

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in Japan**  
**A National Law Desk Survey**  
**October 2012**

**Acknowledgements**

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## Law and Regulation for the Reduction of Risk in Natural Disasters in Japan : A National Law Desk Survey

### Executive Summary

Japan's legislative framework for the reduction of risk from natural disaster, which consists of the Disaster Countermeasures Basic Act and other concerned legal instruments, covers a wide range of disaster-related issues, such as earthquake, tsunami, erosion, building standard, city planning, land use, road, landslide, typhoon, steep slope collapse, active volcanoes, fire, flood, river and forest to name but a few.

The Disaster Countermeasures Basic Act is the national disaster management law of Japan which provides for 1) definition of responsibilities for disaster management; 2) disaster management organization; 3) disaster management planning system; 4) disaster prevention and preparedness; 5) disaster emergency response; 6) disaster recovery and rehabilitation; 7) financial measures; and, 8) state of disaster emergency. Based on the Disaster Countermeasures Basic Act, the 'Basic Disaster Management Plan' is prepared by the Central Disaster Management Council; the 'Disaster Management Operation Plan' by each designated government organization and designated public corporation; and the 'Local Disaster Management Plan' by each prefectural and municipal disaster council. These plans together establish a comprehensive disaster management system in Japan which deals with all the phases of disaster management: prevention; mitigation and preparedness; emergency response; and, recovery and rehabilitation.

At the national level, the above-mentioned Central Disaster Management Council is established in the Cabinet Office, based on the Disaster Countermeasures Basic Act. The Council (comprised of the Prime Minister as the chair, Minister of State for Disaster Management, all other ministers, heads of major public institutions and experts on disaster-related issues) deliberates significant issues on disaster management in accordance with requests from the Prime Minister or Minister of State for Disaster Management, and promotes comprehensive measures for disaster management. Within the national government, the Minister of State for Disaster Management takes responsibilities to coordinate disaster management policies and measures. The Minister is assisted by the Cabinet Office Director-General for Disaster Management and its department.

At the prefectural level, under a Local Disaster Management Plan which is prepared by a Prefectural Disaster Management Council, governor, prefectural government, designated local government organizations, designated local public corporations and other concerned parties carry out measures for disaster management. At the municipal level, under a Local Disaster Management Plan which is prepared by the a Municipal Disaster Management Council, the head of city/town/village and municipal government implement the measures in cooperation with the police, fire departments, community groups, schools and other concerned parties.

Details of measures for different types of disaster, as well as competence and duties of institutions/stake holders in dealing with disasters, are prescribed by each specialized laws (e.g. Flood Control Act, Landslide Prevention Act, Act on Special Measures for Active Volcanoes, and Act on Special Measures for Disaster Prevention in Typhoon-prone Areas) whereas the general countermeasures as well as general competence and duties are provided for by the Disaster Countermeasures Basic Act.

## List of abbreviations

DM	Disaster Management
DRR	Disaster Risk Reduction
EIA	Environment Impact Assessment
EWS	Early Warning System

## 1) Introduction

Japan is a country that faces a variety of natural disasters due to its geographical, topographical and meteorological conditions. Japan has lost a great number of people's lives and a vast amount of property by natural disasters in its history. It has been a salient national task for Japan to develop and strengthen disaster management system, weather forecasting technologies, land conservation schemes, disaster information systems, etc. in order to reduce the risk in natural disasters.

Japan has established a number of disaster management laws, which provide bases for the planning and implementation of the above-mentioned measures for disaster management. The details of these laws will be examined in the following sections of this report in answering to the given specific questions for each issue area (e.g. early warning, building codes, flood, and earthquake/tsunami). For each concerned law, scope (of the law), responsible institution, community involvement and so on will be described.

## 2) Summary of Main Natural Hazards and Risks in Japan

Japan is a sea-girt country with an area of about 377,923 square kilometres, located in the mobile zone of the Circum-Pan-Pacific where earthquakes, tsunami and volcanic activities frequently occur. According to Cabinet Office (2012B, p. 1), the number of earthquakes with magnitude 6.0 or greater that happened in Japan between 1996 and 2005 is 190 times and it accounts for 20.8 percent of the same-scaled earthquakes took place in the world in the same period (i.e. 912 times). Cabinet Office (*ibid.*) also points out that Japan has 108 active volcanos which accounts for 7 percent of all active volcanos in the world (i.e. 1548). These volcanos cause disasters to the country which arise from eruptions or volcanic earthquakes.

The land of Japan is stretched from north to south; therefore Japan has varying climates from subarctic to subtropics. In the winter, areas that face the Sea of Japan are caught in heavy snow due to seasonal winds from Siberia. In the summer, many areas of Japan are hit by typhoons emerging from tropic low pressures in Northern Pacific (Asian Disaster Reduction Center, 2012). Other natural hazards that affect Japan include torrential rain, flood and landslide.

The major natural disasters that struck Japan in recent times include the Great Hanshin-Awaji Earthquake (1995) which killed 6,434 people and injured 43,792 people; Niigata-ken-Chuetsu Earthquake (2004) which killed 68 people and injured 4,805 people; and the Great East Japan Earthquake (2011) by which 16,278 people were killed, 2,994 people went missing, and 6,179 people were injured, as of March 2012 (Asian Disaster Reduction Center, 2012).

### 3) Governmental and Law-making structure

The governmental and law-making structure of Japan is prescribed by the Constitution of Japan. The Constitution provides for the separation of State power into three branches: executive, legislature and judiciary. Executive power is vested in the Cabinet (Art. 65); legislative power in the Diet (Art. 41); and judicial power in the Supreme Court and subordinate courts (Art. 76).

The Diet is “the highest organ of state power, and shall be the sole law-making organ of the State” (Art. 41). The Diet consists of the House of Representatives and the House of Councillors (Art. 42). The Diet members (i.e. Representatives and Councillors) are elected by universal suffrage (Arts. 43 and 44).

The Cabinet consists of the Prime Minister, as the head, and other Ministers of State (Art. 66.1). Prime Minister and other Ministers must be civilians (Art. 66.2). The Cabinet is responsible to the Diet for its exercise of executive power (Art. 66.3). The Prime Minister is designated by a resolution of the Diet from among the members of the Diet (Art. 67.1). The Cabinet members (i.e. Ministers of State) are appointed by the Prime Minister, a majority of whom must be chosen from among the members of the Diet (Art. 68.1).

The Supreme Court is composed of “a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet” (Art. 79.1). The judges of subordinate courts are appointed by the Cabinet from persons short-listed by the Supreme Court (Art. 80.1).

The local autonomy in Japan is assumed by local public entities at two levels: prefectural and municipal. There are 47 prefectures and 1742 municipals (excluding 6 villages in the Northern Territories) as of 1 April 2012. Under the Constitution, each local public entity establishes an assembly as its deliberative organ (Art. 93.1). The head of each local public entity, members of its assembly, and other local officials determined by law are elected by

direct popular vote by its residents (Art. 93.2). Each local public entity has “the right to manage their property, affairs and administration and to enact their own regulations within law” (Art. 94).

Japan’s legal system adopts the ‘lex superior’ principle. The Constitution is “the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity” (Art. 98.1). ‘Lex posterior’ and ‘lex specialis’ principles are also employed.



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### 1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Constitution of Japan (promulgated 3 Nov 1946) Local Autonomy Act (Act No. 67 of 1947)	Art. 92	<ul style="list-style-type: none"> <li>- Three levels: National Gov; Prefectural Gov; and Municipal Gov.</li> <li>- 47 prefectures.</li> <li>- 1742 municipals (excluding 6 villages in the Northern Territories) as of 1 April 2012.</li> <li>- “Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.” (Con., Art. 92)</li> <li>- “The purpose of this Law is to classify local public bodies, to lay down the outlines of their organization and operations, and to regulate the basic relationship between the State and such bodies in accordance with the principle of local autonomy, in order to assure each of them democratic and efficient administration as well as sound development.” (Local Autonomy Act, Art. 1)</li> <li>- Other laws concerned with the local autonomy include: Public Offices Election Act; Local Public Service Act; Local Government Finance Act; Local Tax Act; Local Allocation Tax Act; Residential Basic Book Act; Local Public Enterprise Act; Act on Agricultural Commission, etc.; Act on Organization and Operation of Local Educational Administration; Police Act; and, Fire and Disaster</li> </ul>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Management Organization Act.
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	<p>Act on Promotion of Decentralization (Act No. 96 of 1995), as having lost its effect in 2005.</p> <p>Act on Preparation of Related Acts for Promoting Decentralization (Act No. 87 of 1999).</p> <p>Act on Promotion of Decentralization Reform (Act No. 111 of 2006), as having lost its effect in 2009.</p> <p>Act on Forum for Deliberation between National and Local Governments (Act No. 38 of 2011).</p> <p>Act on Preparation of Related Acts for the Promotion of Reform for the Enhancement of Independence/Autonomy of the Local (Act No. 37 of 2011).</p> <p>Act on Preparation of</p>		<ul style="list-style-type: none"> <li>- In present-day Japan, decentralization of government function was carried out intensively under the Act on Promotion of Decentralization Reform (Act No. 111 of 2006). The decentralization was implemented, basically, by delegating powers (as well as public financial resources, to some extent) to prefectural/municipal governments.</li> <li>- Based on the said Act, the Council for the Promotion of Decentralization Reform was established at the Cabinet Office in April 2007. In response to the Prime Minister's inquiry, the Council carried out studies and deliberation on policies and measures concerned with the decentralization, and made recommendations to the Prime Minister. Until its abolishment in March 2010, the Council convened 99 times, and submitted 4 recommendations and 2 opinions to the Prime Minister. When a recommendation was made by the Council, the Government drew up a 'decentralization action plan' in accordance with the recommendation. The plan determined, among others, legal and financial measures (of the Government) necessary for the decentralization (Cabinet Office, 2012A).</li> <li>- The Act was established in order for the concerned authorities (at both national and local level) to promote "comprehensive and systematic decentralization reform" (Cabinet Office, 2012A).</li> <li>- To this end, the Act determined 1) basic principles of the reform, 2) responsibilities of the State and local authorities, and 3) basic items of the concerned measures; and prepared systems for the reform (Cabinet Office, 2012A).</li> </ul>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Related Acts for the Promotion of Reform for the Enhancement of Independence/Autonomy of the Local (Act No. 105 of 2011).		- Under the Act, 1) the role-sharing between the State and local authorities was reevaluated; 2) based on the said reevaluation, financial measures such as 'allocation of revenue resources' were studied; and 3) the institution building of public administration system of local governments was planned and implemented (Cabinet Office, 2012A).
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	Local Autonomy Act (Act No. 67 of 1947)		- There is no such a mention in the Constitution. - There are mentions in the Local Autonomy Act (Act No. 67 of 1947) (as last revised on 11 May 2012) with regard to the allocation of responsibility as follows:  (1) As regards the legal basis for public financial expenditure for disaster management duties by local governments, the Act provides that "[t]he ordinary local public body may, by bylaw, pay to the personnel enumerated above family allowance, local adjustment allowance, residential allowance, initial pay adjustment allowance, commutation allowance, allowance for dispatch to a designated post without family, special labor allowance (including any other allowance corresponding thereto), remote place allowance (including any other allowance corresponding thereto), overtime allowance, night or day duty allowance, special managerial allowance, night work allowance, holiday duty allowance, managerial allowance, term-end bonus, diligence allowance, special term-end bonus, cold region allowance, special allowance for compulsory education school teachers, night or correspondence school allowance, industrial education allowance, agricultural and fishery improvement allowance, disaster duty allowance or retirement allowance" (Art.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>204.2).</p> <p>(2) As regards the legal basis for local governments to undertake a mutual aid program for disaster damages, the Act provides that “[t]wo or more ordinary local public bodies may, upon approval of the respective assemblies, jointly commission a nationally organized non-profit juridical person to undertake a mutual aid program for property damage caused by fire, flood, earthquake and other disasters” (Art. 263-2).</p> <p>- Based on the aforementioned ‘Act on Preparation of Related Acts for Promoting Decentralization’ (Act No. 87 of 1999), various laws concerned with disaster management were partly revised. The revision of these laws changed the allocation of responsibility at the different levels for reducing disaster risks, in that local governments were given more responsibility by delegation of powers from national government to local governments. The revised laws include the Disaster Countermeasures Basic Act (Act No. 223 of 1961), Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978), Act on Special Measures for Active Volcanoes (Act No. 61 of 1973) and Act on Special Measures concerning Earthquake Disaster Management (Act No. 111 of 1995) (Fire and Disaster Management Agency, 2000).</p>
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			<p>Japan is not a member of any regional organization whose regulations or agreements (or guidelines) on disaster management or risk reduction are legally-binding. Having said, Japan is a member of several bodies and platforms under which</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Japan has made (friendly) agreements and consensuses on regional cooperation for disaster management or risk reduction that could impact on Japan's policies and activities in the said issues. The bodies and platforms include: 1) <b>ASEAN Plus Three</b>, as regards regional cooperation agreements on disaster management or risk reduction; 2) <b>Japan-China-ROK</b> (Republic of Korea) <b>Trilateral Summit</b>, as regards trilateral cooperation agreements on disaster management or risk reduction; 3) <b>East Asia Summit (EAS)</b>, as regards regional cooperation agreements on disaster management or risk reduction, including a cooperation "to assist governments <u>in the formulation of relevant laws and the enhancement of capacity for law enforcement</u> in the area of the exploitation and management of natural resources, particularly forest and water resources, in a sustainable manner, with a view to mitigating the negative impact caused by human activities on the environment and vice versa" (underscored by the author of Background Report) (Cha-am Hua Hin Statement on EAS Disaster Management, adopted on 25 Oct 2009 at the Fourth East Asia Summit, held in Cha-am Hua Hin, Thailand); 4) <b>Asian-African Summit</b>, as regards regional cooperation agreements on disaster management or risk reduction, including financial assistance from Japan to the regions (Ministry of Foreign Affairs, 2005); 5) <b>ASEAN Regional Forum</b>, as regards regional cooperation consensus on disaster management or risk reduction; 6) <b>ASEAN-Japan Summit</b>, as regards regional cooperation agreements on disaster management or risk reduction; and, 7) <b>APEC</b>, as regards regional cooperation consensus on disaster management or risk</p>



1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			reduction.

