



Completion Report

PUBLIC

Project Number: 53168-001
Technical Assistance Number: 9734
November 2022

People's Republic of China: Policy Advice for the Yangtze River Protection Law of the People's Republic of China

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TECHNICAL ASSISTANCE COMPLETION REPORT

TA Number, Country, and Name: TA 9734-PRC: Policy Advice for the Yangtze River Protection Law of the People's Republic of China		Amount Approved: \$135,000.00	
		Revised Amount: Not applicable	
Executing Agency: Ministry of Ecology and Environment, People's Republic of China	Source of Funding: Technical Assistance Special Fund (TASF—other sources)	Amount Undisbursed: \$37,712.74	Amount Used: \$97,287.26
TA Approval Date: 25 April 2019	TA Signing Date: 25 April 2019	TA Completion Date	
		Original Date: 31 December 2020	Latest Revised Date: 31 December 2021
		Financial Closing Date: 23 March 2022	Number of Extensions: 3
TA Type: Knowledge and support TA	Nature of Activity: Policy advice	TA Arrangement: Stand-alone	

Description

The small-scale knowledge and support technical assistance (TA) aimed to 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 (CCICED) to support the preparation of a legislative framework in line with the preparation of draft Yangtze River Protection Law (YRPL). The TA provided timely and relevant policy advice to support the YRPL development and had strong synergies with the Asian Development Bank's (ADB) Yangtze River Economic Belt (YREB) program to achieve high impact.

The MEE, as the leading ministry responsible for the protection of the Yangtze River, consulted with local and international experts in the preparation of the draft YRPL. The MEE prepared the initial version of the draft YRPL in June 2019 for initial submission to the NPC, which reviewed and consolidated submissions received. The revised version was used as the basis for wider consultation with key ministries and other stakeholders. The final version of the draft YRPL was prepared in December 2019. The YRPL was adopted at the 24th Session of the 13th NPC Standing Committee and became effective in March 2021.

ADB's country partnership strategy for the PRC, 2016–2020, focused on three strategic priorities, underpinned by an emphasis on adopting integrated water resources management and environmental protection, which was consistent with the key priorities outlined in ADB's Strategy 2030.¹ ADB invested \$2.5 billion in the YREB, mainly focusing on ecological and environmental protection to achieve the outcomes of the YREB Development Plan and the PRC's vision for an "ecological civilization."² The TA built on past ADB achievements and interventions in the development of national environmental protection and eco-compensation legislation in the PRC and focused on bringing in global best practice approaches.³ The YRPL aimed to strengthen institutional and regulatory arrangements for achieving environmental protection outcomes through the introduction of a formal legislative framework focusing on the YREB. The YRPL was one of the key priorities identified under the Action Plan for the Uphill Battle for Conservation and Restoration of the Yangtze River (footnote 3).

Expected Impact, Outcome, and Outputs

The expected impact of the TA was legislation for achieving environmental protection and Sustainable Development Goals in the YREB improved. The expected outcome of the TA was institutional and legislative capacity to implement coordinated ecological and environmental protection in the YREB strengthened.

The expected outputs of the TA were (i) review of international approaches and experiences in river basin environmental protection and management prepared; (ii) first draft of legislative framework for the YRPL prepared; and (iii) a knowledge product on lessons from the preparation of the draft YRPL prepared.

¹ ADB. 2016. *Country Partnership Strategy: People's Republic of China, 2016–2020—Transforming Partnership: People's Republic of China and Asian Development Bank*. Manila; and ADB. 2018. *Strategy 2030: Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific*. Manila.

² Government of the PRC, National Development and Reform Commission. 2016. *Outline of the Yangtze River Economic Belt Development Plan, 2016–2030*. Beijing.

³ ADB. 2010. *Technical Assistance to the People's Republic of China for Study on Eco-Compensation Regulations*. Manila.

Implementation Arrangements

ADB administered the TA. The Environment, Natural Resources, and Agriculture Division of ADB's East Asia Department led the TA with support from ADB's Office of the General Counsel. The MEE was the executing agency, and the Department of Laws, Regulations, and Standards of the MEE was the implementing agency.

