

CHINA EUROPE Water Platform

CEWP PI Lot1

”Water Management
and Ecological Security”

Policy Report for the Mechanism of
River Basin Water Resources
Management in China



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Introduction

A cooperation agreement was signed on December 21st, 2009 between the French Ministry of Environment and the Chinese Ministry of Water Resources.

In this framework, France and China launched a pilot project on integrated water resources management on the Haihe river basin. It aims at testing the implementation in China of basin management mechanisms, pollution reduction and protection of ecosystems successfully put into practice in France since the 1964 Water Law which created the water basin Agencies.

This project brought together a variety of actors from France (Seine Normandy Water Agency, Greater Paris Sanitation Authority, EPTB Seine Great Lakes, International Office for Water) and from China (Hai River Water Conservancy Commission, Tianjin Water Bureau, Department of Water Resources of Hebei Province).

Through experts' missions, training sessions and study visits, the first phase of the project (July 2011/March 2012) contributed to the development of a mutual understanding of the basin organizations functioning, procedures and means in France and in China.

The second phase of the project (March 2012/March 2016) aimed at applying, on the Zhou sub-basin of the Haihe river basin, French methods identified as relevant in the previous step (assessment and characterization of the state of the Zhouhe sub-basin, setting up a coordination group inspired from French basin committee and adapted to the local context, producing a management plan at the sub-basin level).

The third phase and its extension (March 2016/November 2020) involved a follow-up on the implementation of the measures defined in the Zhouhe management plan and a scaling up of the integrated water resources management approach to the Luan river basin. This project intended to reinforce the Chinese capacity for integrated water management and give them more visibility in the country, in order to develop a sustainable utilization of water resources to resolve the water crisis and enhance the adaptability and resilience to face climate change.

In the meantime, at the European level, Ministry of Water Resources of the People's Republic of China and the Presidency of the Council of the European Union, represented by the Danish Minister of the Environment signed a joint statement officially kicking-off the China-Europe Water Platform (CEWP) during the 6th World Water Forum in Marseille, France, on 14 March 2012. A formal Water Policy Dialogue between EU and China was established in 2017 in Turku (Finland) by the signature of a Memorandum of Understanding. The Partnership Instrument aimed at funding pilot projects in China to support the objectives of the CEWP was launched on January 1st, 2018.



The project on the Luan river basin was selected to be part of the Lot1 "River basin management and ecological security" which aims at generating and implementing policy recommendations, exchange experience and know-how between EU and China on integrated management of water resources at basin level, improvement of water quality, management and restoration of freshwater ecosystems and biodiversity. In that framework, it aims at testing and adapting (for uptake) methodologies of the Water Framework Directive (and other relevant EU water-related directives and policies) in order to improve water resource management at sub-basin level, on the pilot basin of the Luan river.

Key findings

1. There was a good application of the methodology and technical know-how for the Chinese side, and deep interest in European IWRM's principles.

At the end of 2018, a survey was carried out with the Chinese beneficiaries of the project to question their perception of the effectiveness and the outputs of the project. One of the main conclusions is the interest of this cooperation for capacity building and the acquisition of new skills. This is all the more so since the duration of the project made it possible to successively implement a series of training phases (experimentation in the Zhou river basin) and a phase of implementation and deepening of experience (experimentation in the Luan river basin). The survey notably revealed the acquisition of a critical eye on the data used to draw up the basin's diagnosis and management plan. The Chinese partners also stressed the importance of the diagnostic stage and the establishment of governance in the planning process.

2. The participatory process is efficient in China, both at the basin level (horizontal integration) and for dialogue and information sharing between services and bureaus at different level of representations (vertical integration)

The involvement of local actors in the planning process is considered relevant by the Chinese partners for several reasons. It allows local interests to be taken into account in the planning process, which in turn fosters their involvement in the implementation of the management plan.

Participatory approaches were particularly appreciated, like the seminar organized in Chengde in September 2018 (see 3.2.5.1) for local stakeholders in the Luan river basin.

It should be noted that the seminars intended for local stakeholders brought together far beyond the water field alone. Even if it is not possible to define them as a complete basin committees (no representation of users), these meetings nevertheless opened a space for dialogue between different services (water resources, environment, agriculture, forests, etc.), on several scales, all the more enriching in the process of elaborating planning documents.

3. China is engaged in deep institutional reforms in the water management field

Since the beginning of that cooperation, the European experts have noticed and welcomed several major evolution in China as regards the water management. From higher level of the government a strong emphasis has been noticed as regards the emergence of the ecological



civilization concept. From the water field one could simply emphasize the launching of the River and Lake Chief systems, improvements in terms of cross-provincial rivers management... Those evolutions could definitely be a strong basis but also be streamlined by an integrated water management at basin level.

