

The Constitutional System and Disaster Risk Governance in Taiwan: a Perspective on Institutional Resilience

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Abstract

This article uses institutional resilience theory to explain how Taiwan's constitutional system absorbs the impact of major governance challenges. The article chooses a major disaster that occurred in recent years in Taiwan, the 921 earthquake, to discuss how a constitutional system operations is reflected in the arrangements, flexibility, and corresponding mechanisms of the governance process. This article argues that as one of Taiwan's most serious recent natural disasters, the 921 earthquake reflected the adaptability of institutions in the disaster relief process, from its early stage of initial confusion to the central government's slow gaining of control over the operational orbit and seeking of cooperation with local governments and the private sector. However, at the same time, the fact that social forces could play an important role in the governance process, even obtaining a position of active participation in political decision-making and establishing public-private cooperation, is related to the failure of the central government command system to effectively empower local governments.

Keywords: Constitutional System, Central-Local Relations, Institutional Resilience, Disaster Risk Governance, 921 Earthquakes.

1. Introduction

Governance refers to the interaction between government departments and local governments, the private sector, and civil society, which means the collaborative management of public affairs to achieve the core values of democracy (Sun, 2008: 2-3). Since governance involves the joint participation and joint action of the public and private sectors (Peters, 1996: 25-37), in the context of the central government's logic of power, the question of how to form this type of participation and action provides a starting point for bringing together constitutional operations and governance. Therefore, this article offers a perspective centered on disaster risk governance, using the concept of institutional resilience to analyze how the governance processes of a state under the political system can produce the capacity to absorb shocks and adapt to the environment following a major disaster.

The 921 earthquake which occurred in 1999 was Taiwan's most serious natural disaster of recent times, prompting much discussion among both academics and practitioners. This article looks at the role of central government institutions in the decision-making process, re-analyzing the formation and operations of their governance networks, as well as examining the role of local and social forces in the disaster relief process, and its relation to the central government's logic of power. We chose the 921 earthquake for this study because of the active role that both the central government and social forces played in the governance process and its significant influence on community building in Taiwan, mainly its relation to the failure of the central government command system to effectively empower local governments. This article argues that the practice of constitutional system in Taiwan also shows institutional resilience. This not only provides the basis for disaster risk governance following the 921 earthquake, but is also an essential perspective through which one might understand subsequent disaster risk governance processes.

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2. Disaster Risk Governance and Constitutional System

In recent years, due to the high visibility of disasters from their occurrence to the relief process, “disaster risk governance” has become a core area of focus for countries. The concept of disaster risk governance was first proposed by the United Nations Development Program (UNDP), which stressed that “Governance refers to the exercise of political and administrative authority at all levels to manage a country’s affairs. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. “Important principles of disaster governance and post-disaster governance are not simply government decision-making, planning, and strategy, but also coordination between the public sector, private sector, and civil society to address disaster risk” (Lin and Lin, 2014: 12-13).

However, given the authoritative role of the state, as the seriousness of the disaster increases, the government will still act to distribute power and resources, and may even suppress citizen involvement or efforts to achieve political accountability (Lin, 2012: 58). As a result, we may need to clarify the dichotomy between the claimed role of social forces and government failure. Although reconstruction work involves a high level of cooperation between the government and civil society, the success of the mobilization of resources by the private sector, and even its interaction with the central government on an equal basis, may be dependent on government inaction and non-intervention as well as the strength of social forces. On this basis, during the disaster risk governance process, the original ability of the central government to demand compliance, the autonomy of local governments as a result of the devolution of powers, and the flexibility of the private sector in disaster responses are woven into a complex network of interaction and coordination between government and society (Lin & Lin, 2014), and should be an important focus in the investigation of the details of governance. Therefore, the present study argues that disaster risk governance networks are not only closely related to the interactions between the public and private sectors, but may also be the product of the space left by disputes between the central and local governments on the allocation of powers or political power entanglements (Blakeley, 2005: 149-150). This article thus asserts that the logic of government operation generated by the constitutional system should be the basis for discussing the governance process.

After a series of constitutional amendments beginning in the 1990s, “strengthening the role of the president “has become the historical path of constitutional development (Lee and Chu, 2003:5). The four constitutional revisions that established the constitutional system began from changes in the relationship between the president and the prime minister. In addition to the absolute authority to appoint the president of the Executive Yuan, the president was given the passive power of the dissolution of parliament and the ²right of reconsideration. Executive power was divided, reflecting the historical phenomenon of the gradual expansion of presidential powers. The president uses his or her powers to appoint the prime minister, with the tendency to appoint one who will follow his or her orders.

