

Comparative Study on Mechanisms and Policies of Public Emergency of China and The United States

Yihui Tong^{1,*,†}, Yulin Tong^{2,†}

¹ Zhou Enlai School of government, Nankai University, Tianjin, China

² School of politics and administration, Tianjin Normal University, Tianjin, China

* Corresponding Author Email: 2213442@nankai.edu.cn

†These authors contributed equally to this paper

Abstract. Nowadays, the severity of public emergency causes serious harm to people's life and property safety, which requires the government's constant improvement of the ability to cope with public emergency incidents. The objective of the paper is to compare the policies and mechanisms of China and the US on public emergency management by collecting specific cases, analyzing the reasons behind the differences between the two countries, and providing referential value for the improvement of national policy. Comparative analysis and case analysis were the mainly applied methods in the paper. Three dimensions including the governance subject, legal documents and emergency response mechanisms were compared in the paper. Through comparison, the paper analyzes the distinctive features of the emergency response mechanisms from China and the United States. For China, the "strong government" model ensures efficiency in dealing with relevant events, while ignoring the initiative of local governments to some extent. In light of that, the legislation of emergency management ought to focus more on clarifying the rights and responsibilities of both the central state council and the local government. For the United States, given the limitation of the power of the federal government, the coordination between the two subjects is important.

Keywords: Emergency governance, public management, China & the US.

1. Introduction

In recent years, public emergencies have been characterized by their complexity, which entails more stringent requirements for the national emergency handling mechanism. In the era of globalization, countries with different systems need to learn from the institutional strengths of each other. In the process of responding to public emergencies, distinctive emergency management mechanisms have been formed both in China and the United States, despite the different ways of exercising leadership in the two countries. Through the study of the mechanisms, there exists advantages and disadvantages in emergency response efficiency in both countries, making it possible for the comparative study on the characteristics of the national emergency handling system.

Since 1949, China's emergency management has initially realized the leap from "management" to "governance". With the deepening of the system reform, China's emergency management organization has moved towards diversity and systematization. In 2007, the Law of PRC on Emergency Response was established. The law is of great significance to the standardization of emergency management in China.

Having gone through five adjustment stages, The United States has established a relatively thorough emergency management system. Among them, the establishment of FEMA (Federal Emergency Management Agency) in 1979 promoted the systematization of emergency management in the United States. Besides, Documents including The National Incident Management System, National Response Plan, and National Response Framework have repaired and improved the emergency handling mechanism in the United States.

In view of this, this paper intends to carry out a comparative analysis through three dimensions: comparison of the governance body, legal systems, and emergency handling mechanisms. In terms of the theoretical system, this paper takes New Public Management Theory and 4R Public Governance Theory as the theoretical basis. New Public Management Theory was put forward by

Janet Denhardt and Robert Denhardt, advocating that emergency response should be equitably participated by all social subjects [1]. According to Robert Heath, public emergency management can be divided into four stages: Reduction, Readiness, Response and Recovery [2]. The two theories cover the whole process of public emergency management and provide a solid foundation for the study of emergency response in China and the United States. In terms of the governance body, Qunlin Jia and Li Chen believe that the public emergency management body in the United States is the Federal Emergency Management Agency (FEMA). Under the direct control of the President, FEMA coordinates and arranges domestic emergencies (such as earthquakes, hurricanes) [3]. Different from the United States, China takes the central government as the core governing body. According to Haibo Zhang and Xing Tong, China's "strong government" model can reduce the restrictions on resource mobilization in face of public crisis events, thus improving the efficiency of resource allocation [4]. In terms of legal documents handling public emergencies, China regards Law of People's Republic of China on Emergency Response as the most important comprehensive legal document for dealing with emergencies. In comparison, dynamic is a characteristic of emergency management law in the United States. In terms of emergency handling mechanism, the United States pursued an emergency management system for which a single department is responsible. In comparison, China pursues a decentralized local emergency response system.

