

## **Part II The Japanese government's response to COVID-19**

### **Chapter 5**

#### **Lifting the state of emergency**

A state of emergency was finally issued as the nation was confronted with the unprecedented COVID-19 crisis. Now the government faced the difficult question of how to bring it to a close.

The reason was that in the phase of lifting the state of emergency, it would be necessary to decide on how to make a compromise between the two conflicting demands of preventing the spread of infection and reopening the economy. The first major issue was setting the criteria for lifting the state of emergency, which was discussed in earnest after it was extended on May 4, 2020. Here, the Prime Minister's Office, concerned about the economic impact of prolonged self-restraint on people's activities, jockeyed with the panel of experts who placed emphasis on getting the infection under control. Next, the government had to decide whether to lift the state of emergency in light of the criteria it had established. Fortunately, the effect of people's voluntary restraint on their activities accelerated the decline of new infections, so the state of emergency was lifted in three stages, on May 14, 21 and 25, for various regions, and was deactivated completely before the post-extension deadline of May 31.

In this chapter, the process leading up to the lifting of the state of emergency will be clarified by dividing it into two phases: the formulation of lifting criteria and the decision to deactivate.

---

### **1. Formulating criteria for lifting the state of emergency**

---

#### **1.1. "Exit strategy" when issuing and extending the emergency declaration**

On April 7, 2020, the government issued a state of emergency through May 6, targeting the seven prefectures of Tokyo, Saitama, Chiba, Kanagawa, Osaka, Hyogo, and Fukuoka. On April 16, the target was expanded nationwide. However, at any of these points in time, the government merely stated that it would be promptly lifted even before the time limit "when it is deemed no longer necessary to implement emergency measures," and failed to give a concrete idea on under what conditions the state of emergency would be lifted.

At the time, there was no outlook for lifting it whatsoever at the Prime Minister's Office, and no "exit strategy" for the state of emergency had been drawn up. One of the Prime Minister's Office staff thought that "six months may not be enough."<sup>1</sup>

## The Independent Investigation Commission on the Japanese Government's Response to COVID-19: Report on Best Practices and Lessons Learned

In the first place, the initial deadline of May 6 was set with the intention of setting the shortest time limit while reducing the chances of contact between people during the Golden Week holidays in early May, there being no firm understanding within the government on the timing for lifting the state of emergency. Regarding the situation at the time, Health Labor and Welfare Minister Katsunobu Kato recalls, “To be honest, we didn’t have a clear prospect of how the situation would come to an end.”<sup>2</sup>

And since there were no signs of the COVID-19 infections ending in the latter half of April,<sup>3</sup> there was a growing view at the Prime Minister’s Office that the state of emergency would have to be extended. At the end of April, some infectious disease experts and the National Governors' Association expressed the view that the state of emergency should be extended nationwide, and Prime Minister Abe also made up his mind to extend it.

Then, on May 4, as the initial time limit for the state of emergency was approaching, the Expert Meeting on the Novel Coronavirus Disease Control said it was desirable to maintain the current framework under the state of emergency for the time being, even though the number of newly infected people was declining nationwide. In response, the government announced on the same day that it would extend the state of emergency until May 31.

The extension of the state of emergency was generally received favorably by the public,<sup>4</sup> but on the other hand, there was a growing sense of crisis especially among economic organizations and private businesses about the serious economic impact of prolonged self-restraint on people’s activities. For example, Akio Mimura, president of the Japan Chamber of Commerce and Industry, said on May 4 that the extension was “unavoidable” but “the impact on businesses and the public would be enormous.” Hiroaki Nakanishi, chairman of the Japan Business Federation (Keidanren), also said on the same day that he understood the decision to extend the state of emergency but asked the government “to pay close attention to the lives of the people and the business conditions of companies.” In response to these comments, awareness of the need for a concrete exit strategy for the state of emergency became more pronounced than before within the Prime Minister’s Office. Around this time, a senior member of the Cabinet Secretariat thought, “We’ll have to think about an exit before it takes too long.”<sup>5</sup>

However, even when it was extended on May 4, the criteria for lifting the state of emergency was explained as before as “when it is deemed no longer necessary to implement emergency measures,” with no objective criteria given. At a news conference on the same day, Prime Minister Abe only stated, “If we judge that it is possible, we will lift the state of emergency without waiting for the expiration of the time limit.” At the Lower House Steering Committee on the same day, Yasutoshi Nishimura, minister in charge of COVID-19 response, merely indicated that the government would “comprehensively make a decision” in consideration of the number of new cases, the implementation status of PCR tests, the medical care provision system and so on, without mentioning any specific numerical criteria.

## The Independent Investigation Commission on the Japanese Government's Response to COVID-19: Report on Best Practices and Lessons Learned

The background to this was that the infectious disease experts were initially reluctant to present specific numerical criteria for lifting the state of emergency.

For example, at a news conference by the panel of experts on May 1, chairman Takaji Wakita said, "It's difficult to give a specific number (of infections below which the state of emergency would be lifted)," and Shigeru Omi, deputy chair of the panel, stated, "It's difficult to say, because even if the number of cases drop, the medical system may not be ready." Other experts also recall that they believed that numerical criteria should not be used.<sup>6</sup> COVID-19 minister Nishimura also said, "There was a considerably strong caution in the first place among the experts about using numbers as a standard for lifting the state of emergency, or giving some kind of yardstick in terms of the number of cases for re-introducing the state of emergency."<sup>7</sup>

Therefore, at the time of the extension on May 4, there was still no full-scale discussion between the government and the experts on the criteria for lifting the state of emergency,<sup>8</sup> and as a result, the government was in a situation where it could not set any numerical standard.