The right to appointment was even expanded to the right to “dismissal, “meaning that it is difficult for the prime minister to lead the executive power, so that the president of the Executive Yuan must be held accountable to the president and even accountable to the parliament on behalf of the president. The enthusiasm of the Executive Yuan for policies is thus unavoidably associated with the acquiescence or behest of the president. In other words, even if the president does not act himself, the president has delegated authority in order to avoid controversial issues. The president may even be waiting for an opportunity to make his move, becoming both a player and referee in the game. Based on this, this article also argues that the constitutional system system is also closely related to human factors. Therefore, the “resilience” of the constitutional system outside of its institutional norms is closely related to the true meaning of the system. Knowing how the operation of this system can set up these arrangements to provide a basis for their actions, and therefore establish the “legitimacy” of the system, is crucial to understanding the operation of constitution.

² On this basis, a review of disaster risk governance should use this structure to analyze administrative cooperation between the public and private sectors and the central and local governments.

3. The Constitutional System and Institutional Resilience in Taiwan

The theoretical meaning of institutional resilience comes from ecology. Scholars who advocate institutional resilience such as Rickard Andersson (2008) have argued that “resilience” means that the system is able to absorb or control the shocks caused by change, so that the system will not change its fundamental capacity. The greater the institutional resilience, the more likely the system is able to resolve the impact of the largest shocks with the smallest possible institutional adjustment. Institutional resilience combines concepts from “systems theory” and “resilience,” focusing on the “transformation” stage of systems theory to explore how institutions as part of a system absorb shocks into drivers for reform, and form new outputs to adapt to environmental change. In this sense, political institutions can be regarded as a political system, with the system “transforming” the “inputs” in order to maintain its own existence, producing its own decisions and actions, and demonstrating the ability to absorb shocks in order to maintain stable operations (Holling et al., 1995).

Scholars who advocate institutional resilience have also argued that there are two types of institutional resilience capacities. The first is the capacity to absorb interference before external factors influence the fundamental structure of the system. The second is the system’s ability to transform itself after interference has occurred. As argued by historical institutionalism, institutions are first embedded in the institutions, conventions, norms, and agreements of the government’s organizational framework (Hall & Taylor, 1996). Institutional resilience indicates the level of tolerance in actors for institutions, and their conservative attitude toward change.

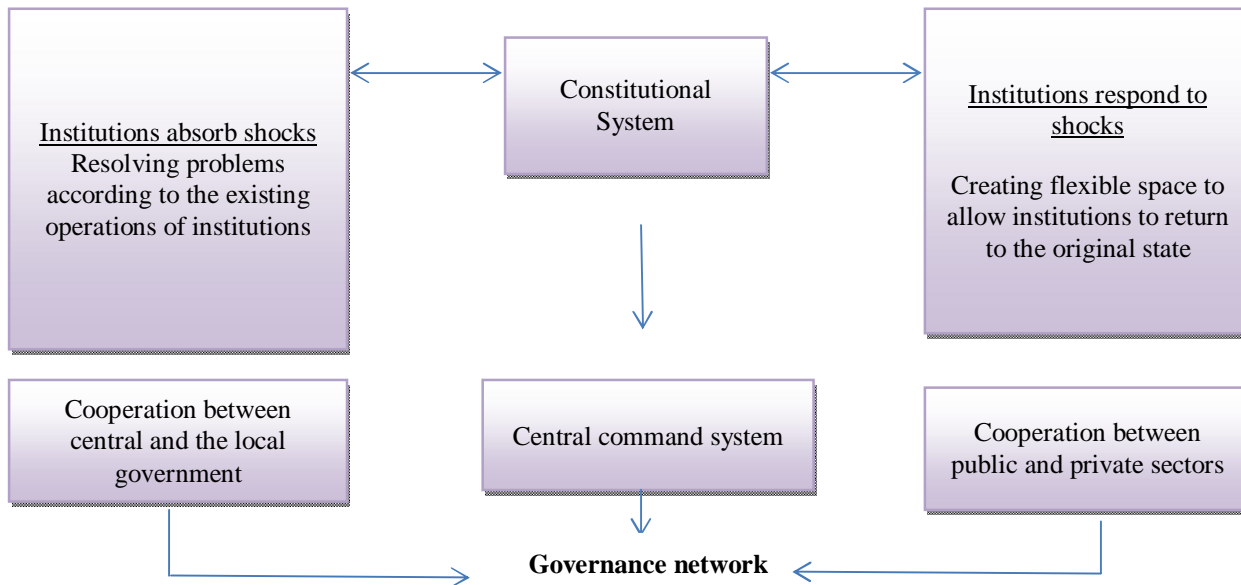
In other words, the primary consideration of political actors is maintaining the current functioning of institutions and existing advantages, so that when institutions face major shocks or crises, they will not be changed as much as possible, as long as the shocks or crises occur within the limits of tolerance. In these scenarios, path dependence is likely to be used as the solution, increasing the difficulty of legislative processes and reducing the possibility of institutional change. According to this perspective, institutional resilience indicates that institutions give actors the space for inaction, meaning that in the event of a disaster impact, those in power choose to resolve the source of governance problems according to the existing institutional model. Similarly, according to the perspective of sociologists, institutions are an expression of the community’s shared beliefs, as well as people’s perception and understanding of legal institutions and government bodies and processes. Therefore, resilience is viewed as a key factor in the sustainable development of institutions (Jordan, 1995).

