

Earthquake Recovery and Activities of the Machizukuri Organization in Kobe

Kazuyoshi Ohnishi, Dr of .eng.

Associate professor, Graduate School of Engineering, Kobe University

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1. Purpose of the Kobe Machizukuri Ordinance and the Current State of Machizukuri

1) Basic Aim of the Machizukuri Ordinance and Its History

In 1980, the Urban Planning Law was revised and the “district planning” system was created. District planning means, specified areas with a designated purpose of use can be assigned more stringent restrictions under urban planning compared to designated-purpose areas as determined by the standard national criteria. However, in imposing stricter rules to only certain areas, the current Urban Planning Law has its limits, and therefore, when applying district planning, before the free public viewing stage of the urban planning procedure, it became mandatory to hear the opinions of stakeholders within the specified area. The law authorized local authorities to stipulate a procedure for hearing these opinions through ordinances.

What became a model case at the inception of this district planning system were the activities of the local organization (Mano Machizukuri Promotion Organization) in the Mano area in Kobe City. The Organization had proposed a Machizukuri method of rule-making whereby land use within this industrial area could be determined through the area’s own individual means. Almost all the rules were those that could be regulated under the district planning rules but it was proposed that for some rules a Machizukuri Agreement should be signed between local residents and the Mayor, so that when construction certification was to be given, the local government and the Organization could require the party proposing the construction work to submit an application and to ensure strict compliance with the Agreement. It was necessary for an ordinance to be passed in order to enforce the action of the Mayor and the obligation of application submission by the principal of the construction.

Thus, in 1981, the Ordinance Relating to Kobe District Planning and Machizukuri Agreement was passed. This Ordinance is now commonly known as the Machizukuri Ordinance. It originated in the need to designate a procedure as a rule-making mechanism for creating a district planning procedure and a Machizukuri Agreement. Later, as the “zukuri (meaning creating)” element of the name of the ordinance carries a forceful resonance, a general perception emerged that the ordinance was for “machi (town)” + “zukuri (creating),” or community development, including the notion of “monozukuri (creating physical systems).”

2) The Machizukuri Organization Means Activities Undertaken by the Concerted Will of the Area

The Machizukuri Ordinance, roughly speaking, is a device that stipulates the procedures in creating a Machizukuri Agreement. When an Agreement is to be created, it requires that a Machizukuri Organization be organized in the area. There are three prerequisite for forming a Machizukuri Organization (Machizukuri Ordinance, Article 4), which are:

- ① It is an organization deemed to have been established by the vast majority of the residents of the area.
- ② Its members must be residents or others that have expert knowledge or equivalent about Machizukuri.
- ③ Its activities are supported by the vast majority of the local residents.

When the Organization wishes to sign an Agreement, it has to be “approved” by the Mayor that it satisfies the above-mentioned prerequisites (sufficient condition). In Kobe City at present, there are 13 such approved Organizations.

Having received approval, the Organization has to deliberate its means of community development that would lead to the creation of a pleasant area to live in that can be undertaken principally by residents. The results are to be compiled as the Machizukuri Master Plan. This is to be ratified by the plenary session of the Organization as the blueprint for the Organization’s activities.

This Master Plan can be submitted to the Mayor as a “Machizukuri Proposal.” Upon receiving the formal proposal, the Mayor has the duty of best efforts to deliberate the content, check the necessary clerical work and give consideration to the proposal content (Machizukuri Ordinance, Article 8).

The most important among the Machizukuri proposals is the Machizukuri Agreement. The Organization drafts rules that should be mutually adhered to so that a pleasant living environment can be assured when construction activities within the area or changes in the zoning type of land is undertaken. The Organization publicizes these rules to residents who are its constituent members, pick up their comments and obtain the agreement of the Organization.

Finally, the Machizukuri Agreement is concluded between the Mayor and the Machizukuri Organization. The effect of the Agreement is that anyone attempting to undertake construction or development within the area is obliged to submit an application, and if the application does not meet the requirements of the Agreement, the Organization will discuss the necessary measures to be adopted. The Organization does not simply notify the Mayor with the necessary measures as comments, but in reality, it explains the purpose of the Agreement to the party proposing the construction or development so that the party concerned understands the principles and measures.