## 2. Institutional frameworks, resourcing and community participation in DRR (Hyogo 1):

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part One. Disaster Management Law &amp; Institutions</b>			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
<b>A. Disaster Management Institutions</b>			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Disaster Countermeasures Basic Act (Act No. 223 of 1961)		- "The cornerstone of legislation on disaster risk reduction is the Disaster Countermeasures Basic Act, enacted in 1961, which set out the basis for measures to reduce disaster risk in Japan" (Government of Japan, 2005, p.1).
6. Is there also a national disaster	Disaster Countermeasures Basic Act (Act No. 223 of	Art. 34	- Article 34 of the Disaster Countermeasures Basic Act provides for the establishment of the Basic Disaster Management Plan (or Basic

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
management policy? Provide details.	1961)		Plan for Disaster Management). - The said plan “has been drafted, setting out comprehensive and long-term plans for disaster risk reduction in Japan: based on this Plan, a comprehensive disaster-management planning system has been established” (Government of Japan, p.1).
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?	Disaster Countermeasures Basic Act (Act No. 223 of 1961)		- Yes, the Disaster Countermeasures Basic Act is applicable throughout Japan. - Yes, under the Disaster Countermeasures Basic Act, an integrated national system is established in the way that the Act prescribes “clear roles and responsibilities of the national and local governments, the relevant stakeholders of the public and private sectors [...] in implementing various disaster countermeasures” (Cabinet Office, 2012B, p. 8).
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	Constitution of Japan (promulgated 3 Nov 1946) Local Autonomy Act (Act No. 67 of 1947)	Art. 94  Art. 14	- Yes, there are separate prefectural and municipal ordinances for DM. - There is a hierarchy between national laws and prefectural/municipal ordinances. Article 94 of the Constitution provides that “[l]ocal public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.” Also, Article 14 of the Local Autonomy Act prescribes that “[e]ach ordinary local public body shall have the power to enact a bylaw [...], insofar as not in conflict with law.”
9. Does the DM or other law establish one or more specialist DM institutions? What are they and what are their mandates?	Disaster Countermeasures Basic Act (Act No. 223 of 1961)	Art. 11	- Article 11 of the Disaster Countermeasures Basic Act provides for the establishment of the Central Disaster Management Council. - “Under the Disaster Countermeasures Basic Act, the Central Disaster Management Council was formed, its brief being to ensure

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>the comprehensiveness of disaster risk management and to discuss matters of importance with regard to disaster management” (Government of Japan, p.1).</p> <p>- Additionally, there is the Minister of State for Disaster Management, who is appointed by the Prime Minister under the Act for Establishment of the Cabinet Office (Act No. 89 of 1999). Works of the said Minister is assisted by Cabinet Office Director-General for Disaster Management and its department. In this regard, the Government of Japan explains that “[w]ithin the Cabinet Office, which is the secretariat for [the Central Disaster Management] Council, the Minister of State for Disaster Management has been assigned as the Minister State for Special Missions for this issue. This Minister is assisted by the department of the Cabinet Office Director-General for Disaster Management” (Government of Japan, p.1).</p> <p>- Responsibilities of the said Minister are “to handle planning and central coordination with regard to matters relating to basic policy on disaster risk reduction, and matters concerning disaster countermeasures in the event of a large-scale disaster. The Minister is also responsible for the integrated handling of information-gathering and other emergency measures, working closely with the Cabinet Secretariat, in the event of a disaster” (<i>Ibid</i>).</p>
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.			- As stated above, the national DM policy (i.e. the Basic Disaster Management Plan) is based on the national DM law (i.e. Disaster Countermeasures Basic Act).
11. Does the DM law or other law deal with:	Disaster Countermeasures Basic Act (Act No. 223 of	Arts. 50-86	a. Articles 50 through 86 provide for disaster response.

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>a. Disaster response?</li> <li>b. Disaster preparedness?</li> <li>c. Disaster mitigation and prevention?</li> <li>d. Disaster risk reduction (DRR)?</li> <li>e. If it includes DRR, how is it defined? (include definition)</li> </ul>	1961)	Arts. 46-49	<ul style="list-style-type: none"> <li>b. Articles 46 through 49 provide for disaster preparedness</li> <li>c. Articles 46 through 49 provide for disaster prevention</li> <li>d. The term ‘disaster risk reduction’ (or alike) is not explicitly used in the Disaster Countermeasures Basic Act. And, therefore, there is no definition of DRR. However, the wording of Government of Japan (2005) indicates that the term ‘disaster prevention (and preparedness)’ is considered as parallel to DRR in government’s reading of the Act.</li> <li>e. See d. above</li> </ul>
12. Does the DM law or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	Disaster Countermeasures Basic Act (Act No. 223 of 1961)		<p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in the Prime Minister to:</p> <ul style="list-style-type: none"> <li>1) designate the Designated administrative organs (Art. 2(3));</li> <li>2) designate the Designated Local Administrative Organs(Art. 2(4));</li> <li>3) designate the Designated public corporations (Art. 2(5));</li> <li>4) consult the Central Disaster Prevention Council as regards the following matters: i) basic policy of disaster prevention; ii) major points in overall coordination of measures undertaken for disaster prevention; iii) outline of urgent measures of temporary nature for a major disaster; iv) declaration of a state of emergency; and, v) other major matters which the Prime Minister may deem necessary for disaster prevention;</li> <li>5) compose the Central Disaster Prevention Council as chairperson</li> </ul>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>(Art. 12.2);</p> <p>6) direct and supervise the affairs of the Council (Art. 12.3);</p> <p>7) appoint the members from among ministers of state and persons with pertinent knowledge and experience (Art. 12.5(2));</p> <p>8) appoint expert members from among officials of appropriate administrative organs or designated public corporations and persons with pertinent knowledge and experience (Art. 12.7);</p> <p>9) appoint a secretariat, which is established in the Central Disaster Prevention Council to transact the business of the Council (Art. 12.8);</p> <p>10) establish a Headquarters for Major Disaster Control on a temporary basis in the Office of the Prime Minister, when a major disaster has occurred and if deemed necessary because of the dimensions of the disaster and other conditions (Art. 24);</p> <p>11) make public the designation, area of jurisdiction, location, and term of establishment of the above-mentioned Headquarters, when the Headquarters is established and when it is abolished (Art. 24.2);</p> <p>12) appoint the vice-chairman of the Headquarters, Headquarters members and other officials from among officials of the Designated administrative organs, of chief officers or members of the Designated Local Administrative Organs (Art. 25.5);</p> <p>13) inform the Diet immediately, when a Local headquarters for Major Disaster Control is established (Art. 25.7);</p> <p>14) establish on an ad hoc basis and with cabinet approval a Headquarters for Emergency Disaster Control within the Prime Minister's Office, when a special need be recognized as pursuing emergency disaster response measures in the event of an extremely</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>unusual or devastating disaster (Art. 28-2);</p> <p>15) appoint the members (other than the chairman and vice-chairman) of the Headquarters for Emergency Disaster Control from among the ministers of state or the chief officers of other non-ministerial government agencies (Art. 28-3.6(3));</p> <p>16) appoint the staffs of the Headquarters for Emergency Disaster Control from among staffs of the Designated Government Agencies and/or chief-officers and staffs of the Designated Local Government Agencies (Art. 28-3.7);</p> <p>17) make intercession for the dispatch of officials by Designated administrative organs and Designated public corporations to a disaster-stricken prefecture, for emergency measures or rehabilitation efforts, upon request of the governor of the prefecture (Art. 30);</p> <p>18) make intercession for the dispatch of officials by the governor of another prefecture to a disaster-stricken prefecture, for emergency measures or rehabilitation efforts, upon request of the governor of the disaster-stricken prefecture (Art. 30.2);</p> <p>19) receive, at regular intervals, data indicating the number of officials by profession who have pertinent skills, knowledge or experience for disaster emergency measures or rehabilitation efforts, and describing the degree of their skills, knowledge or experience from the chief officer of a national or local administrative organ or the governor of a prefecture, in the interest of efficient dispatch of officials (Art. 33);</p> <p>20) receive a report from the Central Disaster Prevention Council, when the Council has formulated or revised a Basic Disaster</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Prevention Plan (Art. 34.2);</p> <p>21) receive a report from the chief officer of a Designated administrative organ, when the chief officer has formulated or revised an Operational Disaster Prevention Plan (Art. 36.2);</p> <p>22) receive a report from a Designated Public Corporation, when the Corporation has formulated or revised an Operational Disaster Prevention Plan (Art. 39.2);</p> <p>23) receive a report from a Prefectural Disaster Prevention Council, when the Council has formulated or revised its prefectural area disaster prevention plan (Art. 40.4);</p> <p>24) seek an opinion of the Central Disaster Management Council when the Prime Minister received an above-mentioned report from a Prefectural Disaster Prevention Council, and (if deemed necessary) give advice or recommendation to the Prefectural Disaster Prevention Council (Art. 40.5);</p> <p>25) receive report from a disaster-stricken city, town or village about conditions of disaster and an outline of the measures taken, when a disaster has occurred in the area of the city, town or village, under the condition that it is not possible for the city, town or village to report to the prefecture (Art. 53);</p> <p>26) receive report from a disaster-stricken prefecture about conditions of disaster and an outline of the measures taken, when a disaster has occurred in the area of the prefecture (Art. 53.2);</p> <p>27) receive report from a representative of a Designated public corporation about conditions of disaster and an outline of the measures taken, when a disaster has occurred pertaining to its business (Art. 53.3);</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>28) receive report from a chief officer of a Designated administrative organ about conditions of disaster and an outline of the measures taken, when a disaster has occurred pertaining to its business (Art. 53.4);</p> <p>29) report to the Central Disaster Management Council about the concerned matters for the above-mentioned reports, when received the reports (Art. 53.7);</p> <p>30) ask a governor of a prefecture to help the governor of a disaster-stricken prefecture or the mayor of a disaster-stricken city, town or village, if deemed necessary for emergency measures, upon request of the governor or mayor of the disaster-stricken area (Art. 74.2);</p> <p>31) ask a governor of a prefecture to help the governor of a disaster-stricken prefecture or the mayor of a disaster-stricken city, town or village, if deemed necessary for emergency measures, before receiving request of the governor or mayor of the disaster-stricken areas. In such a case, the Prime Minister shall report to the governor of the disaster-stricken area to that effect (Art. 74.3);</p> <p>32) receive a report from the governor of a disaster-stricken prefecture as regards its discussion (upon the request of the mayor of the disaster-stricken area) with the governor of another prefecture that may receive disaster-sufferers beyond prefectural boundary (Art. 86-3.3);</p> <p>33) receive a report from the said governor of a disaster-stricken prefecture about the result of the discussion (Art. 86-3.9);</p> <p>34) receive a report from the said governor of a disaster-stricken prefecture about the end of the necessity for temporary-stay of the</p>



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			<p>disaster-sufferers in the other prefecture (Art. 86-3.12);</p> <p>35) give advice to the governor of a disaster-stricken prefecture about the above-mentioned discussion over the temporary-stay of disaster-sufferers, when the Prime Minister is sought an advice from the governor (Art. 86-6.2);</p> <p>36) declare a state of emergency involving the whole or part of the affected area, upon referring the matter to a Cabinet Conference, in time of an extraordinary disaster whose repercussions on the national economy and public welfare are serious and far-reaching and when the Prime Minister deems it particularly necessary in the interest of enforcing emergency measures (Art. 105);</p> <p>37) put the matter before the Diet for its consent when a state of emergency has been declared under the provisions of the preceding article (Art. 106);</p> <p>38) promptly revoke the above-mentioned declaration when there has been a resolution to refuse consent as provided under the preceding paragraph, or when the Diet has voted to repeal the declaration of a state of emergency, or when there is no longer the necessity for the declaration (Art. 106);</p> <p>39) establish a Headquarters for Emergency Disaster Control with jurisdiction over the area covered by the declaration of a state of emergency, when there has been declared a state of emergency (Art. 107); and,</p> <p>40) as decided by an ordinance of an appropriate Ministry, award a person who has been recognized as having distinguished itself by its services in the work of disaster prevention (Art. 111).</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in the Minister of State for Disaster Management to:</p> <ol style="list-style-type: none"> <li>1) compose the Central Disaster Prevention Council as a member (Art. 12.5 (1)).</li> </ol> <p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in the Minister of Defense to:</p> <ol style="list-style-type: none"> <li>1) receive a report from the mayor of the city or town or head of the village about the condition of the disaster, when a disaster occurs or threatens to occur in the territory of the city, town, or village and the mayor or the village head requests the governor of the prefecture to issue a call of the Self Defense Force Act (Art. 68-2); and,</li> <li>2) dispatch the troops for the protection of life and property without waiting for a call – as having been informed as described above and in light of the information received, deeming there to be particular urgency and no time to wait for a call-up (Art. 68-2(2)).</li> </ol> <p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in a minister of state to:</p> <ol style="list-style-type: none"> <li>1) compose the Central Disaster Prevention Council as a member if appointed by the Prime Minister (Art. 12.5 (2));</li> <li>2) serve for the Headquarters for Major Disaster Control as a chairperson (Art. 25);</li> <li>3) serve for the Headquarters for Emergency Disaster Control as chairperson, in the event that the Prime Minister is incapacitated</li> </ol>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>(Art. 28-3);</p> <p>4) serve for the Headquarters for Emergency Disaster Control as vice-chairperson (Art. 28-3.4); and,</p> <p>5) compose the Headquarters for Emergency Disaster Control as a member. All ministers of state compose the Headquarters (Art. 28-3.6(1));.</p> <p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in the minister of each ministry to:</p> <p>1) award a person who has been recognized as having distinguished itself by its services in the work of disaster prevention, as decided by an ordinance of an appropriate ministry (Art. 111).</p> <p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in a competent minister to:</p> <p>1) decide appropriately and expeditiously to fix the amount of rehabilitation expenses (with respect to a rehabilitation program whose expenses are met by the government, in part or in whole, or which is subsidized by the government) on the basis of a report from the governor of the prefecture, data presented by other local governments, and results of on-site investigations (Art. 88);</p> <p>2) exercise full care with respect to work pertaining to the creation or renovation of an establishment to be pursued concurrently with a rehabilitation program in the interest of preventing a recurrence of disaster, in fixing the amount of expenses for a rehabilitation program under the preceding paragraph (Art. 88.2); and,</p> <p>3) report a summary of his/her action to the Central Disaster</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Prevention Council, when a competent minister has fixed the amount of rehabilitation expenses, or when the minister has established standards for the implementation of a rehabilitation program (Art. 89).</p> <p>- Disaster Countermeasure Basic Act allocates DRR responsibilities in a minister having jurisdiction over the business of a designated public corporation to:</p> <p>1) report (on behalf of a designated public corporation) to the Prime Minister when the designated public corporation has formulated or revised an operational disaster prevention plan (Art. 39.2).</p>
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>	<p>Art. 7</p>	<p>- Yes. Article 7 of the Disaster Countermeasures Basic Act provides for the responsibilities of “residents and others” at prefectural, municipal and community levels.</p> <p>- Civil society actors explicitly mentioned in the Article are ‘public organizations’ in the areas of local public authorities and ‘residents’.</p> <p>- The said public organizations are “obligated, by law or under an appropriate area disaster prevention plan, to fulfil their responsibilities in good faith” (Art. 7).</p> <p>- Residents are to play such a role as “to contribute toward the cause of disaster prevention by taking their own measures to prepare for disaster and by participating in voluntary disaster prevention groups etc.” (Art. 7.2).</p> <p>- The role of civil society is also prescribed by the ‘Basic Framework</p>