### **1.2. The process of examining deactivation criteria after extending the state of emergency**

#### **1.2.1. Increasing demand for specific numerical standards**

After the extension of the state of emergency, there was a growing demand for the government to provide clear numerical criteria for lifting the declaration.

For example, at the Lower House Steering Committee on May 4, Kazumasa Okajima (Constitutional Democratic Party of Japan) stated, "Now, when can the people go to school and when can they resume work? They like to know when they will be able to return to normal life. What are the criteria for lifting the declaration? I'd like the government to tell us when the state of emergency could be lifted and show us the exit strategy." Hidemichi Sato (Komeito) also said, "In order to alleviate public anxiety, please provide a concrete and easy-to-understand outlook for deactivation." On the following day, President Akio Mimura of the Japan Chamber of Commerce and Industry, in a video conference with COVID-19 minister Nishimura, urged the government to clarify the guidelines for deactivation and specific numerical criteria for easing self-restraint. On the same day, the National Governors' Association also called for clarifying the deactivation criteria and called on the government to show the prospect for an end to the situation.

Furthermore, on the same day, Governor Hirofumi Yoshimura of Osaka Prefecture criticized the government for not showing a clear exit strategy, and announced the prefecture's own standard for gradually lifting business cessation

requests if the number of new infection cases with unknown infection routes met certain indicators such as less than 10 people per week, calling it the “Osaka model” (see the following chart).

- Criteria for lifting business closure requests, etc. in the Osaka model

## II Approach on monitoring indicators and alert standards for COVID-19

- In order to judge the spread of infection, the prefecture sets its own index for daily monitoring and visualization.
- Warning criteria have also been set for each index, to judge signs of an infection explosion and the status of infection convergence. A final decision based on the criteria to be examined by the government in the middle of this month will be made.  
⇒ If all of the following #1 - #3 warning signals are lit, measures such as requesting self-restraint on the part of prefectural citizens will be implemented in stages.  
If, in principle, all of the following #2 - #4 warning signals are turned off continuously for 7 days, self-restraint etc. will be lifted in stages.

### < Approach on monitoring and alert standards >

Monitoring indicators		Lighting alert criteria	Extinguishing alert criteria
Analytical items	Content * Indicators other than bed utilization are 7-day moving averages		
1) Infection spread within the City	#1 Rate of unknown infection routes (links) for new positive cases on previous week	1 or more	—
	#2 Number of new positive cases with unknown links	5-10 cases or more	10 or less
2) Incidence of new positive cases Tight testing capacity	#3 Positive rate in definitive diagnostic tests	7% and over	Less than 7%
3) Tight availability of hospital beds	#4 Severe patient bed utilization rate	—	Less than 60%

\*1 Alerts etc. are set based on the actual value when signs of an infection explosion were seen at the end of March.

\*2 In the future, reviews will be considered necessary based on the patient outbreak situation.

(Excerpt from Osaka Prefecture Novel Coronavirus Response Headquarters Meeting Document 3-1, dated May 5)

The “Osaka model” in particular was widely covered in the media. COVID-19 minister Nishimura also rebutted the above criticism by Governor Yoshimura, both of them engaged in discussion on Twitter.<sup>9</sup> In light of these exchanges, there were some media reports that criticized the government for not setting specific standards for lifting the state of emergency.

In response to the growing public opinion calling for specific numerical standards for lifting the state of emergency, Nishimura told a news conference on May 6 that concrete numerical criteria would be set for lifting the state of emergency. On the evening of the same day, Prime Minister Abe also announced on an internet program that he would set a deactivation standard by May 14.

### **1.2.2. Deliberation of numerical standards by the experts**

In early May, the government requested the expert panel to consider a draft standard in order to formulate specific numerical criteria for lifting the state of emergency. In response, members of the panel held informal study sessions to discuss numerical criteria in terms of the number of infected cases. The study sessions were held online, but debate was heated. A member of the panel who attended the study sessions looked back on the discussion as follows.<sup>10</sup>

“Initially, many infectious disease experts argued that the cumulative number of new infections per 100,000 people in the past two weeks should come down to zero, or extremely close to zero, in order for the state of emergency to be lifted.<sup>11</sup> The general atmosphere was that the state of emergency should continue for another year or so. Then, one of the experts who was watching this discussion, quite annoyed and angry, said the deactivation criteria should be discussed by going back to the reasons for introducing the state of emergency. And if the reasons for introducing the state of emergency were mainly 1) there was a risk of an infection explosion; 2) the medical care system was under strain; and 3) it was becoming difficult to take a cluster-based approach, he argued that numerical criteria for the number of infected cases should be decided in consideration of whether the cluster-based approach could be effectively implemented. This remark triggered a shift in discussions among the experts toward establishing a draft numerical standard based on the level at which an effective cluster-based approach were possible.

Discussions were held with the Health, Labor and Welfare Ministry's cluster taskforce on the level at which an effective cluster-based approach were possible. The point here was the limited work capacity of public health centers. Based on the experience to date, the cluster taskforce was concerned that if the number of infected cases with unknown sources of infection increased, epidemiological surveys would not be held in time and operational capacity of the health centers would be overwhelmed. Therefore, referring to the level of infection cases in Tokyo from the beginning to the middle of March, when an effective cluster-based approach were possible, the expert panel ultimately decided to make “the cumulative number of new infection cases per 100,000 population in the past two weeks falling below 0.5” their draft numerical standard for lifting the state of emergency.

