



# Technical Assistance Subproject Report

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Project Number: 54026-003  
Knowledge and Support Technical Assistance Cluster (C-KSTA)  
December 2020

People's Republic of China: Strengthening Capacity, Institutions, and Policies for Enabling High-Quality Green Development in the Yellow River Ecological Corridor

Subproject 2: Developing Legislative and Planning Mechanisms for Ecological Protection in the Yellow River Basin

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## **CURRENCY EQUIVALENTS**

(as of 4 December 2020)

Currency unit	–	yuan (CNY)
CNY1.00	=	\$0.1528
\$1.00	=	CNY6.5429

## **ABBREVIATIONS**

ADB	–	Asian Development Bank
DMC	–	developing member country
FECO	–	Foreign Environmental Cooperation Center
MEE	–	Ministry of Ecology and Environment
IMFGA	–	Inner Mongolia Autonomous Region Forestry and Grassland Administration
PRC	–	People's Republic of China
TA	–	technical assistance
YRB	–	Yangtze River basin

## **NOTE**

In this report, "\$" refers to United States dollars.

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## KNOWLEDGE AND SUPPORT TECHNICAL ASSISTANCE AT A GLANCE

<b>1. Basic Data</b>		<b>Project Number:</b> 54026-003
<b>Project Name</b>	Developing Legislative and Planning Mechanisms for Ecological Protection in the Yellow River Basin	<b>Department/Division</b> EARD/EAER
<b>Nature of Activity</b>	Policy Advice, Research and Development	<b>Executing Agency</b> Ministry of Ecology and Environment former "Ministry of Environmental Protection"
<b>Modality</b>	Subproject	
<b>Country</b>	China, People's Republic of	
<b>2. Sector</b>	<b>Subsector(s)</b>	<b>ADB Financing (\$ million)</b>
✓ Agriculture, natural resources and rural development	Land-based natural resources management	0.07
	Rural water policy, institutional and capacity development	0.15
	Water-based natural resources management	0.08
	<b>Total</b>	<b>0.30</b>
<b>3. Operational Priorities</b>		<b>Climate Change Information</b>
✓ Addressing remaining poverty and reducing inequalities		GHG Reductions (tons per annum) 0
✓ Accelerating progress in gender equality		Climate Change impact on the Project Low
✓ Tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability		<b>ADB Financing</b>
✓ Promoting rural development and food security		Adaptation (\$ million) 0.15
✓ Strengthening governance and institutional capacity		Mitigation (\$ million) 0.00
		<b>Cofinancing</b>
		Adaptation (\$ million) 0.00
		Mitigation (\$ million) 0.00
<b>Sustainable Development Goals</b>		<b>Gender Equity and Mainstreaming</b>
SDG 1.5		Some gender elements (SGE) ✓
SDG 5.c		
SDG 6.3		
SDG 10.2		
SDG 12.2		
SDG 13.a		
SDG 15.1, 15.4		
<b>4. Risk Categorization</b>		<b>Poverty Targeting</b>
Risk Categorization does not apply		Geographic Targeting ✓
<b>5. Safeguard Categorization</b> Safeguard Policy Statement does not apply		
<b>6. Financing</b>		
<b>Modality and Sources</b>		<b>Amount (\$ million)</b>
<b>ADB</b>		<b>0.30</b>
Knowledge and Support technical assistance: Technical Assistance Special Fund		0.30
<b>Cofinancing</b>		<b>0.00</b>
None		0.00
<b>Counterpart</b>		<b>0.00</b>
None		0.00
<b>Total</b>		<b>0.30</b>
<b>Currency of ADB Financing:</b> US Dollar		

## I. THE TECHNICAL ASSISTANCE SUBPROJECT

### A. Overall Progress of the Technical Assistance Cluster

1. The knowledge and support technical assistance (TA) cluster was approved on 28 October 2020. The overall TA cluster cost is estimated to cost \$1.932 million and will be financed on a grant basis from the Technical Assistance Special Fund (TASF-other sources) of the Asian Development Bank (ADB). All the seven TA subprojects are being processed for approval in 2020. The TA subproject 2 focuses on environmental aspects. The Ministry of Ecology and Environment (MEE) will be the executing agency and the Foreign Environmental Cooperation Center (FECO) of the MEE will be the implementing agency. The design and monitoring framework of the TA subproject 2 is in Appendix 1.

### B. Subproject Outcome

2. The TA subproject 2 will have the following outcome: legislative and institutional preparedness for ecological protection improved. The impact of the TA subproject 2 will be aligned with the overall impact of the TA cluster: resilient ecological protection and security in the Yellow River Basin (YRB) achieved. The TA subproject 2 will support the overall TA cluster with strong focus on mainstreaming ecological protection into legislatives and the implementation of the YRB ecological protection and high-quality green development master plan, which is currently being reviewed by the central government.

