

China's Management System for National Parks – A Review of the Current Academic Debate

(Translated from Chinese)

Ge Feng

PhD candidate, Civil, Commercial and Economic Law School, China University of Political Science and Law; Policy Advisor, Friends of Nature

I. Overview: China's Management System for National Parks

In 2013, the Chinese government announced its first proposal to establish a national park system. Two years later, ten pilot national parks were set up, pursuant to the *Pilot Program for Establishing a National Park System* jointly issued by 13 ministries and commissions including the National Development and Reform Commission (NDRC).¹ These pilot areas cover 12 provinces and represent about 2.3% of China's land area. In 2015, a future *National Parks Law* was announced as part of China's national legislative plan. As formulated in the *Integrated Reform Plan for Promoting Ecological Progress* issued by the CPC Central Committee and the State Council, a new system for China's national park governance was seen to play an important role among a

series of reforms with the fundamental purpose of maintaining the authenticity and integrity of natural ecosystems, protecting biodiversity and safeguarding ecological security. In 2020, the five-year pilot phase came to an end, providing many valuable experiences and approaches as well as revealing some impediments and problems. Regarding the latter, the management system of China's national parks clearly emerged as a key factor among the challenges during the pilot process. This article therefore reviews some of the recent Chinese academic commentary regarding lessons-learned and recommendations for future governance reforms of China's national park system.

Regarding Chinese nature reserves, the overlapping management authority of different administrative actors has long resulted in wasteful spending of official

¹ These parks are Sanjiangyuan National Park, Northeast China Tiger and Leopard National Park, Giant Panda National Park, Qilian Mountain National Park, Wuyi Mountain National Park,

Shennongjia National Park, Pudacuo National Park, Qianjiangyuan National Park, Nanshan National Park, and Hainan Tropical Rainforest National Park.

resources and low management efficiency. **In the absence of a coordinated and unified management mechanism, contradictions between different objectives of governance - particularly between resource utilization and ecological conservation - emerge prominently.** Li Wenjun (Department of Environmental Management, Peking University) et al. (2018), examined problems of China's governance structures in the field of nature conservation emphasizing problems that arise due to unclear horizontal divisions of powers and responsibilities between departments at the same level of government and those caused by divisions between central and local governments. Such a view has also been reiterated by decision makers in the field of national park governance. As Tang Xiaoping (Deputy Director of the National Park Management Office; 2020) recently stated, the establishment of the national park system was now taking place with the particular aim of effectively solving the above-mentioned problems.

Defining the specific roles of administrative agencies and delineating the scope of their respective power are core questions in the process of establishing China's national park management system. For this reason, at present the State Forestry and Grassland Administration (SFGA; which also uses the signboard of "National Park Administration") serves as the central agency for the unified management of national parks at the national level. Locally, in each pilot area, various

administrative agencies dedicated to national parks were also set up.

II. Problems of China's National Parks Management System

1. Underlying problems

In some pilot national parks, problems related to overlapping administrative powers between horizontal departments have been basically solved by defining dedicated administrative agencies. However, such problems still exist in other pilot areas. Qin Tianbao (Professor of Environmental Law of Wuhan University) et al. (2020), believe that the dominant factor behind the problems of the national park management system is the relationship between central and local levels of management. The latter point strongly echoes the perspective of Li Wenjun et al. (2018), who point out that China adopts a "dual leadership approach" (双重领导方式) in ecological protection and resource management, that is, an approach led by local departments under hierarchical guidance from central to local departments. Local governments are able to make their own decisions regarding appointments and removals of personnel as well as financial budgets of local ecological and resource authorities. For local governments that focus on economic development and neglect environmental protection and sustainable use of resources, central government supervision is thus seen as insufficient to ensure the fulfillment of a park's responsibilities to ecological protection and resource

management.

2. Unified and hierarchical management system

As a solution to the above-mentioned problems proposed, the Chinese government proposed to establish a “ unified and differentiated by rank ” (统一、分级) management system of national parks. In June 2019, the General Office of the CPC Central Committee and the General Office of the State Council issued *Guiding Opinions on Establishing a Natural Reserve System with National Parks as the Mainstay*. Natural reserves including national parks are thereby classified into three categories: central direct management; central and local joint management; and local management. Tang Xiaoping (2020) exemplifies the three management models of pilot national parks in the following way: i) central direct management, represented by the Northeast China Tiger and Leopard National Park, ii) central and provincial joint management, represented by the Giant Panda National Park and Qilian Mountain National Park; and iii) provincial management commissioned by the central government, represented by the Sanjiangyuan National Park and Hainan Tropical Rainforest National Park.

