-compensation legislation in the PRC and focuses on bringing in global best practice approaches. The YRPL aims to strengthen institutional and regulatory arrangements for achieving environmental protection outcomes through introducing a formal legislative framework focused on the YREB. The YRPL is one of the key priorities identified under the Action Plan for the Uphill Battle for Conservation and Restoration of the Yangtze River, which was jointly issued by MEE and NDRC on 31 December 2018. The YRPL has also been listed in the working plan of the NPC, which is currently seeking submissions from key agencies and consultative bodies as part of the formal process of legislation preparation. This TA will therefore provide timely and relevant policy advice to support the YRPL development and have strong synergies with ADB's YREB program to achieve high impact.</p>
Impact	Legislation for achieving environmental protection and sustainable development goals in the YREB improved
<b>Project Outcome</b>	
Description of Outcome	Institutional and legislative capacity to implement coordinated ecological and environmental protection in the YREB strengthened
Progress Toward Outcome	
<b>Implementation Progress</b>	
Description of Project Outputs	<p>Review of international approaches and experiences in river basin environmental protection and management prepared</p> <p>First draft of legislative framework for the YRPL prepared</p> <p>A knowledge product on lessons from the preparation of the draft YRPL prepared</p>

During the fact-finding and consultation mission fielded during 29-30 April 2019 in Beijing, the ADB mission met with international Department DG Guo Jing, Director Li Yonghong, and other officials to discuss the ADB-MEE MOU for the renewal of cooperation on environmental protection and climate change. DG Guo Jing was very appreciative of ADB's TA support, particularly on the Policy Advice for the PRC's Yangtze River Protection Law; and plans to visit ADB HQ in the second half of the year for the implementation of the ADB-MEE MOU. The project team will implement the TA project using the One ADB and One EARD approaches to support MEE's capacity building activities and facilitate the YREB programme, aligned with the rural vitalization programme as well as ADB's Strategy 2030 and the Action Plan on Ocean Health. In close coordination with ADB and MEE through the Chinese Academy for Environmental Planning, the TA consultants are finalizing the inception report and preparing the draft interim report to cover the data collected and information gathered from the inception workshop participants and relevant stakeholders on the review of international approaches, experiences, and best practices in river basin environmental protection and management. These reports will also include the first draft of the legislative framework for the Yangtze River Protection Law (YRPL) and the draft knowledge product on the preparation of the YRPL legislative framework.

During the virtual interim review meeting held on 28 August 2020, the mission discussed the findings of the draft interim report, with focus on the key recommendations which were prepared and submitted to the National People's Congress in January 2020 as part of the legislation preparation procedure for the YRPL of the PRC. The recommendations include international best practices (incorporation of spatial planning and integrated approaches in river basin legislation and policy frameworks). The key recommendations advanced in the draft interim report included the following:

- (i) Strengthening the role and clarifying mandates of river basin protection institutions, such as the Yangtze River Basin Ecological and Environmental Supervision and Administration Agency, to serve as a central coordination body. The institutions would assume more responsibility for the protection of the ecology and environment with a unified supervision role for pollution prevention and ecological protection of the basin. This will enable improved coordination, covering environmental assessment, monitoring, data access, and evaluation functions;
- (ii) Preparing an implementation plan for the protection of the Yangtze River with a regular cycle of review and update every 5 years. This includes enhancing linkages with ecological compensation mechanisms or other green incentive funds or financing instruments to support cross-provincial ecological protection activities;
- (iii) Strengthening land-use and spatial management, including the concept of 'red lines' supported by legal provisions aligned with the State Council ecological and environmental authorities' red lines, to implement unified supervision, ecological monitoring, evaluation, and law enforcement;
- (iv) Further refining the provisions to facilitate and enable public participation and recognize the rights of citizens and the wider community on having a role in the decision-making process concerning river basin and environmental matters; and
- (v) Improving data-sharing provisions among ministries and promoting the digital integration of river basin management for enhanced overall integrated governance on a spatial scale.

As part of wider knowledge sharing, the YRPL webinar was also conducted on 28 August 2020 in conjunction with the virtual interim review meeting to share the important outputs of the TA, with focus on the importance of the legislation and the recommendations on the first draft of the YRPL. The webinar on ADB's support to the YRPL was co-hosted with the MEE; and presented by the PRC's National People's Congress and the Yangtze River Commission (YRC). The YRPL webinar, which primarily aimed to share the policy recommendations proposed for the YRPL that will support ecological protection and river basin management in the PRC's Yangtze River Economic Belt, included the following highlights:

- (i) Director General (DG) Bie Tao of MEE and DG James P. Lynch of ADB's East Asia Department delivered the opening and closing remarks. DG Bie shared his appreciation for ADB's support for the law which is currently under preparation;
- (ii) DG Lynch highlighted the importance of strengthening the role of the YRC and clarifying the mandates of sectors and provinces in protecting the river basin through the legislative reform in the YRPL. He also noted the law would apply an holistic approach to river basin management and would be the first law in the PRC to tackle complex environmental challenges with a focus on a specific river basin; and thus, would have impacts on the green development of the Yangtze River basin;
- (iii) The YRPL webinar discussed that the lessons and experiences from the TA supporting the YRPL preparation and will serve as a model for the development of similar legislative frameworks for other river basins, such as the Yellow River basin;
- (iv) Leading environmental and legal experts presented at the webinar, including representatives from the National People's Congress; Chinese Academy of Environmental Planning; Chinese Academy of Fiscal Sciences; Renmin University; Client Earth; and The Nature Conservancy; and
- (v) A total of 73 participants, of which about 30% are women, joined the webinar.

The ADB project team also discussed during the virtual interim review meeting that the next version of the draft YRPL would be likely released in October 2020; and depending on the actual date of release, the TA consultants' draft interim report may be revised as appropriate to note the latest revisions. The mission recommended the final review mission to be held in the second week of November 2020; which recently, however, had been further deferred to first quarter of 2021; and the TA closure originally planned on 31 December 2020 had been extended to 30 June 2021 to ensure completion of the remaining TA activities, including conduct of the final review workshop by Q1 2021; and the publication and dissemination of the knowledge products being developed under the TA by Q2 2021.

Status of Implementation  
Progress (Outputs,  
Activities, and Issues)

Geographical Location

Nation-wide

## Summary of Environmental and Social Aspects

Environmental Aspects

Involuntary Resettlement

Indigenous Peoples

## Stakeholder Communication, Participation, and Consultation

During Project Design

During Project Implementation

Responsible ADB Officer Yee, Au Shion

Responsible ADB Department East Asia Department

Responsible ADB Division Environment, Natural Resources & Agriculture Division, EARD

Executing Agencies *Ministry of Ecology and Environment former "Ministry of Environmental Protection"*

## Timetable

Concept Clearance -

Fact Finding -

MRM -

Approval 25 Apr 2019

Last Review Mission -

Last PDS Update 29 Sep 2021

## TA 9734-PRC

### Milestones

Approval	Signing Date	Effectivity Date	Closing		
			Original	Revised	Actual
25 Apr 2019	-	25 Apr 2019	31 Dec 2020	31 Dec 2021	23 Mar 2022

Financing Plan/TA Utilization							Cumulative Disbursements	
ADB	Cofinancing	Counterpart		Project Sponsor	Others	Total	Date	Amount
		Gov	Beneficiaries					
135,000.00	0.00	0.00	0.00	0.00	0.00	135,000.00	10 Nov 2022	97,287.26

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