4. There are obviously **similar concepts applied both in Europe and China**, such as:

a. Basin approach & organization stated within national framework

The European Water Framework Directive provides that a dedicated authority is in charge of each river basin management. In France, these authorities are the Water Agencies.

In China, since the 1950's, China has established Water resources Management Commissions for each of its 7 big basins: Yangtze river, Yellow river, Pearl river, Huai river, Taihu Lake, Songliao rivers and Hai river.

b. Water bodies and Water Functions zones, as units for management

According to the water resources protection and economic development requirements, river basins are divided into local coherent geographical units both in Europe (water bodies) and in China (water function zones).

c. Multi-year planning

The European Water Framework Directive provides that multi-year planning is one of the key principles of river basin management.

In China, multi-year planning is a core component of public policies, from the national scale (Five Year Plan), to the local scale.

5. Some **difficulties or limits** were also encountered and they could be tackled by specific recommendations.

At basin level, one could mention a "Silo" approach of water management fostered by the low levels of horizontal (sectors) and vertical (administrations) coordination. The coexistence of several authorities with activities related to water management (water, environment, forestry, rural and urban affairs, agriculture, etc.) without an efficient coordination mechanism makes it difficult to adopt a comprehensive and holistic approach to water issues.

Some issues could remain after the River Basin Management Plan is elaborated regarding its concrete implementation, due to the lack of legal "weight" of river basin management plans for the moment. River basin commissions are in charge of coordination of water management at the cross-provincial level. River Basin Management Plan is elaborated by river basin commissions, but the implementation of the plan is mainly the responsibility of the local government, It is hard for the river basin commissions to promote and ensure the implementation of the plan.

6. **Towards policy recommendations and further potential evolution of Chinese water management framework ?**

Based on comparative study of water resources management system and mechanism between China and France, on the similarities and differences of water resources management in terms of laws and regulations, institutional settings and functions, supervision and law enforcement, basin planning, information sharing and public participation, it is proposed to:



- Within the framework of the central leading group of the River and Lake Chief System, improve consultation and coordination mechanisms for the promotion of the river and lake chief system in seven major river basins.
- Provide inputs for potential laws and regulations evolution, to strengthen the integrated basin water resources management and strengthen the functions of basin water administrative supervision and law enforcement : clarification of the role and responsibilities of river basin commissions so that they can fully implement necessary actions
- Draw on the experience of water police mechanism to strengthen basin water administrative supervision and law enforcement, and improve the river chief system and lake chief system
- Improve the function of river basin commissions to ensure better implementation of basin management plans
- Enhance linkages between National/ Provinces investment programmes and the RBMP
- Enhance information sharing mechanisms through data standardization & information system on water resources
- Improve planning methods & tools (on diagnostic, issues & measures)
- Focus on ecological restoration (more specifically on ecological flows)

In order to do so, six main fields of recommendations have been identified. They are synthesized in the following figure and developed in the following chapters.



Recommendation 1: Accelerate the elaboration of laws and regulations in important river basins

- 1.1 Study and clarify the general principles of river basin legislation suitable for China's national conditions, and stipulate the basic aspects of the legal system for river basin management, which can be considered and reflected in the revision of the *Water Law*.

China, a country with a rich history of water management, is now developing at a rapid pace and is facing a serious water crisis. There are at present four national water-related laws in force in China: the Water Law, Water Pollution Prevention and Control Law, Soil and Water Conservation Law and Flood Control Law. The Yangtze River Protection Law was issued at the end of 2020, and the legislation on the protection of the Yellow River is in formulating. However, not every water basins have a law on river basin management.

Successful implementation of efficient river basin legislation demands good coordination among various stakeholders and their active and innovative participation. It also implies relevant legal principles for basin management which can be formulated in order to strengthen ecological and environmental protection and restoration, facilitate the rational and effective use of resources, safeguard ecological security, ensure harmony between humans and nature, and achieve the sustainable development of the Chinese nation. It applies to ecological and environmental protection and restoration, production and lives as well as development and construction activities in the dedicated river basin.

In pursuing economic and social development in the river basins, high priority shall be given to ecological conservation and green development, and everyone involved shall work together on protection. The river protection shall adhere to the principles of overall coordination, well-conceived planning, making innovation the driver, and systemic governance.

Relevant departments under the State Council and the provincial-level people's governments in the river basins shall implement the decisions of the relevant river basin coordination mechanisms, and work on river protection in accordance with the division of responsibilities.