At present, six Machizukuri Agreements have been concluded in Kobe City, namely, in Mano

area in Nagata Ward, Okamoto area in Higashinada Ward, Kitasuma area in Suma Ward, Fukae area in Higashinada Ward, Shinzaike-minami area in Higashinada Ward, and Nishinro area in Nishi Ward. In each area, the creation of an area with distinctive character is being undertaken.

3) Correlation Between the Machizukuri Ordinance and Monozukuri

The word Machizukuri originally means the creation of infrastructure facilities such as roads and parks together with housing and other buildings. Monozukuri, in this context, would be the creation of infrastructures. The Ordinance does not lay down rules on what the Mayor should do when the Organization proposes Monozukuri. This is because public facilities such as roads and parks are in principle to be created by the government, and it is necessary to take budgetary measures for construction and legal procedures for their management. Therefore, even if the Organization unilaterally ratified a proposal, there is no presumption that the local government has an obligation to respect the proposal.

The Monozukuri that is included here is the collaborative effort undertaken by residents, private sector and local government, each doing what is required of their respective roles in a division of labor. For example, it would be seen in projects such as rezoning or redevelopment where residents have to fully provide the land for public facilities by giving up part of their property, or in road widening projects where residents provide land up to 2 meters from the center line and the local government pays for the engineering work.

In other words, when a proposal is put forward that includes the devices of Monozukuri and the role of residents in relation to them, it is supposed that the Mayor has to respect the proposal as a collaborative Machizukuri effort and attempt to play the role assigned to government of bringing the project to materialization.

2. Roles and Achievements of the Machizukuri Organization

1) Establishing Machizukuri Organizations in Kobe City

The establishment of a Machizukuri Organization can be in the form of voluntary organization when community Machizukuri effort is to be undertaken. In Kobe City, there are 28 Organizations that had already been in place before the Great Hanshin Earthquake, and 70 Organizations that were set up after the earthquake in order to engage in Earthquake Reconstruction Rezoning Projects and Redevelopment Projects. Together, the total stands at 98.

Table 1. Number of Machizukuri Organizations Before and After the Earthquake (As of June 1998)

	Former Priority Reconstruction Areas		Former Promotion Areas		Other Areas		Total	
	Before	After	Before	After	Before	After	Before	After
Kobe	78 (58)		11		9		98 (58)	
City	15	63 (58)	5	6	8	1	28	70 (58)

<Reference>

1. Former Promotion Areas : Under the Kobe City Earthquake Reconstruction Emergency Construction Ordinance (Lapsed February 16, 1998), out of all the city areas that were subject to tremendous damage due to the earthquake, these are areas designated as requiring town planning for fortification against disaster, in line with projects for earthquake reconstruction (Earthquake Reconstruction Promotion Area).
- Former Priority Reconstruction Areas : Among the Earthquake Reconstruction Promotion Areas, these are areas designated as requiring specially expedited and prioritized attention with respect to the renewal of urban functions, infrastructure construction, and provision of housing supply.
2. Before (Earthquake) : Organizations that were active before the earthquake and still exist as bodies
- After (Earthquake) : Organizations set up after the earthquake
3. The numbers within parentheses indicate the numbers of Organizations within the Reconstruction Rezoning Construction Project and Reconstruction Redevelopment Project Areas.

2) Machizukuri Currently Being Undertaken by Machizukuri Organizations

Table 2 is a summary of Machizukuri by category being undertaken by Machizukuri Organizations currently active in Kobe City. There are five areas that have concluded Machizukuri Agreements with the Mayor as a rule-making device (as of January 1999, 1 more area was added). There are 42 areas that have adopted district planning.

As Monozukuri, rezoning projects are being implemented in 6 ordinary areas and 50 earthquake reconstruction areas (56 areas in total). There are 11 areas under the Reconstruction Redevelopment.

Table 2. Summary of Machizukuri Projects by Machizukuri Organizations (As of June 1998)

Machizukuri Category		Organizations Existing Before the Earthquake	Organizations Established After the Earthquake
Rule-zukuri	Machizukuri Agreement	5	—
	District Planning	8	34
Monozukuri	Rezoning Project	6	50
	Urban Redevelopment Project	—	11

3. New Developments in Machizukuri Organizations

1) Proposal for Expansion of Organization Activities

Since the Machizukuri Ordinance was passed in 1981, nearly twenty years have passed and almost 100 Machizukuri Organizations have so far been established. Activities are ongoing, with rule-zukuri (rule making) and Monozukuri (physical system) projects undertaken by residents and local government in collaboration.

