

## Chapter 2 Further Expansion of Disaster Management

### Section 1 Act for Partial Amendment of the Basic Act on Disaster Management

#### 1-1 Background and Necessity of Amendment

With regard to Typhoon Hagibis in 2019 (T1919) and other named tropical cyclones that caused serious disasters, the issue of difficulty in understanding evacuation information provided by the government, such as the distinction between evacuation recommendation and evacuation instruction, became apparent. In addition to this, because there were many cases of people suffering due to failure to evacuate or delayed evacuation, suffering in moving to another location outdoors during heavy rain and flooding and the elderly and people with special needs' victims, the "Working Group on Evacuation from Disasters Caused by the Typhoon Hagibis in 2019 (T1919) (hereinafter referred to as the "the Typhoon Hagibis in 2019 (T1919) WG") was newly established under the Disaster Management Implementation Committee.

In the report on the Typhoon Hagibis in 2019 (T1919) WG in March 2020, in addition to indicating measures to be implemented by the FY 2020 flood season\*1, as the items that should continue to be considered in FY 2020, the following issues were raised: handling of evacuation recommendation and evacuation instruction as stipulated in the "Basic Act on Disaster Management (Act No. 223 of 1961)", ensuring the effectiveness of evacuation for the elderly and people with special needs, and region-wide evacuation\*2.

(Reference: <http://www.bousai.go.jp/fusuigai/typhoonworking/index.html>)

\*1: The flood season differs depending on the region and river, but is usually around June (due to snowmelt, the flood season in cold regions such as Hokkaido is often around April).

\*2: Evacuation of residents beyond the zones of the municipality or prefecture at the stage when there is a possibility of disaster.

Therefore, as for the items that should continue to be considered in 2020, a study was carried out by the "Sub-Working Group Concerning Evacuation Information and Region-Wide Evacuation Based on Typhoon Hagibis in 2019 (T1919)" (hereinafter referred to as the "SWG on Evacuation Information.") which has continued since June 2020, and the "Sub-Working Group Concerning Evacuation of Elderly and Other People with Special Needs Based on Typhoon Hagibis in 2019 (T1919)" (hereinafter referred to as the "SWG for the Elderly"), and each report was compiled (see Special Feature, Chapter 2, Section 2, p.50~p.60). Based on this study, in order to address these issues for consideration, in March 2021, the "Act for Partial Amendment of the Basic Act on Disaster Management" was submitted to the 204th session of the Diet, then after deliberation by both the House of Representatives and House of Councilors, the law was passed and enacted on April 28 of the same year (Act No. 30 of 2021).

Firstly, in order to further promote smooth and speedy evacuation in the event of a disaster, this law takes the following measures such as:

- Integrating evacuation recommendation/ evacuation instruction into a single evacuation instruction.
- Making it a duty for municipalities to make efforts in preparing "individual evacuation plans," which are plans to provide evacuation support for those who require assistance evacuating, such as the elderly and people with disabilities who have difficulty evacuating on their own.
- Establishment of National Disaster Management Headquarters at a stage when a disaster is

likely to occur.

- Application of the Disaster Relief Act in a case where the relevant headquarters has been established.
- Improvement of provisions concerning acceptance of residents pertaining to region-wide evacuation.

Secondly, in response to the growing need for government assistance, in order to strengthen the system for implementing disaster management, this law takes the following measures:

- Change of the head of the Major Disaster Management Headquarters to the Prime Minister.
- Establishment of Authorized Disaster Management Headquarters headed by the Minister of State for Disaster Management, Japan in the Event of a Disaster of which Scale is not as Large as an Emergency Disaster.
- Mandatory Positioning of the Minister of State for Disaster Management, Japan in the Cabinet Office.

As for the date of enforcement of this law, it was set as "a date specified by Cabinet Order within a period not exceeding one month from the date of promulgation" of this law, and it shall be implemented by the time of the next rainy season, when large-scale floods are likely to occur. Therefore, it was put into effect on May 20, 2021.

The details of each revision are written in the next section.

**Goal**

In response to the frequent occurrence of natural disasters, the following measures shall be taken to ensure smooth and rapid evacuation in the event of a disaster and to strengthen the system for implementing disaster countermeasures.

**Contents of Revision****1. Partial Revision of the Disaster Countermeasures Basic Act****(1) Ensuring smooth and rapid evacuation in the event of a disaster****1) Consolidation of evacuation recommendations and evacuation instructions****<Issue>**

There have been many cases where people do not evacuate when an evacuation recommendation was issued, and many people were affected by the disaster because they did not escape in time. The difference between an evacuation recommendation and an instruction is not fully understood.

