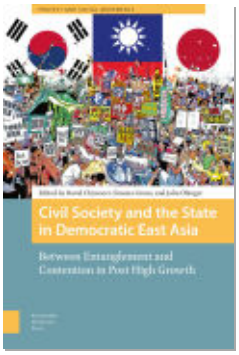
8. New Immigration, Civic Activism and Identity in Japan: Influencing the 'Strong' State



8 New Immigration, Civic Activism and Identity in Japan

Influencing the 'Strong' State

David Chiavacci

Abstract
This chapter discusses immigrant advocacy groups' influence in Japan's immigration policy. For three decades Japan has been a new immigration country. However, immigration policy has been marked by ideational and institutional fragmentation, resulting in a deadlock lacking bold reforms and immunizing state actors to external pressure. Against this backdrop, civil advocacy has been surprisingly influential. While civic groups have generally not been included in decision-making bodies, they have altered the perception of immigration. By analysing reforms combating human trafficking, this chapter identifies factors that resulted in indirect influence of civic advocacy in this case, allowing us to gain a differentiated understanding of the limited but still significant influence of civic activism on Japan's 'strong' state in immigration policy.

Keywords: strong state, Japan, immigration policy, civil society, human trafficking

This chapter discusses the influence and role of Japan's immigration advocacy groups in immigration policy. It analyses their impact on public and political debate, in policy implementation and in political decision-making concerning immigration. Japan has undergone a transformation into a new immigration country with a highly continuous inflow of new immigrants in the last three decades (see Figure 8.1). Up to the mid-1980s, Japan's foreign population consisted almost exclusively of so-called oldcomers, which

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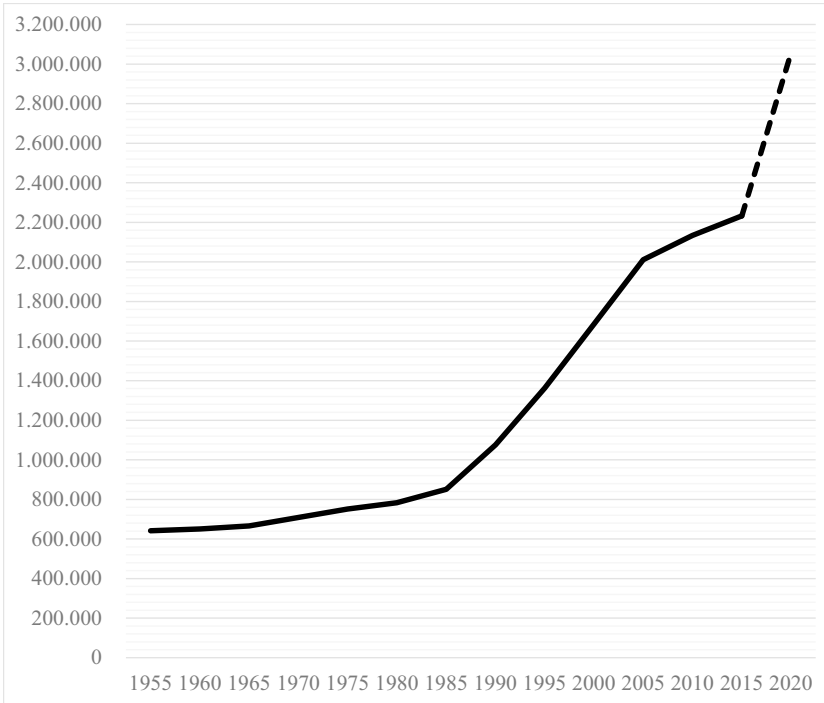
Figure 8.1 Registered foreign residents in Japan, 1955-2015 (projection until 2020)

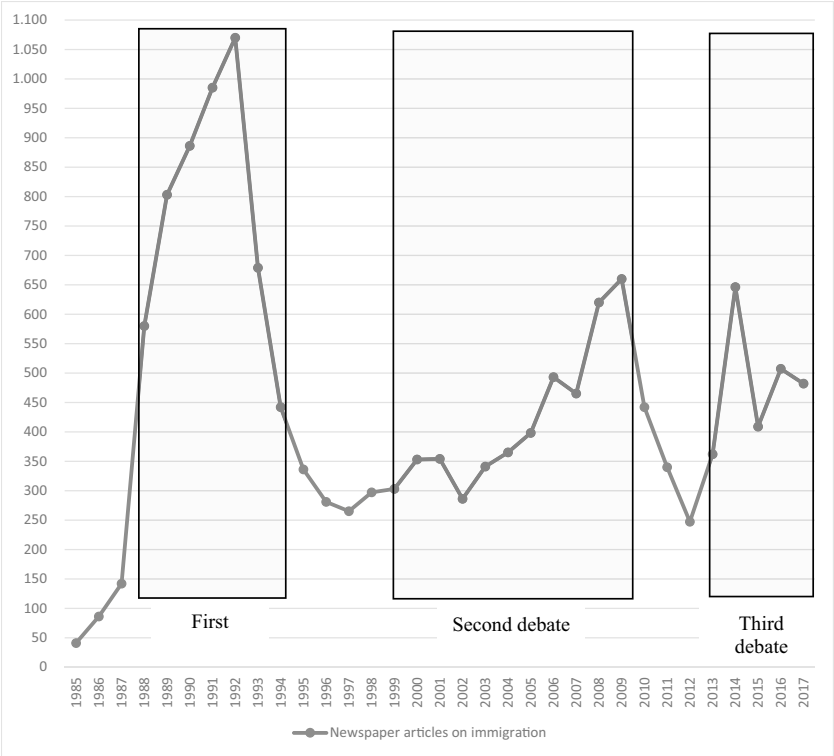


Note: Projection until 2020 own extrapolation based on increase of foreign population by about 330,000 from 2015 to 2017. Still, in view of admission policy reforms introduced in early 2019, an even stronger increase is actually expected.
Source: MOJ (1975-2017)

had migrated to Japan's main islands during the colonial era, and their descendants. However, since the late 1980s, the increase of foreign residents has started to gain a new momentum through the inflow of newcomers. Japan's foreign population has increased three and half-fold over the last 30 years (MOJ 2018: 21). Today, Japan is one of the most important migration destinations among advanced industrial countries measured by the yearly net inflow of foreign population (OECD 2019: 295).