Chen Junzhi (Senior Engineer, Survey, Planning and Design Institute, SFGA) et al. (2020), also elaborate on the idea of a management system that is “ unified and differentiated by rank ” . "Unified", covers two levels: i) the management functions

previously scattered in various related departments should be fully integrated at the national level, and a national park management agency should be established at the central level to realize the unified management of national park affairs; and ii) Secondly, at the level of each national park, previous management responsibilities of nature reserves are to be integrated and managed by each national park management agency. "Differentiated by rank" then also covers two levels: i) National parks can be managed directly by the central government or can be entrusted to provincial governments; ii) Subordinate administrative agencies of national parks are set up in sequence at corresponding levels below the provincial level. Following that, attention should be paid to the division and coordination of powers between central and local governments and between administrative agencies and local governments. As such, the management mechanism should enable mutual cooperation among clearly defined actors with clear responsibilities.

3. Problems during the pilot period

The management system of national parks during the pilot period was primarily designed to overcome the horizontal and vertical administrative problems mentioned above. Nevertheless, such problems still continued to exist to a large extent, some of which are simply due to phases in the reform process and some others are fundamentally difficult to solve.

Regarding the nature of agencies that are tasked with the administration of national parks, Qin Tianbao et al. (2020), emphasize that some are “administrative agencies” (行政机构) and some are not (but rather public institutions whose staff are not civil servants). This implies that the legal status of these agencies was not yet determined during the pilot period. Qin et al. also discuss difficulties in the daily management of national parks that are associated with the above-mentioned overlapping powers with other departments and a lack of management authority. For example, other resource management departments such as those dealing with forestry, agriculture, water resources and natural resources have the authority to manage related natural resources in national parks. Each national park administration, as a comprehensive management department, exercises the same powers as relevant local government departments, which restricts their authority and impedes unified management. Another example concerns the lack of comprehensive law enforcement power for most national park administrative agencies. In fact, the law enforcement power of various national parks is generally exercised by forest police. However, according to the decision on central institutional reforms, the forest police has been under the unified management of the Ministry of Public Security, and only accepts the guidance of forestry and grassland departments and park administrative agencies with national-level rank. In addition, the lack of clear and stable funding is an important reason for some

problems in the operation of the national park management system during the pilot period. For example, the Northeast China Tiger and Leopard National Park Administration has not yet established national park financial accounts or special accounts; and the Sanjiangyuan National Park Administration still relies on provincial subsidies and original investment channels due to the lack of support by the “Special Fund for National Parks” (国家公园建设专项资金). Last but not least, it is difficult for some administrative agencies of national parks to receive active cooperation and strong support from local governments and related departments. In short, it is concluded that problems in the operation of various national park administrative agencies are directly related with unreasonable institutional settings, unclear division of powers, and poor connection with local governments.

Chen Junzhi et al. (2020), agree that the current unified management system of national parks is not yet perfect. In some pilot areas, the system of vertical management by provincial governments has not been formed, and the administrative agencies of pilot national parks are actually staffed by the same people that staff the district and county governments (两块牌子、一套班子). There are also many problems in the model of central and local joint management. The powers and responsibilities of central and local governments need to be more clearly defined; institutional settings such as the level and staffing of agencies need to be

further implemented; and the nature and responsibilities of subordinate agencies and grassroots protection stations need to be clarified.

Wang Tengqian (Party School of the CPC Qinghai Provincial Committee; 2020) analyzes the legal issues in the construction of the Qinghai area of the Qilian Mountain National Park, and points to the following problems: i) The problem of multi-sectoral and multi-department management of natural resources in the pilot area has not been resolved; ii) The overall function and value of natural resources has been neglected under the joint jurisdiction of agriculture, forestry and other departments; and iii) The various rights regarding natural resources (ownership, usufructuary right, real right for security, etc.) and the powers and responsibilities of various management departments are not clearly defined.

