

Hitotsubashi University Policy Forum Administrative Response to Emergencies— Through Joint Efforts of Jurisprudence and Economics



Professor Hiroshi Noda

Making full use of knowledge in jurisprudence and economics: To consider crisis management from the “soft side”

The first 2015 Hitotsubashi University Policy Forum was held on Friday, September 4, 2015, on the theme of “Administrative Response to Emergencies—Through Joint Efforts of Jurisprudence and Economics.” Even though the event was held on a weeknight, the venue, Hotel Metropolitan Sendai (Sendai, Miyagi Prefecture), was still overflowing with a crowd of more than 150 people.

At this symposium, the results from a two-year joint research project by Hitotsubashi University’s Faculties of Jurisprudence and Economics, called “How to Build a Social System Capable of Taking Appropriate Actions during an Emergency,” was released. The symposium included in-depth discussions on topics related to administrative responses in an emergency situation and its relation with residents—for example, the sharing of personal information, suspension of regulations after an earthquake, owners undertaking emergency building works immediately after a disaster, population relocation policy, and cooperation between local governing bodies. In terms of crisis management for natural disasters, the “hard side” of preparedness and mitigation activities, such as earthquake-proof enhancement and seawall construction, tends to receive more attention; at this symposium, by making full use of the knowledge of jurisprudence and economics, we were able to expose participants to important aspects of the “soft side” of crisis management.

An opening address by Professor Hiroshi Noda (Graduate School of Law, Hitotsubashi University) described the various seminars held during this law–economics joint research project. Following Professor Noda’s comments, five professionals and researchers gave presentations on challenges that affect administrative response to emergencies.

The first two of these were reports on the topic of “Challenges facing administrative responses to a major earthquake as seen by professionals.”

“Disaster Response and Utilization of Personal Information”

Mr. Tadashi Okamoto | lawyer, Tadashi Okamoto Law Office



The first speaker was attorney Tadashi Okamoto. Under the title of “Disaster Response and Utilization of Personal Information,” Mr. Okamoto explained how various agencies cooperated to overcome confusion resulting from local governments’ interpretation of personal information protection regulations during the Great East Japan Earthquake. He explained the differences between the responses by various local governments; for instance, he stated, one local government was unable to obtain confirmation of the safety of hospitalized residents, whereas another local government was able to provide support to people with visual impairments by matching their information against evacuee lists obtained from each evacuation center at the

request of an organization that serves the visually impaired. Using their authority under the revised Basic Act on Disaster Control Measures, which commenced in April 2014, local governments compiled a list of people requiring special consideration during disasters; they then shared that information with other support groups. In addition, legal training was conducted so that governments would understand the numerous obligations of prefecture governors and municipal mayors under the Basic Act on Disaster Control Measures and the Disaster Relief Act. Mr. Okamoto emphasized the significance of such ongoing efforts and, using his own publication “Disaster Recovery and Revitalization Law” as an example, he stressed the importance of education in disaster prevention law.

“Becoming Involved in the Revitalization Project in Ishinomaki”

Mr. Yu Nomura | Lawyer, Legal Affairs and Planning Officer, Ishinomaki City Hall



The second professional speaker was attorney Yu Nomura, who is also the Legal Affairs and Planning Officer for Ishinomaki City Hall. Mr. Nomura explained that approximately 20,000 residences (16.1% of those in the affected area) were destroyed by the Great East Japan Earthquake in Ishinomaki—most of them by the subsequent tsunami—making that city the most adversely affected area during that time. He then explained how the city facilitated population relocation to highland areas as part of its revitalization project.

Mr. Nomura remarked that because the reconstruction plan for residential homes had to be revised over time according to individual circumstances, it was difficult to stay in touch with public opinion as the number of victims continued to increase. Nevertheless, the current highland relocation system still required attending to victims one household at a time, making the entire revitalization process extremely demanding in terms of the time and effort consumed.

Mr. Nomura also recalled that during the course of revitalization, some problems arose in cases where land and property rights had been inherited many generations ago and no complete inheritance registration was available. In these cases, follow-up investigation and correspondence with respective heirs required considerable work. Consequently, he urged a review of the system for processing and recording basic real estate rights and an adjustment of related laws to improve disaster preparedness.

“Earthquake Disaster Regulation Suspension and Disaster Prevention Legislation”

Kazunari Usui | Associate Professor, Graduate School of Law, Hitotsubashi University

Next, three researchers gave presentations on the “Challenges facing administrative responses to a major earthquake as seen by researchers.”