Four individual consultants, including two international consultants and two national consultants with 4.5 person-months and 4.0 person-months of consulting inputs, respectively, supported the implementation of the TA activities. The national team leader/environment specialist and the national eco-compensation specialist/deputy team leader were mobilized in November 2019; the international team leader/environmental legislation specialist in February 2020; and the international researcher/knowledge product (KP) management specialist in February 2021, who completed the overall management, facilitation, and coordination of required tasks for the publication and dissemination of a policy brief KP on the YRPL in October 2021. Three resource persons, who were mobilized in October 2019 for consulting inputs of 10 working days each, included two international experts (river law and integrated river basin management specialists) and a national legislation and institutional reform specialist.

There were three extensions from the original TA completion date of 31 December 2020 to 30 June 2021, 31 August 2021, and 31 December 2021; due to impacts of the coronavirus disease (COVID-19) pandemic which limited travel and delayed implementation of the TA activities. The extensions of the TA completion date were approved with minor changes in implementation arrangements, particularly related to the finalization, publication, and dissemination of the policy brief KP.

The TA consultants and the executing and implementing agencies provided strong support and input for coordination, collaboration, and cooperation during the inception mission and virtual interim and final review missions fielded in November 2019, August 2020, and March 2021, respectively, especially when the TA implementation was directly affected by the COVID-19 pandemic. ADB also provided guidance, conducted timely missions, and maintained close coordination, to ensure the completion of the TA by the extended completion date.

Conduct of Activities

Output 1: Review of international approaches and experiences in river basin environmental protection and management prepared

- (i) Reviewed the international conventions and approaches on the preparation of legislation frameworks and international best practices on river basin and environmental management (Q2 2019)
- (ii) Prepared a comparative analysis of ecological and environmental challenges and river basin and environmental management approaches in the Yangtze River against international best practices (Q2 2019)

Output 2: First draft of legislative framework for the YRPL prepared

- (i) Prepared the first draft of legislative framework for the YRPL (Q2 2019)
- (ii) Conducted national and local consultation workshops to discuss and elicit comments on the draft legislative framework for the YRPL (Q3–Q4, 2019)
- (iii) Provided final comments on the draft legislative framework for the YRPL for revision and submission to the NPC (Q4 2019)

Output 3: A knowledge product on lessons from the preparation of the draft YRPL prepared

- (i) Prepared a summary report to capture key lessons and approaches in the preparation of the draft legislative framework for the YRPL (Q1 2020)

Technical Assistance Assessment Ratings

Criterion	Assessment	Rating
Relevance	The TA is assessed as <i>highly relevant</i> given its consistency with the government objectives (footnotes 2 and 4) and ADB's strategic priorities in the country partnership strategy for the PRC, 2016–2020 and its Strategy 2030 (footnote 1). The TA was strongly aligned with ADB's \$2.5 billion YREB program. The TA built on past ADB achievements and interventions in the development of national environmental protection and eco-compensation legislation in the PRC and focused on bringing in global best practice approaches. The YRPL is the first legislation in the PRC for the protection of a specific river basin and provided a model to support another proposed legislation for the protection of the Yellow River basin which is the primary water source in the northwestern and northern regions of the PRC and a major ecological shield in the PRC. The TA provided the PRC with innovative and comprehensive experiences in governance of river ecosystem health, particularly eco-compensation and institutional reform. The TA showcased upstream support to facilitate all operations in the Yangtze River to realize their environmental targets.	Highly relevant