Among the previous comparative studies on emergency response mechanism between China and the United States, most focus on variance analysis -- For example, Law of PRC on Emergency Response lacks audit requirements and management regulations for non-governmental organizations, etc. However, there exist significant differences between the two countries, including the nature of regime, specific national conditions, and power distribution. These differences prove the limitation of previous comparative studies.

2. China: Efficiency and Deficiency under “Strong Government” Model

In China, the State Council has been taking full responsibility for public emergency management. In 2006, the establishment of the State Council Emergency Management Office marks the formation of “powerful government” model in China. This model reduces the limitation of resource mobilization, thus improving the efficiency of resource allocation [5]. However, the office was not given clear powers and duties. Since then, China has maintained the status of "establishment of temporary headquarters" in response to emergencies. This handling method may result in departmental personnel mix, unclear power distribution and other problems, which will reduce the efficiency of emergency management. Additionally, China's “single governance subject” model lacks the active participation of local governments, non-governmental organizations and other subjects, which may cause government's inability to cope with emergencies [6]. In the case of the explosion of Tianjin Port, the steering group organized by the State Council lacked professional knowledge and technical analysis, resulting in the failure to find out the explosive source. As a result, the steering group only increased the number of firefighters in fire extinction. As the source of the explosion was not discovered in time, the second explosion increased the damage of the incident and the number of casualties.

The enactment of Law of PRC on Emergency Response marks the establishment of China's legal system on public emergency response. The law established the national emergency plan. The plan is of great significance in regulating emergency response systems, preventing the occurrence of public emergencies, protecting people's life and property safety, and maintaining public safety and social stability. However, in the process of implement, local governments indiscriminately imitated the national plan without adaptability improvement. Local governments' imitation ignores the uncertainty of emergencies, which causes negative influence of the legal implementation effect. In terms of legal content, there exist legislation conflicts between the comprehensive law and specific regulations [7]. It can thus be seen that Law on Emergency Response lacks an efficient legal coordination mechanism [8]. Also, the scope of the law is worthy of concern. Public emergencies can

be divided into different levels, each of which requires its corresponding legal regulations. From the outbreak of SARS to the COVID-19 pandemic, the legal application related to public emergency management remains to be systematic. Therefore, it is necessary to differentiate “urgency state law” and “emergency management law”, of which the former focuses on unconventional issues [7]. In the case of the stampede in Shanghai on 2014 New Year’s Eve, the police did not arrive at the scene the first time to take corresponding measures when the crowd stampede. The facilities were not well equipped for occurrence of emergencies, expanding the expansion of the stampede. To conclude, China employs “command-and-control” governance model, whose legislation on public emergency management is relatively passive [9]. Despite the formation of national legal system, solutions to relevant problems still remain to be carried out.

Since 2007, China has pursued one-plan-three-system construction, together with the Law on Emergency Response, as the public emergency management system. “Three-system” refers to system, mechanism and legal institution. Based on the principle of territorial jurisdiction, China’s central government has set up local comprehensive command center, presenting a state of multi-department coordination [10]. However, according to the emergency planning of the State Council, the structure and functions of the command centers are not clearly defined. Consequently, the ambiguous definition lacks flexibility in handling complicated emergency events. It should be noticed that the decentralized local management platforms make it difficult to efficiently respond to emergencies. In this case, the establishment of standardized regulation is of significance, including coordination, command and other procedure work.

China’s “strong government” model ensures that public emergencies are commanded and coordinated by a single subject, and avoids governance inefficiency caused by buck-passing of the departments. However, under this model, the State Council tends to take multiple positions, resulting in overlapping responsibilities. In meanwhile, single-subject management cannot guarantee the comprehensiveness of emergency planning. To conclude, while adequately taking advantages of the “strong government” model, Chinese government should mobilize the initiative of local governments in an appropriate way. Also, more detailed standardized plans should be developed. Under this circumstance, emergency management in China can be improved in the future.