### **1.2.3. Jockeying between the Prime Minister's Office and the experts over numerical standards**

## The Independent Investigation Commission on the Japanese Government's Response to COVID-19: Report on Best Practices and Lessons Learned

Although this was a numerical standard drafted by the experts and formulated after heated debate, the Prime Minister's Office, which was hoping to quickly lift the state of emergency due to concerns about its impact on the economy, was initially reluctant to use the numerical standard of the cumulative number of newly infected cases per 100,000 people being less than 0.5. That was because it was regarded as an extremely strict standard, given that in Tokyo's case, the number of new infection cases per day would have to be about 10 in order to meet this standard – whereas at the time about 20 to 40 new cases were reported each day. According to a party familiar with the developments at the time, Prime Minister Abe voiced a strong concern about the draft standard and said that “it will not be possible to lift the state of emergency in Tokyo,” while Chief Cabinet Secretary Yoshihide Suga also said, “Isn't the figure different by a digit? Can't they do anything about it?”<sup>12</sup> A member of the Prime Minister's Office staff, also looking back on the situation at the time, said, “It was all a battle about lifting the state of emergency in Tokyo” and that “I had a sense of crisis that if we shambled along [with the state of emergency] just because we hadn't reached 0.5, all the good work that we had done in suppressing the infections under the special measures act would be ruined,” adding, “Nobody liked it. We wanted to water it down a little more.”<sup>13</sup>

Therefore, around May 10, the Prime Minister's Office conveyed to the panel's deputy chair Omi that it wants the panel to modify the standard for lifting the state of emergency in a way that accepted the current infection situation because the panel's draft criteria were too strict. Omi, however, maintained that the number of newly infected cases in Tokyo must come down to 10 or less per day before the state of emergency is lifted.

However, the draft numerical standard of “less than 0.5” presented by the expert panel was created as a level to enable an effective cluster-based approach, and the judgment was supposed to center on the number of newly infected persons whose source of infection was unknown. Of the newly infected cases at the time, about half had an unknown source of infection.<sup>14</sup> Based on this point, there was a possibility that the standard of “less than 0.5” could be effectively eased to “less than 1 person.” The experts were also thinking they should not mechanically use “less than 0.5 people” as the absolute standard, but that the decision to lift the state of emergency should be made by comprehensively considering multiple factors including the status of the medical care system. Based on these points, the Prime Minister's Office and the expert panel set the calculation period for the number of new infection cases to be “the latest week” instead of “the past two weeks,” and the two sides reached an agreement that even if the number did not meet “less than 0.5,” a decision to lift the state of emergency would be made in view of other factors, such as the ratio of cases of unknown infection routes.

After this jockeying, the expert panel indicated in its view on lifting the emergency measures on May 14 that a comprehensive judgment should be made on 1) the status of infection; 2) medical care provision system; 3) the testing system, and that the numerical standard of “cumulative number of newly infected cases per 100,000

population in the past week: less than 0.5” was to be used as the indicator for the status of infection.

The criteria for mitigation measures such as reopening commercial facilities in Germany was the total number of newly infected cases per 100,000 people over seven days being 50 or less, and in New York, a requirement was adopted that the average number of newly hospitalized patients over a three-day period was less than 2 per 100,000 people. Compared to these, it can be said that the numerical criteria for lifting the state of emergency proposed by the expert panel were considerably strict.

### 1.3. Setting the deactivation criteria

On May 14, the government adopted the criteria for lifting the state of emergency in response to the above recommendations by the expert panel. The government was to “comprehensively assess” whether or not to lift the state of emergency in a “specific area” based on factors such as 1) the status of infection; 2) medical care provision system; 3) the monitoring system. Under the framework, the following indicators were used as a guide for each factor (Underlining by the author).

#### **(1) Status of infection**

1) The number of newly reported infection cases should be falling on a weekly basis.

2) The number of new cases should have decreased to the level where the cluster-based approach can be sufficiently implemented, or to the level reported around the middle of March, and the cumulative number of new cases for the last week, based on the current implementation status of PCR tests, should be about 0.5 or less per 100,000 people. However, if the cumulative number of new cases per 100,000 people in the last week is about 1 or less, confirm the decreasing trend and consider the occurrence status of specific clusters, nosocomial infections, and cases of unknown infection route, and make a comprehensive assessment.

#### **(2) Medical care provision system**

The number of severely ill patients should be steadily decreasing, and in addition to the condition of hospital beds, a system that can respond to a rapid increase in patients should have been secured by establishing a prefectural COVID-19 response headquarters, council and so on.

#### **(3) Monitoring system**

A system should be in place to perform PCR tests, etc. required by doctors without delay.

