

International Conference on Enhancement of Urban Disaster Resilience
Research Symposium



Disaster Resilience and Social Fairness: A Legal Perspective

Makoto Usami

Professor

Graduate School of Global Environmental Studies

Kyoto University

The Place of Social Fairness Subproject

Multifaceted character of urban disaster resilience



The focus of this subproject

- GGS Project is highly multidisciplinary.
- Social fairness subproject focuses on the **legal aspect** of urban disaster resilience (cf. LePore 2017).

Various Needs of Affected People

Needs of affected population in the aftermath of disaster

- Physical security: food, water, shelter, medical care
- Economic security: financial assistance, job opportunity
- Legal security: **dispute prevention/resolution**

Legal conflict and social fairness

- In case a major disaster occurs, various legal disputes are likely to arise among affected people.
- The fair and effective system of prevention/resolution of these disputes is indispensable.
 - Social fairness in the context of legal conflicts**

Lessons from Japanese Case 1

Legal needs in the aftermath of massive disaster

- A recent example: Great East Japan Earthquake in March 2011
- Earthquake: 9.0 Richter scale, 15,894 deaths
- Tsunami: more than 90% of the total deaths
- Nuclear power plant accident: some 154,000 people evacuated
- The succeeding story: what happened after the earthquake, tsunami, and nuclear accident?



Lessons from Japanese Case 2

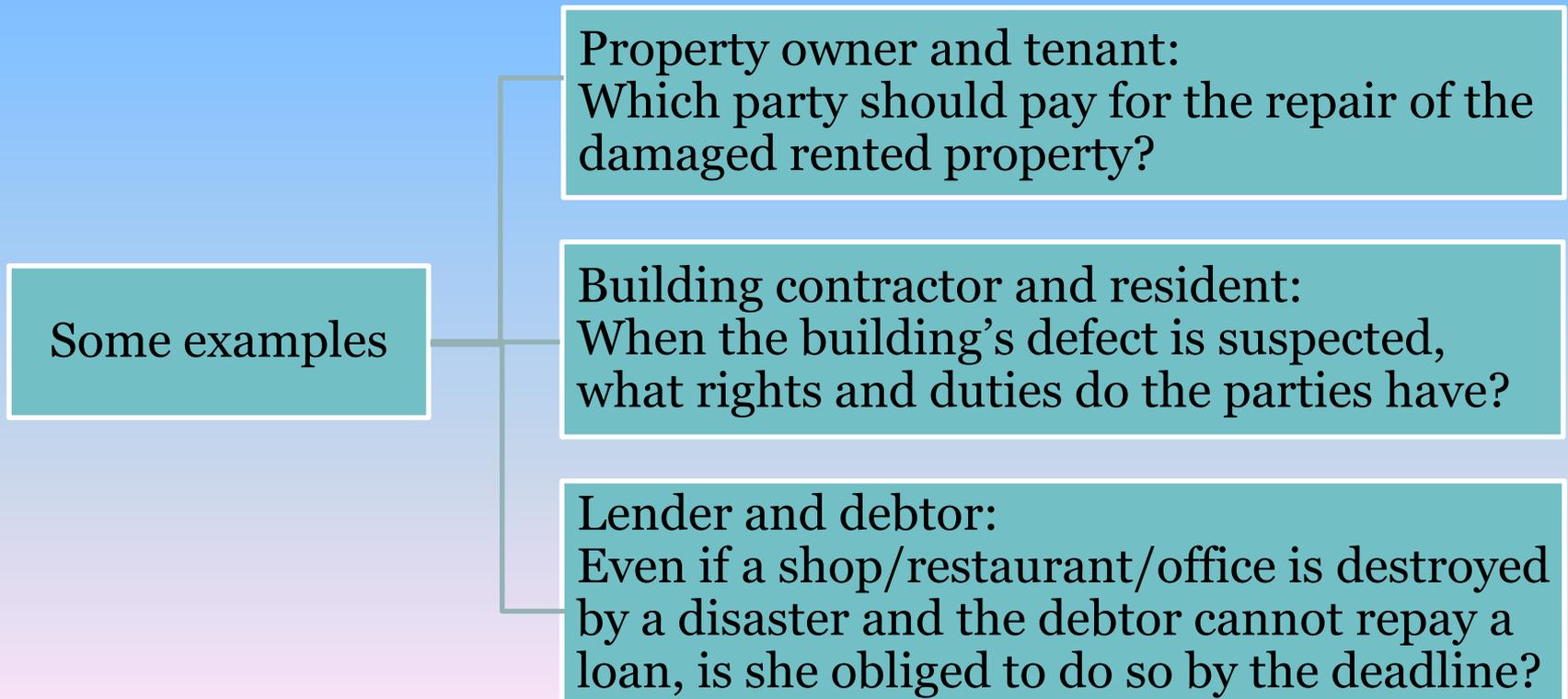
Affected people in Japan had various legal needs