Nevertheless, the perception is that whatever space established as area facility created through the Machizukuri proposal, implemented as a collaborative project and newly partly financed by residents, is fundamentally intended for the use of local residents. Emerging demands are that local residents wish to use such facilities following certain rules. For example, in holding a community event using an area facility such as parks, residents need to obtain an exclusive-use license from the local government. This leads to the raising of the issue of self-management by residents of community facilities. Other proposals include the creation of closer liaison between the community facilities that had been built before (community welfare center, etc.) and public facilities such as parks and schools/welfare facilities, and the wish to make the Organization into an effective activity body by invigorating Machizukuri through comprehensive management of the area by means of information network building.

To this end, the organization has to become self-reliant. How should its self-management operate? How should the Organization correlate to legislation concerned? These are questions that need to be addressed first. The major preconditions would be for the Organization to establish its own “human resources development,” including management and volunteers, and “system development.”

These tasks would enlarge the activity purposes of the Machizukuri Organization, potentially leading to a big transformation into a new activity body.

2) Preparing for Human Resources Development

If the Organization were to expand its domain of activities and to enter into self-management, it would become necessary for the Organization itself to implement new creative activities and not be limited to activities in accordance with the standards and procedures agreed with local government.

It would be the basic rule that the Organization itself be managed by volunteers as before. However, for dealing with issues that have a bearing on the entire area, it would be necessary to have a management body so that the organization would work as an organic whole. Also, there should be personnel that act as an executive corps that carry out work at the behest of this management. This means that it would no longer be a simple question of participation; each volunteer has to have his or her mind and take his or her responsibility, clearly defining action

criteria and acting according to organizational principles that propel people in the organization to act.

Another human factor is that of the source of activity funding. Until now, activities could receive subsidy in line with the Ordinance; however, with the extension of activities, funding needs that arise must be met through autonomous fund-raising (donations) from local residents.

Thus, it is necessary to obtain the understanding of community residents with respect to the supply of labor as volunteers and the participation as provision of money. Moreover, it is necessary to achieve human resources development, including the clear definition of grounds and responsibilities for self-management as an activity body.

3) System Development Aimed at Organization's Development

The activities of rule-zukuri and Monozukuri undertaken by the Machizukuri Organization had assumed a community consensus in principle, with the Organization being a loose group formed of community residents. The Organization is a loose body and does not have a corporate status in legal terms. This is the major difference with a corporation of a business association. The task now is how to weigh up the advantages and disadvantages of the loose body and a legal corporation in the future system development of the Organization.

It is ideal to work under a system of unanimous consent in decision-making. Yet, with diversifying values and demand for pluralism in society, whether a system of unanimity would be suitable is a good question. The Ordinance used the expression the agreement of the vast majority: this does not necessarily imply the agreement of all, but in a loose body, there is no clear definition of its constituent members, which means that there is no quorum as such and yes or no votes cannot be defined by proportion. The assumption is that there is no active opposition in reality.

In a case like the Machizukuri Agreement, as it is an agreement that restricts the entire area, the requirement is for such an agreement of everybody to be obtained. However, in order to expand the Organization's activities and to address the necessary issues and to meet the needs of the community, it is essential to enter into voluntary management, which in turn raises several problems.