The framework and indicators in the above deactivation criteria announced by

the government were generally in agreement with the expert panel's view on lifting the emergency measures, but among the numerical criteria given in (1)-2) above, "the cumulative number of new cases per 100,000 people in the last week being about 1 or less" was not specified in the recommendations of the expert panel. As mentioned above, the standard of "about 0.5," which was based on the premise that judgment will be made primarily on the basis of the number of newly infected cases of unknown infection source, could be eased to "about 1 person" in view of the number of infections at the time. This was added at the government's behest to allow for a wider range of decisions. In this regard, COVID-19 minister Nishimura said, "Our experts gave us a strict number. I thought it was too strict. They knew that the number was not going to be zero, so I told them we'd like to think comprehensively about the cluster situation and other factors even if the number was one person per 100,000 population, and since the decision ultimately belonged to the government, we had the Basic Action Policy Advisory Committee look at it at the time and received their consent."<sup>15</sup>

On May 14, the government, in announcing its criteria for lifting the state of emergency, indicated that it would make a judgment on re-issuing an emergency declaration "based on the latest reports of new infections, doubling time, and the proportion of cases with unknown infection routes," but no specific numerical criteria were set. Nishimura said that the government at the time considered setting a numerical standard for re-introducing a state of emergency, but that the plan was canceled as the experts said they "don't want the numbers to take on a life of their own" and "the situation (in the future) will change."<sup>16</sup> In fact, members of the expert panel were discussing the criteria for reissuance at the time, but assuming that after the state of emergency was lifted, the medical care system and the number of PCR tests would change from moment to moment, a majority of the members said that it would be difficult to set such numerical criteria as of May.

---

## **2. Assessment to lift the state of emergency**

---

### **2.1. The first-stage deactivation (May 14, 2020)**

On May 14, the government announced its criteria for lifting the state of emergency, and with the approval of the advisory committee, 39 prefectures – excluding Hokkaido, Saitama, Chiba, Tokyo, Kanagawa, Kyoto, Osaka and Hyogo – were removed from the coverage of the declaration. Some of the prefectures earlier designated as "specified alert prefectures" where "it was necessary to proceed with particular emphasis on efforts to prevent the spread of infection" under the Basic action policy, such as Ibaraki, Ishikawa, Gifu, Aichi and Fukuoka, were among the 39 prefectures.

As mentioned above, the government's criteria comprised a framework for assessing whether or not to lift the state of emergency in a "specific area," so the criteria



The Independent Investigation Commission on the Japanese Government’s Response to COVID-19: Report on Best Practices and Lessons Learned

were applied by prefecture. In the above 39 prefectures, the number of new infections had generally decreased from two weeks earlier to one week earlier, and the cumulative number of new infection cases per 100,000 people in the previous week had been curbed to 0.5 or less. It was evaluated that infections had been reduced to a level where the spread of the virus could be prevented, and the state of emergency was lifted.

Of these, in Ishikawa and Toyama prefectures, the cumulative number of new infection cases per 100,000 people in the previous week was 1.318 and 1.054, respectively, and it was clear that they did not meet the numerical criteria of “about 0.5 or less.” However, the number of infection cases increased in both prefectures mainly due to infections taking place at facilities, and the decision was taken to lift the state of emergency there based on the fact that infection routes were being traced<sup>17</sup> and hospital beds had been secured. In Ehime Prefecture, about 20 new infection cases were confirmed in the immediate run-up to the decision, so discussions were held in the advisory committee and some experts maintained that lifting the state of emergency in the prefecture should be postponed. In the end, however, Omi, chair of the committee, proposed that the state of emergency be lifted for Ehime on condition that the prefecture promptly carries out an epidemiological survey and report the results, and this proposal was approved by the committee.

On the other hand, for the remaining eight “specified alert prefectures,” the state of emergency was maintained because “the cumulative number of new cases reported in the previous week was 0.5 or more per 100,000 population.” Of these, the cumulative number of new cases per 100,000 people was less than 0.5 in Chiba and Hyogo prefectures, but in both prefectures, traffic of people to and from Tokyo and Osaka, respectively, was active, and residents’ living areas were integrated. Therefore, lifting of the state of emergency in Chiba and Hyogo was postponed, with the situation to be evaluated again by May 21, one week later.

The status of infection at the time in the above eight prefectures is shown in the following table.

Infection status as of May 14

Prefecture	Population <sup>18</sup> (10,000)	Previous week aggregate number of new infection cases (people)	Number per 100,000 (people)	Proportion of cases with unknown infection route (%)
Hokkaido	525.0	88	1.676	24
Saitama	735.0	57	0.776	28
Chiba	625.9	20	<u>0.320</u>	45
Tokyo	1,392.1	200	1.473	61
Kanagawa	919.8	87	0.946	13
Kyoto	258.3	18	0.697	22
Osaka	880.9	69	0.783	34
Hyogo	546.6	21	<u>0.384</u>	9

(Compiled from Attachment 1 of expert panel recommendations on May 14)

The Independent Investigation Commission on the Japanese Government’s Response to COVID-19: Report on Best Practices and Lessons Learned

Although the public's reaction to lifting the state of emergency varied, only 36% rated it as “the right timing” in NHK polls conducted from May 15 to 17, while respondents calling the decision “too early” accounted for 48%. When asked if the state of emergency could be lifted in the remaining eight prefectures by the May 31 deadline, 69% of the respondents answered, “I don't think so,” with those answering “I think so” accounting for 22%.

However, in the above eight prefectures excluded from the lifting of the state of emergency, preparations for reopening economic activities, such as introducing their own standards for easing the business cessation requests, had begun, given that the number of new infection cases was generally falling. The first to move was Osaka Prefecture, which announced the aforementioned “Osaka model” on May 5, followed by Kyoto on May 12, Hokkaido on May 13, and Hyogo on May 14. Each announced its own standards for easing business suspension requests. On May 15, the Tokyo Metropolitan Government gave seven indicators as its own criteria, such as an average of less than 20 new infections per day on a weekly average and the ratio of cases of unknown infection routes at less than 50%. The metropolitan government announced a policy of issuing a “Tokyo alert” if even one of these indicators was exceeded to call for vigilance on the part of Tokyo citizens.<sup>19</sup>

And, of the above, Osaka, Kyoto and Hyogo prefectures partially relaxed their business cessation requests on May 16 based on their own standards while the state of emergency was still in place.

