

## Japan Disaster Countermeasures - Legal Analysis

Dr. Meera. S

Assistant Professor Department of Law Central University of Kerala, [meeras@cukerala.ac.in](mailto:meeras@cukerala.ac.in)

**How to cite this article:** Meera. S (2024) Japan Disaster Countermeasures - Legal Analysis. *Library Progress International*, 44(3), 15235-15238.

### INTRODUCTION

Japan is a country prone to natural disasters. The frequent occurrence of disasters results from the archipelago or the group of islands scattered in the water bodies along the Ring of Fire, a horseshoe-shaped belt of volcanoes and earthquakes surrounding the Pacific Ocean. Natural disasters like earthquakes, tsunamis, and volcanic eruptions are frequently witnessed in these areas due to these geological conditions<sup>1</sup>. A comprehensive and systematic implementation of disaster management regulations has made these achievements. The act <sup>2</sup>includes disasters such as storms, heavy rain, snow, floods, high tides, tsunamis, earthquakes or unusual natural events, conflagration or explosion, or any other damage<sup>3</sup>. The 2011 Great East Japan Earthquake was a devastating disaster that Japan witnessed. From these mega-disasters, the Japanese learned about infrastructural resilience, risk identification, finance management, prevention and preparedness in a holistic approach. They gave predominance to planning, infrastructure resilience, financial security for future disasters, preparedness and preventive measures through collaboration with government and non-governmental agencies<sup>4</sup>.

Massive natural catastrophes have made a significant negative impact on the lives of the people who live in these areas. In addition, these natural disasters can quickly undo all the years of developmental work by the nation. The poor and vulnerable are the most affected group of people by natural disasters. Therefore, the government of Japan created a holistic approach in collaboration with international organisations to face the frequent disasters. Their legal regulations, along with technological advancements, accurate early warning systems, and equipment used in the pre-and post-disaster period, created tremendous changes in the lives of the Japanese people. This article helps to analyse the legal regulations for disaster management in Japan, the responsibilities of the people to prevent the occurrence of disaster in stopping or the spreading of disasters, and the rehabilitation steps to be taken after the occurrence of a disaster by the central Disaster Prevention council are discussed in details. The three types of disaster management plans for proper disaster management are basic disaster prevention plans<sup>5</sup>, operational disaster prevention plans<sup>6</sup> and local disaster prevention plans<sup>7</sup>, which were also discussed in detail.

### RESPONSIBILITY OF THE STATE

The state has the responsibility to protect the life and property of its citizens. Therefore, with the cooperation of the agencies concerned, disaster management coordinates with the prefecture<sup>8</sup>, city, town or village<sup>9</sup>. The Mayor of the city or town and the Head of the village work with the coordination of disaster prevention groups like firefighters, flood

<sup>1</sup> <https://www.statista.com>

<sup>2</sup> Disaster Countermeasures Basic Act , 1961

<sup>3</sup> Article 2

<sup>4</sup> Federica Ranghieri and Mikio Ishiwatari, Lessons from the Great East Japan Earthquake ,<https://documents1.worldbank.org>

<sup>5</sup> The basic disaster prevention plan is drafted by the central disaster prevention council dealing with disaster prevention planning

<sup>6</sup> This is based on the basic disaster prevention plan see article 9

<sup>7</sup> Disaster prevention plan relating to prefectural area, city, town or village area

<sup>8</sup> See article 4

<sup>9</sup> See article 5

prevention units and the residents in a community for disaster management<sup>10</sup>. The national<sup>11</sup> and local governments prepare and implement disaster management plans with the cooperation of the local public in good faith<sup>12</sup> and care<sup>13</sup>—the government reports to their parliament (Diet) about their plans and programmes.

### INSTITUTIONS

There are three disaster prevention councils at the central, city, town or village disaster prevention council. Apart from these councils, there are also councils for major disasters.

#### The Central Disaster Prevention Council

The Central Disaster Prevention Council has established its office at the office of the Prime Minister, with the Prime Minister as its Chairman, and it is the responsibility of the Chairman to appoint other expert members for the Council. The Chairman supervises the affairs of the Council. There is a Secretariat in the Council for the smooth functioning of disaster prevention<sup>14</sup>.

The Prime Minister is required to consult with the Central Council about the constitution and the implementation of disaster prevention plans for major disasters. The Council formulate the policy, coordinates the significant points for disaster prevention, takes temporary measures, declares state emergency and other matters the Prime Minister may deem necessary for proper disaster prevention<sup>15</sup>. The Council can seek dates for disaster prevention activities at the central and local government, executive agencies, corporations, etc. The governors of the prefecture consult with the prefectural Council and design plans for the disaster prevention areas<sup>16</sup>. The prefectural Council can demand data supported for disaster prevention and maintain cooperation with national and local organ agencies<sup>17</sup>. After consultation with the local disaster prevention council by the Governor of the prefecture, the Mayor of the city and the head of the village would select the area for the headquarters for disaster control. These headquarters are headed by a Chairman<sup>18</sup> and Vice Chairman<sup>19</sup> the Chairman is chosen by the cabinet ministers, and he shall have the responsibility to direct the headquarters and supervise its staff. The Vice Chairman can assist the Chairman and perform duties on behalf of the Chairman<sup>20</sup>. The Chairman controls the major disasters with the Vice Chairman and other staff<sup>21</sup>. He coordinates and speedily implements the emergency measures by instructing the chief officials of the affected areas<sup>22</sup>. When there exist a headquarter for controlling major disasters, the headquarters for emergency disasters shall continue with its duties and responsibilities<sup>23</sup>.