Resident Survey  
 - Respondents who said they would evacuate under an evacuation recommendation: 26.4%  
 - Respondents who said they would evacuate under an evacuation instruction: 40.0%

**<Solution>**

Consolidate evacuation recommendations and instructions, where evacuation instructions will be issued at the stage of a disaster of the advisory stage previously, and comprehensively review the nature of evacuation information.



Example of evacuation information reporting (taken by the Cabinet Office)

**2) Creating individual evacuation plans\***

\*A plan that includes information on evacuation support personnel and evacuation sites for those who require assistance evacuating (elderly, disabled, etc.).

**<Issue>**

Although the list of those who require assistance evacuating (made compulsory in 2013) has become more widespread, with about 99% of municipalities having created the list, many elderly people are still affected by disasters, and it is still a challenge to ensure the effectiveness of evacuation.

Percentage of casualties of recent disasters who are elderly (65 years old or older)  
 Typhoon Hagibis in 2019 (T1919): approx. 65%  
 The Heavy Rain Event of July 2020: about 79%

**<Solution>**

Municipalities are obliged to make efforts to prepare individual evacuation plans from the perspective of ensuring the smooth and rapid evacuation of those who require assistance evacuating.

Municipalities that have completed the preparation of the plan as a voluntary initiative: approx. 10%  
 Municipalities that have completed the preparation of some plans as voluntary initiatives: approx. 57%

\*In addition, the laws on the Social Welfare and Taxation Number (Individual Number) System will be revised, and information associated with the Individual Number will be used in the preparation of lists and plans.



Example of evacuation of those who require assistance evacuating in the event of a disaster

**3) Establishment of the National Disaster Management Headquarters at the stage of threatened disaster / Measures stipulated in the regulations regarding the acceptance of residents for wide-area evacuation**

In addition to making it possible for the national government to set up a National Disaster Management Headquarters at the stage when a disaster is likely to occur, provisions are made to enable the mayor of a municipality to hold necessary consultations with other municipalities in order to evacuate residents to other safe municipalities (wide-area evacuation).



Example of evacuation to other cities, towns and villages in the event of major river flooding

**(2) Enhancing the system of disaster risk management measures**

- 1) Change the head of the Major Disaster Management Headquarters to the Prime Minister
- 2) Establishment of an Authorized Disaster Management Headquarters headed by the Minister of State for disaster management\*
- 3) Addition of Deputy Chief Cabinet Secretary for Crisis Management to the National Disaster Management Council

\*For disasters that do not reach the level of emergencies and result in dozens of fatalities or missing persons.



Major Disaster Management Headquarters for the Heavy Rain Event of July 2020

**2. Partial Revision of the Act for Establishment of the Cabinet Office****Mandatory appointment of the Minister of State for Disaster Management in the Cabinet Office****3. Partial Revision of the Disaster Relief Act****Application of the Disaster Relief Act at the stage where an emergency disaster, etc. is likely to occur**

When the National Disaster Management Headquarters is established, the Disaster Relief Act can be applied even before a disaster occurs, which was not possible before, allowing prefectures, etc. to provide shelters.

**Objectives and Effects****o Promotion of measures for wide-area evacuation**

Percentage of municipalities considering wide-area evacuation that have concluded agreements for wide-area evacuation FY2020: 80% ⇒ FY2025: 100%

Date of promulgation: May 10, 2021 Effective date: May 20, 2021

Source: Cabinet Office data

**1-2 Regarding Each Amendment****(1) Ensuring Smooth and Rapid Evacuation in the Event of Disaster**

1. Integrating evacuation recommendation/ evacuation instruction into a single evacuation instruction (See Special Feature Section 2, 2-2 p.52~p.54)

According to a survey of residents conducted by the Typhoon Hagibis in 2019 (T1919) WG, many people mistakenly perceived the evacuation recommendation as "the stage to start preparations for evacuation" or "the

stage to voluntarily evacuate although it is not yet the stage to start evacuation." In addition, only about a quarter of the respondents said that the actual timing of evacuation was when the evacuation recommendation was issued, indicating that people did not understand that they should evacuate when the evacuation recommendation was issued.

It was also revealed that many people still did not understand the difference between an evacuation recommendation and an evacuation instruction and did not evacuate until the evacuation instruction was issued, or in other words, the residents were "waiting for instructions."