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			<p>for Promoting a Nationwide Movement for Disaster Reduction’ which was decided and published by the Central Disaster Management Council in 2006 in order to “promote a nationwide movement where individuals, families, communities, corporations and other various groups and entities participate in continuous activities and investments for mitigating disaster damage” (Cabinet Office, 2012B, p. 38).</p> <p>- The roles of civil society actors defined in this Basic Framework (i.e. individuals, families, communities, corporations and other various groups and entities) are various at national, prefectural, municipal and community levels, as follows:</p> <ol style="list-style-type: none"> <li>1) “Wider social involvement in disaster reduction activities”. This includes the introduction of “disaster reduction events in usual community events such as local festivals” and the promotion of “disaster reduction education at schools, volunteer activities and communities” (Cabinet Office, 2012B, p. 38);</li> <li>2) Provision of “correct knowledge in an appealing and easy-to-understand way (develop good materials)”. That is, to use “various materials such as picture books, photograph collections, picture-story shows and games” and to use “disaster experience narratives” (<i>Ibid.</i>);</li> <li>3) Promotion of “companies and families to invest in safety (investment incentive)”. This includes: promotion of “investments in safety for work places and houses”; enhancement of “disaster reduction awareness in the private sector and commercial districts in view of positive business management strategy”; and, promotion of “preparations for business continuity plans” (<i>Ibid.</i>);</li> <li>4) Promotion of “wider collaboration (network involving various</li> </ol>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>stakeholders)". That is, "[c]ollaboration among national and local governments, schools, community centres, parent-teacher associations, companies, volunteer groups, etc." (<i>Ibid.</i>); and,</p> <p>5) "Continuous activities by individuals and various stakeholders (long-term continuity)". This includes the promotion of "the establishment of community stakeholder meetings for disaster reduction activities" and giving reward to "good practices of disaster reduction activities in communities, schools, work places, etc." (<i>Ibid.</i>).</p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>	<p>Art. 2(5)</p> <p>Art. 6</p> <p>Art. 6.2</p>	<p>- Yes. The Japanese Red Cross Society is designated by the Prime Minister as a designated public corporation (Art. 2(5), Disaster Countermeasures Basic Act).</p> <p>- As a designated public corporation, the Japanese Red Cross Society "shall have the responsibility to formulate a disaster prevention plan pertaining to [its] respective business and to implement it as prescribed by law, and at the same time, to render cooperation in [its] respective activities to the prefecture, city, town or village in order that the State, prefecture, city town or village may effectively formulate and implement their disaster prevention plans as provided by this Act" (Art. 6).</p> <p>- Also, the Japanese Red Cross Society, as a designated public corporation, is "obligated to contribute through their respective businesses toward the cause of disaster prevention, in view of the fact that their business is for the public good" (Art. 6.2).</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			<p>- There is no provision that ensure women's role in the DM institution within the Disaster Countermeasures Basic Plan.</p> <p>- Basic Disaster Management Plan refers to the role of women as well as to the need for gender equality perspectives in DM. The Plan calls the followings:</p> <ol style="list-style-type: none"> <li>1) Need to expand women's participation in the policy/decision making process of DM as well as in the fields of DM (chap. 1.3);</li> <li>2) Need to establish a DM system that has a perspective of gender equality (chap. 1.3);</li> <li>3) Make efforts to give proper consideration for different perspectives between men and women (such as the different needs between the two) (chap. 2.1.3.2);</li> <li>4) Facilitate women's participation in fire brigade at community level (chap. 2.1.3.3(1); 2.1.3.3(1); 5.1.3.3(1); 13.1.4.2 and 14.1.4.3(1));</li> <li>5) Facilitate women's participation in voluntary organizations for DM at prefectural and municipal levels (<i>Ibid.</i>);</li> <li>6) Facilitate women's participation in flood fighting corps at prefectural and municipal levels (<i>Ibid.</i>);</li> <li>7) Gives consideration for different perspectives between men and women (such as the different needs between the two) in managing emergency shelters (chap. 2.2.5.2; 4.2.6.2(2); 5.2.7.2(2) and 14.2.7.2(2)); and</li> <li>8) Give proper consideration for different perspectives between men and women (such as the different needs between the two in suffering from disasters) when implementing emergency drills</li> </ol>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			(chap. 2.1.3.2(2); 5.1.3.2(3) and 14.1.4.2(2)).
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			<p>- Yes. Basic Disaster Management Plan states that mutual help at community level is necessary for DM, and that individuals, families, private companies and other organizations shall cooperate with each other daily to carry out actions and investments for disaster reduction (chap. 1.4).</p> <p>- There is no clear definition of ‘communities’, but the Plan indicates that a local community consists of individuals, families, voluntary organization for disaster prevention, private companies and other organizations (chaps. 1.4; 3.1.3.2(1) and, 3.1.3.3(3)).</p> <p>- The roles of communities explicitly recognized by the Plan include:</p> <p>1) Being a forum for DM education (chaps. 2.1.3.2; 3.1.3.2(1); 4.1.3.2(2)); and</p> <p>2) Facilitating evacuation (chap. 3.1.3.2(1));</p> <p>- Other roles of communities are mentioned by the above-discussed Basic Framework for Promoting a Nationwide Movement for Disaster Reduction. (See answers above for Q13).</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p>	Disaster Countermeasures Basic Act (Act No. 223 of 1961)	Arts. 46 through 49	<p>- As discussed above, the Disaster Countermeasures Basic Act provides for “clear roles and responsibilities of the national and local governments, the relevant stakeholders of the public and private sectors cooperate in implementing various disaster countermeasures” (Cabinet Office, 2012B, p. 8). The details of the said ‘various disaster countermeasures’ are prescribed in more detail by the Basic Disaster Management Plan.</p> <p>- Disaster Countermeasures Basic Act provides for the following</p>



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			<p>areas of prevention and disaster risk reduction:</p> <ol style="list-style-type: none"> <li>1) Prevention of disasters and responsibility for its implementation (Art. 46);</li> <li>2) Responsibility for maintaining organizations for disaster prevention (Art. 47);</li> <li>3) Responsibility for disaster prevention drills (Art. 48); and,</li> <li>4) Responsibility for stockpiling materials and supplies necessary for disaster prevention (Art. 49).</li> </ol> <p>- Established by the Central Disaster Management Council based on the Disaster Countermeasures Basic Act, the Basic Disaster Management Plan “consists of various plans for each type of disaster, where tangible countermeasures to be taken by each stakeholder such as the national and local governments, public corporations and other entities are described for easy reference according to the disaster phases of prevention and preparedness, emergency response, as well as recovery and rehabilitation” (Cabinet Office, 2012B, p. 11).</p> <p>- Basic Disaster Management Plan provides the countermeasures for prevention and risk reduction against the following 4 natural disasters and 8 accident disasters:</p> <p>Natural disasters</p> <ol style="list-style-type: none"> <li>1) Earthquake;</li> <li>2) Storm and Flood;</li> </ol>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>3) Volcano; and, 4) Snow;</p> <p>Accident disasters</p> <p>1) Maritime; 2) Aviation; 3) Railroad; 4) Road; 5) Nuclear; 6) Hazardous Materials; 7) Large-scale Fire; and, 8) Forest Fire.</p>
<p>18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>	<p>Art. 9.2 Art. 25.7 Art. 106 Art. 106.2 Art. 109 Art. 109.4</p>	<p>- Yes. Disaster Countermeasures Basic Act provides for the Government's reporting to the Diet.</p> <p>- "The Government shall report each year to the Diet about its plans for disaster prevention together with a general account of measures undertaken for disaster prevention, as provided by ordinance" (Art. 9.2).</p> <p>- "When a local headquarters for major disaster control is established under the provisions of the preceding paragraph, the Prime Minister shall inform the Diet thereof immediately" (Art. 25.7).</p> <p>- "When a state of emergency has been declared under the provisions of the preceding article, the Prime Minister shall put the matter before the Diet for its consent not later than twenty days</p>

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		<p>Art. 109-2</p> <p>Art. 109-2.2</p>	<p>from the date of declaration. However, when the Diet is in adjournment or the House of Representatives has been dissolved, he shall seek parliamentary consent at the earliest session of the Diet thereafter” (Art. 106).</p> <p>- “When there has been a resolution to refuse consent as provided under the preceding paragraph, or when the Diet has voted to repeal the declaration of a state of emergency, or when there is no longer the necessity for the declaration, the Prime Minister shall promptly revoke said declaration” (Art. 106.2).</p> <p>- “In case of an urgent need to preserve the economic order of the nation and to ensure the public welfare when confronted with a situation of emergency as a result of disaster and when the Diet is in adjournment or the House of Representatives has been dissolved, and further, when the situation does not allow time to call the Diet in session or request an emergency session of the House of Counselors for action, the Cabinet may enact an ordinance in order to take necessary steps on the matters listed below” (Art. 109). “The Cabinet shall, upon enactment of an ordinance under paragraph 1, decide on the convocation of the Diet in extraordinary session or to seek an emergency session of the House of Counselors; it shall further take steps to enact a Act to replace said ordinance of such measures as taken under that ordinance are to be continued, and for other cases, it shall seek consent to the ordinance enacted” (Art. 109.4).</p> <p>- “When unable, during times of disaster, to quickly and smoothly accept assistance from other countries for the relief of disaster victims according to the Act, and the Diet is in adjournment or the House of Representatives has been dissolved, and further, when the</p>

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			situation does not allow time to call the Diet in session or request an emergency session of the House of Counselors for action, the Cabinet may enact an ordinance in order to take necessary steps to accept said assistance" (Art. 109-2). "The provisions of paragraphs 3-7 of the preceding article shall apply to the preceding paragraph" (Art. 109-2.2).
<b>B. Hyogo Framework for Action &amp; Climate Change Institutions</b>			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	Disaster Countermeasures Basic Act (Act No. 223 of 1961)		<p>- Yes. See the following statement of the Government of Japan (2005) with regard to this: "Under the Disaster Countermeasures Basic Act, the Central Disaster Management Council was formed, its brief being to ensure the comprehensiveness of disaster risk management and to discuss matters of importance with regard to disaster management. (An organizational diagram and description of roles is included in the documentation attached.)</p> <p>Within the Cabinet Office, which is the secretariat for this Council, the Minister of State for Disaster Management has been assigned as the Minister State for Special Missions for this issue. This Minister is assisted by the department of the Cabinet Office Director-General for Disaster Management his mandate being to handle planning and central coordination with regard to matters relating to basic policy on disaster risk reduction, and matters concerning disaster countermeasures in the event of a large-scale disaster. The Minister is also responsible for the integrated handling of information-gathering and other emergency measures, working closely with the Cabinet Secretariat, in the event of a disaster" (p. 1).</p>
20. Does legislation establish any	Act on Promotion of Global		- As regards planning and implementation for adaptation to climate

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<p>institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?</p>	<p>Warming Countermeasures (Act No. 117 of 1998)</p>		<p>change, the Global Warming Prevention Headquarters is established at the Cabinet Office, based on the Act on Promotion of Global Warming Countermeasures.</p> <p>- (The author of this background report is not able to find any information with regard to the designated roles of the said Headquarters in DRR, from available government information sources.</p>
<p>21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>		<p>- (The author of this background report is not able to find any information as regards the intersection among the implementation mechanisms for the HFA, climate change adaptation and DM institutions, from available government information sources. Having said, there is some information related to this issue, as described below.)</p> <p>- Article 8 of the Disaster Countermeasures Basic Act provides for ‘exercising of care in the interest of disaster prevention in enforcing appropriate measures’. This includes measures for a matter “relating to efficient operation of establishments and organizations concerned with activities necessary for disaster prevention such as weather observation and flood and earthquake prediction, forecasting, information gathering and other activities, and establishments and organizations concerned with communication” (Art. 8.2(5)).</p> <p>- The Act does not explicitly allocate responsibilities to any particular institution in this regard, but the Basic Disaster Management Plan prescribes the responsibilities of various institutions such as the Cabinet Office; the Ministry of Land,</p>

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			<p>Infrastructure and Transport; Ministry of Agriculture, Forestry and Fisheries; the Japan Meteorological Agency; the Japan Coast Guard; and, the Fire and Disaster Management Agency. For instance, Chapter 3.1.3.2(1) of the Basic Disaster Management Plan prescribes the above-mentioned institutions' responsibility in collecting weather and other concerned information for observing, forecasting and warning of disaster risks.</p> <p>- Cabinet Office (2012B) explains the role of the Japan Meteorological Agency with regard to this. "Observation systems that can accurately detect disaster risks in real-time have been progressively improved for establishing early warning systems, supporting the early evacuation of residents and response activities of disaster management organizations, and thereby reducing disaster damage. Organizations involved in disaster reduction, especially the Japan Meteorological Agency (JMA) , use 24-hour systems to carefully monitor various natural phenomena and weather conditions.</p> <p>In addition to announcing observed information related to natural phenomena, the JMA issues a wide range of forecasts, warnings and advisories regarding earthquake generated tsunamis and severe weather events such as heavy rain" (p. 14).</p>
<b>C. DRR priority and resource allocation in government</b>			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by			- Yes, the budget for DRR is allocated at the state level. "The national budget for disaster management is Approximately 4.5 trillion yen (average annual budget From 1995 to 2004) , accounting for approximately 5% of the total amount of the budget for general

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?			accounts. The percentage for each field is: i) Scientific Technology Research, 1.3%; ii) Disaster Prevention and Preparedness, 23.6%; iii) National Land Conservation, 48.7%; and iv) Disaster Recovery and Rehabilitation, 26.4%" (Cabinet Office, 2012B, p. 12).
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?	Disaster Countermeasures Basic Act (Act No. 223 of 1961)	Art. 91	- "Under the Disaster Countermeasures Basic Act, local public bodies are required to set aside a disaster countermeasures fund to cover emergency expenditure necessitated by disaster countermeasures. Specifically, they are required to save a specific sum of money, as a disaster relief fund under the Disaster Relief Law, for each of the prefectures they serve" (Government of Japan, 2005, p. 13).
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?	Disaster Countermeasures Basic Act (Act No. 223 of 1961)	Art. 91	- (Same as above).
<b>Part Two. Responsibility, accountability and liability for natural disaster risk reduction</b>			
The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.			
<b>A. Constitutional Rights &amp; Guarantees for the Population</b>			
25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government	State Redress Act (Act No. 125 of 1947)	Art. 1.1	- Article 1.1 of the State Redress Act provides that "[w]hen a public officer who exercises the public authority of the State or of a public entity has, in the course of his/her duties, unlawfully inflicted damage on another person intentionally or negligently, the State or

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <ul style="list-style-type: none"> <li>a. DRR in general?</li> <li>b. Safety /Life</li> <li>c. Right to Food?</li> <li>d. Right to adequate shelter or housing?</li> <li>e. Non-discrimination, (and other relevant civil and political rights)?</li> <li>f. Livelihoods, Health (and other economic, social and cultural rights)?</li> <li>g. Compensation for losses due to natural disasters?</li> <li>h. Information?</li> </ul>			<p>public entity shall assume the responsibility to compensate therefor." This applies to issues related to natural disasters.</p>
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to</p>			<ul style="list-style-type: none"> <li>- Anyone who thinks his/her rights are violated by the state can bring the case to the courts, whether individually or collectively.</li> <li>- The claimants can represent themselves.</li> <li>- There are costs of lawsuit (e.g. lawyer's fee), but the poor claimants can access to the civil legal aid provided by Japan Legal Support Center.</li> </ul>



2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>			
<b>B. Liability &amp; Insurance</b>			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?	State Redress Act (Act No. 125 of 1947)	Art. 1.1	- If the affection of population is considered as an unlawfully inflicted damage as a result of intentional or negligent conducts of “a public officer who exercises the public authority of the State or of a public entity [...], the State or public entity shall assume the responsibility to compensate therefor” (Art. 1.1, State Redress Act).
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or			<p>- As mentioned above, only when the ‘failure to warn’ or ‘erroneous warning’ occurs as a result of intentional or negligent conducts of a public officer, government agencies are liable in civil case.</p> <p>- The injured parties can seek redress by the court process, for claim on state compensation.</p> <p>- The actions can be individual, collective or both.</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
both?			
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?			- No immunity.
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			<ul style="list-style-type: none"> <li>- Private persons are liable for faulty disaster-related advice or warnings, and this applies to volunteers.</li> <li>- When a case meets crime-constituting conditions, the case can be criminal; otherwise civil.</li> <li>- The injured parties can seek redress by the court process, for claim on damages in torts.</li> <li>- The actions can be individual, collective or both.</li> </ul>
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			<ul style="list-style-type: none"> <li>- Private persons are liable for damage caused to others from their property during natural disasters.</li> <li>- When a case meets crime-constituting conditions, the case can be criminal; otherwise civil.</li> <li>- The injured parties can seek redress by the court process, for claim on damages in torts.</li> <li>- The actions can be individual, collective or both.</li> </ul>
32. Is there any system of compulsory			- (The author of the background report could not find relevant

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			information from government information sources available with this regard).