The first was Associate Professor Kazunari Usui, whose presentation title was “Earthquake Disaster Regulation Suspension and Disaster Prevention Legislation.” Using a series

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Program

Opening Address: Hiroshi Noda, Professor, Graduate School of Law, Hitotsubashi University

Challenges facing administrative response to a major earthquake as seen by professionals

“Disaster Response and Utilization of Personal Information” – Tadashi Okamoto, Lawyer, Tadashi Okamoto Law Office

“Becoming Involved in the Ishinomaki Revitalization Project” – Yu Nomura, Lawyer/Legal Affairs and Planning Officer, Ishinomaki City Hall

Challenges facing administrative response to a major earthquake as seen by researchers

“Earthquake Disaster Regulation Suspension and Disaster Prevention Legislation” – Kazunari Usui, Associate Professor, Graduate School of Law, Hitotsubashi University

“Building Restrictions in the Revitalization of a Declining City” – Masayuki Nakagawa, Professor, College of Economics, Nihon University

“Cooperation between Local Governments in a Disaster” – Motohiro Sato, Professor, Graduate School of Economics, Hitotsubashi University

Taking questions from the audience

Discussion between guest speakers and participants

Moderator: Makoto Saito, Professor, Graduate School of Economics, Hitotsubashi University

Panelists: The five guest speakers mentioned above



of disaster regulation suspension measures as examples, Associate Professor Usui examined possibilities for revising the Basic Act on Disaster Control Measures.

Associate Professor Usui listed five obligations for national and local governments, designated public institutions, and residents as entities with equal responsibility in upholding the rule of law, so that a number of earthquake regulation suspension measures, such as special cremation permits or identity verification of injured persons based on his or her own personal declaration can be undertaken without disruption. Among these responsibilities, he believed that the expansion and strengthening of a disaster response system at the national and local levels should be prioritized. However, as the planning of disaster prevention activities at this time is essentially based on top-down approach, he called for a more bottom-up approach in future planning, using such means as regular disaster prevention training sessions or transmission of ancient wisdom in each region.

“Building Restrictions in the Revitalization of a Declining City”

Masayuki Nakagawa Professor, College of Economics, Nihon University



Professor Masayuki Nakagawa was the second researcher to speak, addressing “Building Restrictions in the Revitalization of a Declining City.” Professor Nakagawa divided these restrictions into two categories: permanent building restrictions for disaster-prone areas and a moratorium limiting or prohibiting construction for a certain period of time due to land readjustment. He used the Great East Japan Earthquake, the oil leak accident in the Gulf of Mexico, and Hurricane Katrina as examples to show how moratorium standards were applied in each case.

Even though the Ishinomaki City vigorously held all types of public meetings and review committee meetings beginning immediately after the earthquake, the scale of its land readjustment project has been downsized and changed by 2014. As opposed to the new safety standards and drilling techniques developed after the Gulf of Mexico incident, or the special repatriation plan with a premise of zero population growth that was adopted following Hurricane Katrina, Japan has not been able to use its moratorium policy as efficiently, mainly because, as Professor Nakagawa indicated, its legislation was flawed due to an assumption of continued growth.

“Cooperation between Local Governments during a Disaster”

Motohiro Sato Professor, Graduate School of Economics, Hitotsubashi University

The third researcher, Professor Motohiro Sato, spoke on “Cooperation between Local Governments during a Disaster,” with a special focus on large-scale processing of disaster waste (rubble) and disaster support agreements among local governments.



First, using the database of Asahi Shimbun, the opinions of municipal leaders and related personnel regarding large-scale processing of disaster rubble were sorted and categorized from “rejected” to “accepting.” The result revealed that these municipal governing bodies were polarized in their opinions, with some who willingly accepted such arrangements while others waited for neighboring municipalities to decide before making their own decision.

Furthermore, even though 80% of the local governing bodies were committed to mutual disaster support agreements, actual execution was problematic as many newly elected municipal leaders would not honor the terms negotiated by the previous leaders, and such cooperative efforts were often undermined if a neighboring municipality did not enter the agreement. Professor Sato proposed a restructuring of the cooperative system and further national-level promotion of local government cooperation during emergencies.

A stimulating panel discussion: Five professionals and researchers gathered under one roof

Finally, a panel discussion was held with Professor Makoto Saito (Graduate School of Economics, Hitotsubashi University) as moderator and our five guest speakers as panelists. The five professionals and researchers asked questions to each other, calling on their specialized knowledge in their answers. Those in attendance were also able to ask questions and hear the panelists’ expert opinions, making this an extremely stimulating session. The panelists also impressed the audience with their earnestness when faced with in-depth questions from people living in the Sendai disaster zone and with their passion when talking about future prospects.



Professor Makoto Saito

This symposium was attended by Mr. Mitsuya Aizawa, a legislator in the Miyagi Prefectural Assembly, and Mr. Isoo Sasaki, the mayor of Natori City in Miyagi Prefecture. Coming from the administrative side and having participated in revitalization activities, these distinguished guests gave us valuable comments regarding their own experiences during and after the earthquake.

Four and a half years have now passed since the Great East Japan Earthquake, and proposals rich in jurisprudence and economics knowledge, such as the ones presented at this symposium, are not scarce, as numerous studies are being conducted even now. Nevertheless, proposals from Sendai, one of the disaster zones, carry a more profound meaning than those from others, and thus we can expect valuable results from this law-economics joint research project.



Mr. Mitsuya Aizawa Mr. Isoo Sasaki