## 2.2. Second-stage deactivation (May 21, 2020)

On May 21, the number of newly infected cases decreased significantly, mainly in the Kansai area. The infection status of the eight prefectures under the state of emergency at the time was as follows.

### Infection status as of May 21

Prefecture	Population (10,000)	Previous week aggregate number of new infection cases (people)	Number per 100,000 (people)	Proportion of cases with unknown infection route (%)
Hokkaido	525.0	36	0.686	32
Saitama	735.0	23	<u>0.313</u>	21
Chiba	625.9	13	<u>0.208</u>	45
Tokyo	1,392.1	78	0.560	53
Kanagawa	919.8	99	1.076	23
Kyoto	258.3	1	<u>0.039</u>	10
Osaka	880.9	21	<u>0.238</u>	33
Hyogo	546.6	4	<u>0.073</u>	0

(Compiled from advisory committee reference material 3-1, dated May 21)

## The Independent Investigation Commission on the Japanese Government's Response to COVID-19: Report on Best Practices and Lessons Learned

In light of these circumstances, on May 21, the government lifted the state of emergency in Osaka, Kyoto and Hyogo prefectures with the approval of the advisory committee after comprehensively assessing that the cumulative number of new cases in the past week was 0.5 or less per 100,000 people, medical care systems had been secured, and systems for performing PCR tests without delay had been established.

Of the remaining five prefectures of Hokkaido, Saitama, Chiba, Tokyo and Kanagawa, it was decided to continue the state of emergency in Saitama and Chiba even though their cumulative number of new infections in the past week had fallen below 0.5 per 100,000 population – because their living areas were integrated with Tokyo and Kanagawa, which did not meet the criteria.

Then, at the government's response headquarters on May 21, Prime Minister Abe said the situation of the five prefectures would be re-evaluated on May 25, a mere four days later, and indicated that the state of emergency would be lifted "if possible" without waiting for the expiration of the time limit on May 31.

Many of the experts believed that the next decision for lifting the state of emergency would be made on May 28, a week later. Therefore, Wakita, a member of the advisory committee, requested an explanation from the committee secretariat why deactivation was to be considered on May 25. The explanation given in response by Cabinet deputy director Tatsuo Ikeda was that the government wanted to raise the frequency of analysis and evaluation since 1) it was now possible to take the cluster-based approach to prevent the spread of infection and 2) the situation of the strained medical care system had improved.

However, a Prime Minister's Office staffer revealed that "the date was intentionally set on the 25th."<sup>20</sup> At the time, the number of new cases reported tended to be low in the first half of the week and increase in the second half of the week. This was because medical institutions were often closed on weekends and the number of samples brought in was small. For example, in the case of Tokyo, a total of 39 newly infected cases were confirmed on May 14 (Thursday) and 15 (Friday), but new infections confirmed on May 18 (Monday) and 19 (Tuesday) totaled 15. In Kanagawa Prefecture, the total number of new infection cases confirmed on May 14 and 15 was 48, but only 16 on May 18 and 19. Therefore, the aim was to hold the next advisory committee on the Monday of May 25 so that the above five prefectures would meet the criteria for lifting the state of emergency.

Prime Minister Abe had held a news conference at every stage to explain to the public the purpose of each measure and the reason for the decisions at each step of declaring the state of emergency (April 7), expanding it nationwide (April 16), extending (May 4), and lifting for 39 prefectures (May 14). However, at the time of the May 21 deactivation, he did not hold a news conference and only responded to an on-the-move interview for about seven minutes. Opposition lawmakers criticized this as being "unnatural and dishonest," and some media reports pointed out that Abe was trying to avoid being asked questions about the revision to the law on the Public

Prosecutor’s Office and the related scandal involving a top Tokyo prosecutor, which had become a political problem for his administration.

### 2.3. Third-stage deactivation (May 25, 2020)

On May 25, without waiting for the extended May 31 deadline, the government obtained the approval of the advisory committee and lifted the state of emergency in Hokkaido, Saitama, Chiba, Tokyo and Kanagawa, thus ending the measure throughout the country.

The infection status at the time in the above five prefectures was as follows.

#### Infection status as of May 25

Prefecture	Population (10,000)	Previous week aggregate number of new infection cases (people)	Number per 100,000 (people)	Proportion of cases with unknown infection route (%)
Hokkaido	525.0	40	0.762	29
Saitama	735.0	13	0.177	14
Chiba	625.9	7	0.112	33
Tokyo	1,392.1	50	0.359	44
Kanagawa	919.8	64	0.696	34

(Compiled from advisory committee reference material 3 dated May 25)

Hokkaido and Kanagawa Prefectures did not meet the numerical standard of “the cumulative number of new infections in the previous week being about 0.5 or less per 100,000 people.” The number in Hokkaido was even higher than the figure as of May 21 (0.686).