This transformation into an immigration country has been accompanied by large and intensive public and political debates about admission and integration policies as well as by new civic activism in the field of immigration. More concretely, the years since the mid-1980s have been marked by three phases of more intensive public and political discussions on immigration. The number of articles in three large national newspapers shows as indicator a clear fluctuation over time that allows us to identify

Figure 8.2 Three public debates on immigration, 1985-2017



Source: Own figure based on full-text search in electronic databases of articles containing foreign workers (*gaikokujin rōdōsha*) or multicultural integration (*tabunka kyōsei*) in daily newspapers *Asahi Shinbun* (Kikuzō II), *Mainichi Shinbun* (Maisaku), *Nihon Keizai Shinbun* (Nikkei Telekom 21) and *Yomiuri Shinbun* (Yomidas Rekishitan)

these three debates and intermediate phases after two economic shocks and the following downturns (burst of the bubble economy in the early 1990s and the worldwide economic crisis of 2007/2008) (see Figure 8.2).

An overview of the number of substantial reform proposals shows similar tendencies with a first policy debate around 1990, a second debate with a more intensive period from 2004 to 2008 and the beginning of a third debate since 2014 (see Table 8.1).

Questions of Japan's identity have played an important role in these immigration policy discussions. While the political-economic establishment has primarily debated about the advantages and disadvantages of immigration for Japan's economy, new immigration has increasingly also questioned Japan's self-view as an ethnically homogeneous nation. What kind of a society does Japan want to become and be in the future? Instead of

Table 8.1 Substantial reform proposals in immigration policy, 1984-2018

Period	*Proposals*	*Proposals per year*
1984-1988	5	1.0
1989-1993	11	2.2
1994-1998	1	0.2
1999-2003	19	3.8
2004-2008	34	6.4
2009-2013	8	1.6
2014-2018	21	4.2

Source: NDL (2008: 195-204) for 1984 to 2007 and own compilation for 2008 to 2018

focusing on economic benefits and costs calculations, immigrant advocacy groups (IAGs) have stressed the importance of protecting the human rights of newcomers and have tried to move the focus to Japan's duties and self-understanding as a good member of the international community.

Japan has often been described as a strong state with a weak civil society. Classical theoretical models of Japanese politics note the tendency of decision-making by closed networks between ministerial bureaucracy, the long-ruling Liberal Democratic Party (LDP) and certain economic interest groups (Muramatsu and Krauss 1984; Pempel and Tsunekawa 1979). These networks do not include civil society. Pekkanen (2006), for example, highlights Japan's dual civil society. In international comparison, a large share of the population participates in civil society activities and civil society organizations (CSOs) are very strong in providing services in daily life. In contrast, political advocacy of civil activists is very limited. Especially at the national level, where the voice of civil society is excluded from political decision-making.

Hence, one might expect a very limited impact of civil society advocacy in immigration policy. In fact, in all my interviews with civil society activists over the last fifteen years, their limited influence in national decision-making was a recurrent point of grievance (e.g. Interview IAG 2003, 2012). However, my analysis will show that IAGs have actually been able to gain quite some influence in agenda setting, formulation and implementation in immigration policy. Generally, they were able to do so not through direct participation in policymaking, but indirectly through influencing public debates as well as national and international partners. Their influence has surely been limited, but even Nippon Keidanren, by far Japan's most powerful economic advocacy group and a central member of the conservative establishment, complains about its marginal voice in immigration policy

(Interview Nippon Keidanren 2006; Tsuda and Cornelius 2004: 451). In view of their organizational capabilities in comparison to Nippon Keidanren, the significant role and level of impact by IAGs is actually quite surprising (see also Shipper 2008).

Japan's Immigration Policy: A 'Strong' State

Most research on social movements and civil society advocacy starts with the assumption that the state and its elites are a rather homogeneous entity antagonistic toward civil actors. Hence, the political-economic establishment is often not really analysed. However, state structures and interrelations between its elites are often highly complex and marked by internal conflicts. Immigration policy, in particular, is a policy field that is characterized by ideational heterogeneity that leads to 'strange bedfellows,' that is, cooperation and coalitions between actors that are clear opponents in most other policy fields. Hence, before our focus turns to civil society and IAGs, we have to discuss the ideational and institutional framework in Japan's immigration policy field in order to understand policymaking structures that civil society actors confront.

Research on Japanese policymaking and its efficiency depicts contradicting tendencies. On the one side, Chalmers Johnson (1982) has described Japan in his seminal analysis of its economic policy as a strong developmental state that successfully formulated and implemented an economic growth strategy. However, on the other hand, J.A.A. Stockwin and his collaborators (1988) have shown that Japanese politics is, in many other fields, marked by immobilism and standstill. The field of immigration policy has to be ascribed to the second group. The main factor behind this standstill is the institutional fragmentation of immigration policymaking in Japan. In contrast to the economic policy, no pivotal state agency in immigration policy exist. Officially, the Ministry of Justice (MOJ) is in charge of immigration policy, but its immigration bureau's staff is composed of bureaucrats from different ministries, which has undermined its internal coherence and sidelined it inside the MOJ. Ikuta (2000: 144) criticizes it as a 'mosaic agency' that is characterized by internal segmentation. Moreover, a number of other ministries are involved in immigration policy. Due to strong vertical integration of state agencies, coordination and cooperation between Japanese ministries is in many policy fields weak and suboptimal, but immigration policy has even be marked by open conflicts between ministries (Chiavacci 2011, 2020). Especially in immigration policy, Japan

resembles a 'confederation of ministries' (Kyogoku 1987: 222-223). Moreover, this institutional fragmentation is not only confined to the bureaucracy. Political parties (and especially the LDP) are also internally split concerning immigration policy, and Japan's executive has never executed real leadership in immigration policy until very recently.[1]

Ideational diversity underpins and reinforces this institutional fragmentation. Policy actors look at and discuss immigration policy from completely different perspectives. For example, during the second immigration debate from the late 1990s to the severe economic recession induced by the worldwide financial crisis in the late 2000s, some wide-reaching immigration policy proposals were made for a much more active immigration policy in view of Japan's demographic ageing and its foreseeable labour shortages in the near future. One large working group of about 80 LDP parliamentarians even proposed that Japan should radically change its restrictive immigration policy and become an immigration nation welcoming about ten million immigrants over the next half-century (LDP 2008). However, at the same time, a moral panic about rising criminality and declining public security swept Japan (Hamai and Ellis 2006). Increasing immigration and growing numbers of foreign residents were seen as one main factor for this supposed crime wave. Hence, many policymakers (including many LDP politicians) predicted the descendent of Japan into a swamp of chaos and lawlessness in the case of more immigration and urged to retain a restrictive immigration policy (Chiavacci 2011: 204-209, 2014: 125-130). The increasing role of politicians at the expanse of bureaucrats in those years might even have further strengthened fragmentation in immigration policy. One prime example is the changing position of the MOJ in immigration policy, first under Jinen Nagase and then Kunio Hatoyama, both LDP politicians who served as Minister of Justice in 2007. With Nagase as minister, the MOJ adopted a position in favour of an open immigration policy by proposing the acceptance of non-highly qualified foreign workers through an official guest worker programme that is responsive to labour market demands. A few months later, Hatoyama became minister and, under his leadership, the MOJ returned to a security perspective on immigration and again promoted