Criterion	Assessment	Rating
Effectiveness	The TA is assessed as highly effective. The TA achieved and exceeded its outcome and output targets detailed in the design and monitoring framework. The expected outcome of the TA—institutional and legislative capacity to implement coordinated ecological and environmental protection in the YREB strengthened—was achieved with the adoption of the YRPL at the 24th Session of the 13th NPC Standing Committee and its effectiveness in March 2021. The TA achieved all three outputs: (i) three consultative workshops and the international YRPL webinars were conducted timely with local governments and excellent resource persons; (ii) the legal framework was submitted to the NPC through the MEE, and 29 recommendations were adopted and 7 were partially adopted by the NPC during two rounds of public consultation; and (iii) the policy brief “Yangtze River Protection Law of PRC: Overview of Key Provisions and Policy Recommendations,” published in October 2021 was disseminated to other committees and agencies of river basins, including the Yellow River basin, as well as in other countries via LinkedIn and CCICED meetings. The water quality of Class I–III (class VI is the worst) was achieved in 97.0% of water sections in the Yangtze River in June 2022 compared to 87.5% in 2018.	Highly effective
Efficiency	The TA is assessed as <i>efficient</i> in terms of cost and output delivery despite the delay in the TA implementation due to the COVID-19 pandemic. Funds were adequate with almost 72% utilization, with savings from changing on-site to virtual events and consultants’ contracts. Government counterpart support was secured through in-kind contributions. The three extensions of the TA completion date cumulatively by 12 months were justified because of the delays in the completion of the TA activities due to impacts from the COVID-19 pandemic, which were mitigated by using remote technology to host virtual meetings for the consultative workshops, the YRPL webinar, ADB missions, and publication and dissemination of the policy brief KP. Emails and social media posts were also used to share the TA findings. Major planned TA activities, which led to the achievements of the TA outputs and outcome, were conducted by the extended TA completion date.	Efficient
Overall Assessment	The TA is assessed as <i>highly successful</i> . The TA is assessed as <i>highly relevant</i> given its alignment with the government objectives and ADB’s strategic priorities, <i>highly effective</i> since the TA achieved and exceeded its outcome and output targets in the design and monitoring framework, and <i>efficient</i> in terms of cost and output delivery despite the delay in the TA implementation due to the COVID-19 pandemic. By supporting the PRC’s first legislation for a specific river basin, the TA provided a model for another legislation for the Yellow River basin, and also guided legislation for the preservation of river basins in other developing member countries.	Highly Successful
Sustainability	The TA is assessed <i>most likely sustainable</i> with the YRPL’s endorsement by the MEE, adoption at the 24th Session of the 13th NPC Standing Committee, and effectiveness in March 2021. The YRPL is aligned with PRC’s Fourteenth Five-Year Plan and the MEE’s mission of improving national ecological and environmental quality. As the executing agency of the TA, the MEE signed the memorandum of understanding with ADB in 2019 to scale up the environmental cooperation and is supervising the implementation of the YRPL according to its responsibilities. To enhance the eco-compensation mechanisms in the YRPL, ADB is preparing a TA for Innovating Eco-compensation Mechanism in the Yangtze River Basin. In addition, the TA provided a model to support another proposed legislation for the protection of the Yellow River basin. The Yellow River Protection Law was drafted and revised, and the revised draft law was reviewed by the NPC on 22 June 2022.	Most likely sustainable

Lessons Learned and Recommendations

Design and/or planning	Proactive communication with clients plays a crucial role in the upstream support to governments. High-level policy dialogue with clients facilitates design of important TAs. This TA was developed with senior decision-makers of the NPC and the MEE at the CCICED Annual General Meeting. The TA had strong synergies with ADB’s YREB program. The planning of the TA fully considered client’s urgent demands for various topics, including 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. The TA team closely monitored the NPC’s public consultation timeline of the YRPL to ensure that the comments were submitted within the tight deadline.
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Management of staff and consultants	Bilingual secondees and consultants facilitated professional communication to provide timely comments on the draft YRPL to the NPC; coordinated with the MEE to help resolve issues encountered at various levels during the TA implementation, particularly for the consultative workshops and the legislative review and approval processes for the YRPL; and worked closely with ADB staff. Resource persons with diverse backgrounds and fields of expertise contributed to the TA outputs.
Knowledge building	Awareness-raising campaign for the review of the draft YRPL and the online dissemination of the policy brief KP were critical to achieve the TA objectives. The use of remote technology for the consultative workshops, international YRPL webinar, and ADB missions was most effective. Key lessons were shared with 198 online participants during the YRPL webinar held in August 2020, which was co-hosted by ADB and the MEE and presented by the NPC. The policy brief "Yangtze River Protection Law of the PRC: Overview of Key Provisions and Policy Recommendations" highlighted all findings and results consolidated from the TA consultants' reports and knowledge-sharing events. The policy brief undertook a comprehensive review of the PRC's legislative experiences and practices compared with international experiences and best practices in environmental protection and management of river basins; and captured key lessons and innovative approaches and interventions in the preparation of the legal framework for the YRPL. The policy brief KP discussed policy recommendations for the YRPL that can also guide legislation for the preservation of river basins in other countries, including (i) institutional coordination, (ii) policy mechanisms, (iii) environmental and water quality standards, (iv) monitoring methods and systems, and (v) environmental flow assessment. The policy brief KP was posted in the ADB website in October 2021 for dissemination to targeted stakeholders and wider audience. Blurbs about the policy brief KP were also posted in the ADB Today in October 2021.
Stakeholder participation	Concerned stakeholders from the public and representatives from relevant committees, bureaus, and line agencies in the national, provincial, and local governments participated in several rounds of deliberation and consultative workshops conducted during the TA implementation for the preparation, review, and finalization of the draft YRPL. The NPC published the draft YRPL twice to get comments from all stakeholders. As stipulated in the YRPL, "citizens, legal persons, and unincorporated organizations have the right to report and sue against acts that destroy the ecosystems, damage the natural resources, and pollute the environment of the Yangtze River Basin."
Replication and/or scaling up	As the PRC's first legislation on a specific river basin, the YRPL provided a model for another legislation for the Yellow River basin, which is the primary water source in the northwestern and northern regions of the PRC and a major ecological shield and economic zone in the PRC. The scaling up of the TA could be integrated with the rural vitalization, the YREB, and Yellow River Ecological Corridor programs, which will promote livable and green environment with water security. The Yellow River Protection Law was drafted and revised, and the revised draft law was reviewed by the NPC on 22 June 2022.