However, the Prime Minister’s Office had a sense of crisis that “we would be in hot water if we don’t lift the state of emergency once and re-think our strategy,” in order to suppress criticism of the government regarding the magnitude of the economy of an extended state of emergency and its economic measures, a member of staff at the Prime Minister’s Office said.<sup>21</sup> The number of new cases in Tokyo often fell below 10 per day at the time,<sup>22</sup> but people were already beginning to return to “izakaya” and other drinking spots, and officials were feeling jittery with a gut feeling that the number of infection cases would increase again. Therefore, there was an atmosphere at the Prime Minister’s Office that “this timing should not be let slip by.”<sup>23</sup>

Therefore, prior to the advisory committee meeting on May 25, the Prime Minister’s Office cited chairman Omi’s opinion when formulating the deactivation criteria that the state of emergency should not be lifted if “the number of new cases in Tokyo is not less than 10 per day,”<sup>24</sup> emphasized to Omi that the number of cases had actually decreased to about 10 or less, and requested approval for lifting the state of emergency. As a result, members of the advisory committee, including Omi, approved

The Independent Investigation Commission on the Japanese Government's Response to COVID-19: Report on Best Practices and Lessons Learned

the decision by the Prime Minister's Office. Regarding this exchange, a Prime Minister's Office staffer recalls, "In the end, it was pushed through."<sup>25</sup>

Thus, on May 25, the state of emergency was completely lifted without waiting for the May 31 deadline, marking a break in the 49-day self-restraint by the public. Prime Minister Abe held a news conference and stated as follows (Underlining by the author).

Today, we will lift the declaration of the state of emergency across the entire country.

The number of new cases has dropped below 50 nationwide in recent days and the number of hospitalized patients, which at one time approached 10,000, has fallen to under 2,000. We made the assessment that the entire country had cleared the standards for lifting the state of emergency, which had been set at an extremely rigorous level even from a global standard. Having received the endorsement of the Advisory Committee on the Basic Action Policy, we will make a decision at the novel coronavirus response headquarters meeting to be held after this news conference.

Since March, an explosive increase in infections has occurred in the United States and Europe. Globally, more than 100,000 new infections are being confirmed on a daily basis, and some countries have undertaken lockdowns and other enforcement measures over more than two months.

In Japan, even when a state of emergency is declared, it is not possible to implement compulsory restrictions on people leaving the house that carry penalties. Nevertheless, by adopting an approach particularly to Japan, we have succeeded in bringing the current wave of infections almost to an end in as little as a month and a half. I believe this has truly demonstrated the power of the Japan model.

I extend my heartfelt appreciation to all citizens, who have been persevering with patience in their cooperation until now. I also express my deep respect to all our healthcare professionals, including the doctors, nurses, nursing assistants, and clinical engineers, as well as public health center workers and clinical technologists, who have done their utmost, with a strong sense of mission, despite a severe environment where the risk of infection is always present.

Japan's responses to this infectious disease are an outstanding model for the world. Last Friday, Mr. Antonio Guterres, secretary-general of the United Nations, commended Japan's efforts in this way.

In Japan, we have contained the number of infections and fatalities per capita to an overwhelmingly small number among the G7 countries. Our efforts to date are certainly yielding good results, giving hope to and attracting the attention of the world.

The Independent Investigation Commission on the Japanese Government’s Response to COVID-19: Report on Best Practices and Lessons Learned

From here today, we will take a strong step forward together with the people toward the next stage after the complete lifting of the state of emergency.

Then, on May 25, the government’s response headquarters announced “guidelines for the gradual mitigation of self-restraint in outings” as “the next stage after the complete lifting of the state of emergency” (see the following chart).

Yardstick for the gradual relaxation of self-restraint in outings

- Behavior based on a “**new normal.**” Thorough implementation and continuation of basic infection countermeasures like **using hand sanitizers and wearing masks, and avoiding outings when one has fever.**
- If signs emerge of **expansion of infection** or **infection clusters** break out at facilities, prefectural governors, in coordination with the government, promptly request cooperation such as tightening self-restraint in outings. In such a case, analysis by experts of the **causes of the clusters and effective countermeasures** should be utilized as much as possible (also for updating the sector-by-sector guideline). Countermeasures will be strengthened in case a state of emergency is declared.

TIMING	OUTING SELF-RESTRAINT	
	Travel Across Prefectures etc.	TOURISM
Transition Period STEP 0 May 25 -	△ <b>*Avoid unnecessary and non-urgent travel across prefectures</b> (Same as before)	△ <b>* Intra-prefectural tourism gradually promoted while keeping distance between people</b>
STEP 1 June 1 -	○ <b>*Exercise caution</b> in unnecessary and non-urgent travel between <b>parts of metropolitan areas (Saitama, Chiba, Tokyo, Kanagawa) and Hokkaido</b>	
STEP 2 June 19 – *approx. 3 weeks after STEP 1		△
STEP 3 July 10 – *approx. 3 weeks after STEP 2	○	<b>*Cross-prefectural tourism also gradually promoted, while keeping distance between people</b> <b>*Support from the Go To Campaign</b> (from late July)
Post transition Around August 1 – (while monitoring infection status) *approx. 3 weeks after STEP 3		○ <b>*Support from the Go To Campaign</b>

(Excerpt from Document 6-1, Government Response Headquarters, dated May 25)

This was a step-by-step process that mitigated self-restraint from outings with a certain transition period to prevent a re-spread of infection due to a rapid increase in the movement of people after the state of emergency was lifted. It was intended to raise the level of socio-economic activity. To the same effect, “Guidelines on the gradual relaxation of event restrictions” and “Guidelines on the gradual relaxation of stay-home restrictions and business cessation requests related to facilities generating clusters, etc.” were also given. Moreover, it was clearly stated in the Basic action policy that, in the case of another spread of infection, it would be necessary to promptly implement strong measures to prevent the spread of infection while taking the appropriate economic and employment measures.”