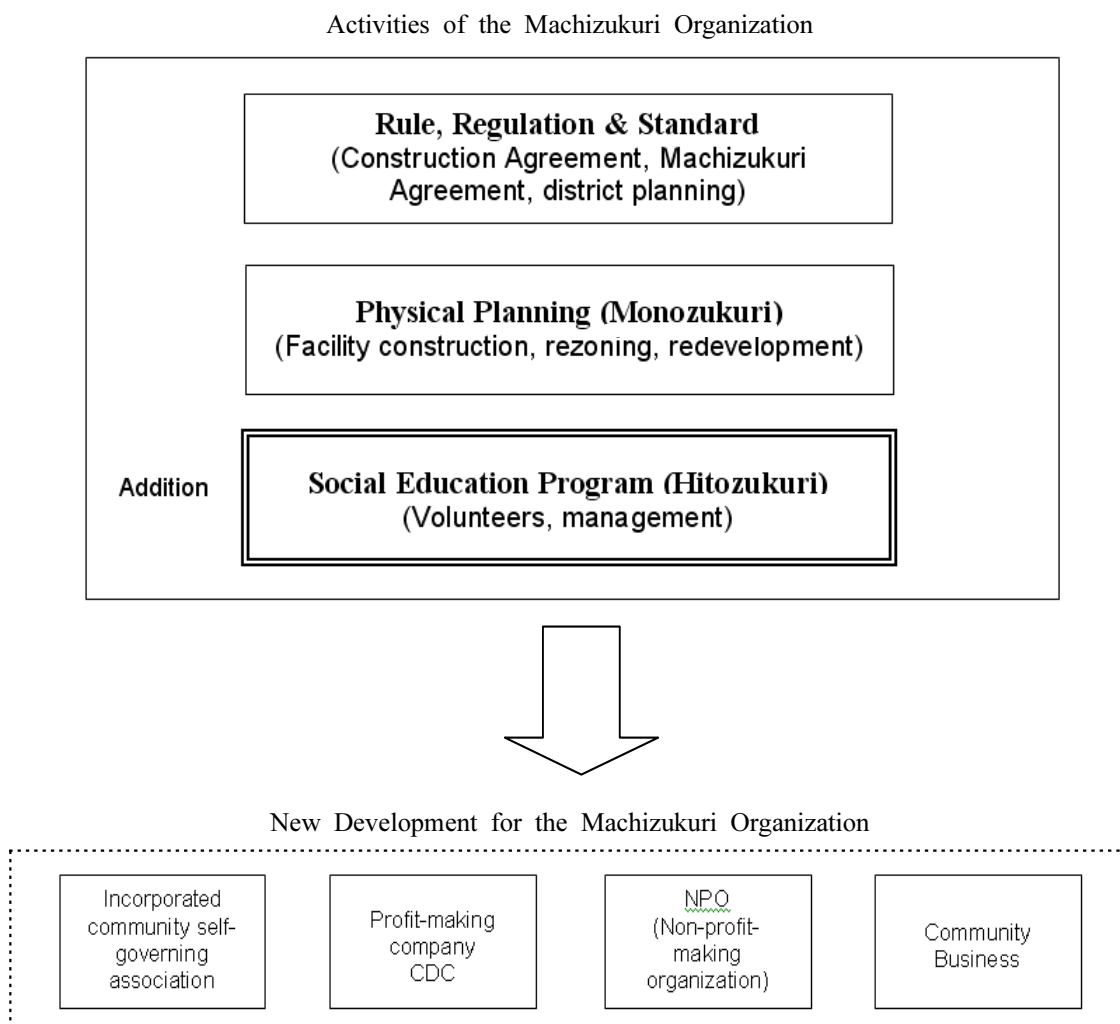
- ① A representative system must be established and a quorum has to be set and methods for managing a general assembly for decision-making must be adopted.
- ② The executive arm must be vested with authority and its responsibilities clearly determined.
- ③ As contracts become necessary to undertake projects, the organization must be legally incorporated.

To get over these hurdles, it is possible that things will go beyond the scope of the organizational management rules of the Organization stipulated by the existing Machizukuri

Ordinance. It also signifies that there is a limitation in trying to make stipulation within an Ordinance.

In other words, in order to satisfy the conditions necessary for the Machizukuri Organization to expand its activities and to explore new developments, a transformation would take place into a new organization springing from the Organization. There is an option here of whether or not to make it into a profit-earning corporation or a non-profit organization, depending on whether or not the profit element is to be pursued. Alternatively, there are options of turning the community self-governing association into a corporation according to purpose or of establishing a community business as a community-based service supplying organization.

In these new developments, the relationship between the new organization needed and the Machizukuri Organization has to be, strictly speaking, completely different, although the subject area of activities to be undertaken and participants would be based on the areas and people constituting the current Organization. This is a point that needs to be debated in due course in undertaking future development.