In addition, in a survey conducted to the mayors of municipalities who actually issue evacuation information by the SWG on Evacuation Information, due to the following reasons, a number of respondents requested that evacuation recommendations and evacuation instructions be consolidated into a single evacuation instruction, and that evacuation information be issued at the same alert level (alert level 4):

- The current system seems to have two timings for evacuation, making it difficult to understand and take actions toward evacuation.
- From the residents' point of view, both are the same in the sense of evacuation, and not many residents understand the difference between "recommendation" and "instruction," so there is no point in making a distinction.
- If there are two levels, people may misunderstand that they do not have to evacuate when there is an evacuation recommendation, which may lead them to wait for instructions.

Based on the above, a comprehensive review of evacuation information was conducted, including Integrating evacuation recommendation and evacuation instruction into a single evacuation instruction.

## 2. Creating Individual Evacuation Plans (See Special Feature, Section 2-3, p.55～p.60)

In recent years, many elderly people and people with disabilities have been affected by disasters. In the final report, SWG for the Elderly and People with Special Needs states that it was necessary to ensure smooth and rapid evacuation of the elderly and people with special needs by further promoting the preparation of individual evacuation plans for providing evacuation support for those who require assistance evacuating (such as the elderly and people with disabilities who had difficulty evacuating on their own). In response to their final report, some municipalities have been preparing individual evacuation plans. From the perspective of promoting this movement nationwide, a decision was made to make the preparation of such a plan a duty of effort for municipalities.

In addition, such measures as the following have been taken to improve the effectiveness of evacuation for those who require assistance evacuating: in ordinary times, when the consent of those who require assistance evacuating and the evacuation supporters is obtained, or if there is a special provision in Ordinance, the information written in an individual evacuation plan can be provided to firefighting organizations, Welfare Volunteers, and other parties involved in evacuation support. In the event of a disaster, such information could be provided to those involved in evacuation support without obtaining the consent of those who require assistance evacuating and evacuation supporters.

## 3. Establishment of National Disaster Management Headquarters at the Stage when a Disaster Is Likely to Occur/ Application of the Disaster Relief Act in Case Where the Headquarters Have Been Established

In recent years, weather forecasting technologies have been improving in terms of the accuracy of tropical cyclone forecasting year by year, which makes it possible to predict the occurrence of large-scale disasters with a certain degree of accuracy even before they occur. Under these circumstances, the Japan Meteorological Agency has started to issue an "emergency warning" since August in 2013 when extraordinary phenomenon, far exceeding the criteria to issue weather warnings, is expected and where there is a significant risk of a serious disaster. In addition, if there is a possibility that the emergency warning is to be issued (in the case of a tropical cyclone, 12 hours in advance), it is announced several days in advance. Thus, in order to make the most use of this ability to predict the occurrence of major disasters with a certain degree of accuracy, it is important to act as soon as possible to prepare for a disaster, including advanced preparation for natural phenomena that are likely to cause the announcement of a heavy rain emergency warning.

However, when Typhoon Hagibis in 2019 (T1919) hit in 2019, in response to an emergency warning issued by the Japan Meteorological Agency, problems such as traffic jams on the way to shelters and people giving up on evacuation due to traffic jams occurred after calling for region-wide evacuation of residents in the estimated flooded zone.

In light of the above, a decision was made that the national Disaster Management Headquarter can be established even at a stage when a disaster is "likely to occur" to carry out comprehensive coordination with related organizations so that disaster response measures such as the smooth evacuation of residents are promptly implemented even before a disaster occurs.

At the same time, a decision was made that when the Headquarters are established, prefectural governors could implement rescue (i.e. let municipalities provide shelters) under the Disaster Relief Act in the areas of municipalities designated as the jurisdictional districts of the Headquarters.

#### 4. Improvement of Provisions Concerning Acceptance of Residents Pertaining to Region-Wide Evacuation (See Special Feature, Section 2, 2-2, p.52~p.54)

As mentioned above in 3, there is a growing need to encourage residents to evacuate not only after a disaster but also at an earlier stage such as when a disaster is predicted to occur. In particular, region-wide evacuation is being considered by municipalities across Japan, including the Koto five wards (Sumida, Koto, Adachi, Katsushika and Edogawa Wards).