#### **2.4. Experts' involvement in the deactivation decision**

As mentioned above, the government lifted the state of emergency with the approval of the advisory committee in three stages: May 14, 21 and 25. However, no recommendations were made by the expert panel on the adequacy of this deactivation decision. Although a meeting of the expert panel was held when the state of emergency was lifted over 39 prefectures on May 14, the recommendations of the expert panel announced on the same day, giving their “view on the lifting of emergency measures,” only mentioned the deactivation criteria, with no expert opinion given on the suitability of lifting the emergency measures for the 39 prefectures. In addition, no meeting of the panel was even held at the second-stage lifting on May 21 and or the third stage on May 25.<sup>26</sup>

As of May, all the members of the expert panel were also members of the advisory committee, but regarding the lifting of the state of emergency over 39 prefectures on May 14, the media had already widely reported on the government's policy before the meeting of the advisory committee was held. A person who attended the advisory committee recalled, “The direction was already set before the meeting.”<sup>27</sup> Regarding this point, Satoshi Kamayachi, a member of the Japan Medical Association executive board and a member of the advisory committee, said at the day's meeting of the committee, “As someone who has undertaken to be a member of the advisory committee, I find it impossible in a situation like this to fulfill my responsibilities, and I am concerned that the public may be very distrustful of this way of conducting affairs,” and called on the government to improve. In response, Cabinet deputy director Tatsuo Ikeda explained that in the process of changing the Basic action policy, “information from the meeting had leaked out in advance,” and they “would strive to thoroughly manage information in the future.” However, the situation did not change on May 21 and 25, and it was reported that the policy to lift the state of emergency had been decided before the advisory committee was convened.

In addition, when holding the advisory committee, many members were only emailed documentation from the government immediately before meeting, and there was no prior explanation from the government regarding the content on which it was seeking advice, and the advisory committee was unable to secure enough time for its

members to exchange opinions. Therefore, attendees of the advisory committee said that the meetings of the committee at the time were “quite ceremonial, and we felt like it concluded after the participants had voiced non-controversial opinions.”<sup>28</sup> In fact, the government's proposal to lift the state of emergency was approved without any major objection.

In this way, although the members of the expert panel participated in the discussion on the decision to lift the state of emergency through the advisory committee, it can be said that the degree of their involvement was smaller than when the criteria for deactivation were set.

The background to this is that, in the phase of lifting the state of emergency, 1) the infectious disease experts' “forward-leaning” attitude was beginning to change and 2) the Prime Minister's Office proceeded with deactivation under political leadership.

### **1) Changes in the experts' posture**

When discussions were started with a view to lifting the state of emergency, many experts began to emphasize that any decision to end the measure would be made by the government. The recommendation of the expert panel on May 4 said that the government was in control of the decision, noting that lifting the state of emergency was up to “a comprehensive decision by the government.”

From around this time, infectious disease experts began to actively say that discussions should be held with the participation of economic experts. For example, the recommendation of the expert panel on May 4 stated, “A system should be developed to consider the impact of the extended continuation of the measures on the lives of citizens and the economy and society.” At the advisory committee meeting on the same day, Chairman Omi argued for the need for discussion with economic experts, saying, “We do not have the expertise to monitor the economic impact.” In response to this, on May 12, four economists (Fumio Otake, professor at Osaka University Graduate School, Shunpei Takemori, professor at Keio University, Yoko Ifuka, professor at Keio University, and Keiichiro Kobayashi, chief researcher at the Tokyo Foundation Policy Research Institute) were added to the advisory committee.

Regarding these changes in the stance of the group of experts, a member of the Prime Minister's Office staff said, “The voice of the experts became quieter when it came to the phase of easing the self-restraint measures. Dealing with the experts I learned that they're useful when you're tightening restrictions, but they can't take responsibility when you're relaxing them.”<sup>29</sup> One of the members of the expert panel also said that experts in general tend to think “I want to say the strictest things to prevent accidents” or “I want to escape responsibility,” but that such ways of thinking could lead to an argument like maintaining the state of emergency forever. Therefore, it was important that a responsible person announced the measures by taking into consideration various other risks, he said as he recalled the developments at the time.<sup>30</sup>

The members of the expert panel later released a set of recommendations on June 24, entitled “The nature of an expert advisory organization in preparation for the



next wave.” In this report, which was deemed a “graduation thesis” of the expert panel, the experts described the efforts of the panel against the novel coronavirus to date with a term “forward-leaning,” noting that, “when viewed from the outside, it may have given the impression that the expert panel was making policy decisions.” It can be said that the period of lifting the state of emergency was precisely the time when the signs of change began to emerge in the attitude of the group of experts based on such an awareness of the problem.

## **2) Politically led decision to lift the state of emergency**

“I thought we would never be able to lift the state of emergency if we followed the opinions of experts.”<sup>31</sup>

As expressed in these words, the Prime Minister's Office, which had a sense of crisis about damage to the economy, was concerned that making a decision to lift the state of emergency based entirely on the opinions of the experts would delay the timing of deactivation.