The Chairman of the headquarters has the duty to coordinate the work of the authorities; the Chairman gives necessary instructions to the chief officers of the administrative organs, the staff, executive agencies, etc.<sup>24</sup> the Chairman of the Emergency Disaster Control can delegate power, with the Chairman of the local headquarters. The Governor, Mayor, or head of the village can request the Prime Minister or other Governors of another prefecture to support disaster prevention<sup>25</sup>.

Considering past disaster experiences and research findings, the Central Disaster Prevention Council has formulated a basic disaster prevention plan<sup>26</sup>. That includes the plans for operational disaster prevention and local disaster

---

<sup>10</sup> Ibid

<sup>11</sup> The national governments promotes scientific research , conservation of lands , fireproofing of buildings, flood prevention, rescue and relief , traffic measures for disaster prevention , information communications , forecast and alarms, disaster preveeention measures for elderly people , handicapped, infants etc

<sup>12</sup> Article 7

<sup>13</sup> Article 8

<sup>14</sup> Article 12

<sup>15</sup> Article 11

<sup>16</sup> Article 19

<sup>17</sup> Article 21

<sup>18</sup> Article 23(2) and article 25

<sup>19</sup> Article 23(3)

<sup>20</sup> Article 25 (4) and (5)

<sup>21</sup> Article 25(9) to (11)

<sup>22</sup> Article 28

<sup>23</sup> Article 28(3)

<sup>24</sup> 28-6(1) and (2)

<sup>25</sup> Article 30

<sup>26</sup> Article 34 and article 36

prevention with data plans, availability of necessary things for precautionary disaster management, details of persons engaged in disaster prevention, transportation and communications and other matters the Central Disaster Prevention Council may deem urgent for disaster management<sup>27</sup>.

The disaster prevention plan prepared by the Chief Officer shall not conflict with the basic disaster plan or any operational disaster prevention plan<sup>28</sup>. Based on the basic disaster prevention plan, the prefectural disaster prevention council reviews the disaster prevention plan and area plan every year; the prefectural area, city, town, and village make disaster prevention plan<sup>29</sup> and plan for designated areas<sup>30</sup>.

## PREVENTION OF DISASTERS

The critical steps taken to prevent disasters are drills, stockpiling, inspection, and supplies, which are the common preventive steps in disaster management.

## REHABILITATION

Rehabilitation is essential to stabilise people physically and emotionally. The officer assigned by the Central Government, local government or any executive agency can implement the rehabilitation plans<sup>31</sup>. The Chief Officer of the disaster-affected local government shall be responsible for the financial support in the disaster-affected area. The Chief Officers of another local government can also support the officer of the disaster-affected area<sup>32</sup>. The government can give subsidies for the expenses incurred for disaster prevention, or the Mayor of the city or the Governor can ask for the amount in advance<sup>33</sup>. In a severe disaster, the government makes policies for the equitable distribution of burdens for the effective rehabilitation process and the expenses of the local government<sup>34</sup>. In order to meet the expenses incurred in a disaster, the local government shall establish a disaster fund to meet the emergency expenses, and the government also issues bonds for financial security<sup>35</sup>.

When a disaster impacts the economy and welfare of the people, the Prime Minister can declare a state of emergency by referring the matter to the cabinet. When the Prime Minister declares a state or area of a state as a disaster-affected area, then he shall put the matter before the Diet; the declaration of state emergency shall be repealed by the Diet, and after that, the Prime Minister shall revoke the declaration<sup>36</sup>.

When an emergency is going on, and the Diet is not in session, the cabinet can enact an ordinance for disaster management<sup>37</sup>. When assistance for relief is received from other countries, approval from the Diet is mandatory, and if the Diet is not in session, then the approval can be issued as an ordinance, and the und shall accept the assistance for disaster relief<sup>38</sup>. Any person who fails to do their work or fails to comply with the order of the chief officers shall be liable for imprisonment and fine<sup>39</sup>; under this act, the drivers who drive the vehicle in the restricted area<sup>40</sup> or an employee of signal-related disaster prevention, who fails to do their work are also punished with imprisonment and fine<sup>41</sup>.

## CONCLUSION

Catastrophe relief and development cannot be achieved with just financial resources. Capacity building and technical support are equally crucial for disaster management. The role of the communities to prepare for and deal with

---

<sup>27</sup> Article 35

<sup>28</sup> The plan should be consistent with the other Acts like comprehensive land Development ,1951 Forestry Act, 1951 , power Development Promotion Act, 1952, Extraordinary Measures for Re- arranging Forest Preserves , 1954, Capital City area Consolidation Act, 1956 , Multi Purpose Dams Act, 1957 etc

<sup>29</sup> Article 42

<sup>30</sup> Article 43 and article 44

<sup>31</sup> Article 87

<sup>32</sup> Article 92

<sup>33</sup> Article 93

<sup>34</sup> Article 97 and 98

<sup>35</sup> Article 102

<sup>36</sup> Article 106

<sup>37</sup> Article 109

<sup>38</sup> Ibid

<sup>39</sup> Article 113

<sup>40</sup> Article 114

<sup>41</sup> Article 116

natural catastrophes is crucial. Communities have the power to uphold social stability, and the development of the nation should be sustainable by nature. After the Great East Japan Earthquake, the country's policies and practices were reviewed, and suggestions for improvement were made to make DRM even more effective. Japan has a sophisticated DRM system that has developed over almost 2,000 years as the nation has dealt with natural risks and hazards. If the nation's policies and practices had been less effective, the loss of life and property during the earthquake might have been significantly higher.