### 3. Early warning and reduction of underlying risk factors through regulation (Hyogo 2 and 4)

## 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p><b>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</b></p>			
<p><b>A. Cyclones, tornadoes, or storms?</b></p>			
33. Is there a specific law about this hazard (i.e. not the main DM law)? If	Act on Special Measures for Disaster Prevention in		- This Act provides for special measures regarding public works for disaster prevention and reduction for typhoon and heavy rains in

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Typhoon-prone Areas (Act No. 72 of 1958)</p>		<p>zones frequently struck by typhoons (Art.1).                      - The Act gives the definition of ‘special measures for disaster prevention’ (Art. 2); prescribes the designation of ‘zones frequently struck by typhoons’ (Art. 3); provides for national plan for the special measures (Arts. 4, 5 and 13); and prescribes budgetary measures (Arts. 11 and 12).                      - National government (i.e. Prime Minister; Minister of Finance; Minister of Agriculture; Forestry and Fisheries; and Minister of Land, Infrastructure and Transport) is responsible.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>Act on Special Measures for Disaster Prevention in Typhoon-prone Areas (Act No. 72 of 1958)</p>	<p>Art. 11 Art. 12</p>	<p>- Yes. As mentioned above, Articles 11 and 12 provide for budget. Based on these provisions, the Government of Japan is obliged to appropriate budget for ‘special measures for disaster prevention’ in every fiscal year (Art. 11.1), and to provide financial assistance to local public authorities for them to implement the said special measures (Arts. 11.2 and 12).</p>
<p>35. Does this law attribute liability for damage caused by:</p> <ol style="list-style-type: none"> <li>failure to warn, or false or faulty warnings of this risk?</li> <li>failure to take preventive action including by reducing this risk?</li> <li>If so, who may be liable - or immune?</li> <li>Is it civil or criminal liability, or both?</li> </ol>			<p>No</p>
<p>36. Does this law regulate the collection</p>			<p>No</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			No
38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No
39. If communities are involved in Early Warning Systems (EWS), does this			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			
<b>B. Earthquake/Tsunami?</b>			
<p>40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Act on Special Measures for Earthquake Disaster Countermeasures (Act No. 111 of 1995)</p>		<p>- There are other laws concerned with earthquake/tsunami: Act on Special Measures for Large-scale Earthquakes (Act No. 73 of 1978); Act on Special Measures for Promotion of Tonankai and Nankai Earthquake Disaster Management (Act No. 92 of 2002); Act on Special Measures for Promotion of Disaster Management for Trench-type Earthquakes in the Vicinity of the Japan and Chishima Trenches (Act No. 27 of 2004); and Act on Special Financial Measures for Urgent Earthquake Countermeasure Improvement Projects in Areas for Intensified Measures (Act No. 63 of 1980).</p> <p>- Act on Special Measures for Earthquake Disaster Countermeasures was established based on the lessons learned from Kobe Great Earthquake of 1995 (Headquarters for Earthquake Research Promotion, 2012).</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>- To protect life, body and property of citizens, the Act prescribes the target of the implementation of earthquake disaster countermeasures; setting up of 5-year-plan for the countermeasures; budgetary special measures of the state for the said countermeasures; development of systems for the promotion of earthquake research (Art. 1).</p> <p>- The scope of the Act is: establishment of the target for the implementation of earthquake disaster countermeasures (Art. 1-2); making of 5-year-plan for the countermeasures (Art. 2); contents of the said 5-year-plan (Art. 3); state budgetary measures for the countermeasures (Art. 4); national government's consideration for the local bond issued by local public authorities to finance the countermeasures (Art. 5); national government's consideration for any other fiscal and monetary measures for the strengthening of the countermeasures (Art. 6); establishment of the Headquarters for Earthquake Research Promotion as well as its businesses (Art. 7); organizations and of the Headquarters (Arts. 8, 9 and 10); collection of information about earthquake (Art. 11); cooperation with other national administrative bodies (Art. 12); promotion of research concerned (Art. 13); and making public of the prospects of earthquake disasters (Art. 14).</p> <p>- Based on this Act, each prefecture sets up its own 5-year-plan for 'Special Measures for Earthquake Disaster Countermeasures', promoting the infrastructure building for earthquake disaster countermeasures as well as the research on earthquake(Headquarters for Earthquake Research Promotion,</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>2012).</p> <ul style="list-style-type: none"> <li>- As regards the infrastructure building, the governor of each prefecture takes responsibility (<i>Ibid</i>).</li> <li>- As regards the research, national government has responsibilities and the Headquarters for Earthquake Research Promotion is set up at the Cabinet Office. The members of the Headquarters are as follows. Minister of Education, Culture, Sports, Science and Technology serves the Headquarters as the chief of members. Other members are executive officials from: Ministry of Education, Culture, Sports, Science and Technology; Cabinet Office; Cabinet Secretariat; Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry; and Ministry of Land, Infrastructure and Transport (<i>Ibid</i>).</li> </ul>
<p>41. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>Act on Special Measures for Earthquake Disaster Countermeasures (Act No. 111 of 1995)</p>	<p>Art. 4</p>	<ul style="list-style-type: none"> <li>- Article 4 of the Act provides for the share of financing (of the state) for earthquake disaster countermeasures. The countermeasures are grouped into 10 different categories; and the share of financing is prescribed for each category. The share of financing of the state varies between the half and the two third. For example, as regards the countermeasures for the development and maintenance of the warehouses of local public authorities which store emergency goods such as food, water and relief equipment, the share of the state is prescribed as the half of the total budget.</li> <li>- The Act also provides for national government's consideration for the local bond issued by local public authorities to finance the countermeasures (Art. 5), as well as national government's consideration for any other fiscal and monetary measures for the strengthening of the countermeasures (Art. 6) as mentioned</li> </ul>



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			above.
<p>42. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>			No.
<p>43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No.
<p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> </ul>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No.
46. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			No.
<b>C. Fire?</b>			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If	Fire Services Act (Act No. 186 of 1948)	Art. 1	- The Act aims “to prevent, guard against, and suppress fires in order to protect the lives, bodies and property of citizens from