The Prime Minister's Office was strongly concerned about this when it was time to formulate the criteria for lifting the state of emergency. And this concern did not change substantially, even with the changing stance of the infectious disease experts as mentioned above and the addition of economists to the advisory committee. Regarding the discussion among experts on lifting the state of emergency, a Prime Minister's Office staffer said, “We put four economists on the advisory committee, but in the end, they didn't say much,” concluding that putting in the new members “didn't drastically change the direction” of the discussion.<sup>32</sup> One of the infectious disease experts also said, “I stuck to what I couldn't give up as a scientist.”<sup>33</sup> From the perspective of the Prime Minister's Office, the “wall of infectious disease specialists” was still solid in the phase of lifting the state of emergency.<sup>34</sup>

Therefore, as shown in the decision on the timing of the advisory committee meeting on May 25, the Prime Minister's Office made some political decisions, based on the analysis of data on the status of infection by infectious disease experts, to lift the state of emergency. “If we didn't lift it at that moment, we still wouldn't be able to [even in August],” said an official at the Prime Minister's Office.<sup>35</sup>

In this way, in the phase of lifting the state of emergency and as the stance of the experts began to change, the Prime Minister's Office proceeded to put an end to the state of emergency in a politically driven move, and as a result, the involvement of experts in the process became smaller.

Looking back on the decisions to lift the state of emergency, Prime Minister Abe said, “That went well. The experts did not think about the economy, so that was up to the politicians.”<sup>36</sup>

## **Notes**

1. Interview with a Prime Minister's Office staffer
2. Interview with Health, Labor and Welfare Minister Katsunobu Kato (September 8, 2020)
3. Nationwide, the number of new infection cases peaked at 708 on April 10 and was generally on a downward trend, but in Tokyo, more than 200 new cases a day were confirmed for the first time on

## The Independent Investigation Commission on the Japanese Government's Response to COVID-19: Report on Best Practices and Lessons Learned

- April 17, and between 100 to 180 new cases were reported every day up until April 25 (All based on the date of reporting. The same applies throughout this chapter).
4. For example, in the nationwide opinion poll conducted by the Mainichi Shimbun and the Social Survey Research Center on May 6, only 3% of respondents answered that “the government should not have extended the state of emergency,” 66% that the decision to extend the state of emergency was “reasonable,” and 25% that “the area should have been limited.”
  5. Interview with a senior Cabinet Secretariat official
  6. Interview with a member of the Expert Meeting on the Novel Coronavirus Disease Control
  7. Special interview with Yasutoshi Nishimura, minister in charge of COVID-19 response (September 15, 2020)
  8. Prefacing his remarks as “my personal opinion,” Chairman Shigeru Omi said he would like to present “guidelines for some quantitative criteria” in the future at the advisory committee meeting held on May 4. In response, COVID-19 minister Nishimura, said, “I would very much like you to consider it.”
  9. On May 6, in response to the above criticism by Osaka Governor Hirofumi Yoshimura, COVID-19 minister Nishimura pointed out that the governor had confused the lifting of business cessation requests with the lifting of the state of emergency, arguing, “I think he’s confused about something. I have a strong sense of strangeness.” In response, Yoshimura said on Twitter, “Minister Nishimura, as you say, lifting business cessation requests is the governor's authority. I have no desire or intention to ask the government to show the criteria for lifting the cessation requests. However, a state of emergency has been declared. Since the state of emergency (including the Basic action policy) is the basis of everything, if you are going to extend it, I would like the government to show the exit strategy. I will exercise care in future statements. Sorry for the trouble.”
  10. Interview with a member of the expert panel
  11. One expert said, “We had a rough idea of the government's intentions. We set ours a little lower than that at first, so that we’d be able to make a compromise that was just right” (Interview with a member of the expert panel).
  12. Interview with a Prime Minister’s Office staffer
  13. Interview with a Prime Minister’s Office staffer
  14. For example, of the daily number of new infection cases in Tokyo, the number of persons with known and unknown contact history was 23 and 16, respectively, on May 8, 16 and 20 on May 9, and 10 and 12 on May 10.
  15. Special interview with Nishimura (September 15, 2020)
  16. Special interview with Nishimura (September 15, 2020)
  17. The proportion of infected persons with unknown infection routes in Ishikawa and Toyama prefectures were 4% and 8%, respectively.
  18. As of October 1, 2019. The same applies to all following tables in this chapter.
  19. In addition, of the above eight prefectures, Chiba and Saitama announced their own standards on May 22.
  20. Interview with a Prime Minister’s Office staffer
  21. Interview with a Prime Minister’s Office staffer
  22. The number of new cases in Tokyo was 3 on May 22 and 2 on May 23, increasing to 14 on May 24, but 8 on May 25.
  23. Interview with a Prime Minister’s Office staffer
  24. See preceding Section 1.2.3. Jockeying between the Prime Minister’s Office and the experts over numerical standard.
  25. Interview with a Prime Minister’s Office staffer
  26. The authority to lift the state of emergency belongs to the chief of the government’s response headquarters, and the chief of the headquarters does not need to hold an expert meeting to exercise that authority (Clause 5, Article 32 of the Act on Special Measures for Pandemic Influenza and New Infectious Diseases).
  27. Interview with a member of the expert panel
  28. Interview with a member of the advisory committee
  29. Interview with a Prime Minister’s Office staffer

The Independent Investigation Commission on the Japanese Government's Response  
to COVID-19: Report on Best Practices and Lessons Learned

30. Interview with a member of the expert panel
31. Interview with a Prime Minister's Office staffer
32. Interview with a Prime Minister's Office staffer
33. Interview with a member of the expert panel
34. Interview with a Prime Minister's Office staffer
35. Interview with a Prime Minister's Office staffer
36. Interview with Prime Minister Shinzo Abe (September 11, 2020)