3. The United States: Freedom's Dilemma in Extreme Detail

The governing bodies of emergency management in the United States are complex and diversified. At the federal level, the agency responsible for national emergency management is the Federal Emergency Management Agency (FEMA). After the failure of the response to Hurricane Katrina in 2005. The 109th Congress reorganized FEMA into a cabinet agency under the direct administration of the president. Congress consolidated the Department of Homeland Security into FEMA, so as to strengthen the autonomy and efficiency of FEMA. As for local divisions, FEMA has set up 10 regional divisions in response to emergencies. But in practice, the vast majority of state emergencies that are not multi-state are subsumed by state governments [11].

At the legal level, the provisions of the U.S. Constitution on emergency affairs mainly include: When an emergency occurs, Congress may authorize the federal government to command the militia of the states [12]. Congress may authorize the federal government to suspend deliberation of the writ of habeas corpus in times of emergency [12]. The States may, in time of emergency, enter into a state of war or emergency without waiting for the approval of Congress. The responsibilities of FEMA were further refined by the Homeland Security Act of 2002 and the Sandy Recovery Improvement Act, which was complemented by state emergency management laws (such as Colorado's Forest Restoration and Wild-land Fire Risk Reduction Act) [13]. On the other hand, the Constitution also empowers the state government to handle state affairs, which means a high degree of autonomy.

The discussion mentioned above proves that the US local government and the federal government follow the relationship of equal cooperation. When an emergency occurs, all rescue operations follow the principle of "territorial management". Under this principle, regardless of the scale and scope of

the emergency, rescue operations are carried out mainly by the local government, while the higher-level government has no right to intervene. When the difficulty of emergency response exceeds the capacity of the local government, the local government can seek help from the state government or even the federal government. However, after the reinforcements from the higher government arrive at the local government, the leadership of the local government must be followed. Even the officials of the state government or federal government have no power to replace the command of the local emergency officials who only follow the requirements of the local government to coordinate relevant resources to support their rescue activities. In the case of wildfires in California in 2018, of the 33-million-acre forest in California, 57 percent is managed by U.S. federal agencies, 40 percent is privately controlled, and only 3 percent is owned by state and local agencies. Although FEMA takes the responsibility to coordinate federal efforts, the California wildfire is not a public crisis that needs to cross state lines. The power to prevent and control fires in all areas is held by California's Department of Fire Protection and Forestry, making it difficult for the state to directly apply for federal assistance. Whether a state wants to receive assistance from the federal government or FEMA wants to assist the state directly, the governor must ask the president the first time through the regional offices of the Federal Emergency Management Agency, in order to invoke the Robert A. Stamford Disaster Relief and Emergency Assistance Act in a formal way. The governor must also specify the number of federal resources required to respond to emergencies. The Federal Emergency Management Agency (FEMA) can deploy troops, police, fire and medical services to affected states on the basis of the presidential decree. In the actual operation process, due to political or cultural factors, it is difficult for the state government to achieve the purpose of obtaining direct federal assistance [14].

4. Comparison

A horizontal comparison between China and the United States in three dimensions shows obvious differences. The first is the difference in law. China has a framework of the Emergency Response Law as an outline. However, in actual emergency management, China relies more on the temporary headquarters established by the central government. At the same time, since the enactment of the emergency law in 2007, the law has not been repaired or changed once, making it difficult to cope with complicated conditions, as in the previous case. The laws of the US are more comprehensive, covering almost all circumstances. There are different levels of legislation for different levels of emergency. Also, the state governments pursue internal laws covering their own emergency management. The second is the difference in the governance subject level. As is mentioned above, in case of public emergencies, the main body of governance in China is the temporary emergency response headquarters established with the central government. In the United States, the governance subject is the state government, or the Federal Emergency Management Agency (FEMA) if an emergency at the state level occurs. The governing body of the United States is extremely independent, in which FEMA cannot intervene in a crisis within a state without its application. The third is the difference in response mechanism to public emergencies. Thanks to a complete legal system and clear division of subjects, the US response is "law-driven automatic response". Different from the extreme refinement of the United States, China's response focuses more on solving the incident individually, which can be summarized as the "overall strong government-driven response".