Further, the ability of institutions to transform in response to impacts and return to the status quo related to how institutional “elasticity” is created by actors. For example, Enrico Colombatto argued that in order to achieve objectives, actors use the development or adjustment of culture or rules on a rational basis so that the institutional framework shows flexibility. When confronted with major governance challenges, during the chaos of the initial system operations, the ability of actors to respond rapidly often “goes beyond” institutional rules to seek other effective mechanisms within the political system. In the study of disaster risk governance, discussions of whether the government is able to reduce risk have often focused on the “effectiveness” of leaders in policy implementation (Lin and Lin, 2014: 20). In other words, studies have emphasized how space for elasticity is used by actors to make adjustments to rigid institutions and to exert their influence, and how establishing a platform for action is an important basis for establishing system legitimacy. In important governance issues involving both the central and local governments, while facing disorder in the early period following a disaster, 1) the actions produced based on the existing system to show the ability of institutions to absorb shocks during the disaster governance process, 2) the gradual establishment of an effective chain of command by those in power and their effective cooperation with local and social forces to find effective approaches to operate the system, and 3) a demonstration of the elasticity of institutions are all important for an understanding of system resilience.

To sum up, this article uses institutional resilience as a theoretical basis to show how Taiwan’s constitutional system demonstrates the ability to absorb shocks and elasticity when faced with major disasters. This article argues that the meaning of institutional resilience can be used to not only explain how constitutional systems guide government policy decisions and actions, but also analyze how constitutional systems can absorb shocks and possibly return to stable operations. This means that constitutional system acts as both an independent variable and a dependent variable. Taiwan is a unitary state, but under the constitution of the Republic of China, the balance of the power system creates a two-track system of parallel operations.

Therefore, understanding the content of governance from the perspective of a unitary state, aside from the division of powers or disputes between the central and local governments, also involves knowing about the operations of institutions jointly generated by actors and the political system, which influence the actual institutional practice of constitutional system outside of the horizontal separation of powers. In examining the combination of constitutional systems and institutional resilience, the present study creates the research framework as shown in Figure 1 to explore the governance network.³

Figure 1: Research Framework



Source: compiled by the author.

Based on this framework, this article uses the roles of the central government, local governments (mainly those of Nantou County and Taichung County, which were affected worst by the disaster), and the private sector to analyze central-local relations after the occurrence of the 921 earthquake as well as the interaction between the public and private sectors. First, this article examines the central government institutional arrangements to understand how those in power make institutional arrangements under framework of constitutional system. Then, the article focuses on how cooperation mechanisms produced by the devolution of central government powers to local governments create governance mechanisms under institutional resilience. Finally, taking a social participation perspective, the article also analyzes how the central government provides space for the participation of the private sector in order to flexibly respond to the impact of disasters and create cooperative relations between the public and private sectors.

4. Institutional Resilience under constitutional system and Disaster Risk Governance Following the 921 Earthquake

4.1 Establishing the Central Government Command System

With a measure of 7.3 on the Richter scale, the 921 earthquake occurred in 1999, resulting in 2,415 deaths, 30 missing people, 11,306 injured people, nearly 110,000 completely or partially collapsed homes, and economic losses over TWD300 billion (921 Earthquake Post-Disaster Recovery Commission, Executive Yuan, 2006). Due to the seriousness of the disaster, on the day of the earthquake, Vincent Siew, the president of the Executive Yuan at the time, immediately issued government emergency instructions.