- Immediately after the earthquake occurred, hundreds of local lawyers launched **complementary circuit legal service**.
- Numerous affected people visited or called these lawyers.
- The immense data show that affected populations had **a great variety of legal needs** including conflict resolution (Okamoto 2014).
- Japanese legal system had **many developed mechanisms** intended to help victims' families and survivors of massive disaster in terms of conflict resolution and financial assistance.
- But most citizens did not know about these mechanisms.
- A big challenge to the local lawyers was to promptly identify **legal needs** of the victims' families and survivors and to provide them **information** on relevant mechanisms.
- The data of people's needs collected and analyzed after this earthquake provided the basis of **further development** of such legal mechanisms in the country.

Legal Needs after Disaster 1

What needs do affected people have?

- Affected people in many societies have needs of preventing or mitigating a variety of legal disputes among them:



Legal Needs after Disaster 2

Universality and divergence of legal needs

- Legal disputes can occur after large-sized disaster in **every affected society**.
- Not merely earthquake but also other types of disaster such as **flood, tsunami, and cyclone** can cause these disputes.
- In different societies or communities, **various forms** of legal confrontation will occur, and a **different frequency** of conflict occurrence will be observed.
- Example 1: in a community where a large part of local population live in rented apartments, conflicts between apartment owner and tenant are likely to appear.
- Example 2: in a community with the close relationship among residents, they tend to avoid legal conflict with their neighbors.
- If we find relevant **economic, social, and cultural conditions** of local people in a particular community, we can identify what type of legal needs they would have if a disaster happened.

Context of Yangon 1

Housing conditions of people in Tamwe and Pazundaung

- Risk Perception and Housing Safety Survey: conducted by the Risk Perception research team in October 2016.
- Owner/tenant ratio: 15% of respondents who live in Pazundaung are tenants, while 85% owners; 7% in Tamwe are tenants, and 93% owners.
- A resident's limited knowledge on his house or apartment: e.g., in Pazundaung, only 49% of respondents identified the year in which their house/apartment was constructed, and 11% did not know such a year at all; in Tamwe, 57% knew the construction year, while 6% did not know it.

Context of Yangon 2

Possible legal needs in the two townships

- Owner-tenant dispute: the **probability of legal dispute** between property owner and tenant is higher in Pazundaung than in Tamwe.
- Need for legal assistance: it would be helpful to provide in advance both owners and tenants, especially those living in the former township, with the **information on legal rules** governing the distribution of benefit and burden between the two parties.
- Disadvantage of residents: many residents' severely limited knowledge on their owned or rented properties, along with their lack of legal expertise, would arguably leave them **disadvantageous** in their relationship with the building contractors or carpenters/masons in the aftermath of disaster.
- Need for legal assistance: it would be crucial to build the **mechanism of legal assistance and aid** that all residents can use with no fee in case a grave disaster happened.

Challenges and Prospects

Multilayered challenges

- National government: if the government launched the **nationwide system of legal assistance and aid** for affected populations, their legal security would be ensured.
- Lawyer community: the new legal assistance/aid system would require **lawyers' support and cooperation**.
- Municipalities: a municipality is advised to develop a **local assistance system** for its residents, based on collaboration with local lawyers, other experts, NGOs, and community leaders.
- Local people: it is highly advisable for general people to discuss **what problem might happen** with them after a disaster and **how they would respond to it**, hopefully with help from experts.

Potential of local platform

- A **local participatory platform** can work as a public forum where stakeholders discuss possible legal needs emerging after a disaster.