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>fires, and to reduce the damage arising from fires or disasters such as earthquakes, thereby maintaining peace and order and contributing to the promotion of social and public welfare” (Art. 1).</p> <ul style="list-style-type: none"> <li>- The Act provides for the countermeasures in the following areas: Prevention of Fire; Hazardous Materials; Hazardous Materials Safety Techniques Association; Fire Defense Equipment, etc.; Inspection, etc. of Machine or Tool, etc. Used for Fire Defense; Japan Fire Equipment Inspection Institute, etc.; Guarding against Fire; Extinguishing Activities; Investigation of Fire; Ambulance Services; Miscellaneous Provisions; and, Penal Provisions.</li> <li>- The Act prescribes the responsibilities of governments at national, prefectural, and municipal levels.</li> </ul>
<p>48. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>Fire Services Act (Act No. 186 of 1948)</p>		<ul style="list-style-type: none"> <li>- No, in general. Only Arts. 29.3 and 29.4 prescribe the financial measures as regards this risk management.</li> <li>- “A fire chief or fire station chief, or a fire corps chief of a municipality which has no fire defense headquarters, when there is an urgent necessity for the activities of extinguishing a fire or preventing the spread of a fire or rescuing human life, may use, dispose of or restrict the use of a property under fire defense measures and land other than the property under fire defense measures and land prescribed in the preceding two paragraphs. In this case, when a person who has suffered any loss from such measures claims compensation for such loss, the loss shall be compensated for at market value” (Art. 29.3).</li> <li>- “Costs required for paying compensation under the provision of the preceding paragraph shall be borne by the municipality concerned” (Art. 29.4).</li> </ul>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>49. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>	<p>Fire Services Act (Act No. 186 of 1948).</p>	<p>Art. 39-3.2</p>	<ul style="list-style-type: none"> <li>a. No.</li> <li>b. Yes.</li> <li>c. “A person who has, due to his/her failure to take the due care required in the pursuit of social activities, caused hazardous materials to leak, flow out, emit or scatter from a manufacturing facility, storage facility or handling facility, thereby causing a fire risk” (Art. 39-3).</li> <li>d. Criminal. “A person who has committed the crime set forth in the preceding paragraph, thereby causing the death of or an injury to another, shall be punished by imprisonment with or without work for not more than five years or a fine of not more than three million yen” (Art. 39-3.2)</li> </ul>
<p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Fire Services Act (Act No. 186 of 1948).</p>	<p>Art. 4</p>	<p>Yes.</p> <ul style="list-style-type: none"> <li>- A fire chief or fire station chief.</li> <li>- The concerned mandates are provided as below.</li> <li>- “A fire chief or fire station chief, when it is necessary for fire prevention, may order a person concerned to submit information materials or request a person concerned to make reports, or have his/her fire defense personnel (in the case of a municipality which has no fire defense headquarters, an official engaged in the fire service affairs of the municipality or a full-time fire corps volunteer of the municipality; the same shall apply hereinafter, except in Article 5-3, paragraph (2)) enter any place of work, factory or place</li> </ul>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			with public access or any other place concerned, and inspect the position, structure equipment or the status of the management of the property under fire defense measures or ask questions of any related person; provided, however, that the fire chief or fire station chief shall have no person enter an individual's residence unless the person concerned gives consent or there is a particularly urgent necessity for such entry due to an extremely high fire risk" (Art. 4.1).
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			No.
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	Fire Services Act (Act No. 186 of 1948).	Art. 22	<p>Yes.</p> <p>Article 22 provides for the EWS as below.</p> <p>- "When the Director-General of the Meteorological Agency, the</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Director of a District Meteorological Observatory, the Director of the Okinawa Meteorological Observatory, the Director of a Local Meteorological Observatory or the head of a Weather Station finds the meteorological conditions in a certain area to be dangerous from a fire prevention perspective, he/she shall immediately report such condition to the prefectural governor who has jurisdiction over said area” (Art. 22.1).</p> <p>- “Upon receiving a report of the meteorological conditions set forth in the preceding paragraph, the prefectural governor shall immediately report the same to the municipal mayors” (Art. 22.2).</p> <p>- “A municipal mayor may issue a fire alarm when he/she has received a report set forth in the preceding paragraph or finds the meteorological conditions to be dangerous from a fire prevention perspective” (Art. 22.3).</p> <p>- Community involvement is required only in the way that members of the community under EWS are under the restriction of the use of fire: “When an alarm has been issued under the provision of the preceding paragraph, those persons within the area of the municipality shall obey the restrictions on the use of fire as specified by municipal ordinance until the alarm is called off” (Art. 22.4).</p>
<p>53. If communities are involved in EWS, does this law provide that they:</p> <p>a. Assist in the design of local and community EWS?</p> <p>b. Establish or maintain EWS?</p>			<p>No.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
<b>D. Floods?</b>			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Flood Control Act (Act No. 193 of 1949)</p>	<p>Arts. 3-8, 9-32, 33-35, 36-40, 41-44, 45-51, 52-54,</p> <p>Art. 3</p> <p>Art. 3-2</p>	<p>- The Act provides for the organization of flood control (Arts. 3-8), countermeasures of flood control (Arts. 9-32), designated flood control management bodies (Arts. 33-35), flood control cooperation bodies (Arts. 36-40), cost allocation (Arts. 41-44), miscellaneous provision (Arts. 45-51) and penal provision (Arts. 52-54).</p> <p>- The institutional responsibility is primarily taken by municipal governments (Art. 3).</p> <p>- Where it is difficult for a municipal government to fulfill its responsibility alone, the municipal government shall establish a 'flood control administration association' in cooperation with other municipal governments (Art. 3-2).</p> <p>- Also, where it is difficult for a local public authority (either prefectural or municipal government) to prevent flood by protecting dykes and water gates alone, the local public authority shall set up a 'flood prevention association' in cooperation with</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		<p>Art. 3.6</p> <p>Art. 11</p> <p>Art. 13</p> <p>Art. 16</p>	<p>other local public authorities, in accordance with Article 1 of the Act on Flood Prevention Association (Act No. 50 of 1908).</p> <p>- Each prefectural government is responsible for ensuring the implementation of flood control undertaken by ‘flood control administration association’ in its area (Art. 3.6).</p> <p>- Each governor is responsible for flood warnings in cooperation with the Director-General of the Japan Meteorological Agency Art. 11).</p> <p>- Each governor and Minister of Land, Infrastructure and Transport are responsible for the warnings of the water level of rivers (Art. 13).</p> <p>- Each governor and Minister of Land, Infrastructure and Transport are responsible for the warnings of flood control (Art. 16).</p>
<p>55. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>Flood Control Act (Act No. 193 of 1949)</p>	<p>Art. 41</p> <p>Art. 42</p>	<p>- Yes.</p> <p>- Article 41 provides that a municipal government or ‘flood control administration association’ or ‘flood prevention association’ shall bear the cost of its flood control measures.</p> <p>- Municipal governments that are considerably benefited from the flood control measures taken by a ‘flood control administration association’ shall share the cost (Art. 42).</p>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		<p>Art. 43</p> <p>Art. 43-2</p> <p>Art. 44.1</p> <p>Art. 44.2</p>	<p>- Prefectural governments bear the cost of administration, which are responsibilities of prefectural governments under the Act (Art. 43).</p> <p>- National government bears the cost of special emergency flood control measures which are undertaken by the Minister of Land, Infrastructure and Transport (Art. 43-2).</p> <p>- A prefectural government can subsidize 'flood control administration associations' with their cost prescribed by Art. 41 (Art. 44).</p> <p>- National government can subsidize prefectural governments with their cost of subsidizing 'flood control administration associations', under a specific conditions provided by the Art. 44.2 (Art. 44.2).</p>
<p>56. Does this law attribute liability for damage caused by:</p> <p>a. failure to warn, or false or faulty warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			<p>- No.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Flood Control Act (Act No. 193 of 1949)</p>		<ul style="list-style-type: none"> <li>- Minister of Land, Infrastructure and Transport is responsible for designating rivers that may cause serious damages to national economy by flooding (Arts. 10.2 and 13.1).</li> <li>- Minister of Land, Infrastructure and Transport is responsible for designating areas that may be flooded if the designated rivers flow over (Art. 14).</li> <li>- Each governor is responsible for designating rivers that may cause considerable damages by flooding (Arts. 11.1 and 13.2).</li> <li>- Each governor is responsible for designating areas that may be flooded if the designated rivers flow over (Art. 14).</li> </ul>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ol style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ol>	<p>Flood Control Act (Act No. 193 of 1949)</p>		<ul style="list-style-type: none"> <li>- Yes. The Act provides for the consultation and participation of the affected or at-risk communities as regards risk mapping and general DRR, in the following conditions.</li> <li>- Owners or managers of underground shopping complexes (or alike) which are located in probable flood areas (designated by the Minister of Land, Infrastructure and Transport or a governor) shall establish a plan for evacuation; report the plan to the head of the municipal government; and make the plan public (Art. 15.3).</li> <li>- The head of (1) a municipal government or 'flood control administration association' or 'flood prevention association'; (2) a flood control corps; or, (3) fire services can have residents (living in the concerned municipal or in the concerned area under the control of the 'flood control administration association' or 'flood prevention association') or people (being at the site) involve with flood control, if necessary (Art. 24).</li> </ul>
<p>59. Does this law provide for Early</p>	<p>Flood Control Act (Act No.</p>		<p>- Yes.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	193 of 1949)	Art. 11  Art. 13  Art. 16	<p>- Each governor is responsible for flood warnings in cooperation with the Director-General of the Japan Meteorological Agency Art. 11).</p> <p>- Each governor and Minister of Land, Infrastructure and Transport are responsible for the warnings of the water level of rivers (Art. 13).</p> <p>- Each governor and Minister of Land, Infrastructure and Transport are responsible for the warnings of flood control (Art. 16).</p>
<p>60. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			<p>- The Act does not provide for the involvement of community in EWS.</p>
<b>E. Heat/cold waves?</b>			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At			<p>- No.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
what level(s) of government is this regulated?			
62. Does this law specify how management of this risk is financed? If so, describe.			N/A
63. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			N/A
65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities?			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
68. Describe form of regulation, and institutional responsibility.			N/A
<b>F. Insect Infestations?</b>			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			- No.
70. Does this law specify how management of this risk is financed? If so, describe.			N/A
71. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>			N/A
72. Does this law regulate the collection and distribution of information on			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			N/A
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>75. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and</li> </ul>			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
<p><b>G. Landslides and avalanches?</b></p>			
<p>76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Landslide Prevention Act (Act No. 30 of 1958)</p>		<p>- Other acts concerned with landslide and avalanches include Erosion Control Act (Act No. 29 of 1897), Act on Prevention of Steep Slope Collapse Disaster (Act No. 57 of 1969), and Act on Promotion of Sediment Disaster Countermeasures for Sediment Disaster Prone Areas (Act No. 57 of 2000).</p> <p>- The purpose of the Landslide Prevention Act “is to prevent landslide and collapse of slagheap, with an aim to eliminate or mitigate the disaster caused by landslide and collapse of slagheap, and thereby to contribute to land conservation and stabilization of people's life” (Art. 1).</p> <p>- The Act consists of: General Provisions; Management Concerning Landslide-threatened Area; Expenses Concerning Landslide-threatened Area; Management Concerning Slagheap Collapse-threatened Area etc.; Miscellaneous Provisions; and, Penal Provisions.</p>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>- The institutional responsibility is undertaken by the competent minister at the national level and by governors at prefectural level.</p> <p>- The responsibilities of the competent minister include:</p> <ol style="list-style-type: none"> <li>1) The “Competent Minister” is responsible for designating “a landslide area (that is, an area where landslide is occurring or is having high potentiality of landslide occurrence [...]) and a part of its adjacent area where slide of the landslide area may be furthered or caused or may have high potentiality of furtherance ...” (Art. 3.1);</li> <li>2) The “Competent Minister” is responsible for designating “an area where slagheap exists with close reference to public interests, as slagheap collapse-threatened area” (Art. 4.1);</li> <li>3) The “Competent Minister as well as his/her appointee or entrustee may [...] enter a land occupied by another person, or make temporary use of another person’s land, wherein no specific use purpose exists, as material depository or work site” (Art. 6.1).</li> </ol> <p>- The responsibilities of prefectural governors include:</p> <ol style="list-style-type: none"> <li>1) Prefectural governors are responsible for “[m]anagement of landslide-threatened area such as execution of landslide prevention works” (Art. 7);</li> <li>2) Prefectural governors are responsible for “install[ing] a sign to indicate thereon in the [...] land-slide-threatened area [as designated by the Competent Minister based on Art. 3.3]” (Art. 8);</li> <li>3) Prefectural governors are responsible for “mak[ing] a basic plan concerning landslide prevention works for the [...] landslide-threatened area [as designated by the Competent Minister based</li> </ol>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			on Art. 3.3], considering opinions from cities, towns and villages concerned, as may be provided for in Competent Ministry Ordinance, and submit it to the Competent Minister” (Art. 9).
77. Does this law specify how management of this risk is financed? If so, describe.	Landslide Prevention Act (Act No. 30 of 1958)		<p>- Yes.</p> <p>- Regarding cost sharing for management of landslide threatened area, the Act provides as follows: “The expenses necessary for the management of landslide-threatened area, such as execution of landslide prevention works and installation of sign, shall be borne by prefecture under the jurisdiction of prefectural governor who manages the said landslide-threatened area, unless otherwise provided for in this Law or any other laws” (Art. 27).</p> <p>- Regarding cost sharing for direct works by the competent minister, the Act provides as follows: “The expenses necessary for execution of landslide prevention works by the Competent Minister subject to the provision of Article 10 Paragraph 1, insofar as may be executed in a mountain stream (including its direct downstream in mountainous area; hereinafter the same) or with an aim to prevent direct discharge of sediment into mountain stream together with the former, shall be borne by the State for two thirds and by prefecture for one third” (Art. 28.1).</p> <p>- Regarding cost sharing of landslide prevention works executed by prefectural governor, the Act provides as follows: “The State shall bear the half of the expenses necessary for landslide prevention works executed by prefectural governor. However, the cost sharing of the State shall be two thirds for the landslide prevention works executed in a mountain stream and with an aim to prevent direct discharge of sediment into mountain stream together with the former, insofar as they may come under emergency landslide</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>disaster prevention works which may be executed to meet with dangerous situation of collapse etc. by a disaster, and 5.5/10 for the landslide prevention works executed to prevent recurrent disaster and falling out of emergency landslide disaster prevention works which may be executed to meet with dangerous situation of collapse etc. by disaster.” (Art. 29.1).</p> <p>- Regarding cost sharing of benefited prefecture, the Act provides as follows: “In case where the other prefecture may benefit considerably by landslide prevention works executed by prefectural governor, the said prefectural governor may, consulting with governor of the other prefecture, make the other prefecture benefited considerably bear a part of expenses to be borne by the prefecture under the jurisdiction of the said prefectural governor, within the limit of the benefit to be gained, as may be provided for in Government Ordinance” (Art. 30.1).</p> <p>- Regarding cost sharing of cities, towns and villages, the Act provides as follows: “With regards to the expenses which prefecture may bear subject to the provisions of the preceding four Articles, insofar as its landslide prevention works or its maintenance of facilities for landslide prevention may contribute to the benefits of cities, towns or villages within a boundary of the said prefecture, the prefecture may, with-in the limit of the benefit to be gained by the said works or maintenance, make the said cities, towns and villages bear a part of expenses necessary for the works or maintenance” (Art. 31.1).</p> <p>- Regarding payment of shares, the Act provides as follows: “In case where the Competent Minister executes landslide prevention works, the works shall be executed with expenditure of total</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>amount of expenses from the national budget; and then, prefecture under the jurisdiction of prefectural governor who manages the said landslide-threatened area, as well as the other prefecture which shall bear the shares, shall pay the shares subject to the provisions of Article 28 Paragraph 1 or 2 into the National Treasury, as may be provided for in Government Ordinance” (Art. 32).</p> <p>- Regarding expenses for joint use structure, the Act provides as follows: “In case where facilities for landslide prevention managed by prefectural governor have joint utility with other structure, shares of expenses necessary for management of the said facilities for landslide prevention shall be fixed by consultation between the said prefectural governor and the manager of the said other structure” (Act. 33).</p> <p>- Regarding cost sharing by a person necessitating works, the Act provides as follows: “With regards to the expenses of landslide prevention works necessitated for him-/herself by other works or other act, prefectural governor shall make the person bearing expenses of other works or other act bear the whole or a part the expenses, within the limit of the expenses necessitated” (Act. 34).</p> <p>- Regarding expenses for appurtenant works, the Act provides as follows: “With regards to expenses of other works necessitated by the landslide prevention works which prefectural governor executes, or of other works necessitated for his/her execution of the landslide prevention works, prefecture under the jurisdiction of the said prefectural governor shall, within the limit of amount to be expended for the works necessitated, bear the whole or a part of the expenses, except for the case where there are special</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>conditions attached to the permission subject to the provision of Article 18 Paragraph 1 and the case where consultation subject to the provision of Article 20 Paragraph 2 may be held” (Act. 35.1).</p> <p>- Regarding cost sharing by beneficiaries, the Act provides as follows: “Prefectural governor may, in case where any person may be considerably benefited by landslide prevention works of his/her execution, make the person bear a part of expenses of the said works, within the limit of the benefit to be gained” (Act. 36.1).</p>
<p>78. Does this law attribute liability for damage caused by:</p> <ol style="list-style-type: none"> <li>failure to warn, or false or faulty warnings of this risk?</li> <li>failure to take preventive action including by reducing this risk?</li> <li>If so, who may be liable - or immune?</li> <li>is it civil or criminal liability, or both?</li> </ol>	<p>Landslide Prevention Act (Act No. 30 of 1958)</p>		<ol style="list-style-type: none"> <li>No.</li> <li>Yes. Article 53 of the Act provides that “[a] person to whom one of the following Items applies shall be punished with penal servitude for not more than six months or a fine of not more than fifty thousand yen. <ol style="list-style-type: none"> <li>A person who rejected or obstructed the entry into or temporary use of land in violation of Article 6 Paragraph 7 [...]</li> <li>A person who failed to submit reports or materials, or submitted false reports or materials, subject to the provision of Article 22 Paragraph 1</li> <li>A person who rejected or evaded the on-the-spot inspection subject to the provision of Article 22 Paragraph 1”.</li> </ol> <p>- Note: Art. 6.7 prescribes that “The occupant or owner of the land shall not refuse or obstruct the entry or temporary use subject to the provision of Paragraph 1, unless he/she has justifiable reason” and Art. 22.1</p> </li> </ol>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>prescribes that “Prefectural governor may, when he/she deems it necessary for execution of his/her duty, request the manager of facilities for landslide prevention other than prefectural governor to submit reports or materials, or make his/her officials enter and inspect the said facilities for landslide prevention.”</p> <p>c. See above b</p> <p>d. Criminal liability.</p>
<p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Landslide Prevention Act (Act No. 30 of 1958)</p>		<p>- Yes. As regards the designation of “a landslide area (that is, an area where landslide is occurring or is having high potentiality of landslide occurrence; hereinafter the same) and a part of its adjacent area where slide of the landslide area may be furthered or caused or may have high potentiality of furtherance or causing thereof” (Art. 3.1), Article 5 provides for “field investigations, according to the necessity, of topography, geology, precipitation, surface water or groundwater or sliding situations of land in the said landslide area”.</p> <p>- The authority responsible for this information collection is undertaken by “[the] Competent Minister as well as his/her appointee or entrusted” (Art. 6). The said parties “may, in case of inevitable necessity for investigations subject to the provision of the preceding Article, enter a land occupied by another person, or make temporary use of another person’s land, wherein no specific use purpose exists, as material depository or work site” (<i>Ibid</i>).</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			No.
<p>81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No.
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> </ul>			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
<b>H. Volcanoes?</b>			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Act on Special Measures for Active Volcanoes (Act No. 61 of 1973)		<p>- The Act provides for the special countermeasures for the development and maintenance of evacuation facilities as well as facilities of disaster-preventive farming; and for the promotion of volcanic ash removal projects, etc. in areas that are affected badly (or areas that are under the threat of serious damages) from eruption of volcanos or any other volcanic phenomenon. The Act aims to protect the life, body, livelihood of the residents, as well as to stabilize the agricultural forestry industries and fisheries, and small and medium-sized enterprise businesses (Art. 1).</p> <p>- The Act prescribes the designation of emergency construction areas for evacuation facilities; planning of emergency construction areas for evacuation facilities; implementation of the plan; financing of the implementation of the plan; planning of the construction of facilities of disaster-preventive farming; financing for the said plan; volcanic ash removal projects; designation of areas where the said projects shall be implemented; financing for the projects; promotion of erosion and flood control; prevention of the river pollution resulting from eruption of volcanos; research and observation of volcanic activities; construction of warning evacuation system; warning of volcanic activities; and,</p>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>consideration of financial support to local public authorities.</p> <ul style="list-style-type: none"> <li>- Prime Minister, the national government, prefectural governors, and local public authorities (prefectural and municipal governments) are responsible for the implementation of this Act.</li> </ul>
84. Does this law specify how management of this risk is financed? If so, describe.	Act on Special Measures for Active Volcanoes (Act No. 61 of 1973)		<ul style="list-style-type: none"> <li>- Yes. The national government shall budget annually for the businesses implemented upon the plan for emergency construction areas for evacuation facilities (Art. 6).</li> <li>- The national government subsidizes the costs for the businesses implemented based on the plan of the construction of facilities of disaster-preventive farming (Art. 9).</li> <li>- The national and local public authorities make efforts to facilitate the long-term and low-interest financing for the businesses implemented by third parties for volcanic ash removal at hospitals and other medical facilities in the designated areas (Art. 14).</li> <li>- The national and local public authorities make efforts to facilitate the long-term and low-interest financing for the businesses implemented by small and mid-sized enterprises for volcanic ash removal at their facilities in the designated areas (Art. 15).</li> <li>- The national government gives appropriate consideration to local public authorities regarding financial support measures (Art. 22).</li> </ul>
85. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> </ul>			No.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Act on Special Measures for Active Volcanoes (Act No. 61 of 1973)</p>		<p>- Yes. The national government shall report to prefectural governors as regards information on volcanic activities when necessary to protect the life and body of citizens, based on observation and research of volcanic activities (Art. 21.1).</p> <p>- Governors shall report the said information to the head of designated local public administrative bodies, designated local public corporations, and municipal governments, as well as other concerned parties (Art. 21.2).</p> <p>- The head of municipal governments shall report the said information to the concerned parties, residents, and the concerned public and private organizations. If necessary, the head can report or make warnings as regards the necessary countermeasures to residents and the concerned public and private organizations (Art. 21.3).</p>
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p>			<p>No.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	Act on Special Measures for Active Volcanoes (Act No. 61 of 1973)		<ul style="list-style-type: none"> <li>- Yes, as mentioned above (Art. 21.3).</li> <li>- It does not require community involvement in EWS. The community is just a recipient of warnings.</li> </ul>
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>			
<b>I. Drought and related famine?</b>			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			No.
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If</p>			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>			
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			N/A
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			N/A
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> </ul>			N/A

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			
<b>J. Other food security risks?</b>			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>	<p>Food, Agriculture and Rural Areas Basic Act (Act No. 106 of 1999)</p>	<p>Arts. 2 and 19</p>	<p>- Articles 2 and 19 of the Act are the provisions concerned with food security in Japan (Ministry of Agriculture, Forestry and Fisheries, 2012).</p> <p>- Articles 2 provides for the securing of stable food supply, as follows.</p> <p>1) “In consideration of the fact that food is indispensable in maintaining human life and important as a basis for healthy and fulfilling life, the stable supply of high quality food at reasonable price shall be secured into the future” (Art. 2.1);</p> <p>2) “In consideration of the fact that the world's food supply and demand and trade have some uncertainties, stable food supply to the citizens shall be secured by increased domestic agricultural production as a base together with appropriate combination of import and reserve” (Art. 2.2);</p> <p>3) “Food supply shall be managed through improvement of agricultural productivity and comprehensive promotion of sound development of agriculture and food industry in response to the more sophisticated and diversified public needs” (Art. 2.3); and,</p> <p>4) Even in the case when the domestic food supply and demand get stringent or likely to be so for a considerable period of</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>time due to poor harvest or interrupted imports, the minimum food supply shall be secured so that no significant adverse effect is generated to the stable life of the citizens and smooth operation of national economy” (Art. 2.4).</p> <p>- Article 19 prescribes the food security in emergencies: “The State shall take necessary measures such as increasing food production and restricting distribution in order to secure the minimum food required by the citizens in the events prescribed in paragraph 4 of Article 2.”</p> <p>- It is the Stat that undertakes responsibilities as mentioned in Article 19.</p>
96. Does the above law or mandate specify how management of food security is financed? If so, describe.	Food, Agriculture and Rural Areas Basic Act (Act No. 106 of 1999)	Art. 31	<p>- Article 31 of the Act is concerned with this matter, as the Article provides for agricultural disaster compensation.</p> <p>- “The State shall take necessary measures such as reasonable compensation for disaster losses in order to prevent any possible impediment to agricultural reproduction by disasters and help the stabilization of farm management” (Art. 31).</p>
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?			No.
98. Does the above law or mandate provide for community consultation			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ol style="list-style-type: none"> <li>Women?</li> <li>Different cultural or ethnic groups?</li> <li>Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>Socially isolated groups and the very poorest people?</li> </ol>			
<b>Part Three. Early Warning, Hazard Mapping and Risk Information</b>			
<b>A. Early Warning</b>			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <ol style="list-style-type: none"> <li>If so, does this include institutional mandates on EWS?</li> <li>Which institution(s) are involved and what are their mandates on EWS?</li> <li>Is there legal provision for</li> </ol>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>	<p>Arts. 50, 51, 52, 54, 55, 56 and 57</p>	<p>- Yes. Articles 50 of the Act and 50(1) provides for the implementation of EWS. Other provisions concerned with EWS are: 51, 52, 54, 55, 56 and 57.</p> <ol style="list-style-type: none"> <li>Yes. Institutional mandates are given to the chief officer of a designated national or local administrative organ, that of a local government, any other executive agency, a designated national or local public corporation, any public organization, and administrators of establishments important for disaster prevention; prefectural governors; the head of municipals; and police or maritime safety officials.</li> </ol>