### C. Subproject Outputs, Methods, and Activities

3. **Output 1: Existing legislation, policies, and institutions for the YRB ecological protection assessed.** Output 1 will systematically examine, through literature review, surveys, discussions, and analytical diagnosis, current progress, and gaps in the YRB towards a basin protection law and the new YRB master plan. National and international best practices mainstreaming ecological protection into legislation, policy, and institutional coordination will be analyzed. Strong thematic focus will be given to integrated land and water management, including ecological protection, environmental management, forestry and wetland protection, cross boundary pollution monitoring and control, competing demands on natural resources, and ecological services and environmental flows. The assessment will also examine current policy silos, overlaps and/or gaps in institutional settings between line ministries, and drivers for cross boundary collaborations among riparian provinces for the successful implementation of the YRB master plan.

4. **Output 2: Ecological legal provisions for the Yellow River Protection Law proposed.** This output will aim to contribute to the development of the Yellow River Protection Law with legal provisions on ecological protection and high-quality green development. The provisions will be based on international and national best legislative practices for ecological protection to (i) mainstream ecological protection as key development objectives into national and local planning processes; (ii) mandate standardized monitoring, management, and evaluations; and (iii) enable market-based approaches for green financing of ecological protection. Learning from the Yangtze River Basin Protection Law and other international river basin laws and treaties, extensive consultations with riparian provinces, line ministries, and the National Development and Reform Commission will be conducted to seek for their comments that will help improve the overall draft legal provisions.

5. **Output 3: Policy integration and institutional coordination for the implementation of the YRB master plan recommended.** Output 3 will target at recommendations on necessary policy integration and institutional reforms in preparation for the implementation of the YRB master plan. The integration will aim to streamline ecological protection and smoothen key sector and provincial policy differences to align with the YRB master plan. It will focus on inter-ministerial and cross-provincial coordination to address competing demands on natural resources and ecological services among sectors and upstream and downstream, and the transboundary water and air pollution issues. Existing key national and local development plans will be harmonized with the ecological protection objectives of the YRB master plan. Necessary data and information sharing mechanism to support the implementation of multi-objective YRB master plan will also be analyzed at basin level.

6. **Output 4: Knowledge product on basin approach to ecological protection produced.** Experiences, lessons learned, and recommended solutions will be summarized into a publication. The publication will cover the legislative, policy, and institutional aspects for a holistic basin approach to ecological protection. The knowledge product will also be supported with various working group meetings, seminars, blogposts, and brochures.

#### D. Subproject Cost and Financing

7. The TA subproject 2 is estimated to cost \$330,000, of which \$300,000 will be financed on a grant basis by ADB's TASF-other sources. The key expenditure items are listed in Appendix 2.

8. The government will provide counterpart support in the form of remuneration and local travel expenses of counterpart staff, provision of available relevant government data and studies for the TA consultants' use, office accommodation and facilities, including use of meeting rooms, administrative assistance, and other in-kind contributions.

#### E. Subproject Implementation Arrangements

9. The Environment, Natural Resources, and Agriculture Division of ADB's East Asia Department will administer the subproject 2 of the TA cluster, particularly on the selection and recruitment, supervision, and evaluation of the TA consultants.

10. The MEE will be the executing agency and the FECO will be the implementing agency for the TA subproject 2. The MEE will provide overall guidance on the design, implementation, and recommendations of the TA subproject 2. A TA subproject management office will be established at the FECO, which will provide oversight to the consultant team; and liaison with the MEE, provincial agencies, and ADB. Implementation arrangements are summarized in the table.

#### Subproject Implementation Arrangements

Aspects	Arrangements		
Indicative implementation period	December 2020–November 2022		
Executing agency	Ministry of Ecology and Environment (MEE)		
Implementing agency	Foreign Environmental Cooperation Center (FECO)		
Consultants <sup>a</sup>	To be selected and engaged by the Asian Development Bank (ADB)		
	Individual selection	International (2 person-months)	\$235,408
	Individual selection	National (22 person-months)	

<b>Aspects</b>	<b>Arrangements</b>
Disbursement	The technical assistance (TA) resources will be disbursed following ADB's <i>Technical Assistance Disbursement Handbook</i> (2020, as amended from time to time).

<sup>a</sup> Output-based contracts will be considered for consulting services under this TA.

Source: Asian Development Bank.

11. **Consulting services.** It is estimated that the TA subproject 2 will require 24 person-months of consulting services, comprising two international and four national consultants: (i) environmental law and ecological protection specialist (international, 1 person-month); (ii) river basin master planning and conservation specialist (international, 1 person-month); (iii) river basin master planning and conservation specialist and team leader (national, 7 person-months); (iv) environmental law and ecological protection specialist and deputy team leader (national, 5 person-months); (v) ecology and environment specialist (national, 5 person-months); and (vi) governance and institutions specialist (national, 5 person-months). ADB will engage the consultants through individual consultant selection following the ADB Procurement Policy (2017, as amended from time to time) and its associated procurement staff instructions.<sup>1</sup> The need for additional consultant support will be reviewed during implementation; and if required, support will be proposed as international or national resource persons.