1 The years 2018/2019 look like a period of important reorientation of Japan's immigration policy. Since Japan had become an immigration country in the later 1980s, it is the first time that the cabinet under Prime Minister Shinzō Abe exerted executive leadership in immigration policy. This resulted in the passing of comprehensive reforms in December 2018 that are currently implemented (ISA 2019). The analysis of these reforms and their potential impact is beyond the scope of this chapter. Still, we have to note that these reforms and their possible extension in the coming year could mark a historic turning point in Japan's immigration policy.

a very restrictive immigration policy, rejecting the establishment of any new guest worker programmes. Overall, in the immigration policy field, 'Japan' as a coherent and strategic actor does not exist. Japan's immigration policy is the result of a highly complex policymaking process characterized by internal conflicts that takes place in the absence of a dominant ideational framework or strong political leadership.

The general immobilism and absence of a coherent long-term strategy due to ideational diversity and institutional fragmentation is clearly notable when taking a closer look at Japan's immigration policy, which shows a huge gap between the official and real immigration policy. Officially, Japan has a very restrictive immigration policy. It is only accepting highly qualified foreign workers in defined job fields that are explicitly named in its immigration law as a positive list. However, in contrast to this fundamental framework, about 80% of the new foreign residents are de facto working in jobs not included in this positive list (Bungei Shunjū 2008: 295). This gap is not due to an incapacity of the state to control immigration, but to a number of 'side door' policies that result in the acceptance of a significant number of foreign workers outside of the highly qualified job fields. These side doors like the exceptional treatment of Japanese emigrants and their descendants (*nikkeijin*) or the transformation of foreign trainee system into a de facto guest worker programme are the main results and novelty of the limited reforms in immigration policy over three decades until very recently. In other words, while the front door remained closed for all non-highly qualified foreign workers, new side doors were increasingly opened for them. No political actor was strong enough to open the official front door, but some political entrepreneurs succeeded in introducing side doors, often almost by accident, in a highly complex and conflictive policymaking processes (for details, see Chiavacci 2011: 123-145). Once opened, no political actors in favour of a truly restrictive immigration policy were strong enough to close these side doors again because they quickly led to significant immigration flows and structural dependences in some industrial sectors. In fact, since the late 1990s, even the well-known Japanese export sectors in car and consumer electronics manufacturing have been structurally dependant on foreign workers (Kamibayashi 2004). This dependence also explains why these side doors have been incrementally opened more over the years and why Nippon Keidanren and other business associations started to lobby in the late 1990s for a more active immigration policy. The new immigration to Japan that started in the late 1980s with undocumented immigration was cemented through immigration flows through new established and slowly further opened side doors. Japan silently became an immigration country

despite the often-repeated official statement over the years by members of the administrative and political elites that Japan is not an immigration country.

However, as already mentioned above, Nippon Keidanren was not able to exert a significant influence on immigration policy by opening the front door or introducing new side doors. A labour market perspective was never dominant, and the institutional fragmentation increased the immunity of important state actors against outside pressures, even from such a formidable lobby machine like Nippon Keidanren. As Suleiman (2003: 32) pointed out, states that 'appear weakest because of the fragmentation of the state structure may be more resistant to powerful interests.' The Japanese state in immigration policy is prime example for this. Its internal fragmentation leads to its immunity to external pressure, but undermines any strategic development of immigration policy. This is why I write of a 'strong' state with 'strong' in quotations marks.

Emergence and Status of Immigrant Advocacy Groups: Another Case of Strong Social Service Providers and Weak Advocacy Capabilities?

If we turn then to Japanese immigrant advocate groups, we would expect that their influence on immigration policy is marginal. As mentioned above, political opportunity structures for civil society groups are, in general, very unfavourable for advocacy in national policymaking. In contrast to important economic interest groups, they are not members of the elite circles, in which policy ideas are discussed informally behind closed doors, and normally only hand-picked civil society actors are invited to participate or testify in deliberation councils (*shingikai*), in which policies are then formally developed. Hence, civil society activists are generally excluded from decision-making in national politics. Moreover, in Japan civil society groups are normally local organizations with few resources. In comparison to civil society organizations in other advanced industrial countries, they often have very tight budgets and small numbers of professional staff. Hence, civil society in Japan structurally lacks the prerequisites to generate pressure on the elite circles. In view of the missing voice of civil society in national politics in general, Pekkanen (2006) has labelled Japan's civil society as 'members without advocacy.' Moreover, civil society is especially weak regarding social protest. During the first three post-war decades, Japan had large social movements and political activism that pressed for alternative models of national development in clear contradiction to the

conservative establishment and staged huge and quite often violent protest events. However, in the mid-1970s, this protest cycle came to a sudden end (Chiavacci and Obinger 2018). In the following four decades until the Fukushima nuclear incident in 2011, social movements and confrontational political activism did not completely disappear in Japan, but they focused on issues on the local level and were no longer a national force. For example, in the field of nuclear energy many local and regional anti-nuclear organizations and movements existed and they were quite successful in blocking about 80 nuclear energy projects (Hirabayashi 2013: 37), but in comparison to many Western countries, the Japanese anti-nuclear movement was much weaker on the national level (Hasegawa 2011).

Still, a large share of the population is active in civil society organizations in Japan, especially if we also include local neighbourhood associations, to which most Japanese belong (Pekkanen et al. 2014). However, the strong point of these civil society organizations is not advocacy, but social services for the local communities. Ogawa (2009) sees them in this context not as a check or counterweight to the state and elite circles, but as an exploited extension of them. The introduction of a new non-profit organization (NPO) law in 1998 resulted in a strong increase of recognized NPOs. However, in Ogawa's view this does not imply the rise of civil society as a new political force in Japan, but, on the contrary, 'a calculated reorganization of the Japanese public sphere designed to establish a small government in the post-welfare state through the transfer of social services originally delivered by the state to volunteer-driven NPOs' (Ogawa 2009: 174).[2] In the immigration field, the overwhelming majority of CSOs are primarily helping foreign residents in their daily life. Hence, following Ogawa, one might even critically ask if the state has strategically co-opted civil society and Japanese volunteers in the immigration field. Is the state using CSOs and NPOs as cheap local social service providers and as a substitute for a much more expensive integration policy run by the state?