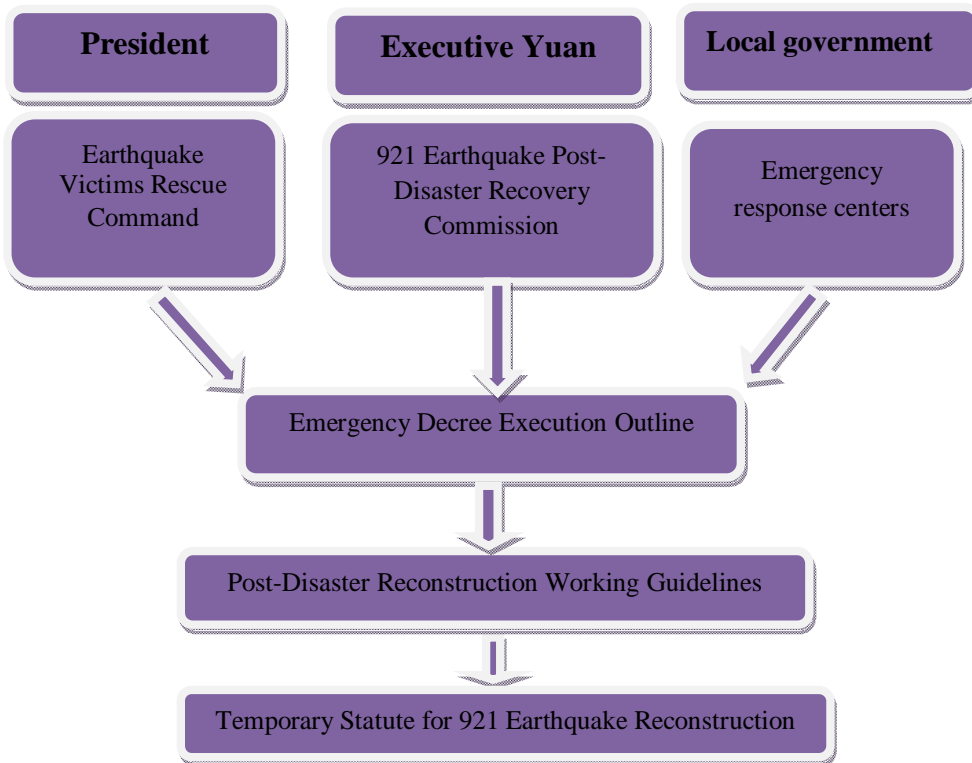
³ As a country with a semi-presidential system, Taiwan's constitutional norms provide the principles for central government actors and offer the institutional basis for interactions between the central and local governments. For example, the Executive Yuan is constitutionally the highest executive body, acting as the supervising authority over local governments. However, in the operation of the executive branch, the influence of the president on actual executive power is unavoidable.

With the Ministry of the Interior and other relevant ministries, he jointly established the 921 Earthquake Victims Rescue Centers, while the Ministry of National Defense established the Rescue Mission Command. On September 23, President Lee Teng-hui convened a second high-level meeting, establishing the Earthquake Victims Rescue Command convened by Vice President Lien Chan. On September 25, the president declared a state of emergency and issued an emergency decree to establish the disaster relief command system. On September 27, the Executive Yuan established the 921 Reconstruction Promotion Committee headed by the prime minister for the joint promotion of subsequent reconstruction work.

The major body for responding to major disasters in Taiwan was established in March 1995 before the occurrence of the 921 earthquakes part of the National Fire Agency. Before the 921 earthquake occurred, since the focus of their disaster relief efforts was disaster victims, firefighters were unable to handle issues such as follow-up care and resettlement. In addition, the disaster prevention and response model had not previously been practiced or implemented, meaning that it was not possible to carry out full rescue efforts after the disaster. This was the main reason behind the central government's reconstruction of the command system. Moreover, the Emergency Response Centers established at the time of the earthquake by local governments and directed by the heads of local governments also faced problems related to disputed authority between the central and local governments. For example, the directors of the Emergency Response Centers argued that the military should lead the disaster relief work and be under their command. However, it was difficult for the heads of the local government to integrate resources and effectively cooperate with the military on disaster relief, creating even more confusion in the initial disaster relief period (Chen, 2011: 14-15).

This became the main reason behind the president's issuance of the emergency decree (Lu, 2006: 117-118). Subsequently, the Legislative Yuan passed the Temporary Statute for 921 Earthquake Reconstruction. In addition, with the KMT in a dominant position while the content of the Emergency Decree and Execution Outline were adopted, the Emergency Decree was to take precedence when the content of the Statute contradicted it. The various controversies associated with the Emergency Decree mean that much of the literature on the 921 earthquake has highlighted the problem of the president's expansion of powers. The earthquake revealed the president's prominence at the center of Taiwan's constitutional system, dominating over the executive power, as well as the relationship between the executive and legislative branches. However, in this context, it is also worth noting that when faced with the disaster, during the operation of the constitutional system, the president led the command system of the executive branch on the one hand, and necessarily went through the legislature to legalize these actions on the other, showing that the executive pursued legitimacy. This article argues that these actions are related to the effectiveness of the institutional resilience described above. In order to exert influence over the disaster risk governance process, the executive used the proclamation of the emergency decree to establish the dominance of its power and its capability as a platform for action.

Additionally, the legislative passed the Temporary Statute as basis for constructing the network for post-disaster risk governance. This reflects absorbing the shock of the disaster with the smallest change in the system, meaning that the constitutional framework guiding post-disaster reconstruction had become the starting point for disaster risk governance. Therefore, the "Post-Disaster Reconstruction Working Guidelines" were promulgated by the implementation of "bottom-up" processes, "civic engagement," and "sustainable development." Following the change in the ruling party in May 2000, and the transition to the presidency of Chen Shui-bian from the Democratic Progressive Party (DPP), the 921 Earthquake Reconstruction Promotion Committee's Office was established under the Temporary Statute for 921 Earthquake Reconstruction. The office was responsible for the coordination, assessment, decision-making, promotion, and supervision of post-disaster reconstruction, and also unavoidably retained the same spirit of institutional resilience centered on the president. In short, under the influence of institutional resilience, local governments and social groups started to act as joint participants in the operation of institutions, which reflected institutional resilience and revealed the penetration of the executive power. The command system structure for this stage can be expressed in Figure 2 below.