All local people's governments in the river basins shall protect and restore the ecology and environment in their respective administrative areas, promote the rational and efficient use of resources, improve the industrial structure and layout, and maintain ecological security in the basins. By the way, all river and lake chiefs in the river basins are responsible for river protection tasks within the basin.

- 1.2 Targeted and sequential efforts to promote the legislation for the specific river basins.



The first step will be to carry out a specific assessment of the contexts and the feasibility of implementing legislation in the river basins by defining priorities for action that will be translated into dedicated legislative tools.

But each river basin is specific, so the conditions for promoting legislation must be studied on a case-by-case basis, taking into account local particularities.

A law or regulation applied to river basin management must achieve three main objectives: Clarify powers and authorities; Regulate systems and procedures for implementing and supervising decisions; Provide for special rule of law measures that are specific to the river basin.

1.3 The current river basin legislation should reflect the new spirit of the new era.

Managing China's water resources effectively is critical to achieve sustainable economic growth. Current existing legislation, institutions, and policy have helped to ease water scarcity, to address water quality problems, and have greatly reduced the risk of flooding. But overuse and pollution of limited water supplies continue to threaten China's strategic development priorities. To achieve these priorities in this new water governance strategy, China needs to strengthen and better integrate water management at both national and regional scales, provide more water for environmental uses, expand the use of market mechanisms to drive more sustainable water use, and adopt transformational approaches to fight water pollution. The process will consist in implementing the guiding principles of water governance in new era of "prioritizing water saving, spatial balance, systematic governance, government & market mechanisms". These principles focus on systemic governance and on ecosystems integrity. It also consists in coordinating ecological elements such as mountains, rivers, forests, fields, lakes, grasses and sand, ensuring the ecological health of rivers, strengthening overall coordination and adhering to basin-wide cooperation and collaborative protection.

The ambition is to establish a river basin management system that combines adaptation to local contexts, a dynamic integrated approach to governance capacities in major rivers, tributaries, both banks, and upper, middle and lower reaches, and form a mechanism for deliberation, decision-making and coordination at the basin level.

Ultimately, river basin legislation should clarify, establish and improve a unified land use planning system for river basins, form a more comprehensive and strict system of standards for water resources, aquatic environment and water ecology in river basins, and improve the systems of optimal allocation, development and utilization, conservation and protection, monitoring and early warning, emergency response systems, information sharing and consolidated dissemination of water resources in river basins.



Recommendation 2: Explore progressively innovative integrated river basin management systems

As the pilot activities in the frame of the Lot1 have shown, Chinese authorities could continue to explore and implement additional activities (basin specific projects, pilot basins activities, training...) in the field of integrated river basin management approaches. One could recommend such tests and activities in order to :

2.1 Further improve the division of powers between river basin management and regional management.

For example it could be important to develop experiences and feedbacks in order to further clarify the list of rights and responsibilities between river basin management and administrative regional management. The basis, contents and specific safeguard measures of the division of rights and responsibilities need to be made clear to ensure that the rights and responsibilities of all parties involved in water can be fully performed.

2.2 Strengthen the functions and status of river basin agencies

It is necessary to highlight the function of river basin management agencies for comprehensive management of water resources, water ecology and water environment, and strengthen the supervision and control of water resources development and utilization in the administrative areas of the river basin.

2.3 Establish and improve consultation and coordination mechanisms for integrated river basin management

At present, make good use of the River Chief System to promote and improve the consultation and coordination mechanism of integrated basin management. Within the framework of the central leading group of the River and Lake Chief System, improve consultation and coordination mechanisms for the promotion of the river and lake chief system in seven major river basins, with the relevant leaders of the central government as the convener, and the relevant departments, river basin agencies and relevant provinces, autonomous regions and cities of the central government participate in the mechanism, so as to strengthen overall coordination, straighten out the relationship between departments and form a joint force of supervision. On this basis, river basin agencies can undertake the functions similar as the general office and play an important role in coordination, guidance, supervision and monitoring.

Further clarify the scope of responsibilities of all parties, gradually establish systems for information sharing, prevention and treatment of transboundary water disputes, and strength the consultation and coordination among all water-related departments, basin-level and regional level in flood control and disaster reduction, optimal allocation of water resources, water resources protection, water pollution prevention and control, etc, to ensure the implementation



of river basin planning objectives and the effective implementation of the results of consultative decision-making.

Through the consultation and coordination mechanism, it is necessary to further explore and improve the upstream and downstream ecological compensation mechanism, and balance the relationship between water resources development and protection, ecology and economy, investment and compensation, to maximize the comprehensive benefits of the whole basin.

