LOCAL AUTONOMY IN THE FACE OF CENTRAL DOMINATION: AN EXAMINATION OF JAPANESE IMMIGRATION POLICY

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ABSTRACT OF DISSERTATION

This work applies Kellee Tsai’s theory of “adaptive informal institutions” (2007) to the case of Japan, making the case that local innovations are leading to the creation of more liberal immigration policies, which may ultimately be formalized through national adoption. Such instances of local policy innovation would contradict the notion that unitary states like Japan are dominated by their central governments. To consider the Japanese case, this study analyzes immigration policy developments in the city of Kawasaki, a notably progressive Japanese municipality, and compares them to changes in national immigration policy. This study contributes to the developing literature on Japanese immigration policy, central-local relations in Japan, as well as decentralization in unitary states.

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Chapter 1: Toward a New Paradigm

The Japanese government has consistently held the ability to surprise and astonish. Evolving quickly from a medieval caste system to a modern imperial power during the Meiji period, Japan was able to subjugate a large portion of Asia during World War II. After its unconditional surrender to the United States, Japan made an abrupt about-face, developing into one of the world’s top industrial nations. Not only was Japan able to rebuild and revamp its decimated economy, but it was able to achieve elusive milestones such as universal health coverage, relative economic egalitarianism, the world’s longest life expectancy and becoming the number one donor of international monetary aid. At the same time the country was able to avoid the sort of military entanglements that have cost other advanced countries dearly in terms of both economic development and human lives.

At its height, Japan served as a model to the rest of the world of what state-led development was capable of achieving. With the onset of the 1990s Japanese government again astonished observers, but this time for a very different set of reasons. Speculation in real estate prices and questionable banking practices led to a swift reduction in Japanese economic performance, miring the country in recession for two decades. In this instance that same state-led, centrally focused government system was largely ineffective in overcoming the ills Japanese society faced. Japan has since slowly groped along attempting to find its way while its Chinese neighbor, and other Asian countries, have experienced remarkable growth.

The state-led, bureaucratic model that has come to define Japanese government since the Meiji period has become increasingly ineffective at addressing the problems Japan currently
faces. However, the Japanese government still maintains the capacity to surprise. It did, after all, come back from the brink of World War II much stronger than before and has since executed several significant adjustments to its system of governance. Although elusive, where consensus can be found, Japan is capable of quick, far reaching changes. Just as it moved from a feudal to an industrialized system during the Meiji period and again from an imperialist to a capitalist power after World War II, fundamental adaptations will be necessary for a state like Japan to surmount its problems and succeed in the modern era. The research for this dissertation will focus on these potential policy adaptations and innovations.

Japan has based its modern governmental structure on the European centralized bureaucratic model, first with passage of the Meiji Constitution in 1890 and revised under the “Peace Constitution” adopted following World War II. Europe has, for its part, been in the midst of fundamental change for a number of years, leading to decentralization in many countries on a host of political and social issues on the one hand, as well as re-centralization under the auspices of the European Union on the supra-national level on the other. While contemporary Europe is comparatively quite different from Japan, especially with the establishment of the European Union, other traditionally unitary states in Asia such as China and South Korea have also made strides toward the decentralization of power. In an effort to better address problems at the local level and more efficiently use resources, these states have given local governments increasingly greater shares of responsibility. The central government plays a diminished role, while the localities have a larger say in the allocation and use of important resources.
Scholarship has said surprisingly little about whether Japan has made similar efforts at decentralizing its governmental powers. Japan has encountered a number of serious problems in recent years, including a lasting recession, unstable national leadership, a declining birthrate and an aging population. One way to overcome such difficulties is to change the way the government works, just as other unitary states have done. Japan, like its European models and Asian neighbors, has moved toward decentralizing power.

This research proposes to look at decentralization efforts in Japan. However, instead of a top-down approach as may be more common, such decentralization initiatives will be considered from the local level up. More specifically, this research will focus on a comparison of Japanese immigration policy at the municipal and national levels.

Japan and Immigration

Japan is a country commonly regarded as highly ethnically homogenous. Popular culture is filled with references to a united Japanese populace, the “unique” qualities of the Japanese people are discussed in considerable detail in the nihonjinron\(^1\) literature and often reinforced in the school system and society at large. Yet there have been ethnic and social minorities in Japan for much of its history, including the Ainu aboriginals in Hokkaido, the Ryukyuans in Okinawa and the Burakumin concentrated mainly in Western Japan. The Ainu and Ryukyuans are both indigenous groups, where they have languages and cultures distinct from the mainland Japanese. The Burakumin are descendents of the “outsider” class from Japan’s feudal era, a group along

\(^{1}\) *Nihonjinron* (日本人論) is a genre of literature popular within Japan, literally meaning “theories of the Japanese people”. The literature encompasses a wide range of topics, but generally discusses the often unique social, cultural and political context of Japanese society.
the lines of the untouchable caste in India, that has traditionally taken on “unclean” occupations (Su-lan Reber, 1999). Yet in spite of this discernible diversity, a full 95% percent of the population closely identifies itself with the “Japanese” ethnicity (Burgess, 2010). Real or perceived, this apparent homogeneity also inspires Japan’s well-noted aversion to immigration.

The Japanese opposition to immigration is manifested in historically closed borders and by little in the way of services being offered to foreign residents. Some policies have even been openly hostile to the foreign population. Examples include the exclusion of foreign residents from the eligibility to receive public pensions until 1982, in spite of the fact that they were paying into the system, the continued prohibition of foreigners from holding public office, prevention from holding positions in national and in many cases local government, a lack of legislation ensuring foreigners’ rights, as well as institutionalized discrimination by the police, housing authorities and health care workers, among other groups.