In this regard, even at a stage when a disaster is only predicted, the transportation of residents for region-wide evacuation and evacuation should be carried out based on agreements concluded in advance between other local governments and transportation business operators. However, as in the case of issues at post-disaster, it is possible that agreements may not function sufficiently as described below:

- Because the local governments that were scheduled to serve as region-wide evacuation sites are also likely to be affected by the disaster, it would be difficult to accept residents of other municipalities.
- If there is a risk for a disaster to occur on a greater scale than expected through the agreement, it would be necessary to request additional transportation business operators.

Based on the above, as promoting the conclusion of agreements among local governments or between local governments and transportation companies, provisions for consultation regarding the acceptance of residents among local governments, and agreements between local governments and transportation business operators and

acceptance of evacuees from other municipalities have been improved to ensure the smooth implementation of region-wide evacuation at a stage where a disaster is likely to occur.

## **(2) Strengthening the System for Implementing Disaster Management**

### **1. Change of the head of the Major Disaster Management Headquarters to the Prime Minister**

In recent years, as social demands for a smooth and rapid response to disasters have increased, in Major Disaster Management Headquarters, a precise and prompt response is needed for disaster response measures which require advanced and complex coordination.

Therefore, from the respect of strengthening the functions of the disaster prevention command and promoting cooperation among government ministries and agencies in the emergency response and the recovery phase, in practice, the Prime Minister and relevant cabinet ministers attend the Major Disaster Management Headquarters, and the Prime Minister issues instructions to the relevant ministers.

In light of this situation, based on the "Basic Act on Disaster Management," for disaster response measures, which requires a high level of judgment and coordination in order to provide prompt and detailed support to affected people, a decision was made to strengthen the implementation system by designating the Prime Minister and relevant cabinet members as members of the Major Disaster Management Headquarters, and also by granting the authority of instructions from the head of the Headquarters to the head of the relevant designated administrative organization.

### **2. Establishment of Authorized Disaster Management Headquarters headed by the Minister of State for Disaster Management, Japan in the Event of a Disaster of which Scale is not as Large as an Emergency Disaster**

In addition to "1." mentioned above, in recent years, although the scale of major disasters has not reached the certain level needed under the "Basic Act on Disaster Management," because there have been a certain number of disasters which require special responses such as the national government needing to hold Ministerial Meetings, these disasters are characterized by the following:

- The need for rapid disaster response measures has risen under a circumstance where it is difficult to cope with the limited resources of the affected local governments after significant damage due to large-scale Sediment Disaster (Landslide Disaster) and slope failure on non-main islands of Japan.
- The need for agile and effective disaster response measures has risen in the coordination of evacuation and rescue by the national government, cooperating with related organizations including affected local governments and neighboring local governments, in case where the disaster occurs in more than one prefecture.

In recent years, the government should handle various social demands and local circumstances. Specifically, an aging society coupled with a low birthrate, the number of people who have difficulty evacuating on their own and require assistance in evacuation is increasing. On the other hand, social demands for rapid evacuation, rescue, and supply of goods are increasing as necessary disaster response measures at the time of a disaster. Therefore, the government's system for implementing disaster management needs to be strengthened in order for the relevant national organizations to work together to implement disaster response measures in a flexible and effective manner in the event of a disaster such as the one described above.

Based on the above, a decision was made that it was possible to establish an Authorized Disaster Management Headquarters headed by the Minister of State for Disaster Management, Japan for authorized disasters for which there is a special need to promote disaster response measures in consideration of local conditions and other circumstances in the disasters of which the scale is not large.

### 3. Mandatory Positioning of Minister of State for Disaster Management, Japan in the Cabinet Office

As mentioned above, disaster prevention policies have been further positioned as an important issue in national politics. At the same time, as for disaster reduction measures implemented by the Cabinet Office, the role of the Minister in Charge of Disaster Reduction is becoming more important with the position being required to address medium to long term perspectives such as preparing for the Nankai Trough Earthquake and the Tokyo Inland Earthquake, and raising awareness, namely awareness for improvement of disaster prevention. In addition, it is necessary to unify the policies of each administrative department at a high level because many specific measures require cooperation among multiple ministries and agencies to be implemented.

In the past, especially after the reorganization of the central ministries in January 2001, the Minister of State for Disaster Management, Japan has been appointed by each Cabinet. However, the Minister of State for Disaster Management has been legally mandated to take charge of disaster management so that the government's disaster management system can be further strengthened in terms of organization in order to respond appropriately to increasingly frequent large-scale disasters and to work together as a government for the safety of the people.