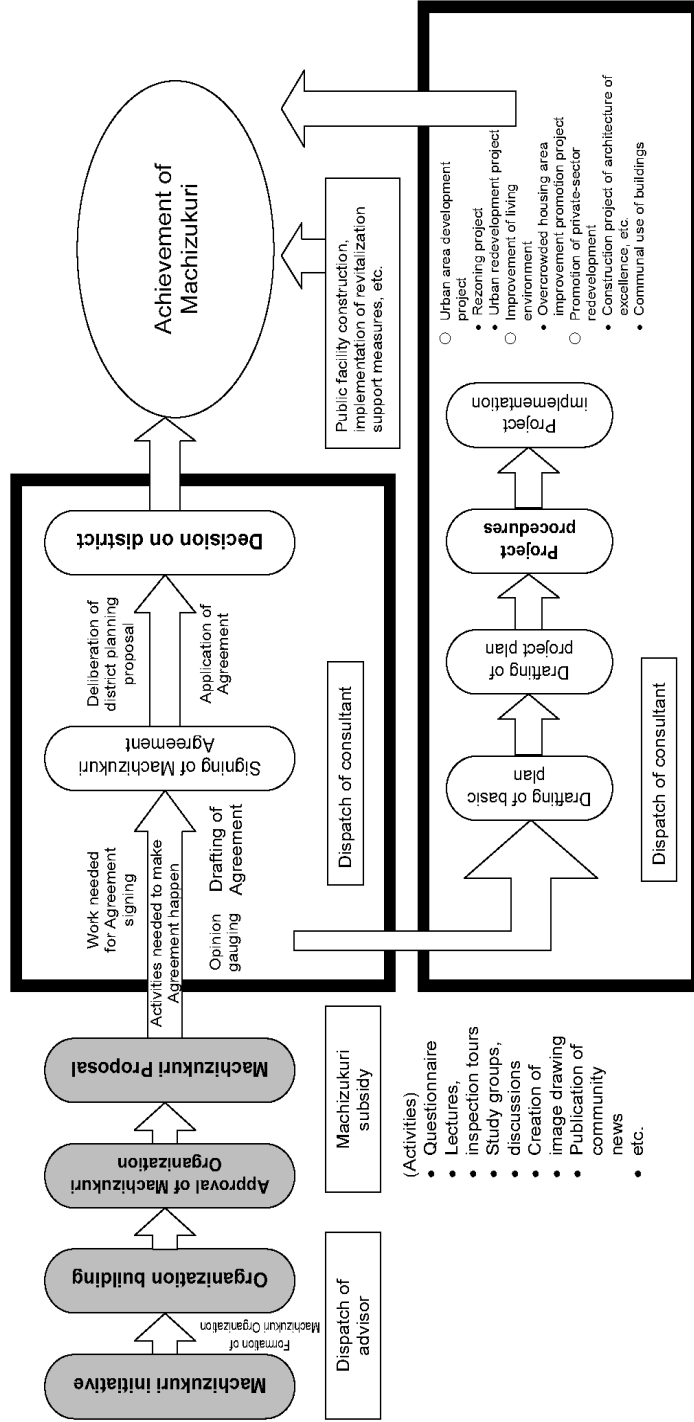


Flow Chart of Community Development (MACHIZUKURI) System in Kobe

Promotion of Community or Regional Autonomy



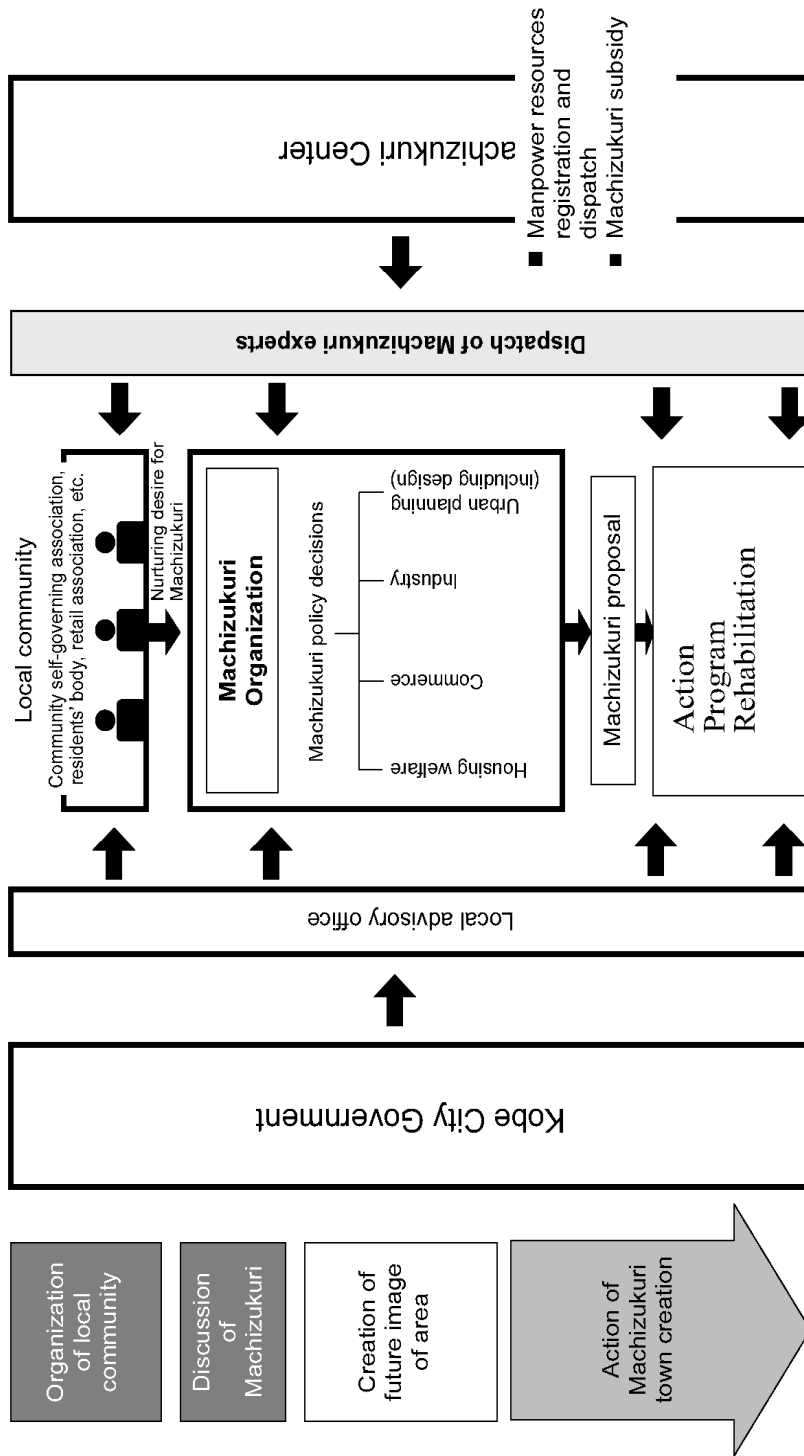
Regulation, Rule & Standard



Physical Planning & Project

Collaborative Community Development System with MACHIZUKURI Organization

Promotion of Collaborative Community Development



BID and Machizukuri Regulations

BID in California		Machizukuri Organization in Kobe
Basic Law	State Law Property and Business Improvement District Law of 1994	City Regulation Regulations about Urban Planning and Machizukuri Agreement of Kobe
Contents of activity	Maintenance management and improvement of local environment, such as security, scene maintenance etc. Marketing of an area Employment, creation and community service, local event	Based on citizen's participation, Machizukuri, of which easy to live, is advanced
Zone	The zone established if the supports (landowner or property base) is over 50% (there is consultant dispatch system, adjustment in advance to confirm the supports)	No special regulations The zone established by the supports from the vast majority of local residents at the preparation meeting (It is determined by the opinions from autonomies)
Organization	Advisory Board/ Advisory Committee · landowner and entrepreneur	Machizukuri Organization ·Residents, entrepreneur, landowner
Source of revenue	Charge to landowner (entrepreneur) · Collected together with fix property tax, then passed to the zone · The charge is decided by each zone · The adjustment of charge is available each year (up to increase part of price or lower than 3%)	Machizukuri Grants ·Up to 1 million yen for one year There is consultant dispatch system (technicalsupport)
Period	Using in several years (3 years to 5 years) ·The reapplication is necessarywhen continue the special zone	No special regulations
Others		Machizukuri Agreement, Urban Planning
Project/Management Subject	NPO The committee determines budget and policy, and NPO serves as enterprise administrative subject · Other than as the charge source, NPO synthesizes the enterprise revenue such as grant, subsidy, contribution etc., serves as the subject to maintain the zone	Consultation? ·The development of Machizukuri Corporation could be seen
Others	Special zone (autonomous)	Adjustment among the residents in a zone and opinion collection Machizukuri proposal subject

“Japan US Earthquake Mitigation Forum” 22:June2000, Kobe, Ikuo Kobayashi &Hisako. Koura