China and the United States also have corresponding problems in their respective emergency management frameworks. In the case of the United States, over-detailed laws and responsibilities create a cumbersome response process. Especially when the public crisis exceeds the upper limit of the corresponding authority and responsibility agency while does not reach the lower limit of the superior response agency, the buck-passing of responsibility may arise. For instance, the inadequacies of wildfire control in California were caused by the indifference of the government and the complicated procedure when California government intended to seek assistance from the superior. In all, this over-detailed framework results in the deficiency of emergency handling. In contrast to the

United States, China's emergency response framework is relatively vague and rigid. Local governments played little role until the central government set up emergency management headquarters. The main reason behind the phenomenon is not local governments' shrinking their responsibilities, but their little knowledge about which exact law or regulation to follow. Under this circumstance, as the effective response period of emergency is usually short, the early efficiency in handling emergency after the establishment of the headquarters cannot ensure the response speed in the early stage of the emergency.

Based on the issues above, both China and the United States should improve their respective emergency response frameworks and content. For the United States, the Federal Emergency Management Agency (FEMA), the governing body for public emergency, may moderately expand its authority. On the premise of ensuring the independence of the governing body, the speed of response, the scope of powers and responsibilities, and the priority of crisis resolution should be improved. For China, given the significance of power legalization, it is necessary to clarify the legal functions of China's emergency management agency through detailed laws. The Law of PRC on Emergency Response remain to be detailed and systematic. The resolutions taken at each level of emergency should be clarified and the power of relevant governance body be clear and definite. Thirdly, it is necessary to build an authoritative coordination mechanism. The function of the mechanism is to clarify the command subject after the occurrence of cross-regional emergencies, and, more importantly, define the specific roles, legal responsibilities, action steps and detailed tasks of all levels and departments, intending to realize the active coordination of all emergency management agencies.

5. Conclusion

The ability to respond to public emergencies is an important reflection of the modernization of national governance system and capacity. At the same time, the deepening of globalization provides an opportunity for different countries to learn from each other. As two major countries in the world, China and the United States have differences in governance bodies, legal literature formulation and emergency response mechanisms, which makes it possible for the comparative study.

From the comparison results of this paper, the overall framework of emergency management in China and the United States is characterized as complementary. China pays more attention to efficient solutions after the fact. While the United States attaches more importance to advanced responsibility division and emergency prevention. The legal literature related to emergency management in China is a comprehensive framework. While the United States' emergency laws achieve complete coverage from federal to local government, and the legal literature is capable of adjusting to the individual nature of each state's specific conditions. In terms of response mechanism, China's response mechanism is completely dependent on the temporary headquarters organized by the central government after the incident, which is relatively flexible and efficient in dealing with the problem. The U.S. response mechanism is based on mature laws and clear division of responsibilities making the country prepared for possible incidents before they occur. But that does not mean that both systems are perfect. For China, despite the flexibility of the legal literature, it is difficult to divide clear countermeasures and responsibility subjects, which makes it hard for the local government to find out the solution to solving the incident, thus falling into a state of silence after the emergency occurs until the establishment of the temporary headquarters. The meticulous legal literature in the United States, while clearly defining the subject of authority and responsibility, comes to a standstill when unexpected new types of events occur for their not knowing how to respond. The division of authority and responsibility for new events will also waste a lot of time in crisis resolution. Based on the problems mentioned above, this paper puts forward different suggestions and measures for China and America. For China, the corresponding emergency management law should be improved to clarify the subject of rights and responsibilities when an incident occurs, and strive for automatic response to minimize the damage as far as possible. As for the United States, it is of necessity to

strengthen the scope of the federal government's power at the local level and prioritize solving problems rather than passing the buck.

However, there still exists limitations of the study. The specific case analysis cannot cover the comprehensive work of the national emergency management system, so the scope of comparison research is limited. Therefore, the improvement direction of this paper in the future is to consult more professional government documents.

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