Follow-up Actions

Follow-up actions are to (i) continue collaboration and engagement with the MEE to monitor the implementation of the YRPL, and identify areas for strengthening governance and enforcement; (ii) examine opportunities to develop ensuing TAs and/or loan projects based on the TA achievements, and support the national plan for sustainable ecological protection and high-quality development goals in the Yellow River basin, including the preparation of the draft Yellow River Protection Law; and (iii) support the implementation of the new Global Environment Facility-financed TA on Innovating Eco-compensation Mechanism in the Yangtze River basin and the design of an ADB project in the Chishui River basin and other projects in the Yellow River basin.

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DESIGN AND MONITORING FRAMEWORK

Impact Legislation for achieving environmental protection and Sustainable Development Goals in the YREB improved (Outline of the Yangtze River Economic Belt Development Plan, 2016–2030) ^a		
Results Chain	Performance Indicators with Targets and Baselines	Achievements
Outcome Institutional and legislative capacity to implement coordinated ecological and environmental protection in the YREB strengthened	By 2020: a. Draft legislation (YRPL) developed for the NPC's consideration (2019 baseline: 0)	a. Overachieved. The revised draft legal framework of the YRPL—which incorporated the NPC's initial comments; and other comments received during the inception workshop, the YRPL webinar, and virtual interim workshop—was resubmitted to the NPC on 10 November 2020; and underwent legislative approval processes and national procedures. On 26 December 2020, the YRPL was adopted at the 24th Session of the 13th NPC Standing Committee; and Chinese President Xi Jinping signed Presidential Order No.65. The YRPL took effect on 1 March 2021.
Outputs 1. Review of international approaches and experiences in river basin environmental protection and management prepared 2. First draft of legislative framework for the YRPL prepared 3. A knowledge product on lessons from the preparation of the draft YRPL prepared	By 2020: 1a. A report on comparative analysis of current approaches and gaps for managing key ecological and environmental issues in the Yangtze River prepared (2019 baseline: n/a) 2a. Three to five consultation workshops with key agencies and stakeholders to discuss comments on the draft YRPL conducted 2b. Draft YRPL legislation for submission to NPC, including specific articles for environmental and ecological protection components prepared 3a. Summary report prepared	1a. Achieved. The consultants' revised inception report, which incorporated ADB's comments, the inception workshop participants' comments, and additional information for update, was submitted to ADB with list of key references on 13 February 2020. The revised inception report also included the consultants' comparative analysis of ecological and environmental challenges and river basin and environmental management approaches in the Yangtze River against international best practices. 2a. Achieved. Three multistakeholder consultative workshops and two face-to-face working meetings with the consultants were conducted back-to-back with the TA inception workshop held in November 2019 and the virtual international YRPL webinar and interim review workshop held in August 2020. The draft YRPL was reviewed by the NPC Environmental Protection and Resources Conservation Committee; and the NPC Standing Committee; and was published by the NPC to solicit comments from the public first in December 2019; and then underwent second deliberation by the NPC Standing Committee and was opened again to public for comments in October 2020. 2b. Achieved. The TA team's comments on the draft framework of the YRPL were received on 12 January 2020. The consultants' draft report on the legislative policy recommendations for improving the YRPL enforcement (Chinese version) was submitted to ADB on 12 June 2020. The revised draft legal framework of the YRPL was resubmitted to the NPC on 10 November 2020. 3a. Achieved. Finalized a summary report both in English and Chinese, and published policy brief "Yangtze River Protection Law of the PRC: Overview of Key Provisions and Policy Recommendations" was posted in the ADB website and related digital knowledge-sharing platforms for dissemination to