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<sup>1</sup> Terms of Reference for Consultants (accessible from the list of linked documents in Appendix 3).

## SUBPROJECT DESIGN AND MONITORING FRAMEWORK

<b>Impact the TA is Aligned with</b> Resilient ecological protection and security in the Yellow River basin achieved <sup>a</sup>			
<b>Results Chain</b>	<b>Performance Indicators</b>	<b>Data Sources and Reporting Mechanisms</b>	<b>Risks and Critical Assumptions</b>
<p><b>Outcome</b> Legislative and institutional preparedness for ecological protection improved</p>	<p>By 2024:</p> <p>a. Ecological legal provisions incorporated into the MEE's recommendations for the proposed Yellow River Protection Law (2020 baseline: not applicable) (OP 3.3.4)</p> <p>b. Ecological protection mainstreamed across ministries and provinces on the implementation of the YRB master plan (2020 baseline: not applicable) (OP 3.3.4)</p>	<p>a. Government announcements, publications, and reports</p> <p>b. TA subproject progress reports</p>	<p>R: Change in government priorities may prevent the government from taking timely and well-coordinated necessary actions.</p>
<p><b>Outputs</b></p> <p>1. Existing legislation, policies, and institutions for the YRB ecological protection assessed</p> <p>2. Ecological legal provisions for the Yellow River Protection Law proposed</p> <p>3. Policy integration and institutional coordination for the implementation of the YRB master plan recommended</p>	<p>By 2023:</p> <p>1a. Assessment report analyzing progress, gaps, key challenges, and opportunities in legislation, policies, and institutions on ecological protection in the YRB, submitted to the MEE (2020 baseline: no assessment)</p> <p>2a. Recommendation report on the Yellow River's legal provisions with key ecological and environmental dimensions prepared and submitted to the MEE. (2020 baseline: not prepared)</p> <p>2b. At least 40 workshop and/or training participants, including at least 15 women, reported improved understanding on ecological legislation in the YRB (2020 baseline: 0) (OP 2.3.1; OP 6.1.1)</p> <p>3a. The YRB master plan with the ecological protection implementation readiness report, including policy integration and institutional alignment, submitted to the MEE (2020 baseline: not prepared)</p>	<p>1a. TA subproject progress reports</p> <p>2a.–2b. TA subproject progress reports and participants' survey</p> <p>3a. Published knowledge product</p> <p>3a.–3b. TA subproject progress reports</p>	<p>R: Mainstreaming environmental protection with development and economic growth across different ministries and provinces leads to conflicting interests.</p>



Results Chain	Performance Indicators	Data Sources and Reporting Mechanisms	Risks and Critical Assumptions
4. Knowledge product on basin approach to ecological protection produced	<p>3b. At least 40 workshop and/or training participants, including at least 15 women, reported enhanced understanding on ecological protection (2020 baseline: 0) (OP 2.3.1; OP 6.1.1)</p> <p>4a. A knowledge product, summarizing key findings and recommendations, published; and submitted to the MEE for dissemination (2020 baseline: 0)</p>	<p>3b. Training, study visits, event reports and participants' feedback on survey administered after training and workshops, field visits, and other knowledge-sharing events or activities.</p> <p>4a. Published knowledge product</p>	
<p><b>Key Activities with Milestones</b></p> <p><b>1. Existing legislation, policies, and institutions for the YRB ecological protection assessed</b></p> <p>1.1 Assess current legislative, policy, and institutional settings regarding water environmental protection and ecological conservation in the YRB through literature review, surveys, dialogues, and analytical diagnosis (Q1 2021).</p> <p>1.2 Conduct surveys with national and provincial government officials and multiple stakeholders on the current legislative, policy, and institutional settings for ecological protection in the YRB (Q1–Q2 2021).</p> <p>1.3 Identify the gaps, challenges, and opportunities in current legislative, policy, and institutional settings in the YRB, including those towards successful implementation of the YRB master plan (Q2–Q3 2021).</p> <p>1.4 Complete the assessment report (Q3 2021).</p> <p><b>2. Ecological legal provisions for the Yellow River Protection Law proposed</b></p> <p>2.1 Identify key ecological and environmental components of the Yellow River legal framework (Q3 2021).</p> <p>2.2 Consult with experts, central and provincial government officials, and multiple stakeholders, including private sectors, on the identified key ecological and environmental components (Q3–Q4 2021).</p> <p>2.3 Prepare a report on recommendations of the Yellow River legal framework with key ecological and environmental dimensions (Q1 2022).</p> <p>2.4 Conduct surveys and collect feedbacks on the draft report (Q2 2022).</p> <p>2.5 Revise and submit the final report (Q3 2022).</p> <p>2.6 Disseminate the final report through publications, training, and the TA workshops (Q3–Q4 2022).</p> <p><b>3. Policy integration and institutional coordination for the implementation of the YRB master plan recommended</b></p> <p>3.1 Identify key areas for policy integration on mainstreaming ecological protection in the YRB master plan implementation by examining sector and provincial development and conservation polices (Q2–Q3 2021).</p> <p>3.2 Identify areas (such as pollution control, forestry and wetland protection, source protection, soil erosion, and sedimentation) for institutional coordination among line ministries, provinces, and upstream–downstream for the YRB master plan implementation (Q2–Q3 2021).</p> <p>3.3 Develop methods for policy integration and institutional coordination through analysis and consultations (Q4 2021).</p> <p>3.4 Prepare a report to present the recommendation matrix on key policy integration and institutional coordination reforms for the YRB master plan implementation (Q1 2022).</p> <p>3.5 Consult with and collect feedbacks from experts, central and provincial government officials, and multiple stakeholders, including private sectors (Q2–Q3 2022).</p> <p>3.6 Revise and submit the final report (Q3 2022).</p> <p>3.7 Disseminate the final report through publications, training, and the TA workshops (Q3–Q4 2022).</p>			