**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
financing of EWS?			<p>b. “The chief officer of a designated national or local administrative organ, that of a local government, any other executive agency, a designated national or local public corporation, any public organization, and administrators of establishments important for disaster prevention (hereinafter referred to as "those responsible for disaster emergency measures") are required to strive for information gathering and transmission related to disaster, as prescribed by law or under an appropriate disaster prevention plan” (Art. 51.1). “Any person having detected an unusual event which may lead to a disaster shall notify without delay the mayor of the city or town or the head of the village, the police or maritime safety officials” (Art. 54.1). “Every person is required to cooperate so that the notification under the preceding paragraph may reach appropriate authorities as rapidly as possible” (Art. 54.2). “When the governor of a prefecture has received from the Meteorological Agency or any other agency of the State a forecast or an alarm of a disaster as provided by law, or when he has issued an alarm pertaining to a disaster, he shall, by law or under an appropriate area disaster prevention plan, make necessary communications or requests to the chief officers of designated local administrative organs, designated local public corporations, the mayor of the city or town, or the head of the village concerned, and other parties concerned in regard to the impending disaster and measures being considered” (Art. 55). “When the mayor of a city or town</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>or the head of a village has received a forecast or an alarm of a disaster as provided by law, or when he has learned of a forecast or an alarm of disaster on his own, or when he has by law himself issued an alarm on his own, or when he has received notification under art. 55, he is required, under an appropriate area disaster prevention plan, to transmit said forecast, alarm or matters pertaining to the notification to appropriate agencies, the local residents, and any other public or private organization concerned. In so doing he may, when deemed necessary, also make pertinent communication or warning with respect to the impending disaster and the measures being considered to deal with it" (Art. 56). "In cases where notification, request, transmission or alarm under the two preceding articles requires urgency when there is a specific need, the governor of a prefecture, the mayor of a city or town, or the head of a village may, by ordinance unless otherwise provided by law, request broadcast thereof on a priority basis from the electrical communications businesses set forth in art. 2 para. 5 of the Electric Communications Act (Act No. 86 of 1984) over electrical communications facilities used by them for business purposes, and/or may request broadcast thereof using the cable electrical communications facilities or radio facilities installed by parties listed in art. 3 para. 4 (3) of the Cable Electric Communications Act (Act No. 96 of 1953), or broadcast by the broadcasters set forth in art. 2 para. 3-2 of the Broadcasting Act (Act. no. 132 of 1950). In the last case, "broadcasters" excludes "consigned broadcasters" as</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
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			<p>defined in art. 3-4 of the Broadcasting Act; should broadcast be requested of broadcasters, they may also be requested to cause "consigned broadcasters" as defined in art. 3-5 of the Broadcasting Act to make said broadcast on consignment" (Art. 57).</p> <p>c. Not specifically to EWS.</p>
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.			No.
101. Does EWS regulation provide for community-based early warning data collection? Describe.			No.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.	Disaster Countermeasures Basic Act (Act No. 223 of 1961)		Yes. Provisions of Articles 55, 56 and 57 (as cited above) are concerned with at-risk communities' timely and reliable access to EWS and the data. At-risk communities are able to receive information through municipal governments and other concerned organizations at local level (Art. 56), as well as through the designated media (Art. 57).
103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as: a. geographical coverage of	Disaster Countermeasures Basic Act (Act No. 223 of 1961)		<p>Yes, partially.</p> <p>a. No.</p> <p>b. Yes. As regards priority use of communication facilities, Article 79 provides that "When in time of a disaster it is particularly urgent to make necessary communications in</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

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<p>telecommunications to include remote and/or at-risk areas?</p> <p>b. priority access to communications technology for at-risk communities and responders to disaster?</p> <p>c. access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d. Support for early warning systems?</p>			<p>implementing emergency measures, the chief officer of a designated national or local administrative organ, the prefectural governor, or the mayor of a city or town or the head of a village may, unless otherwise provided by law, use on a priority basis public electric communication facilities, or use facilities for electric communication or radio facilities installed by individuals under art. 3 para. 3 (3) of the Electric Communication Act.”</p> <p>c. No.</p> <p>d. Yes. As regards EWS, Articles 57 provides that: “In cases where notification, request, transmission or alarm under the two preceding articles requires urgency when there is a specific need, the governor of a prefecture, the mayor of a city or town, or the head of a village may, by ordinance unless otherwise provided by law, request broadcast thereof on a priority basis from the electrical communications businesses set forth in art. 2 para. 5 of the Electric Communications Act (Act No. 86 of 1984) over electrical communications facilities used by them for business purposes, and/or may request broadcast thereof using the cable electrical communications facilities or radio facilities installed by parties listed in art. 3 para. 4 (3) of the Cable Electric Communications Act (Act No. 96 of 1953), or broadcast by the broadcasters set forth in art. 2 para. 3-2 of the Broadcasting Act (Act. no. 132 of 1950). In the last case, "broadcasters" excludes "consigned broadcasters" as defined in art. 3-4 of the Broadcasting Act; should</p>

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			broadcast be requested of broadcasters, they may also be requested to cause "consigned broadcasters" as defined in art. 3-5 of the Broadcasting Act to make said broadcast on consignment."
104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment a. Generally throughout the territory? b. In specified areas? c. Under specified circumstances?			No.
<b>B. Risk identification, assessment and monitoring</b>			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?			Not by the Disaster Countermeasures Basic Act. Risk mapping is provided for by sectoral laws such as the Flood Control Act, which prescribes the risk mapping of rivers and river basins as discussed above.
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural	Disaster Countermeasures Basic Act (Act No. 223 of 1961)	Art. 8.2	Yes, the Disaster Countermeasures Basic Act provides that. -Article 8.2 of the Act provides for the particularly significant countermeasures and the provision refers to the collection and publication of such data, as follows. - "In the interest of preventing a disaster from occurring and of

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

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<p>disasters? If so, what does it require and who is responsible for this, and under what law?</p>			<p>blocking the spread of a disaster that has occurred, the local government as well as the State shall particularly endeavor to carry out matters listed below:" (Art. 8.2)</p> <ul style="list-style-type: none"> <li>- "relating to scientific research on disaster and its prevention and putting its findings into practice" (Art. 8.2(1)).</li> <li>- "relating to efficient operation of establishments and organizations concerned with activities necessary for disaster prevention such as weather observation and flood and earthquake prediction, forecasting, information gathering and other activities, and establishments and organizations concerned with communication" (Art. 8.2(5)).</li> <li>- "relating to the improvement of forecasts and alarms" (Art. 8.2(6)).</li> <li>- "relating to the improvement of methods for publicizing earthquake forecasting information (refers to "earthquake forecasting information" as per art. 2 (3) of the Large-scale Earthquake Countermeasures Act [Act No. 713 of 1978])" (Art. 8.2(7)).</li> <li>- "relating to international cooperation with respect to consolidation of a network of weather observation" (Art. 8.2(8)).</li> <li>- "relating to international cooperation with respect to human control of typhoons, and other necessary research on disaster prevention, observation and exchange of information" (Art. 8.2(9)).</li> </ul> <p>- As mentioned in Article 8.2 of the Act, the state (national government) and local public authorities (prefectural and municipal governments) are responsible for this under the Disaster</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Countermeasures Basic Act.</p> <p>- As regards earthquake data, Article 7.1 of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978) provides for the establishment of the Headquarters for Earthquake Research Promotion at the Ministry of Education, Culture, Sports, Science and Technology. And Articles 7.2(1), 7.2(2), 7.2(3), 7.2(4) and 7.2(5) of the Act prescribe the role of the Headquarters in the collection, analysis and publication of earthquake data. Article 7.2(1) requires the Headquarters to plan comprehensive and basic policies for the promotion of the observation, measurement, survey and research on earthquake. Article 7.2(2) requires the Headquarters to coordinate budgets and other administrative works regarding governmental organizations. Article 7.2(3) requires the Headquarters to establish comprehensive survey and observation plans. Article 7.2(4) requires the “[c]ollection, arrangement, analysis and comprehensive evaluation of survey results by related governmental organizations, universities, etc.” And, Article 7.2(5) requires “Public announcements based on the comprehensive evaluations”. (Headquarters for Earthquake Research Promotion, 2012)</p> <p>- Article 13 of the Act also provides for the promotion of survey and research on earthquake, and for the publication of the result of the said survey and research. The national government is required to make efforts for the construction of systems for observation, measurement, survey and research on earthquake; to promote the research development of technology regarding</p>

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			<p>earthquake disaster prevention; and to strive for the publication of the results of the disaster researches (Art. 13.1). The national government is also required to make efforts to secure the financing for observation, measurement, survey and research on earthquake (Art. 13.2). The national government is further required to make efforts to support, technically and financially, local public authorities (i.e. prefectural and municipal governments) with their observation, measurement, survey and research on earthquake or their training of researchers (Aft. 13.3).</p> <p>- As regards data concerned with volcano activities, the Act on Special Measures for Active Volcanoes (Act No. 61 of 1973) provides for the collection and publication of the data. Article 19.1 of the Act requires national, prefectural and municipal governments to make efforts to construct the facilities and organizations for survey and research on volcanic activities. Article 19.2 requires national government to make efforts to promote research and development for the technology on volcanic activity prediction, as well as to publicize the result of volcanic activity researches. Article 19.3 requires the designated prefectural committees on disaster management (in prefectures whose areas are under the threat of volcanic activities) to make efforts to communicate with other organizations concerned with volcanic disaster countermeasures, and to promote survey and research on volcanic activities.</p>
107. Does the disaster management law, or another law, regulate the collection and publication of baseline			<p>- Not by laws.</p> <p>- Basic Disaster Prevention Plan provides for the collection and publication of the estimation of disaster damage. For example, the</p>



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?			Plan requires national government to support local public authorities (i.e. prefectural and municipal governments) to make estimation of disaster damage. The national government shall promote survey and research on the matter, accumulate information on disaster management, provide information to local public authorities, and strengthen the cooperation among the concerned organizations (Chap. 1.4). The Plan also requires the concerned local public authorities to make estimation of disaster damage based on the peculiarity of their areas (Chap. 2.1.1)
<b>Part Four. Regulation of the Built Environment</b>			
The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
<b>A. Building Codes</b>			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	Building Standards Act (Act No. 201 of 1950)		Yes. There is the Building Standards Act. - Ministry of Land, Infrastructure and Transport is responsible for the implementation.

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109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			N/A
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	Building Standards Act (Act No. 201 of 1950)		Yes. The Act includes them - Yes, the codes are mandatory. - The Act provides for: 1) the site, structure and equipment of buildings; 2) the site, structure, equipment and usage of buildings in town planning areas, including 'fire prevention areas' and 'disaster prevention block improvement zone'; 3) building agreement; 4) designated accreditation bodies; 5) registration of official qualification examination for building standards examiners; 6) building review council; 7) miscellaneous rules; and, 8) penal regulations.
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?	Building Standards Act (Act No. 201 of 1950)	Art. 6.2	Yes. - District Construction Surveyor, under the head of municipalities or prefectural governors or specific administrative agencies (Art. 6.1) or the persons who are designated by Minister of Land, Infrastructure and Transport (Art. 6.2).
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a. New buildings?	Building Standards Act (Act No. 201 of 1950)	Arts. 7 and 7-3  Arts. 7-2 and 7-4	Yes. - District Construction Surveyor (Arts. 7 and 7-3) or the persons who are designated by Minister of Land, Infrastructure and Transport (Arts. 7-2 and 7-4). a. Yes.

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<p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p>			<p>b. Yes.</p> <p>c. No.</p>
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p>	<p>Building Standards Act (Act No. 201 of 1950)</p>	<p>Art. 9.1 Art. 98.1</p> <p>Art. 9-3 Art. 9-3.2</p>	<p>Yes. Criminal punishment (such as imprisonment with work and fine) and administrative disposition (such as the revocation of license and permission) are prescribed by the Act. Examples are as follows.</p> <p>- As regards measures for illegal buildings (or the land of such buildings), Article 9.1 of the Act provides that specific administrative agencies (i.e. the head of municipalities in the municipal areas that have the District Construction Surveyor; and prefectural governors in any other municipal areas) can order the owner of the building, building constructor, building operation manager, land-owner, land-manager or land-occupant to stop the building work; or to take necessary measures to correct the infringement. The parties that violate the order of specific administrative agencies are subject to imprisonment with work or fine (Art. 98.1).</p> <p>- As regards measures for designers, etc. of illegal buildings, Article 9-3 of the Act provides that specific administrative agencies shall report to prefectural governors who supervise designers, building supervisor, building contractor, registered real-estate broker, or the manufactures of water tanks in their prefectural areas, when</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Art. 10.1 Art. 10.2 Art. 10.3	<p>the said parties are involved with illegal buildings. And Article 9-3.2 provides that the Minister of Land, Infrastructure and Transport or prefectural governors shall take necessary measures (such as the revocation of licenses/permissions or the disposition of business-suspension based on the concerned laws, i.e. Act on Architects and Building Engineers, Construction Business Act, Purification Tank Act, and Building Lots and Buildings Transaction Business Act), and to report the result of the said measures to specific administrative agencies that reported to Minister of Land, Infrastructure and Transport or prefectural governors.</p> <p>- As regards an illegal building that is damaging or eroding and may cause considerable danger or hazards (in terms of hygiene) if no measures is taken, Article 10.1 of the Act provides that specific administrative agencies can make recommendation to the owner of such a building or the owner (or manager or occupant) of land on which the said building is constructed to take necessary measures. And Article 10.2 prescribes that specific administrative agencies can order the above-mentioned concerned party (i.e. the owner of the building or the land-owner) to take the measures recommended by the specific administrative agencies based on Article 10.1, when the concerned party did not follow the recommendation without sound reasons. Also, for a building that is considerably dangerous or hazardous, specific administrative agencies can order the owner of the building or the owner (or manager or occupant) of land on which the building is constructed to take necessary measures (Art. 10.3).</p> <p>- Specific administrative agencies (not mentioned which ones).</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>114. Do the building regulations have special standards or requirements for:</p> <ul style="list-style-type: none"> <li>a. schools?</li> <li>b. hospitals?</li> <li>c. fire stations?</li> <li>d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</li> </ul>	<p>Building Standards Act (Act No. 201 of 1950)</p>		<ul style="list-style-type: none"> <li>a. Yes.</li> <li>b. Yes.</li> <li>c. No</li> <li>d. Yes. For example, sports complexes, public halls and assembly halls.</li> </ul>
<p>115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify &amp; describe.</p>	<p>Building Standards Act (Act No. 201 of 1950)</p> <p>Cabinet Order for Enforcement of the Building Standard Act (Cabinet order No. 338 of 1950)</p>		<ul style="list-style-type: none"> <li>- Article 20 of the Building Standards Act provides for the 'structural resistance' of buildings and refers to the standards for buildings that are more than sixty meters high. It prescribes that the said buildings shall meet the technical standards that are provided for by the concerned cabinet order (Art. 20.1(1)).</li> <li>- The said order is the Cabinet Order for Enforcement of the Building Standard Act (Cabinet order No. 338 of 1950) and the said technical standards for buildings that are more than 60 meters high are prescribed by Articles 36, 37, 38.1, 38.5, 38.6, 39.1, 41, 49, 70, 72, 74, 75, 76, 79, 79-3, 80-2.</li> <li>- Article 20.2 of the Building Standards Act provides for the structural-resistance technical standards for 1) buildings that are less than sixty meters high, have more than four stories above ground, and are steel-structure; 2) buildings that are less than sixty</li> </ul>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>meters and more than twenty meters in height, and are 'reinforced concrete construction' or 'steel-framed reinforced concrete construction'; and 3) building that correspond to the buildings referred to in 1) and 2).</p> <p>- The technical standards mentioned in Article 20.2 of the Building Standards Act are prescribed by the following articles of the Cabinet Order for Enforcement of the Building Standard Act: Arts. 1 through 15.1(2), 36.2, 36-2, 67.1, 68.4, 73, 77.2 through 77.6, 77-2.2, 78, 78-2.1(3), 79-2, 79-3, 79-4, 80, 80-2, 80-3.</p> <p>- (Given a limited time-framework, the author of this background report is not able to describe each standard, which is originally written in Japanese and not available in English translation).</p>
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.			- Same regulation applies as above in Q. 116.
117. Do the building laws/regulations include small self-built constructions? Identify & describe.	<p>Building Standards Act (Act No. 201 of 1950)</p> <p>Cabinet Order for Enforcement of the Building Standard Act (Cabinet order No. 338 of 1950)</p> <p>Ordinance for Enforcement of the Building Standard Act</p>		- Such buildings come under regulation of the Building Standard Act (Arts. 2, 3, 5-4, 6, 9, 15, 19, 20, 22, 27, 28, 29, 30, 31, 35, 35-2, 35-3, 36, 39, 40, 41, 41-2, 69-9, 84-2); Cabinet Order for Enforcement of the Building Standard Act (Arts. 1, 2, 19, 20, 20-2, 20-3, 21, 22, 22-2, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 36-3, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 80-2, 80-3, 107, 107-2, 108, 108-2, 108-3, 109, 109-2, 109-2-2, 109-3, 109-5, 111, 115, 115-2-2, 115-3, 115-4, 116-2, 128-3-2, 128-4, 129, 129-2-5, 129-2-6, 136-9, 136-10); and, Ordinance for Enforcement of the Building Standard Act (Arts. 8 and 8-3).