In fact, civil society actors themselves soon realized their limitations. Often founded in parallel to the rising number of foreign residents in local communities, they performed crucial services for the new immigrants and started to cooperate with local administrations. However, in view of the strong centralization of the state, many policy problems could only be solved on the national level. Hence, IAGs started to form national networks

2 Moreover, Weiss (in this volume) shows in his analysis of nuclear energy policy that the pro-nuclear establishment successful created and maintained CSOs and civic activism for the dissemination of nuclear energy support among the general public. The conservative establishment formed and guided CSOs in order to attain its political goals in Japan.

and umbrella organizations in order to establish and sustain their lobbying efforts in national agenda setting and decision-making. Still, even the resources of large organizations are very limited. According to their 2016 financial reports, the Asian People's Friendship Society (APFS) and the Solidarity Network with Migrants Japan (SMJ) – arguably Japan's two most important immigrant advocacy organizations – have a yearly income of about US$90,000-100,000 raised through membership fees and donations. This is about 600 times smaller than the yearly revenues of Nippon Keidanren. In other words, if Nippon Keidanren is an aircraft carrier with escort vessels then immigration advocacy organizations are small fishing boats. In view of this gap, we might expect IAGs to have no impact at all, but in fact they have been able to gain a surprising degree of influence. We shall look at the mechanisms that led to this influence on three levels: (1) framing of immigration policy, (2) implementation of immigration policy, and (3) formulation of immigration policy.

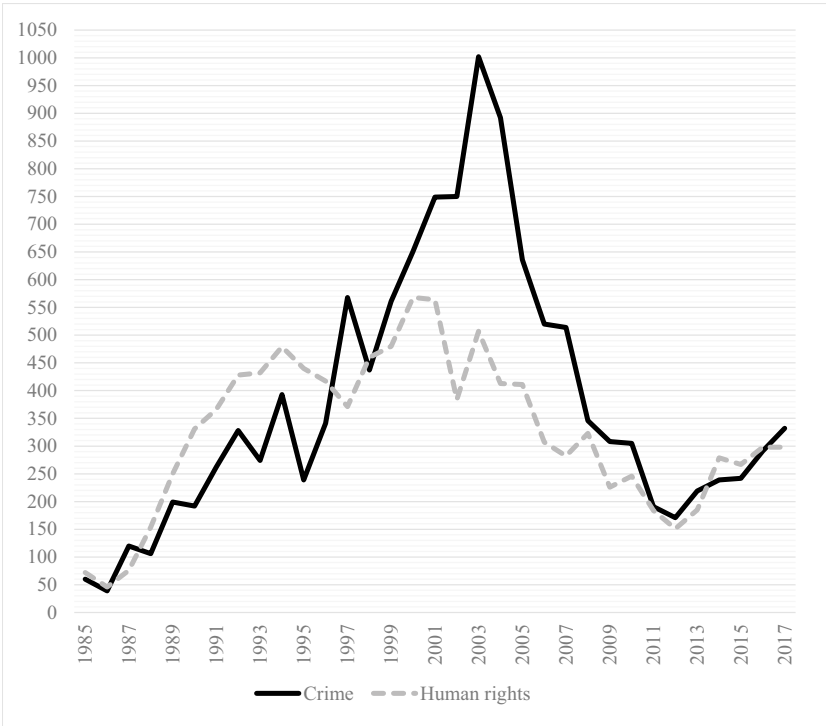
Framing of Immigration Policy

As mentioned above, immigration policy in Japan is marked by ideational diversity. IAGs regard immigration primarily in the perspective of international human rights and tried to promote this frame in public opinion and among decision-makers.[3] They have published quite a number of books and booklets (e.g. GJHI 2013; GRMN 2009; GSUN 2004, 2008) in which immigration is framed as a human rights issue and have organized demonstrations and campaigns in order to sensitize Japan's population for human rights problems in immigration policy. IAGs have actively tried to place their arguments in Japan's mass media and to influence public opinion (Shipper 2005: 321-324, 2008: 172-180).

To which degree were IAGs able to influence public debate on immigration and to bring to the fore a human rights perspective? The main counterdiscourse to human rights in Japan is surely the topic of foreign criminality. Immigrants cast into this frame are not primarily seen as human beings with human rights, but as potential criminals who contribute to increased crime rates and constitute a menace to public security. From the

3 This is not a new development in view of Japan's transformation into a new immigration country. Lawyers and civil society activists concerned about oldcomers in Japan also utilized human rights and international norms to provide the framework and arguments supporting the improvement of their rights and right to earn a livelihood (Gurowitz 1999; Miyazaki 1970).

Figure 8.3 Foreigners' crime and human rights frames, 1985-2017



Source: Own figure based on full-text search in electronic databases of articles containing foreigner (*gaikokujin*) and crime (*hanzai*) or foreigner and human rights (*jinken*) in daily newspapers *Asahi Shinbun* (Kikuzō II), *Mainichi Shinbun* (Maisaku), *Nihon Keizai Shinbun* (Nikkei Telekom 21) and *Yomiuri Shinbun* (Yomidas Rekishitan)

very beginning of the new immigration, this frame was present in Japan. The National Police Agency (NPA), for example, started in 1987 to include in its yearly white paper on police a chapter about foreign criminality and highlighted the increase in criminal acts by foreigners (NPA 1987). Still, if we compare the media coverage in the four largest Japanese newspapers, we see that actually about a third more articles on human rights and foreigners were published than on crimes and foreigners from the late 1980s to the mid-1990s (see Figure 8.3). However, the frame of foreigner crimes became much stronger. Due to a number of police scandals, a moral panic started in the late 1990s, which proclaimed a huge crime wave and an end of public security (Hamai and Ellis 2006). Although statistic did not justify in any way such drastic narratives (Shipper 2005: 306-307; Yamamoto 2004: 41-47), foreigners were identified as one main culprit for rising crime in this crime panic. The impact in public discourse is obvious (see Figure 8.3). During

the second debate, the number of articles on foreigners and crime is about 50% higher than about foreigners and human rights.

Correspondingly, public opinion shifted. In the governmental survey on human rights, the share of persons who were in favour that foreigners receive the completely same protection of their human rights as Japanese nationals fell from about two-thirds in earlier surveys since new immigration had begun to about 54% in 2003 (CAO 2003: 188-189). A large survey in Tokyo in 2006 showed the new priority of crime and public security. An overwhelming majority of nearly 80% of the interviewees were in favour of giving priority to combating foreign criminality instead of protecting the human rights of foreign nationals (Higuchi 2006: 38). And in the large international survey on national character carried out by the International Social Survey Programme in 2003, the share of respondents who agreed or fully agreed with the statement 'An increase in immigrants leads to rising crime rates' was over 70% in Japan, far above nearly all Western countries (Chiavacci 2011: 208).