**4. Knowledge product on basin approach to ecological protection produced**

4.1 Prepare a knowledge product for publication, summarizing the legislative, policy and institutional aspects for a holistic basin approach to ecological protection in the YRB (Q4 2022).

**Inputs**

ADB (TASF-other sources): \$300,000

Note: The government and the respective implementing agency will provide counterpart support in the form of remuneration and local travel expenses of counterpart staff, provision of available relevant government data and studies for the TA consultants' use, office accommodation and facilities, including use of meeting rooms, administrative assistance, and other in-kind contributions.

ADB = Asian Development Bank, MEE = Ministry of Ecology and Environment, OP = operational priority, PRC = People's Republic of China, Q = quarter, R = risk, TA = technical assistance, TASF = Technical Assistance Special Fund, YRB = Yellow River Basin.

<sup>a</sup> Defined by the cluster TA report: PRC (54026-001): Strengthening Capacity, Institutions, and Policies for Enabling High-Quality Green Development in the Yellow River Ecological Corridor

**Contribution to Strategy 2030 Operational Priorities:**

OP 2.3.1 Women with strengthened leadership capacities (number)

OP 3.3.4: Solutions to conserve, restore, and/or enhance terrestrial, coastal, and marine areas implemented (number).

OP 6.1.1: Government officials with increased capacity to design, implement, monitor, and evaluate relevant measures (number)

The expected values and methodological details for all OP indicators to which this TA will contribute results are detailed in Contribution to Strategy 2030 Operational Priorities (accessible from the list of linked documents in Appendix 3 of the TA subproject report).

Source: Asian Development Bank.

**SUBPROJECT COST ESTIMATES AND FINANCING PLAN**  
(\$'000)

<b>Item</b>	<b>Amount</b>
<b>Asian Development Bank <sup>a</sup></b>	
A. Consultants	
1. Remuneration and per diem	
a. International consultants	44.1
b. National consultants	166.3
2. Out-of-pocket expenditures	
a. International and local travel	11.0
b. Reports and communications	4.0
c. Miscellaneous administration and support costs <sup>b</sup>	10.0
B. Surveys and studies	5.0
C. Training, seminars, workshops, forum, and conferences <sup>c</sup>	45.5
D. Contingencies	14.1
<b>Total</b>	<b>300.0</b>

Note: The technical assistance (TA) is estimated to cost \$330,000, of which contributions from the Asian Development Bank (ADB) are presented in the table above. The government will provide counterpart support in the form of remuneration and local travel expenses of counterpart staff, provision of available relevant government data and studies for the TA consultants' use, office accommodation and facilities, including use of meeting rooms, administrative assistance, and other in-kind contributions. The value of government contribution is estimated to account for 9% of the total TA cost.

<sup>a</sup> Financed by ADB's TA Special Fund (TASF-other sources).

<sup>b</sup> Includes workshop translation and interpretation costs, office supplies, administration, and logistics costs.

<sup>c</sup> Includes costs for domestic study visits by government officials in the Yellow River Basin and the international study visit to selected ADB member countries; venue hire; logistics; and international (including ADB staff) and national resource persons, as needed.

**LIST OF LINKED DOCUMENTS**

<http://www.adb.org/Documents/LinkedDocs/?id=54026-003-TARreport>

1. Terms of Reference for Consultants
2. Contribution to Strategy 2030 Operational Priorities