III. Improvement pathways for China's management system of national parks

The above discussed articles indicated that there are still many problems in the current management system of national parks, which hinders their smooth operation in the interest of environmental protection. The principles and rules for division of management functions between central and local levels need to be further clarified. The relationship and functional alignment between the newly established national park management system and the existing local management system need to be further explored. The

remainder of this review will thus discuss proposed solutions with respect to pathways to further improving the national park management system.

1. Central administrative authority for unified national park management

Qin Tianbao et al. (2020) suggest that the central government should oversee the construction of national parks. The State Forestry and Grassland Administration (SFGA; concurrently called National Park Administration) as the competent department of the central government, should delegate management authority to various administrative agencies responsible for the specific protection and management of national parks. On this basis, the nature and status of these agencies should be appropriately defined to ensure the unity of powers and responsibilities. A “list of authorized powers” (权力清单) can be drawn up to clarify the division between administrative actors, so that the responsibilities of national park agencies and relevant functional departments of local governments are aligned to give full play to central-level coordinated governance of national parks. For reasons of practical urgency and in order to stimulate local enthusiasm, central and provincial governments could jointly exercise the administrative authority during the pilot period. However, with clearer division and progressive implementation of powers, such stimulus would then become weaker and weaker, making the vertical management

model necessary in the future. Wang Jin (Professor of Environmental Law, Peking University; 2020) also argues that national parks fall to the administrative authority of the central government and a national park management system featuring the vertical management by the central government should be established. Only with a dedicated central fiscal budget, could central administrative authority be smoothly exercised. Wang Jin thus highlights that it is the central government that secures funds for the operation of national parks. Administrative authority should be matched with financial authority. Li Wenjun et al. speak to this latter point when they observe that "the central government's conservation expenditures are much lower than its matching administrative authority and that the responsibilities for expenditures are largely tied to project spending and their [implementation] phases." If this problem is not properly resolved, it will be difficult to

fundamentally resolve the fundamental contradiction between central and local governments in ecological protection and resource management.

2. Management models adapted to local conditions

In addition to the above-mentioned ideas, some scholars are more focused on trying localized solutions based on the summary of the experience of existing pilot work.

Zhang Xiaopeng (Engineer, Kunming Survey and Design Institute, SFGA) et al. (2020) divide national park agencies into three types based on a comparative analysis covering organization, division of authority, and staffing scale. The three models are characterized by regional coordination, target management and mixed governance respectively, and they are suitable for different situations (see box below).

Three Adapted Models for Administrative Agencies of Pilot National Parks

Regional coordination model

Under this model, administrative agencies of national parks tend to build a community with local governments to integrate ecological protection obligations with social development responsibilities. Its advantages include low-cost inter-institutional communication and high efficiency in exercising power. Generally speaking, the position of head of the relevant administrative agency is concurrently assumed by the principal leader of the local government, or the internal organization of administrative agencies and the local governments are combined. This model is suitable for areas with low population density and a high proportion of state-owned resources, especially for areas where GDP is not reflected in the government's performance appraisals. When the contradictions between the

objectives of conservation (environmental protection) and development (GDP growth) are not prominent, the advantages of constructing a “community” (共同体) between national park management agencies and local governments outweigh other considerations. Typical examples are Qianjiangyuan National Park, Shennongjia National Park, and Nanshan National Park.

Function-orientation model

Under this model, the various functions of the departments for forest and grassland are transformed and merged into a single administrative agency of national parks with clear responsibilities. The local governments does not intervene in the direct management of national parks. Examples include Sanjiangyuan National Park, Wuyi Mountain National Park, Pudacuo National Park, and Hainan Tropical Rainforest National Park. This model is more suitable for areas where the local economies and industries are mature and human activities have a large impact.

Mixed governance model

This model has the characteristics of the above two models. The National Park Administration is taking on functions of related departments for forest and grassland management. However, the secondary agencies (provincial administration/subordinate administration, etc.) are often dominated by local governments. Typical example of this model are the Northeast China Tiger and Leopard National Park, Giant Panda National Park, and Qilian Mountain National Park. Characterized by joint management by central and local governments, this model is more suitable for areas involving cross-provincial jurisdiction to facilitate coordinated governance of various provinces.