In view of these data, one might reach the conclusion that the impact of the IAGs was negligible and that their voices were drowned in the noise of the crime panic. However, without IAGs questioning the discourse on foreign criminality and trying to keep present the frame of human rights, the dominance of the 'foreigners as threat' discourse would surely have been even more overwhelming. In fact, based on the number of newspaper articles on foreigners and human rights that increased on average per year during the second debate by 25% in comparison to the first debate (see Figure 8.3), the rising activities of IAGs were not unsuccessful. It was, however, not enough to counter the crime panic that led to an increase of over 150% in the case of articles covering foreigners and criminality in the second debate. Still, one could also argue that the IAGs played an important role in rebalancing media coverage in the long term. As Figure 8.3 shows, in the ongoing third debate since 2014, about the same number of articles on both topics has been published up to now. Recent surveys show that the crime panic has stalled and that the frame of 'foreigners as criminals' has become much weaker (CAO 2012, 2017; Murata 2014).

Implementation of Immigration Policy

IAGs have not only tried to influence public perception of immigration and frames in immigration policy, but they have also tried to gain a voice in immigration policy implementation and formulation through advocacy. Let us begin our analysis with policy implementation, which is especially

important in the case of Japan as laws and regulations are often formulated in very general ways and, hence, there is a large degree of administrative and political room in their implementation.

Generally, IAGs have been excluded from decision-making bodies, but they started to visit politicians and bureaucrats directly in order to make their voice and point of view heard in policymaking circles. Over the years, IAGs were able to establish ties with political parties and ministries and to gain more influence (Hosoki 2016: 301-306; Milly 2014: 110-130). Still, if we look at these efforts in comparison to Nippon Keidanren's activities, a difference of several levels is evident. Nippon Keidanren has fully embedded permanent networks with politicians and bureaucrats. For example, the LDP's Forward Policy Unit hosts eleven researchers of Nippon Keidanren. Hence, this think tank, which should officially enhance the LDP's autonomous policymaking capabilities, is de facto a liaison office between Nippon Keidanren and the LDP (Momoi 2018).

However, three factors have allowed IAGs to gain some leverage despite their limited resources. First, the high degree of expertise. IAGs can rely on voluntary participation and support by lawyers and scholars. Their voices might not be strong, but they are recognized as being well informed in decision-making circles. Second, no economic interest. In contrast to economic interest groups like Nippon Keidanren, IAGs are convincing idealistic actors because they do not profit themselves from political decisions. Third, sharing of ideational stance with powerful actors. A human rights perspective is not completely absent in decision-making circles. Japan's immigration policy has often been described as being based on its economic interests and/or its goal to maintain an ethnically homogeneous population. However, as described above, among elite actors ideational perspectives and motives are much more complex. The Ministry of Foreign Affairs (MOFA) regards immigration policy as an element of Japan's foreign policy, and it would like to secure Japan's international reputation by preserving international standards like human rights. The Ministry of Health, Labour and Welfare (MHLW) sees it as one of its main duties to secure the application of Japanese labour laws to all foreign workers. The Ministry of Justice is generally very conservative and stresses control over immigration as a part of public security, but it is also in charge of Japan's human rights policy. Even many conservative politicians believe that respect for international human rights is in the self-interest of Japan if it is to realize its aspiration to be a leading member of the international community (Gelb and Kumagai 2018). Of course, there are significant differences concerning the priority of human rights and its envisaged level of implementation. IAGs would like Japan to be an ideal actor fully protecting the human rights of its

immigrants. Many members of the establishment envision Japan as a good actor in the international community – one that is not criticized for having a dehumanized immigration policy. Still, there are common perspectives concerning Japan's identity between the two groups.

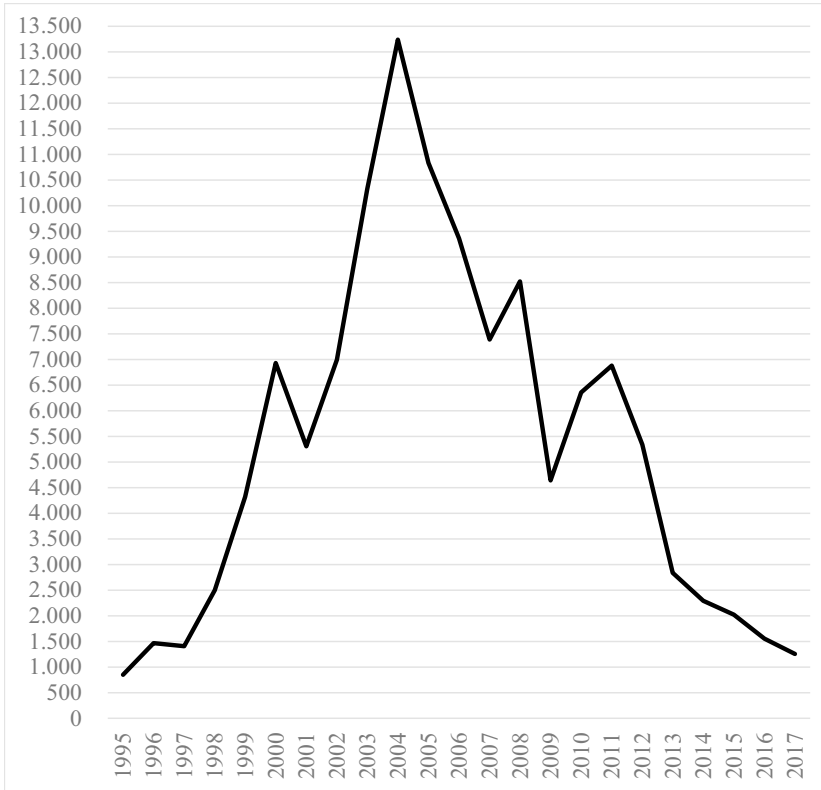
The impact of IAGs in immigration policy implementation is often not graspable, but in some cases its influence can be traced back and identified quite clearly. A prime example is the policy implementation granting 'special status of residence' to irregular immigrants. The Japanese state has always declined to have an amnesty programme, in which irregular immigrants would be pardoned collectively and granted rights of residence because it is argued that this would create incentives for more irregular immigration. However, in accordance with immigration law, the MOJ has the discretion to allow upon application special residence based on a case-by-case assessment (Kondō et al. 2010).

In September 1999, IAGs started a public campaign for the recognition of irregular immigrants with public rallies and press conferences. The goal was to raise public awareness of the issue, to give irregular immigrants a human face and to increase pressure on the MOJ for a more liberal implementation of its policy to grant special residence. At the end of the campaign in 2006, 43 of the 64 irregular immigrants who participated in the campaign had received special residence permissions by the MOJ (Yoshinari 2015: 46-50). Moreover, in reaction to the campaign, the MOJ started to publish guidelines that clarified the factors that would increase the chances of a positive evaluation of a request for special residence. Most IAG activists whom I interviewed regarded the outcome of the campaign and the influence of IAGs to be ambivalent by pointing out, for example, that 'only two-thirds of the applicants have received residence permits. Hence, the outcome was only partially successful, and we have not accomplished our original goals' (Interview IAG 2012). However, in view of the whole context and in contrast to their self-assessment, the outcomes document the substantial influence of IAGs in policy implementation.