Results Chain	Performance Indicators with Targets and Baselines	Achievements
		targeted stakeholders and wider audience in October 2021.
Actual Key Activities with Milestones		
1. Review of international approaches and experiences in river basin environmental protection and management prepared 1.1 Conducted the inception meeting (Q2 2019). The TA inception workshop held back-to-back with the CCICED SPS 2-2 Workshop on 21 November 2019 in Beijing. 1.2 Reviewed the international conventions and approaches on the preparation of legislation frameworks and international best practices on river basin and environmental management (Q2 2019). The consultants' final inception report was submitted to ADB on 13 February 2020. 1.3 Prepared the comparative analysis of ecological and environmental challenges and river basin and environmental management approaches in the Yangtze River against international best practices (Q2 2019). The consultants' final inception report included the consultants' comparative analysis of ecological and environmental challenges and river basin and environmental management approaches in the Yangtze River basin against international best practices, which was presented in the interim workshop.		
2. First draft of legislative framework for the YRPL prepared 2.1 Prepared the first draft of legislative framework for the YRPL (Q2 2019). The first draft of legislative framework for the YRPL was prepared and submitted to the NPC for review in December 2019. 2.2 Conducted 3–5 national and local consultation workshops to discuss and elicit comments on the draft legislative framework for the YRPL (Q3–Q4 2019). Three multistakeholder consultative workshops and the NPC's deliberations and solicitation of comments from the public were conducted from November 2019 to October 2020. 2.3 Provided final comments on the draft legislative framework for the YRPL for revision and submission to the NPC (Q4 2019). During the first round of the NPC's public consultation in December 2019, the team's 22 recommendations were fully adopted; and 6 recommendations were partially adopted. In the second round of public consultation on the revised version of the YRPL in October 2020, seven recommendations were fully adopted; and one partially adopted in the approved YRPL.		
3. A knowledge product on lessons from the preparation of the draft YRPL prepared 3.1 Prepared the summary report to capture the key lessons and approaches in the preparation of the draft legislative framework for the YRPL (Q1 2020). The published policy brief which was posted in the ADB website in October 2021 captured the key lessons and approaches in the preparation of the draft legislative framework for the YRPL.		
Actual Inputs		
Asian Development Bank (TASF-other sources): \$97,287.26		
Note: The government provided counterpart support in the form of remuneration and travel expenses of counterpart staff (including a translator); available relevant government data and studies for the TA consultants' use; office accommodation, including use of meeting rooms, office facilities, and geographic information system maps; domestic transportation; administrative assistance and/or secretarial services; and other in-kind contributions.		

ADB = Asian Development Bank, CCICED = China Council for International Cooperation on Environment and Development, KP = knowledge product, NPC = National People's Congress, PRC = People's Republic of China, Q = quarter, SPS = special policy study, TA = technical assistance, TASF = Technical Assistance Special Fund, YREB = Yangtze River Economic Belt, YRPL = Yangtze River Protection Law.

^a Government of the PRC. 2016. *Outline of the YREB Development Plan, 2016–2030*. Beijing.

Source: Asian Development Bank.

TECHNICAL ASSISTANCE COST

Table A2.1: Technical Assistance Cost by Activity
(\$'000)

Item	Amount	
	Original	Actual
1. Consultants	108.0	91.5
2. Training, seminars, and/or conferences	21.0	5.4
3. Miscellaneous TA administration	3.0	0.4
4. Contingency	3.0	0.0
Total	135.0	97.3

TA = technical assistance

Source: Asian Development Bank.

Table A2.2: Technical Assistance Cost by Fund
(\$'000)

	TASF-other sources	Total Cost
1. Original	135.00	135.00
2. Actual	97.29	97.29
3. Unused	37.71	37.71

TASF = Technical Assistance Special Fund

Source: Asian Development Bank.