2.4 Further explore the possibilities to establish Basin Committees

In the medium and long term, decision-making and coordination bodies in the form of integrated river basin management committees can be gradually explored, and river basin management systems adapted to the characteristics and needs of different river basins can be explored.

Recommendation 3: Strengthen the role of coordination and control of river basin planning and promote stakeholder participation in the elaboration of plans

One could recommend the following:

3.1 Improve the relevant systems for plans elaboration and implementation

It is proposed to establish an overall framework for water planning that would clarify the role and focus of various types of planning documents, and to develop a water resources planning directory.

It is also considered important to clarify and improve the integrated water management plans elaboration and their approval process. This will help better understanding of the main institutions in charge of the elaboration, approval departments and workflows for all types of plans.

Finally, it is also equally important to define organization in charge of plan implementation and identify the responsibilities of the parties involved, therefore establishing and improving mechanisms for plan implementation supervision, plan evaluation, plan dynamic adjustment and revision.



3.2 Highlight the role of integrated control of plans and planning authorities

As mentioned already, in terms of integrated water management at basin levels, it is necessary to streamline and integrate numerous existing plans.

River basin planning need to strengthen the control of the water ecological space, including the previous river management delineation, water function zone delineation, soil conservation zone delineation, drinking water source protection zone delineation, shoreline planning, and other work, and delineation of the relevant red line.

3.3 Promote innovation for the concept of planning elaboration at basin level

Insist on opening the door for planning elaboration, integrate the top-level design and ideas from the public, improve transparency and social participation in planning, widely listen to the advice and suggestions of various parties, and effectively absorb social expectations, public wisdom, expert opinions and grass-roots experience into the planning.

Take the river basin as a unit, establish the concept of systemic management and the concept of a community of life for mountains, rivers, forests, fields, lakes , grasses, and sand, coordinate water quantity, water quality and water ecology, include all kinds of activities that affect the water cycle and water ecology of the river basin into the planning scope, effectively strengthen the coordination of the planning contents , and focus on solving the problem of separating water resources from the water environment and water ecology that exists in the current comprehensive planning of the river basin.

3.4 Improve the methods for planning elaboration

It is recommended to keep on developing specific methodologies:

- Deepen the research and argumentation on major river basin issues. Carry out accurate diagnosis of existing problems.
- Scientifically study and judge the overall situation, key and deep-seated problems, accurately grasp the outstanding shortcomings and weaknesses, and put forward the thoughts of integrated management.
- Strengthen the optimization of planning measures.
- Implement multi-angle argumentation and multiple options comparison. Analyze the economic benefits of the proposed projects.
- Strengthen the analysis of the effectiveness and impact of the plan after its implementation.
- Strengthen the application of modern information technology, such as big data, cloud computing, geographic information technology, remote sensing technology, planning models etc.



3.5 Promote the implementation of planning

In order to promote and ensure implementation the following recommendations have been identified:

- Establish a mechanism for dovetailing river basin planning with regional planning and financial planning.
- Strengthen the mechanism for implementing responsibility for river basin planning. Clarify the responsibility subject and implementation schedule requirements.
- Improve the monitoring and evaluation system for planning implementation. Conduct annual track monitoring, mid-term evaluation and final comprehensive evaluation of river basin planning. Improve the system for monitoring, statistics, evaluation and assessment of major planning indicators.
- Raising funds from various sources and focusing on the role of the market.

3.6 Focus on broad stakeholder participation in planning elaboration

Give full play to the role of the River and Lake Chief System in promoting consultation and coordination mechanisms in planning and information sharing. Stakeholders could be involved in all stages of planning, from the preparatory work, diagnosis of the current situation, determination of objectives, formulation of measures, planning implementation and follow-up supervision, etc., and efforts are made to increase stakeholder participation in all stages of planning and to enrich the methods for participation of stakeholders.

3.6.1 The preparatory stage.

Increase the universality of interest representation. In addition to the river basin organizations and the water departments of the provinces (autonomous regions and municipalities directly under the central government) within the river basin, departments such as the Development and Reform Commission, ecology and environment, natural resources, urban construction, agriculture and rural affairs, and forestry and grassland also need to be actively absorbed. Include not only local governments, experts and scholars, but also a wide range of representatives of water users, relevant enterprises, social organizations, industry associations, to collect a wide range of stakeholder opinions and demands, identify status quo problems, and submit them to the planning department.

3.6.2 The elaboration stage of planning measures and programs.

Planning objectives need to be mutually agreed upon through a consultative process; The program of planning measures need to be based on a cost-benefit analysis, with a preference for measures that adequately take into account and integrate the interests of all parties, and be used as a basis to clarify priorities and key projects.