First, it is important to note that in the foreign criminality discourse described above irregular immigrants, in particular, were identified as potential criminals and as a threat to Japan's public security (Chiavacci 2011: 265; Shipper 2005). The 1999 white paper on police argued, for example (NPA 1999: 17):

> Among the undocumented immigrants who originally came to Japan for work purposes, many get involved in criminal activities, which are more profitable than illegal work. The large number of undocumented immigrants becomes a hotbed of crime by foreigners.

Figure 8.4 Granted special permits of residence, 1995-2017



Source: MOJ (1975-2018)

Although there has never been any proof (not even in the official crime statistics) for this argument, irregular immigrants are singled out as potential criminals. The impact on public opinion about irregular immigrants was immense. In the 2004 survey on public security, for example, the increase of irregular immigrants was the most often identified factor for rising crime in Japan (CAO 2004). Hence, it had been reasonable to expect that the Japanese state would be especially rigorous in handling irregular immigrants and truly restrictive in granting them special residence status. However, in fact, the policy of granting of special status of residence for irregular immigrants has been quite liberal to the point that we can speak of a non-official legalization programme. In fact, from 1999 to 2012, the MOJ has granted over 100,000 special residence permits (see Figure 8.4), which explains about half of the stark fall in officially recorded irregular immigrants from 277,000 (1999) to 67,000 (2012) in Japan (CAO 1975-2017). IAGs and their campaigns had a

significant impact on the large size of legalization despite the huge public backlash against irregular immigrants.

Still, the recognition of irregular immigrants by the MOJ and the influence of IAGs on it are not the only factors for the stark fall of irregular immigrants in Japan. From 2003 onwards, the government ran a campaign for 're-establishing' Japan as secure country. Reducing the number of irregular immigrants was a central element of this campaign. Several stricter regulations were introduced – for example, a reporting obligation for employers of foreign workers (*gaikokujin koyō jōkyō no todokede*) – which resulted in a significant drop in the number of irregular immigrants (Suzuki 2017). In general, IAGs were not in favour of introducing these new measures. They argued that the discourse of foreign criminality and of irregular immigrants as a security threat was completely overblown and that the priority should be not on security considerations, but on guaranteeing the human rights of irregular immigrants. However, in contrast to the policy implementation, they had no significant influence on policy formulation. Still, in the next section, we will discuss some cases and constellations in which IAGs exerted some influence in policymaking.

Formulation of Immigration Policy: Indirect Lobbying through National and International Partners

As described above, IAGs have tried to gain a voice in immigration policymaking, but their impact through direct lobbying has been very limited because they were de facto sidelined from decision-making by generally not being invited into deliberation councils or their hearings. However, IAGs have gained some influence indirectly through national and international organizations. On the national level, IAGs have closely cooperated with the Council of Cities with High Concentrations of Foreign Residents. This council was founded in 2001 and currently has 28 members. Like IAGs, the municipalities organized in this council realized that local integration policy has strong limitations without a comprehensive integration policy on a national level. As local governments, they had a stronger voice in national policymaking and developed demands for a national integration policy in coordination with IAGs. While Japan still has no comprehensive integration policy on the national level, the efforts of this council had at least some successes like the establishment of a small section in charge of policies for foreign residents in the Cabinet Office.[4]

4 Please note that sub-national politicians have not always been partners of IAGs. In the early 2000s, for example, Shintarō Ishihara, governor of Tokyo at the time, and some other prefectural

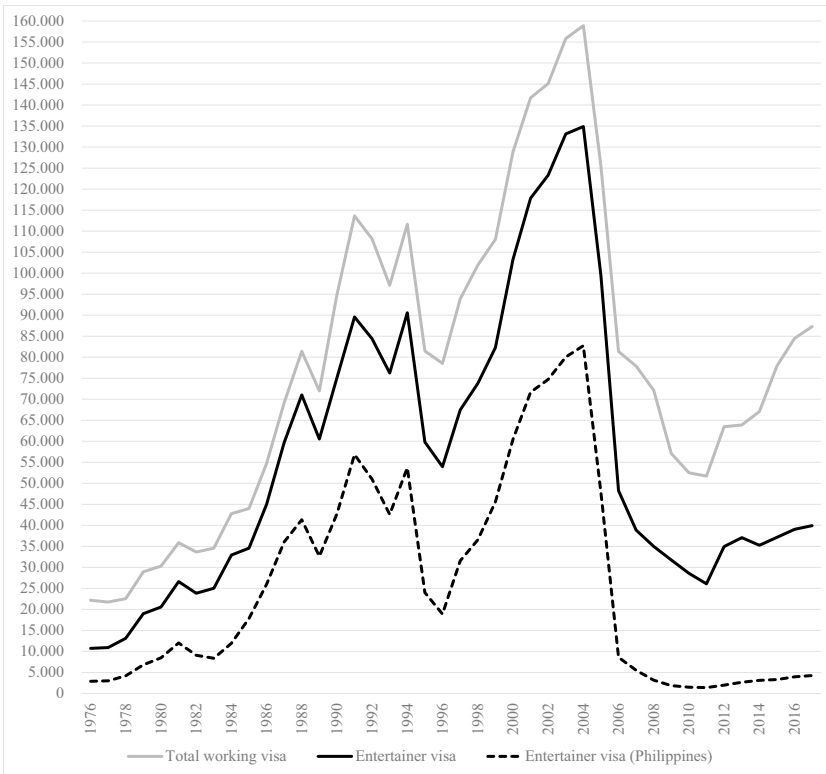
A second avenue of indirect lobbying and influence of IAGs has been their reporting to international actors like UN treaty body commissions or the International Labour Organization (ILO). By providing international organizations with alternative viewpoints to the national administration, IAGs were important information sources for the final reports of these organizations, which often had much more influence on the Japanese government than the direct lobbying efforts of the IAGs. This constitutes a classic example of the 'boomerang effect' (Keck and Sikkink 1998) in which NGOs circumvent national obstruction through international cooperation and alliances. Still, even this international path of lobbying has in general clear limits. An exception are the new policies against human trafficking and new restrictions in the issuing of entertainer visas. By taking a closer look at the policy process that led to their introduction, we are able to identify factors that normally limit the impact of the international path of lobbying of IAGs.