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	(Ordinance [of Ministry of Land, Infrastructure, Transport and Tourism] No. 40 of 1950)		
<p>118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a. the extent of regulation?</p> <p>b. the level of government at which it is regulated?</p> <p>c. other?</p>	Building Standards Act (Act No. 201 of 1950)	Arts. 41-2 through 68-8	<p>- Building Standards Act has provisions that apply only to city planning areas and quasi-city planning areas: Arts. 41-2 through 68-8.</p> <p>- The said city planning areas and quasi-city planning areas are prescribed in very detail by Articles 4.2; 5.1 through 5.6; and, 5-2.1 through 5-2.5 of the City Planning Act (Act No. 100 of 1968).</p>
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>	Building Standards Act (Act No. 201 of 1950)	Art. 85	<p>Yes.</p> <p>- Articles 84 provides for the building restriction on disaster stricken areas. It provides that specific administrative agencies (i.e. the head of municipalities in the municipal areas that have the District Construction Surveyor; and prefectural governors in any other municipal areas) can restrict or ban the construction of buildings in the areas in a specific period (Art. 84.1).</p> <p>- Article 85 of the Act prescribes that some provisions in the Act are not applicable to transitional shelters. The concerned provisions are: Arts. 6 through 7-6; 12.1 through 12.4; 15; 18; 19; 21 through 23; 26; 31; 33; 34.2; 35; 36; 37; 39; 40; and, 41-2 through 68-9.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>120. Do the building laws/regulations include:</p> <p>a. Inspections?</p> <p>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</p> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>	<p>Building Standards Act (Act No. 201 of 1950)</p>	<p>Art. 7 Art. 7-2 Art. 7-3 Art. 7-4</p>	<p>a. Yes.</p> <ul style="list-style-type: none"> <li>- Inspection for completion of construction by District Construction Surveyor (Art. 7).</li> <li>- Inspection for completion of construction by the persons who are designated by Minister of Land, Infrastructure and Transport (Arts. 7-2).</li> <li>- Intermediate inspection for construction by District Construction Surveyor (Art. 7-3).</li> <li>- Intermediate inspection for construction by the persons who are designated by Minister of Land, Infrastructure and Transport (Arts. 7-4).</li> </ul> <p>b. No.</p> <ul style="list-style-type: none"> <li>- But there is a separate act that provides for such programs and/or incentives: Act on Promotion of Seismic Retrofitting of Buildings (Act No. 123 of 1995). This Act provides for basic principles and prefectural promotion plan of seismic retrofitting of buildings; measures for specific buildings; approval of plan of seismic retrofitting of buildings; special provisions regarding seismic retrofitting of buildings; the center for seismic retrofitting of buildings; and penal provisions.</li> <li>- Minister of Land, Infrastructure, Transport and Tourism; prefectural governors; the head of municipalities; and the center for seismic retrofitting of buildings have responsibility for the implementation of the Act.</li> </ul>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) &amp; mandate(s).</p>	<p>Road Act (Act No. 180 of 1952)</p> <p>Act for Enforcement of the Road Act (Act No. 181 of 1952)</p> <p>Act on Special Measures concerning Road Construction and Improvement (Act No. 7 of 1956)</p>		<p>- The concerned issues are prescribed by separate laws such as the Road Act (Act No. 180 of 1952), Act for Enforcement of the Road Act (Act No. 181 of 1952), Act on Special Measures concerning Road Construction and Improvement (Act No. 7 of 1956), etc.</p> <p>- Ministry of Land, Infrastructure, Transport and Tourism is the competent authority of these acts.</p> <p>- Each listed act has different settings for authorities and mandates. For example, under Road Acts it is Minister of Land, Infrastructure, Transport and Tourism that is responsible for the construction and maintenance of national road (Art. 12), whereas prefectural governors and the head of municipalities take responsibilities in managing prefectural roads and municipal roads, respectively (Arts 15 and 16).</p>
<p>122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?</p>			<p>- Cabinet Office (2012B) refers to the ‘earthquake-proofing of houses and Buildings’: “More than 80% of the casualties in the Great Hanshin-Awaji Earthquake were caused by building collapse. Likewise, it is presumed that building collapse will be the cause of a large number of deaths in the damage estimation related to future large-scale earthquakes. However, it is estimated that there is a problem of earthquake resistance in 25% of the existing residences as they were built before 1981, when stricter earthquake proofing building codes were introduced. Nearly half of the schools and hospitals are pointed out to have problems related to resistance to earthquakes. In view of this situation, the Central Disaster Management Council drafted the “Urgent Countermeasures Guideline for Promoting the Earthquake-proofing of Houses and</p>

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			Buildings” in 2005, which stipulates that earthquake-proofing throughout the country should be urgently and strongly enforced in close cooperation with related ministries as a national priority. In line with this, the Act on Promotion of the Earthquake-proof Retrofit of Buildings was amended to strengthen measures such as the development of a promotion plan for improving earthquake-proofing by local governments. Additionally, the subsidy system that provides financial support to promote earthquake proofing diagnosis and retrofit has been expanded, and tax reduction measures to promote earthquake-proofing retrofit of residences and commercial buildings has been established” (p. 31).
<b>B. Land Use Planning Laws</b>			
The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	National Land Use Planning Act (Act No. 92 of 1974)		- National Land Use Planning Act is the most comprehensive act on land use and planning in Japan. Based on this Act, City Planning Act (Act No. 100 of 1968), Act on Establishment of Agricultural Promotion Regions Establishment of Agricultural Promotion Regions (Act No. 58 of 1969), Forest Act (Act No. 249 of 1951), Nature Conservation Act (Act No. 85 of 1972), Natural Parks Act (Act No. 161 of 1957) are established. The competent authority of this act is the Ministry of Land, Infrastructure, Transport and

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			Tourism.
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?	National Land Use Planning Act (Act No. 92 of 1974)		- Ministry of Justice (2012) gives brief explanation on the issue in summarizing Articles 4 through 8 of the National Land Use Planning Act: "National land use plans shall specify basic matters concerning the use of national land, and the national government shall formulate the National Plan for national areas, prefectures may formulate Prefectural Plans for their prefectural areas, and municipalities may formulate Municipal Plans for their municipal areas. The national government's plans other than the National Plan shall be based on the National Plan so far as the use of national land is concerned."
125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments?	National Land Use Planning Act (Act No. 92 of 1974)  City Planning Act (Act No. 100 of 1968)		<p>a. Yes, if it involves a large scale of land trade, prescribed in detail by the National Land Use Planning Act.</p> <p>b. In the city planning areas, each new urban development needs to get an approval. But this approval procedure is prescribed by the City Planning Act (Act No. 100 of 1968).</p> <p>c. Yes, if it involves a large scale of land trade, prescribed in detail by the National Land Use Planning Act.</p>
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?	Act on Promotion of Sediment Disaster Countermeasures for Sediment Disaster Prone Areas (Act No. 57 of 2000)		No, under the National Land Use Planning Act.  Such regulations are prescribed by separate laws, including the Act on Promotion of Sediment Disaster Countermeasures for Sediment Disaster Prone Areas (Act No. 57 of 2000), Building Standards Act (Act No. 201 of 1950), City Planning Act (Act No. 100 of 1968) and Act on Regulation of Residential Land Development (Act No. 191 of

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	Building Standards Act (Act No. 201 of 1950)  City Planning Act (Act No. 100 of 1968)  Act on Regulation of Residential Land Development (Act No. 191 of 1961)		1961).
127. Does the planning / zoning law include public open space for evacuation?			No. Evacuation place is prescribed by local disaster prevention plans established by municipal governments based on Disaster Countermeasures Basic Act.
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?	Disaster Relief Act (Act No. 118 of 1947)		No. The setting up of the shelters is prescribed by the Disaster Relief Act (Act No. 118 of 1947).
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?			No.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure			N/A

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access for emergency services such as fire and ambulance?			
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	National Land Use Planning Act (Act No. 92 of 1974)	Art. 12 Art. 44	Yes a. Yes. For example, the National Land Use Planning Act prescribes additional regulations on the designated lands in urban areas as “regulation areas” (Art. 12).  b. Yes. In large cities, the head of cities assume mandates on such businesses as the notification of ownership transfer of land, measures on unused land, and inspection. In other areas, prefectural governors take responsibilities (Art. 44).  c. N/A
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			Not in particular.
<b>C. Land tenure</b>			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law? b. Does the legal mandate for this	Real Property Registration Act (Act No. 123 of 2004)	Art. 2.5 Art. 11 Art. 12	Yes.  a. N/A  b. Yes. The concerned provisions are as follows. - “A registration shall be made through the process in which a registrar records matters to be registered in a registry”

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<p>system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>			<p>(Art. 11).</p> <p>- "A registration record shall be prepared separately for the heading section and the rights section" (Art. 12).</p> <p>- "[R]egistration record: an electromagnetic record (meaning a record made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used in information processing by computers; the same shall apply hereinafter) which is prepared pursuant to the provision of Article 12 in relation to a registration of a description or registration of a right for each parcel of land or each building" (Art. 2.5).</p>
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>	<p>Real Property Registration Act (Act No. 123 of 2004)</p>	<p>Art. 6.1</p> <p>Art. 9</p> <p>Art. 131.1</p>	<p>- Yes.</p> <p>(Registration of title)</p> <p>- "Registration affairs shall be administered by the Legal Affairs Bureau or District Legal Affairs Bureau or the branch bureau thereof or the branch office of any of those bureaus (hereinafter simply referred to as the "registry office"), which has jurisdiction over the location of the real property in question" (Art. 6.1).</p> <p>- "The affairs of a registry office shall be handled by a registrar (meaning a person appointed by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau from among officials of the Ministry of Justice who work at the registry office; the same shall apply hereinafter)" (Art. 9).</p> <p>(Procedure for Parcel Boundary Demarcation)</p>

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		Art. 139.1	<p>- “The registered holder of ownership, etc. of a parcel of land may file an application for parcel boundary demarcation with a registrar for parcel boundary demarcation with regard to the boundary between said parcel of land and an adjoining parcel of land” (Art. 131.1).</p> <p>- “When an application for parcel boundary demarcation is filed, the applicant for parcel boundary demarcation and the related persons may submit their opinions or materials with regard to the parcel boundary between the subject parcels. In this case, if a registrar for parcel boundary demarcation has specified a reasonable period during which such opinions or materials should be submitted, submission shall be made within such period” (Art. 139.1).</p> <p>a. Only “the applicant for parcel boundary demarcation and the related persons may submit their opinions or materials with regard to the parcel boundary between the subject parcels” (Art. 139.1).</p> <p>b. “The Director of a Legal Affairs Bureau or District Legal Affairs Bureau shall specify the standard period of time which will be normally required after an application for parcel boundary demarcation has been filed until a registrar for parcel boundary demarcation makes a parcel boundary demarcation, and make such period of time public by posting it at the Legal Affairs Bureau or District Legal Affairs Bureau or by another appropriate method”</p>

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		Art. 146.1	(Art. 130).  c. "The applicant for parcel boundary demarcation shall bear the costs for a survey and other costs specified by Ordinance of the Ministry of Justice which are incurred in the procedure for parcel boundary demarcation (hereinafter referred to as the "procedural costs")" (Art. 146.1).
135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system: a. Women? b. All ethnic or religious groups? c. Non-nationals?			- Anyone can purchase or own land under the system. a. Yes.  b. Yes.  c. Yes.
136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.			If there is a possessor on a land of no standardized land title, it may be possible for the possessor to claim the possessory right against other parties.
137. Is there any legal recognition of traditional or customary law and	Civil Code (Act No. 89 of 1896)		- There is so-called 'Rights of Common'. Rights of Common is the rights that residents in a certain area can enter a certain 'forested



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<p>practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p>		<p>Art. 263</p> <p>Art. 294</p>	<p>mountains and fields' and commonly use and manage the fields for, primarily, gathering firewood and weeds.</p> <p>- Rights of Common can be divided into two rights:</p> <p>1) Rights of Common with Nature of Co-ownership, that is, rights to commonly possess and use common wildernesses, forests and fields, and rivers (Civil Code, Art. 263); and,</p> <p>2) Rights of Common without the Nature of Co-Ownership, that is, rights to commonly use common wildernesses, forests and fields, and rivers (Civil Code, Art. 294).</p> <p>- "Rights of common that have the nature of co-ownership shall be governed by local custom and shall otherwise be subject to the application of the provisions of this Section" (Art. 263).</p> <p>- "Rights of common that do not have the nature of co-ownership shall be governed by local customs and shall otherwise be subject to the mutatis mutandis application of the provisions of this Section." (Art. 294).</p>
<p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p> <p>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p>	<p>Civil Code (Act No. 89 of 1896)</p>	<p>Art. 162.1</p>	<p>a. Yes.</p> <p>b. Yes.</p> <p>- Civil Code provides for the acquisitive prescription of ownership as follows.</p> <p>- "A person who possesses any property of another for 20 years peacefully and openly with an intention to own shall acquire the ownership thereof" (Art. 162.1).</p> <p>- "A person who possesses any property of another for 10</p>

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b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?		Art. 162.2	years peacefully and openly with an intention to own shall acquire the ownership thereof if he/she was without knowledge and was not negligent when the possession started" (Art. 162.2).
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?			Registered land title takes precedence over customary law such as the Rights of Common.
140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include: a. risk reduction from natural disasters? b. land to be kept for evacuation or emergency or transitional shelter?	Compulsory Purchase of Land Act (Act No. 219 of 1951)	Art. 3	Yes. There is the Compulsory Purchase of Land Act that provides for this. a. Yes, by Art. 3 of the Act.  b. Yes, by Art. 3 of the Act.
141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals? a. Can people without financial			- There is an ADR mechanism for land-boundary issues, under which 'land and house investigators' (certified among them by the Minister of Justice as dispute resolution provides) can accept appointments, in corporation with attorneys-at-law, to represent petitioners. Having said, under this mechanism land-tenure issues cannot be resolved. Land-tenure cases go to the courts.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>			<p>- The court system is accessible to any community and individual.</p> <p>a. The court process involves a certain cost such as a payment for lawyer's fees. But, there is the civil legal aid system under which people without financial means can receive fee-free legal counsel services and temporal payment services for lawyer's fees (i.e. the state agency [Japan Legal Support Center] pays lawyer's fees temporarily on the petitioner's behalf).</p> <p>b. The court system, as well as above-mentioned legal assistance services provided by Japan Legal Support Center, is available throughout Japan.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>D. Informal and precarious settlements</b>			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land</p>			No

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			<p>No.</p>

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
<p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>			No.
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>			No.
<b>E. Urban Water and Flood Management</b>			
<p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?</p>	<p>Water Supply Act (Act No. 177 of 1957)</p>		<p>Yes, there is the Water Supply Act.</p> <p>Urban water management is principally a national responsibility.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?			<p>Ministry of Health, Labour and Welfare is the national water authority.</p> <p>Yes. The Ministry is responsible for the issues in the face of natural disasters. It establishes the ministerial Emergency Action Plan in accordance with the Disaster Countermeasures Basic Act.</p>
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	Flood Control Act (Act No. 193 of 1949).		<p>The competent authority of the Act is Ministry of Land, Infrastructure, Transport and Tourism.</p> <p>But, the implementation of the Act (or institutional responsibilities) is primarily taken by municipal governments (Art. 3).</p>
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part Five. Regulation of the Natural &amp; Rural Environment</b>			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
<b>A. Human Risks in Environmental Change</b>			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Basic Environment Act (Act No. 91 of 1993)		There is the Basic Environment Act. Ministry of the Environment has responsibility.
151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock?	Basic Environment Act (Act No. 91 of 1993)  Agricultural Land Soil Pollution Prevention Act (Act No. 139 of 1970)  Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (Act No. 116 of 2000)		a. Yes. Article 3 mentions it.  b. Yes. The Act repeatedly refers to it.  c. Yes. Based on the Act, the Central Environment Council is established at the Ministry of the Environment. The Council shall be in charge of several tasks including the study and discussion of the matters with regard to the Agricultural Land Soil Pollution Prevention Act (Act No. 139 of 1970) and the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (Act No. 116 of 2000), those which are concerned with food security.