Figure 2: Construction of the Central Command System

Source: compiled by the author

4.2 Establishment of Cooperation between the Command System and Local Governments

First, we look at the problem of cooperation mechanisms between the central government and local governments during the reconstruction process. According to the “Post-Disaster Reconstruction Working Guidelines,” the central government empowered local governments to lead the disaster relief through civic engagement, emphasizing that the central government only provides manpower and funding support. However, during the post-disaster reconstruction process at the time, there were disagreements and disputes between councilors and the assembly speaker on disaster relief decision-making in Taichung County and Nantou County, which were affected worst by the disaster (Wu, 2000: 92). The coordination between local governments and the central command also caused significant controversy. On the day of the earthquake, the Executive Yuan established a forward command post in Nantou County where the effects of the disaster were most serious.

However, the command post did not belong to Nantou County, and was instead assigned by the central governments part of the national disaster relief work. Yet, in terms of the results of its actual operations, the command post was regarded as primarily responsible for disaster relief in Nantou County, and was unable to support the relief effort in other areas. This means that Taichung County, which was also severely affected, faced a considerable delay in disaster relief in the initial period (Tung, 1999). Subsequently, although the Presidential Office established a guidance center at the provincial government in Zhongxing New Village, local governments were unsure whether to follow orders from the Executive Yuan, county magistrates, township mayors, military commanders, or fire chiefs, as the vice president supervised the disaster relief and the emergency decree issued by the president authorized township chiefs to act as local supreme commanders to dispatch disaster relief personnel and supplies (Hung, 2008: 138), even stating that the “township mayors are now in charge with supreme command.” Therefore, issues related to central government relief payments, housing appraisals, access to government resources and disputed authority for disaster constructions as a result of directly skipping county governments and directly authorizing township mayors to take command caused confusion in the cooperation mechanisms between the central and local governments. Chen Ding-nan, the legislator at the time, argued that “affected county governments do not lack the ability to respond.

The question is whether the central government wants to give them the authority to respond”(quoted in Wu, 1999; Wang & Tsai, 2009), highlighting the problems produced by the penetration of the executive power into disaster risk governance. However, at the time, the central government directly contacted the townships, and then informed the county governments about what they were doing (921 Earthquake Disaster Relief Record, 2000: 150), meaning that it was actually difficult for the empowered township mayors to act effectively. The main reason for this is that the problems of “efficiency” and “coordination” could not be fully resolved, and the power of the township mayors was limited only to “commanding” the disaster relief. For example, the mayor of Zhushan Township, Nantou County at the time pointed out that although the township mayors could issue commands and had the authority to determine disaster losses, they could not exercise ⁴rapid response in the aftermath of the disaster since they lacked the legal authority for mobilization as well as the capacity to mobilize private sector resources. Clear instructions from the central government were also required, since the interests of disaster victims were involved (Hung, 2008: 138). Observers have also discovered that the “Post-Disaster Reconstruction Working Guidelines” were centered on four major plans: “public works plan,” “industrial reconstruction plan,” “life reconstruction plan,” and “community reconstruction plan.” Of these plans, the “community reconstruction plan” emphasized the principles of local leadership, civic engagement, and central government support, showing the highest level of the empowerment of local governments by the central government.

Other relevant reconstruction laws and policy objectives and directions, such as the establishment of the “Disaster Area Mobile Assistance Team” by the “921 Reconstruction Promotion Committee Integrated Community Development Working Group” for integrated community development, also show that community reconstruction was central to post-disaster reconstruction (Kuo, Lin-Chang, Shen, 2012: 27). This shows that the functions of the local government make a clear reference to community reconstruction work. During the process of community reconstruction, the active role of community groups is also a test of how local governments effectively carry out their work. Aside from the issue of the division of powers, how central government resources can be distributed to local governments and how to carry out effective redistribution are the important bases of an effective cooperation mechanism. According to past research, following the transition of power, the party affiliation of local government heads significantly affected the amount of allocated resources. Therefore, after the DPP took power, those closer to the DPP or the independents won greater reconstruction funding. Further, on the basis that reconstruction resources should provide functions, the central government tends to believe that it should distribute resources according to the social and economic development of each region (Hung, 2007: 117), which shows that the central government controls the allocation of resources and that political factors are also involved.