Human trafficking and its links to sex work was for long time an issue that ranked very low on the international agenda and was poorly funded. However, since the late 1990s, it has gained much more attention. Not only international organizations like the United Nations (UN) or the ILO, but also powerful actors like the US or the EU have enacted new legislation and introduced new measures against human trafficking (Patterson and Zhuo 2018). Japan was very early and strongly criticized for its entertainer visa policy in this context.

'Entertainer' is one of the visa categories included in the positive list of occupations in the immigration laws for which Japan grants foreign nationals a working visa. Officially, this visa category is for actors, musicians, models etc. that come to Japan. However, in reality, the overwhelming majority of foreign nationals that enter Japan with an entertainer visa are working in the large entertainment milieu and red light districts. From the late 1970s onwards, the number of foreign 'entertainers' entering Japan, who are nearly only women, started to expand (see Figure 8.5). Up to today, the entertainer visa is numerically by far the most important working visa category for foreigners entering Japan. The working conditions in the different establishments in Japan's entertainment business vary strongly. Some business models clearly involve prostitution, but it would be wrong

governors reinforced through their public statements and claims the narrative of foreigners as potential criminals and a security threat and exerted substantial political pressure on the central government to make immigration controls stricter and to lower the number of irregular immigrants (Chiavacci 2011: 205-206; Shipper 2008: 161-163).

Figure 8.5 Foreign Nationals Entering Japan with a Working Visa, 1976-2017



Source: MOJ (1975-2017)

to qualify all foreign entertainers simply as sex workers in the narrow meaning. Still, the official regulations allowing establishments to employ foreign entertainers are very strict, and the activities of foreign entertainers as hostesses, barmaids, dancers etc. were normally in clear contradiction to these regulations. This can be seen in the temporary but dramatic drop in the number of foreign entertainers granted visas in 1995 and 1996 (see Figure 8.5), when the director of the Tokyo Immigration Office acted to more strictly enforce the regulations by controlling establishments and determined that a staggering 93% of them did not fulfil the official requirements for the visas (Sakanaka 2005: 80-87).

Japanese and international IAGs working in the field of human trafficking strongly condemned Japan's entertainer visa policy, which opened in their view the door to debt bondage and forced sex work. Together with international organizations, they demanded not only a stricter enforcement of existing regulations in issuing entertainer visas, but also new legislation

to combat human trafficking. They were also important information sources for international organizations like the ILO (2004) or IOM (1997) that strongly criticized Japan for its entertainer visa policy and passivity in combating human trafficking. However, these national and international voices had at first a very limited influence.

Ministries and agencies started to discuss among themselves new measures against human trafficking, but differences in opinion (as is so often the case in immigration policy) led to a deadlock and immobilism (Chiavacci 2011: 255-256). In April 2001, the Gender Equality Bureau of the Cabinet Office set up the Specialised Research Committee on Violence against Women (SRCVW, Josei ni tai suru Bōryoku ni kan suru Senmon Chōsakai). The main focus of the committee was domestic violence, sex crimes, prostitution, and sexual harassment, but it discussed also human trafficking issues. The committee included representatives from CSOs, but they were handpicked and did not include any representative from IAGs. The commission's final report in March 2004 contained also some very general recommendations regarding human trafficking (SRCVW 2004: 12), but in view of the committee composition it was hardly surprising that it basically followed the arguments presented in its hearings by representatives of ministries and agencies. It neither demanded any new legislation against human trafficking nor questioned the lax implementation of the regulations concerning entertainer visas in its final report. Up to this point, the policy formulation followed the 'normal' path of immobilism and limited influence by IAGs. However, foreign pressure (informed through IAGs) soon reached a completely new level.

In 2000, the US Congress had passed a new bill against human trafficking. As a part of this new legislation, the US Department of State (DOS) started to publish a yearly report in which countries worldwide (apart the US) were ranked regarding their efforts to combat human trafficking (DOS 2001-2019). The first reports adopted a system with three tiers and Japan was included in the second tier of countries that do not fully comply with minimal requirements defined by the US, but who undertake considerable efforts against human trafficking. However, in the 2004 report, a new group with a watch list of second tier countries was introduced. These countries were expected to introduce new legislation and measures against human trafficking. Otherwise, they were running the risk to be downgraded to Tier 3 countries that did not fulfil the basic requirements and also did not show significant efforts in curbing human trafficking. The DOS relied strongly on information from the IAGs and especially from the Japan Network against Trafficking in Persons (JNATIP), which had been founded in 2003, for assessing Japan. It placed Japan

in its 2004 report in the Tier 2 watch list (DOS 2004). Actually, it had originally planned to include Japan in the Tier 3 list that compromised only outsiders of the international community like North Korea or Myanmar, but 'upgraded' it to the Tier 2 watch list after Japanese officials assured that it would introduce new policies and measures to combat human trafficking, including a stricter policy in issuing of entertainer visas (*YS* 2004). Still, to be on US's watch list regarding human trafficking was a huge embarrassment for Japan. At the time, Japan was attempting (ultimately unsuccessfully) to secure a permanent seat on the UN Security Council. And since 1998, it promoted human security as a main pillar in its foreign policy. In short, Japan's foreign policy was completely undermined by the 2004 report, which showed that even the US – its closest and most important ally – regarded Japan as a problem case regarding human trafficking. The speaker of the Japanese government declined to comment on the 2004 report after its publication (*AS* 2004b), but the statements of Hiroyuki Hosoda, at the time Chief Secretary of State, documents its impact on the government. When asked in parliament about the 2004 report and the efforts of the government to curb human trafficking, he answered (Sangiin 2004: 14):

> Regarding human trafficking, I have received various reports, and I have also attended the second meeting of the related inter-ministerial liaison commission in July of this year and have asked the involved ministries and agencies for aggressive efforts.
> Even among embassies in Tokyo this has become a huge topic. In other words, it is extremely embarrassing for Japan, and must be corrected, absolutely. There are victims, first and foremost women, and many cases are emerging. We, in the government, have to work aggressively so as not to have these kinds of cases.

From a, at best, secondary topic in government circles, human trafficking had been catapulted onto the agenda of the cabinet. The cabinet secretariat not only took the lead and set up an inter-ministerial liaison commission in order to formulate new legislations and policies against human trafficking, but the Chief Secretary of State got personally involved to make clear to all actors participating that this was an issue of highest priority. The LDP, which had never regarded it as necessary to become active in the human trafficking problem, set up its own project team, which demanded new policy measures and a stricter issuing of entertainer visas (*AS* 2004a). These activities led to a comprehensive and fast reaction. In short time, only a few months, a new law supporting measures for victims of human trafficking as well as a much stricter awarding of entertainer visas were realized. The

government also set up a permanent coordination body and formulated an action plan, which was revised in 2009 and 2014 (Ōno 2017: 211-217). The impact of the stricter entertainer visa policy was very large, especially on the number of Philippine entertainers entering Japan, which dropped from 2004 to 2006 by nearly 90% (see Figure 8.5).