3.6.3 The stage of planning implementation and follow-up.

In the monitoring, evaluation and assessment of planning, a third-party need to be fully introduced, and a mechanism need to be established for contacting and tracking and investigating stakeholders, so as to know the reactions and demands of stakeholders in the process of planning implementation, track the progress and effects of implementation, and rectify problems in a timely manner.



Recommendation 4: Effectively strengthen the regulatory and enforcement systems for water resources management in river basins

4.1 Further improve the mechanism for water resources supervision in river basins

Clarify and straighten out the boundaries of regulatory responsibilities of relevant departments, and strengthen the interface between river basin supervision and regional supervision, supervision by water resources departments and supervision by other departments. Build joint prevention and control mechanisms, and continuously improve regulatory synergy. Strengthen the cooperation between comprehensive supervision and professional supervision within river basin agencies.

4.2 Improve the socialized supervision mechanism

Strengthen the supervision and management of social water-related activities, conduct full coverage supervision on the actors of water-related activities, and construct the co-built and shared supervision mechanism. Improve policies and measures on public participation in water supervision, and strengthen the supplementary role of social supervision in industry supervision. Enrich the supervision carriers, strengthen the public tip-offs feedback and third-party evaluation mechanism, establish supervision channels and public reporting incentive mechanism, and encourage the masses to actively participate in water supervision.

4.3 Speed up the solution of water administrative enforcement problems in river basins relying on the River Chief System

Relying on the role of local party and government leaders under the River Chief System mechanism in coordinating, organizing and dispatching, accelerating research to solve key and difficult issues in river basin supervision and law enforcement, promote the improvement of joint meetings, information exchange, case transfer and other working mechanisms, deepen joint law enforcement with public security, judicial, maritime, environmental protection and other departments, improve the mechanism of convergence between administrative law enforcement and criminal justice, and further strengthen comprehensive law enforcement.

4.4 Strengthen water resources supervision and law enforcement teams and infrastructure construction in river basins

Increase the number of law enforcement teams. Law enforcement personnel must have professional knowledge of water resources, legal expertise and administrative enforcement.

Promote the modernization and informatization of river basin law enforcement equipment, strengthen the monitoring and supervision of various water related activities, accurately grasp the basin and regional dynamics, and provide reliable support for strengthening supervision.



- 4.5 Increase punishment and enhance deterrent effect. Increase the punishment for river water violations, improve the mechanism of convergence between administrative law enforcement and criminal justice.

Recommendation 5: Accelerating river basin water resources information sharing

5.1 Improving the information sharing system.

Water resources management information system need to be established with the river basin as the unit and led by the river basin management agencies. Unify the dissemination of water resources information. Develop guidelines and sharing systems for water information sharing in river basins. Strengthen the management, coordination, evaluation and supervision of information sharing work.

5.2 Establish a platform for information sharing.

The information platform need to include all parties, such as producers of data , users of data, and managers of data, grouped according to business themes, with delineated permissions to clarify the specific roles of each party.

5.3 Improve the technical standards and specifications for information sharing and clarify the ways of sharing water resources information.

Speed up the preparation and revision of standards and specifications related to resource integration and sharing, mainly including information collection, transmission, processing, management, sharing, service and other aspects of the standard, and establish a unified access portal.

5.4 Establish a long-term working mechanism for information sharing, strengthen performance evaluation. Strengthen supervision and accountability and establish a regular working meeting system.



Recommendation 6: Strengthening public participation in water resources management at the river basin level

As regards the public participation and consultation, the following proposals have been identified:

6.1 Establish a sound legal system for public participation

Some regulatory framework could be proposed in order to improve the legal provisions on the rights and obligations of the public to participate in river basin water management and protection, to establish the status of the public in river basin water management and protection, and to provide a legal basis for public participation.

Improve and consolidate various systems of public participation, such as public participation meeting system, environmental protection questionnaires system, handling representative proposals and public petition letters system, information disclosure system, government affairs openness system.

6.2 Establish smooth channels and methods for public participation

Make full use of the news media to publicize the principles and policies of river basin management to the masses, popularize scientific knowledge of water use, regularly publish public information on water resources, fully safeguard the public's right to know.

Strengthen the publicity and popularization of the laws and regulations governing river basin management, enhance the public's understanding of and support for river basin management agencies, improve the public's ability and level of participation in river basin management.

Expert consultation, public hearings and social publicity need to be adopted to listen extensively to the suggestions and opinions of all sectors of society and the public on major decisions such as water resources development and utilization projects and water pollution control.

Foster a community of interest in which citizens and social organizations participate.



CHINA EUROPE Water Platform



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