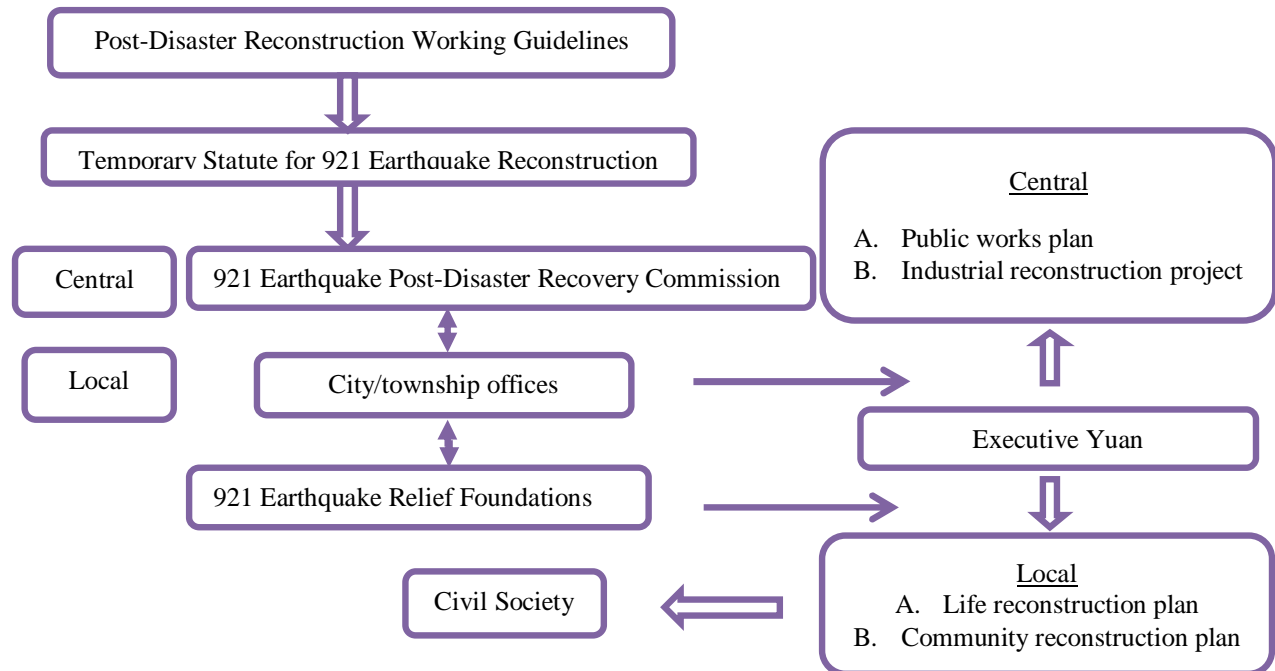
During the 921 earthquake, neither of the worst hit counties, Nantou County and Taichung County, was under KMT control. During the disaster relief process, both the central and local governments received funds through donations, while both sides hoped that the other would release donations to provide funds for the reconstruction, producing a dilemma caused by disagreements between the two sides. The flows of disaster relief donations thus became an important indicator for popular sentiment and government authority during the post-disaster reconstruction. At the time, in October 1999, the “921 Earthquake Relief Foundation” was established by civil society, and the “Donations Oversight Committee” was established by the government, with the cooperation mechanism led by Koo Chen-Fu, bringing together officials and the public.

³The Foundation was responsible for the oversight of civil society fundraising bodies and auditing donations programs, with the management committee responsible for the consolidation and mobilization of donations (Luo, 1999) to resolve this dilemma. As a result, it was not possible to reach a consensus between the central and local governments on issues such as the distribution of disaster relief funds and condolence payments. On the one hand, this highlighted the fact that the central government applied its dominance of the command system (Wu, 1999); on the other hand, it showed the difficulty of empowering local governments given the influence of the dominant executive power. Thus, this may be understood through the changes in the significance of institutions, such as the empowerment of township mayors and political party factors becoming considerations. When the constitutional system’s institutional framework faced controversy over the empowerment of local governments, community building and private foundations became the theme of reconstruction.

⁴ On September 23, 1999, as the heads of Taichung City, Taichung County, and Nantou County were dissatisfied with the slow pace of the central government’s relief efforts, they decided to release accounts to receive donations, inviting the public to make direct donations into their special accounts for disaster relief to speed up the rescue efforts.

Dominant in leadership, the central government moved to cooperate with the private sector to reduce governance dilemmas, and effectively stabilized the system, demonstrating the institutional resilience of the constitutional system. The construction of this part of the governance network is shown in Figure 3 below.

Figure 3: Division of Powers between the Central and Local Governments



Source: compiled by the author.

Notes: Unidirectional arrows show top-down hierarchical command relationships; bidirectional arrows show equal cooperative relations.

4.3 Public-Private Partnerships and the Reemergence of the Central Government's Influence

Though there was cooperation between civil society and the government, the private sector gradually assumed a significant role in the post-disaster reconstruction process, and showed organizational ⁵⁶impact. After the 921 Earthquake, many members of civil society as well as cultural and historical work teams, especially locally based groups, became actively involved in the disaster area. According to statistics produced by the 921 Reconstruction Promotion Committee among the 33 affected cities and townships across the country.