In comparison to other indirect lobbying efforts by the IAGs, the case of human trafficking was exceptional due to its impact. Japan was exposed and shamed for its failure to render due support to victims of human trafficking. It saw its identity as 'cultural nation' and as a good member of international community questioned (Ōno 2017: 193-194). The accuser was none other than the US, its most important ally and the global hegemon.

In the 2005 report on human trafficking, the US recognized Japan's effort and upgraded it again to Tier 2 (DOS 2005: 132):

> The government has made an impressive start in providing assistance to trafficking victims, including implementation of a national action plan with modest, additional resources for government-run shelters and private shelters. The government made substantial efforts to improve the legal framework by drafting penal code revisions which specifically criminalize trafficking and increase penalties for trafficking-related offenses. During the reporting period, the government undertook major reforms to significantly tighten the issuance of entertainer visas to women from the Philippines, a process used by traffickers to enslave thousands of Philippine women in Japan each year.

However, in the following years, the Japanese foreign trainee system came under criticism in the US human trafficking reports. Officially the trainee system is part of Japan's overseas developmental aid. Foreign workers from developing economies are brought to Japan as trainees to learn new skills and to contribute of the economic development of their home country after their return. However, as said above, from the early 1990s onwards, the trainee system has been primarily a guest worker programme that allows Japanese companies, and especially SMEs, to employ cheap foreign labour in occupation sectors that are shunned by Japanese workers due to their poor working conditions. IAGs had criticized the trainee programme for many years, but now it came increasingly under international scrutiny. It was identified as a being connected to human trafficking of foreign workers and as leading to infringements of their human rights.

This criticism was not only coming from the US (see e.g. UN 2010), but again the US and its reports on human trafficking were the main foreign pressure on Japan. While the IAGs were still rather ignored by decision-making circles

in Japan, the US Department of State strongly relied on them as important information source and partner in fighting human trafficking. In the 2017 report, for example (DOS 2017), local IAGs are explicitly mentioned several times and obviously used as reliable sources. Ippei Torii (Secretary General of SMJ) even received the Trafficking in Person Report Hero Award in 2013 from the US government.

The Japanese government has reacted to this pressure by strengthening governance and oversight of the foreign trainee system. The IAGs had a significant impact in these developments. Based on his very detailed and careful analysis of these reforms in the foreign trainee system, Kremers (2014: 715) identifies them as the crucial actors that 'were able to change the attitude of other political actors and interest groups and as a result tipped the scales in the policy-making process.' While it would surely still be wrong to describe IAGs as a powerful political actor fully integrated into the elite decision-making circles, they have become a political voice that can no longer be simply ignored.

The Democratic Party of Japan (DPJ) government from 2009 to 2012 provided a window of opportunity. In the truly historic elections of 2007 and 2009, the LDP lost its majority in both chambers of the parliament.[5] When still in opposition, the DPJ had already cooperated with the IAGs in formulating their own reform proposal of the foreign trainee system by inviting the SMJ as external advisor into its responsible working committee (Kremers 2014: 735-736). Once in power, it was much more open to cooperate with the CSOs, which resulted in much better access to the decision-making process for the IAGs, which were invited to hearings. However, since the elections of 2012, the LDP has returned to power, which has sidelined IAGs from decision-making bodies again. Moreover, US pressure on Japan concerning human trafficking has also decreased. In the reports of 2018 and 2019, Japan was still being criticized in several aspects, but it was moved to the Tier 1 list of countries fully compliant with the minimum standards relating to human trafficking set by the US. Hence, the window of opportunity for IAGs to affect the human trafficking issue in Japan has closed again.

Conclusion

Since the late 1980s, Japan has become a new immigration country. However, this has not transformed Japan into an immigration state that has clear

5 For detailed analysis of these elections, see Chiavacci (2010), Shiratori (2010) and Sugawara (2011).

long-term vision and strategy concerning immigration. On the contrary, due to its internal fragmentation on the ideational and institutional level, Japan's immigration policy has been marked over three decades until very recently by immobilism, that is, very limited, incremental and path-depending reform steps in contrast to far-reaching debates and reform proposals. This led also to clear gaps between Japan's official and real immigration policy. However, this resulted also in an especially 'strong' Japanese state concerning immigration against external pressure. Due to its internal fragmentation, it is even difficult for such powerful pressure groups like Nippon Keidanren to significantly influence immigration policy and its reform, especially in the field of admission policy.

In view of this, the ability of the IAGs to impact frames, implementation and reforms in immigration policy has been quite striking. Like other CSOs in Japan, IAGs have very limited staff and resources, but they were able to gain some influence in the making of immigration policy. They may seem to be too idealistic in their framing of immigration and their emphasis on human rights, but this idealism paired with the absence of vested interests in immigration policy gave them much credibility. Moreover, their ideal of Japan as a country that honours its international duties and protects the human rights of all people, including the foreign ones, is a national identity that is actually shared at least partly by some of the very important and powerful actors of the decision-making elites and large parts of the population. Hence, their argumentation strikes a cord with many powerful actors in immigration policy. The influence of IAGs is the largest on the level of policy frames and policy implementation. They upheld a human rights perspective in Japan when the country was flooded by a crime panic, in which foreigners and especially irregular foreign residents were seen as a threat to public security and blamed for its decline. In a more dynamic perspective, we can even argue that this crime panic and the identification of foreigners as culprits has been an important factor for the rise of IAGs as a counterforce. This wave of xenophobic statements was surely an important motivation for many people to become active and fight for human rights and decency. Following an argument made by Arrington (2016) in the context of victim movements in Japan and South Korea, we can also argue that the fact that these IAGs had to fight for a long time to get more access to elites and to be heard was another factor for their ability to mobilize more activists and establish themselves.

On the level of immigration policymaking, the influence of IAGs is most limited, but even in this area we cannot ignore their role. IAGs were able to have their strongest impact indirectly through international networks. Still,

the new measures against human trafficking and reforms concerning the entertainer visa are an exceptional case. Not only international organizations, but especially the US as Japan's main ally exerted huge international pressure on Japan and led to temporary political salience and a centralization of immigration policymaking and very fast and comprehensive reforms. Still, without the IAG as an independent as well as respected actor and information source, this international pressure would never have reached the level it did.

Immigration and immigration policy will continue to be an important issue for Japan, which will also raise the basic question of who Japan wants to be. Currently, new immigration reforms are formulated and implemented in view of Japan's demographic development and increasing labour shortage. IAGs will continue to play an important role in these developments and Japan's future and future identity.

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