3. Coordination between national park administrative agencies and local administrative systems

In this author’s view - and particularly considering the regional disparities in natural and cultural conditions and management resources and management levels - it is not easy to adopt one uniform management model for national parks, but instead, a management system should be established in

accordance with local conditions. The establishment of national park administrative agencies should take full account of the coordination with the existing local administrative systems. As China's national parks have a considerable population and a relatively complete administrative system, the coordination between the national park management system and the existing administrative system should be properly

considered to avoid waste of administrative resources and conflicts among government agencies or between central and local governments. Therefore, without compromising relative independence, the national park management system must integrate into the current administrative

system to a certain extent. This will not only help to better handle the contradiction between ecological protection and local community development, but also avoid redundant agencies and save administrative costs. The Sanjiangyuan National Park (see next box) can serve as an illustrative example.

Sanjiangyuan National Park Management System

-- --A model for coordination between national park administration and local administrative system

Li Wenjun et al. (2018) examines the management system of Sanjiangyuan National Park and found that the Sanjiangyuan National Park Administration was established at the provincial level, with three management committees responsible for the sources of the Yangtze River, the Yellow River and the Lancang River respectively. Subordinate agencies are set up under management committees, which integrate the functions of relevant local departments/agencies. The management committees and subordinate agencies are under the dual leadership of the Sanjiangyuan National Park Management Committee and the local government, but mainly managed by the Sanjiangyuan National Park Administration. Grassroots management organizations of Sanjiangyuan National Park have been fully integrated with the existing management system of the 12 township governments within the scope of the national park. These township governments are all labeled as ecological protection management stations, and are under the dual leadership of local county governments and particular management committees (management offices). This model tries to establish a relatively independent and largely integrated national park management system in the context of the existing administrative system. In particular, it is a beneficial attempt to fully integrate the management system of national parks with the administrative system at the grassroots.

The national park system is an important part of China's reform process towards promoting ecological progress. As the *National Park Law* has been included in the national legislative

plan, China is exploring its own national park management system. This is not only an important step taken by China towards the development of its ecological civilization, but

will, by extension, also play a huge role in the conservation and sustainable use of global natural resources. The core task is to appropriately handle the relationship between central and local governments, optimize allocation of management agencies’

respective authorities, and adapt national park management models to local conditions. These issues will have to be addressed by the National Park Law and are key to the law’s future implementation.

Last edited in July 2021

References

- [1] Tang Xiaoping. The establishment of national park system: A new milestone for the field of nature conservation in China. *International Journal of Geoheritage and Parks*. 2020, Vol.8, Iss.4, 195-202.
- [2] Zhang Xiaopeng, *Journal of Beijing Forestry University (Social Science Edition)*, December 2020.
张小鹏, 《北京林业大学学报》(社会科学版) 2020年12月
- [3] Chen Junzhi, Tang Xiaoping: A Study of the Establishment of National Park Protection System in China, *Journal of Beijing Forestry University (Social Science Edition)*, March 2020.
陈君帜、唐小平: 《中国国家公园保护制度体系构建研究》, 《北京林业大学学报(社会科学版)》2020年3月
- [4] Qin Tianbao, Liu Tongtong: Constructing China's Administrative System for National Parks from the Perspective of Central-Local Relations, *Dongyue Forum*, October 2020.
秦天宝、刘彤彤: 《央地关系视角下我国国家公园管理体制之构建》, 《东岳论坛》2020年10月
- [5] Zhao Jinqi, Sang Weiguo, Min Qingwen: Building a Protected Areas Management Mechanism with National Parks as the Backbone, *Acta Ecologica Sinica*, October 2020.
赵金崎、桑卫国、闵庆文: 《以国家公园为主体的保护地体系管理机制的构建》, 《生态学报》2020年10月
- [6] Wang Jin: A Study of China's Unified Management System of National Parks, *Journal of Jinan University*, October 2020.
汪劲: 《中国国家公园统一管理体制研究》, 《暨南学报》2020年10月
- [7] Wang Tengqian: Building the Qilian Mountain National Park under the Model of "One Park, One Approach": Legal Issues and Countermeasures—An Example from the Qinghai Pilot, *New Heights*, June 2020.
王腾茜: 《“一园一法”模式下祁连山国家公园建设中的法律问题与对策——基于青海片区试点为例》, 《攀登》2020年6月。
- [8] Li Wenjun, Xu Jianhua, Lu Yu: A Roadmap for Reforming Governance Structures for China's Nature Conservation, *China Environment Press*, October 2018.
李文军、徐建华、芦玉: 《中国自然保护管理体制方向和路径研究》, 中国环境出版社 2018年10月版。