There were more than 130 work teams involved at the peak, with most of them being non-profit organizations. In order to facilitate the efficient allocation of resources and the effective supervision of private donations, and to assist local governments' access to limited grants and ensure that civil society work teams could continue to play a strong role, the "National Post-Disaster Reconstruction Oversight Coordination Alliance" was established on October 7, 1999. The president of Academia Sinica, Yuan T. Lee, was established as the conveyor, integrating disaster relief information for non-governmental organizations and making effective use of the disaster relief platform. According to the two-year work records of the alliance, 12 different types of groups, with a total of 154 organizations, were members of the alliance at the peak. Within two years after the disaster, the alliance trained personnel at each work station to engage in grassroots community work, helping to promote the work of the "Taiwan Community Reconstruction Association" and taking an important role in supporting the government in community building.

⁵ Information retrieved from the 921 Earthquake Relief Foundation, see http://www.taiwan921.lib.ntu.edu.tw/921_10/arch02-09.html.

⁶ In particular, of the 4,067 households affected by the disaster in Nantou County, Tzu Chi took responsibility for the relief work for residents in five of the twelve townships (Laliberté, 2009). Moreover, studies looking at organizational mobilization and resource linkages in the Dongshi, Shigang, and Heping Townships in Taichung County as well as neighboring areas have also shown the influence of social forces (Liu, Chiu, and Lu, 2003: 139-143).

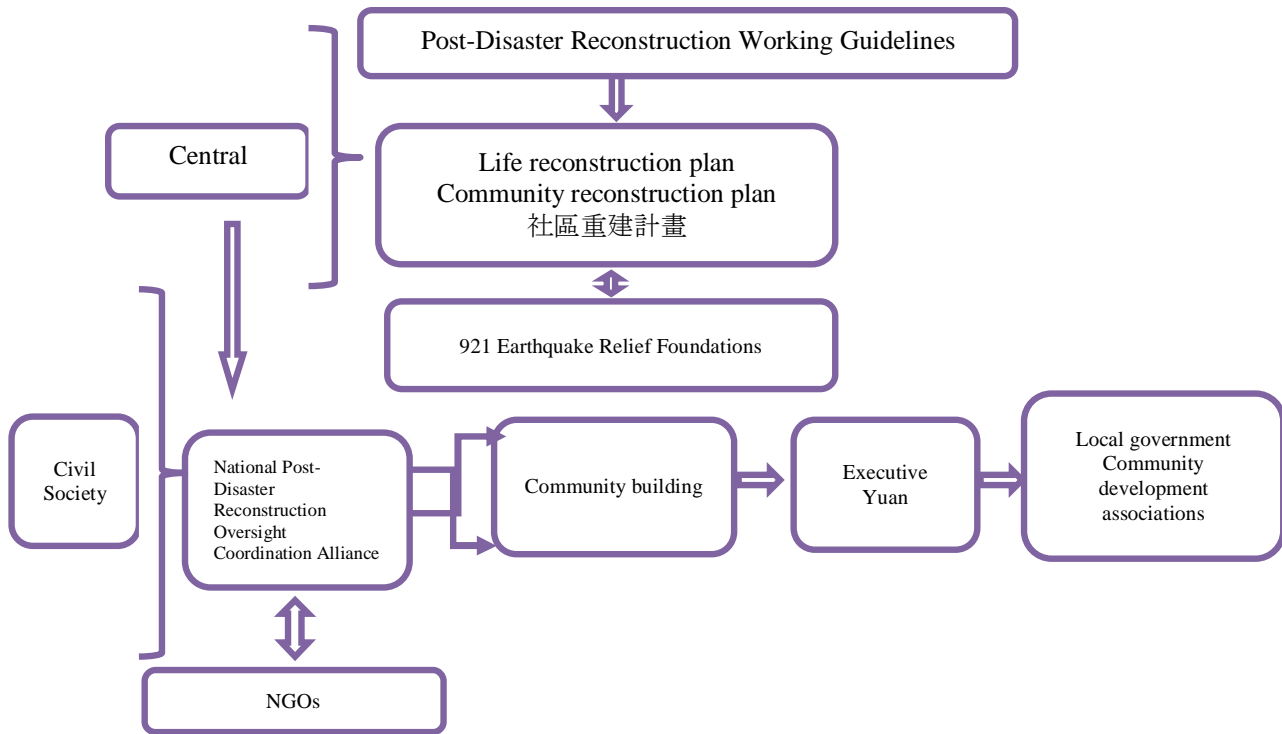
In addition, brokering by the Alliance, the Foundation, and private donations supported the services and operations of the Alliance and grassroots organizations (Lin 2012: 87), showing the value of private resources in reconstruction work.