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	Basic Environment Act (Act No. 91 of 1993)	Art. 20	Yes. Article 20 of the Act provides for the promotion of EIA: "The State shall take necessary measures to ensure that, when corporations are engaged in alteration of land shape, construction of new structures and other similar activities, they will conduct in advance, surveys, forecasts or evaluations of the environmental impact of such activities and will give proper consideration to environmental conservation based on the results of them." Based on Article 20 of the Act, the Environmental Impact Assessment Act (Act No. 81 of 1997) was established.
153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?	Environmental Impact Assessment Act (Act No. 81 of 1997)	Art. 1	a. Yes. Article 1 of the Environmental Impact Assessment Act refers to health and livelihoods. As regards food security, there is no clear provision for it, in neither the Environmental Impact Assessment Act nor Article 20 of the Basic Environment Act (which prescribes EIAs).  b. No.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of	River Act (Act No. 167 of 1964)	Art. 79-2	- River Act (Act No. 167 of 1964) makes the Minister of Land, Infrastructure, Transport and Tourism responsible for the regulation of water supply during (or in danger of) natural disaster (Art. 79-2).

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
extraction methods to manage flooding and/or erosion?			
<b>B. Forests</b>			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	Basic Act on Forest and Forestry (Act No. 161 of 1964)		There is the Basic Act on Forest and Forestry. Forestry Agency (under the Ministry of Agriculture, Forestry and Fisheries) is the competent authority of the Act.
156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as: a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as encroachment by wildlife into agricultural land or villages)? Describe the scope.		Art. 13	Yes. a. No.  b. Yes. Art. 13 provides for the securing of forest conservation including the “prevention of landslides to be caused by disasters [and] promotion of civil work to restore the damages caused by such events”.  c. No.
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?			This Act does not recognize the said customary practices. Only the Civil Cord recognizes the ‘Rights of Common’ as discussed above.
158. Does the law provide for use, conservation or management of	Basic Act on Forest and Forestry (Act No. 161 of	Art. 8	Art. 8 provides for the support provided to the efforts of the people engaged in forestry.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
forests and their resources by communities?	1964)		"In taking measure for forest and forestry, the national and local governments shall aim at providing support to the voluntary efforts of the people engaged in forestry, organizations relevant to forest and forestry, operators of wood industry and others engaged in the distribution and processing of the forest products (hereinafter referred to as "wood industry")" (Art. 8).
<b>C. Rivers and watercourses</b>			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	River Act (Act No. 167 of 1964)		There is the River Act. Minister of Land, Infrastructure, Transport and Tourism is the competent authority.
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as: a. Riverbed management relevant to flood prevention and mitigation? b. Water storage and distribution for human, agricultural and industrial consumption in rural areas? Describe the scope.	River Act (Act No. 167 of 1964)	Art. 1  Arts. 23 through 53-2	Yes.  a. Yes. As regards large rivers or rivers concerned with public interests, Art. 1 provides for the management of the rivers for the sake of, among others, flood prevention and mitigation.  b. Yes. Regulations of river use is prescribed by Arts. 23 through 53-2.
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?			No. Only the Civil Cord recognizes the 'Rights of Common' as discussed above.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
162. Does the law provide for use, conservation or management of rivers and their resources by communities?	River Act (Act No. 167 of 1964)	Art. 16-2	Art. 16-2 provides that the river-administrators (such as Minister of Land, Infrastructure, Transport and Tourism and prefectural governors) shall take necessary measures to reflect the opinions of residents in establishing a river management plan, when it deems necessary.
<b>D. Drought and food security</b>			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			No.
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			N/A
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No.

#### 4. Information management and exchange, community level DRR education & awareness (Hyogo 3)

Most elements of this Hyogo Priority will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>	<p>Art. 8.2</p>	<p>- Yes, Article 8.2 of the Disaster Countermeasures Basic Act provides that, as discussed above.</p> <p>a. Article 8.2 of the Act provides for the particularly significant countermeasures and the provision refers to the collection and publication of such data, as follows.</p> <p>- "In the interest of preventing a disaster from occurring and of blocking the spread of a disaster that has occurred, the local government as well as the State shall particularly endeavor to carry out matters listed below:" (Art. 8.2)</p> <p>- "relating to scientific research on disaster and its prevention and putting its findings into practice" (Art. 8.2(1)).</p> <p>- "relating to efficient operation of establishments and organizations concerned with activities necessary for disaster prevention such as weather observation and flood and earthquake prediction, forecasting, information gathering and other activities, and establishments and organizations concerned with communication" (Art. 8.2(5)).</p>

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> <li>- “relating to the improvement of forecasts and alarms” (Art. 8.2(6)).</li> <li>- “relating to the improvement of methods for publicizing earthquake forecasting information (refers to "earthquake forecasting information" as per art. 2 (3) of the Large-scale Earthquake Countermeasures Act [Act No. 713 of 1978])” (Art. 8.2(7)).</li> <li>- “relating to international cooperation with respect to consolidation of a network of weather observation” (Art. 8.2(8)).</li> <li>- “relating to international cooperation with respect to human control of typhoons, and other necessary research on disaster prevention, observation and exchange of information” (Art. 8.2(9)).</li>   <li>- As mentioned in Article 8.2 of the Act, the state (national government) and local public authorities (prefectural and municipal governments) are responsible for this under the Disaster Countermeasures Basic Act.</li>   <li>- As regards earthquake data, Article 7.1 of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978) provides for the establishment of the Headquarters for Earthquake Research Promotion at the Ministry of Education, Culture, Sports, Science and Technology. And Articles 7.2(1), 7.2(2), 7.2(3), 7.2(4) and 7.2(5) of the Act prescribe the role of the</li> </ul>

**4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Headquarters in the collection, analysis and publication of earthquake data. Article 7.2(1) requires the Headquarters to plan comprehensive and basic policies for the promotion of the observation, measurement, survey and research on earthquake. Article 7.2(2) requires the Headquarters to coordinate budgets and other administrative works regarding governmental organizations. Article 7.2(3) requires the Headquarters to establish comprehensive survey and observation plans. Article 7.2(4) requires the “[c]ollection, arrangement, analysis and comprehensive evaluation of survey results by related governmental organizations, universities, etc.” And, Article 7.2(5) requires “Public announcements based on the comprehensive evaluations”. (Headquarters for Earthquake Research Promotion, 2012)</p> <p>- Article 13 of the Act also provides for the promotion of survey and research on earthquake, and for the publication of the result of the said survey and research. The national government is required to make efforts for the construction of systems for observation, measurement, survey and research on earthquake; to promote the research development of technology regarding earthquake disaster prevention; and to strive for the publication of the results of the disaster researches (Art. 13.1). The national government is also required to make efforts to secure the financing for observation, measurement, survey and research on earthquake (Art. 13.2). The national government is further required to make efforts to support, technically and financially, local</p>

**4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>public authorities (i.e. prefectural and municipal governments) with their observation, measurement, survey and research on earthquake or their training of researchers (Aft. 13.3).</p> <p>- As regards data concerned with volcano activities, the Act on Special Measures for Active Volcanoes (Act No. 61 of 1973) provides for the collection and publication of the data. Article 19.1 of the Act requires national, prefectural and municipal governments to make efforts to construct the facilities and organizations for survey and research on volcanic activities. Article 19.2 requires national government to make efforts to promote research and development for the technology on volcanic activity prediction, as well as to publicize the result of volcanic activity researches. Article 19.3 requires the designated prefectural committees on disaster management (in prefectures whose areas are under the threat of volcanic activities) to make efforts to communicate with other organizations concerned with volcanic disaster countermeasures, and to promote survey and research on volcanic activities.</p> <p>b. As mentioned above, Article 13.1 of the Act provides for the publication of the result of earthquake survey and research, and Article 19.2 requires national government to make efforts to publicize the result of volcanic activity researches.</p>



4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>- Not by laws. As discussed above, the Basic Disaster Prevention Plan provides for the collection and publication of the estimation of disaster damage.</p> <p>a. For example, the Plan requires national government to support local public authorities (i.e. prefectural and municipal governments) to make estimation of disaster damage. The national government shall promote survey and research on the matter, accumulate information on disaster management, provide information to local public authorities, and strengthen the cooperation among the concerned organizations (Chap. 1.4). The Plan also requires the concerned local public authorities to make estimation of disaster damage based on the peculiarity of their areas (Chap. 2.1.1)</p> <p>b. N/A</p>
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	School Education Act (Act No. 26 of 1947)		<p>- Arts. 21(8) and 23(1) of School Education Act provide that a purpose of education at junior high school, primary school and kindergarten is, among others, to foster habits necessary for healthy, safe and happy life. The term “safe” is considered to refer to DRR.</p> <p>- Community DRR education is specifically prescribed by ‘Basic Framework for Promoting a Nationwide Movement for Disaster Reduction’ stating that “national government and local public authorities shall promote DRR education at local community in which variety of actors interact” (2-1-3-2).</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a. If so, which authorities and what are they required to do?</p> <p>b. In particular does it require DRR education in schools?</p>			<p>- Yes. 'Basic Framework for Promoting a Nationwide Movement for Disaster Reduction' prescribes that.</p> <p>a. National government, local public authorities (i.e. prefectural and municipal governments) and public institutions are required to carry out DRR, in close collaboration with educational institutions, private organizations, etc., by distributing texts and manuals on disaster reduction, holding of training sessions, public lecture meetings, on-the-site training, etc. (Basic Framework, 2-1-3-1).</p> <p>b. Yes. Basic Framework requires national government and local public authorities to implement DRR education in schools (2-1-3-2).</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p>	<p>Art. 7 Art. 7.2</p>	<p>- Article 7 of the Disaster Countermeasures Basic Act provides for the responsibilities of "residents and others" at prefectural, municipal and community levels.</p> <p>- Civil society actors explicitly mentioned in the Article are 'public organizations' in the areas of local public authorities and 'residents'.</p> <p>- The said public organizations are "obligated, by law or under an appropriate area disaster prevention plan, to fulfil their responsibilities in good faith" (Art. 7).</p> <p>- Residents are to play such a role as "to contribute toward the cause of disaster prevention by taking their own measures to prepare for disaster and by participating in voluntary disaster prevention groups etc." (Art. 7.2).</p>

**4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>- The role of civil society is also prescribed by the ‘Basic Framework for Promoting a Nationwide Movement for Disaster Reduction’ which was decided and published by the Central Disaster Management Council in 2006 in order to “promote a nationwide movement where individuals, families, communities, corporations and other various groups and entities participate in continuous activities and investments for mitigating disaster damage” (Cabinet Office, 2012B, p. 38).</p> <p>- The roles of civil society actors defined in this Basic Framework (i.e. individuals, families, communities, corporations and other various groups and entities) are various at national, prefectural, municipal and community levels, as follows:</p> <ol style="list-style-type: none"> <li>1) “Wider social involvement in disaster reduction activities”. This includes the introduction of “disaster reduction events in usual community events such as local festivals” and the promotion of “disaster reduction education at schools, volunteer activities and communities” (Cabinet Office, 2012B, p. 38);</li> <li>2) Provision of “correct knowledge in an appealing and easy-to-understand way (develop good materials)”. That is, to use “various materials such as picture books, photograph collections, picture-story shows and games” and to use “disaster experience narratives” (Ibid.);</li> <li>3) Promotion of “companies and families to invest in safety (investment incentive)”. This includes: promotion of “investments in safety for work places and houses”; enhancement of “disaster reduction awareness in the private sector and commercial districts in view of positive business management strategy”; and, promotion of “preparations for business continuity plans” (Ibid.);</li> <li>4) Promotion of “wider collaboration (network involving various</li> </ol>

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>stakeholders)". That is, "[c]ollaboration among national and local governments, schools, community centers, parent-teacher associations, companies, volunteer groups, etc." (Ibid.); and,</p> <p>5) "Continuous activities by individuals and various stakeholders (long-term continuity)". This includes the promotion of "the establishment of community stakeholder meetings for disaster reduction activities" and giving reward to "good practices of disaster reduction activities in communities, schools, work places, etc." (Ibid.).</p>
<p>171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?</p>			<p>- Such a role is not specifically provided for by the Disaster Countermeasures Basic Act.</p> <p>- The Act on Japanese Red Cross Society does not provide it, either.</p>
<p>172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?</p>			<p>- Disaster Countermeasures Basic Act does not provide for a specific role for civil society. Its role in education is set by the 'Basic Framework for Promoting a Nationwide Movement for Disaster Reduction' as discussed above.</p>
<p>173. Does any law provide for community-level results in DRR, such as:</p> <p>a. Natural disaster warnings that extend to community level?</p> <p>b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural</p>	<p>Act on Special Measures for Active Volcanoes (Act No. 61 of 1973)</p>	<p>Art. 21.1 Art. 21.2 Art. 21.3</p>	<p>a. The Act on Special Measures for Active Volcanoes provides that the national government shall report to prefectural governors as regards information on volcanic activities when necessary to protect the life and body of citizens, based on observation and research of volcanic activities (Art. 21.1). Governors shall report the said information to the head of designated local public administrative bodies, designated local public corporations, and municipal governments, as well as other concerned parties (Art. 21.2). The head of municipal</p>

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>disasters?</p> <p>c. Community involvement in land-use and urban planning?</p> <p>d. Community involvement in and education concerning building codes?</p>	<p>Disaster Countermeasures Basic Act (Act No. 223 of 1961)</p> <p>City Planning Act (Act No. 100 of 1968)</p>	<p>Art. 55 Art. 56 Art. 57</p> <p>Art. 16.1</p>	<p>governments shall report the said information to the concerned parties, residents, and the concerned public and private organizations. If necessary, the head can report or make warnings as regards the necessary countermeasures to residents and the concerned public and private organizations (Art. 21.3). Also, Articles 55, 56 and 57 of the Disaster Countermeasure Basic Act are concerned with at-risk communities' timely and reliable access to natural disaster warnings. At-risk communities are able to receive information through municipal governments and other concerned organizations at local level (Art. 56), as well as through the designated media (Art. 57).</p> <p>b. No.</p> <p>c. Yes. Articles 16.1 of the City Planning Act (Act No. 100 of 1968) provides that “[w]hen deemed necessary in compiling proposed city plans, [...] the Prefectures or municipalities shall perform any required measures, such as convening public hearings, in order to reflect the opinions of residents”.</p> <p>d. No.</p>

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