Following the official logic of governance, through the “Post-Disaster Reconstruction Working Guidelines” established by the Executive Yuan, the 921 Earthquake reconstruction work emphasized civic engagement and bottom-up disaster relief. It followed a public-private partnership model that increasingly reflected the importance of social groups, meaning that community or welfare groups played a key role in linking the central and local governments as well as in connecting the local government and disaster victims. This article argues that the establishment of the relationship between the government and private sector, with the appearance of social forces, can be regarded as a governance model that transcends local government management. Of course, based on the perspective of society-centered theory, civil society participation in the decision-making process and their level of enthusiasm also reflect the meaning of governance. However, from the perspective of institutional resilience under constitutional system, this article finds that when the central government continues to use the command system framework and relations with the private sectors, the participation of local governments, which are closest to the grassroots, declines. The question of whether the local needs are understood remains to be answered.

The most obvious example of this is the public-private partnerships in community building. After the 921 earthquake, community building initiatives appeared across Taiwan, with the central government’s Council for Cultural Affairs responsible for supervision. In its supporting role, whether the local government’s applications for and implementation of community building projects genuinely reflect local characteristics and needs is a question that has been raised by researchers, with the penetration of the executive power into local areas mentioned as an important factor.

From the perspective of institutional resilience, although the chaos and disputes in the initial period following the 921 earthquake eventually returned to the right track, showing the successful implementation of the governance network, this process also reflected the enforcement powers of the central government system and its dominance over the construction of the governance network. This might be seen as a crisis for the realization of the spirit of governance. As Sun Ming-hsien, the president of the ⁷National Post-Disaster Reconstruction Oversight Coordination Alliance at the time emphasized, “At the time, the reconstruction plan developed by the Executive Yuan had four main goals: the government was responsible for public works and industrial reconstruction, and the Foundation was responsible only for life reconstruction and community reconstruction. To make full use of donations, each plan was largely drawn up by the government, but had the cooperation of civil society” (China Times, May 6, 2000). This quote shows the core characteristics of disaster risk governance at the time. The public-private partnership framework and its influence on integrated community development can be expressed in Figure 4 below.

⁷ Many researchers on communities have pointed out that the government’s dual actions of establishing plans and providing funding create difficulties for the implementation of communitarians. On the one hand, faced with current community development, while encouraging local autonomy through promoting proposal-making, the government may integrate the proposals of multiple organizations, which is likely to reduce the diversity of grassroots participation. On the other hand, for communities that are unable to make autonomous proposals, the government may seek assistance from expert individuals or teams, further undermining community autonomy.

Figure 4: Links between Public-Private Partnerships and Community Reconstruction

Source: compiled by the author.

5. Conclusion

Because the occurrence of disasters and subsequent reconstruction is often regarded as inevitably related to “government failure,” there is often a focus on civil society and local officials in the analyses of disaster risk governance by researchers with a “society-centered” perspective. This may underestimate the importance of decision-makers in the central government. This article takes institutional resilience as its focus, arguing that when the governance process generates shocks, the adaptability and responsiveness of the system are all important for understanding the content of governance.

This article asserts that when the country faces important governance issues, regardless of whether it has a unified or federal system, the vertical separation of powers between the central and local governments affects the actual operation of the constitutional system. Therefore, the institutional effects of decentralization or devolution and the roles that local governance can play, as well as the process of collaborative governance involving the central and local governments, have a reciprocal influence with the operation of the central governmental power. Here, institutional resilience is used to show institutions as a “political system.”

This article takes a broader perspective on the political system, using an institutional resilience theoretical perspective to re-examine the constitutional operation of the constitutional system. More specifically, this article uses the 921 Earthquake in Taiwan to link constitutional development and state governance capacity. We find that the disaster relief process centered on the executive power shows the ability of institutions to absorb shocks on the one hand, and creates a basis for forming a governance network within the flexible space provided by institutions on the other. After the occurrence of the 921 Earthquake, major disasters that hit Taiwan, including Typhoon Nari in 2001, Typhoon Mindulle in 2004, and Typhoon Morakot in recent years, which has received a great deal of attention, have required post-disaster reconstruction work. Although the Disaster Prevention and Protection Act were passed in response and an emergency decree was issued to prevent the expansion of presidential powers, criticism toward the central government’s disaster risk governance has not reduced. The main reason is related to the authority of the central government and the oversight role of the president. Broadly speaking, observers have argued that in Taiwan’s disaster risk governance process, the central government has continued to control local grassroots action.

In addition, the governance network involving cooperation between the central and local governments has been regarded as ignorant of real local needs, because the policy planning and resource distribution rarely represent local interests. This article argues that outside of the legal system, the institutional framework of the constitutional system continues to have the ability to regulate and absorb disaster risk governance. This should be an important explanatory dimension for subsequent research on disaster risk governance.

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