In addition to its indigenous minority population, there have been significant numbers of foreign nationals living within Japan’s borders since its colonial days, with the majority of these foreign residents being the descendents of ethnic Korean and Chinese conscripted laborers. While the numbers of these groups have always been a small fraction of the entire Japanese population, they have borne the brunt of historically discriminatory immigration policy in Japan, fighting hard against limited employment opportunities, forced assimilation, including being strongly induced to take Japanese surnames, mandatory fingerprinting and identification checks. Other groups of more short-term immigrants have periodically taken up residence in Japan as
well, most recently with Latin Americans of Japanese descent being allowed to work in the country starting in the early 1990s.

With the rapid development of its postwar economy, Japan experienced an acute labor shortage as internal migration from the countryside and part time work from housewives, students and the elderly began to prove insufficient. As a response, the government reduced enforcement of its immigration laws, for a brief time allowing relatively large numbers of Iranian and Pakistani workers entry (Kingston, 2011; p. 167). As the economy began to fall into decline due to the speculative asset “bubble” in the early 1990s, Japan clamped down on immigration enforcement and again closed its door to unskilled foreign labor. However, with the need for cheap manual labor left unfulfilled, the Japanese administration decided to open up the country to Latin Americans of Japanese heritage and their families, as it was believed their shared ethnic heritage would encourage greater assimilation and they could fill necessary holes in the labor market. Japan has also experienced an increase in its foreign resident population through intermarriage and issuing visas for skilled workers, students, trainees and the like. A number also enter the country illegally. In other words, in spite of a national policy that is officially quite strict regarding immigration, Japan’s immigrant population has steadily increased since its industrial boom and especially since the 1980s. This has been partly the result of deliberate policy efforts, and partially due to inconsistent enforcement of immigration regulations.

The current size of Japan’s immigrant population stands at approximately two million people, representing 1.25% of the entire Japanese population. Although the number of foreign residents in the country is still quite low compared to other developed countries, the proportion of the
foreign-born population has doubled over the last 20 years (Ministry of Internal Affairs and Communications Statistics Bureau, 2008) and concentrations of immigrants are especially conspicuous in particular regions and cities. While these relatively small numbers of foreign residents may not be particularly noteworthy in the international context, the levels of immigration are unprecedented in Japanese society. Over the last twenty years a fierce debate has been raging in Japan questioning the basic necessity of immigration and whether or not it can serve to help alleviate some of the problems the country faces. At the same time, the national government has passed contradictory policies amid periods of action and inaction, attempting to both promote and discourage immigration when convenient. Such lack of clear national leadership has ultimately left local governments to determine how to handle the question of immigrants on a day-to-day basis themselves.

Proponents of immigration point to Japan’s rapidly aging population as a strong justification to allow more people in to the country. In order for Japan to maintain its high economic output as well as its ailing social security system, either the birth rate must increase or laborers from other locations must be brought in. Since the birth rate has been consistently falling, advocates believe immigration remains the only other viable option. Others regard immigration as inevitable because of the socioeconomic motivations behind it or advocate the adoption of increased legalized immigration on humanitarian grounds. Opponents of immigration, on the other hand, often nationalist groups and others affiliated with conservative branches of government, point to crimes committed by foreigners, the fact that foreign residents are often discriminated against and that there few rights afforded to them (Fitch, 1999; Komai, 2001; Shipper, 2005). All of
these factors coalesce to make the immigrant’s life unnecessarily difficult in Japan, and from a human rights perspective some opponents believe further immigration to Japan should be discouraged. Perhaps more importantly, opponents often argue that immigration will not fix the major problems of an aging society and economic stagnation that Japan faces, and that the ethnically homogenous country is not prepared for the social and cultural changes immigration can bring (Goto, 2007; Raut, 2007).

The Japanese national government, run for many years by the conservative Liberal Democratic Party, has publicly taken the side of those discouraging immigration. It has consistently reiterated its priority to exclude the entrance of foreign manual labor in particular to the country, preferring to allow only “skilled” labor legal residence. Yet when the desire for foreign labor was at its strongest during the peak of the “bubble” economy era, the government willingly turned a blind eye to increasing numbers of immigrants working in the manufacturing sector. As the economy suddenly floundered at the end of the bubble era, the door was evidently closed to unskilled labor who were not of Japanese descent. However, lack of oversight on various visa categories like trainees, students and entertainers served as another poorly-enforced means of importing cheap, unskilled labor. The result has been an inherently inconsistent policy: one that appears strict on the surface, but in practice has shown the government turning a blind eye when convenient, then tightening enforcement when political conditions or economic realities require action.

Further compounding the problem is that the main thrust of national immigration policy revolves around entry and registration procedures for foreign nationals. The government has
implemented a number of policies tracking immigrants, where foreign residents are required to be fingerprinted at the airport, to register their address with the government and notify government officials of any changes of address, and to keep a “foreign resident” identification card with them at all times. Aside from these procedures, little in the way of recognition or services for the immigrant population living in the country has been forthcoming at the national policy level. The national government has had no hand in administering curricula for non-native Japanese speakers in public schools, for example. It has not offered any kind of cultural assimilation assistance to new foreign residents or even provided information on available government services to immigrants in any systematic fashion. Instead, the provision of basic government services has fallen upon local governments to deliver (Tsuda, 2006).

Because the central government has taken little action with the immigrant population beyond manning the borders and ensuring compliance with registration policies, local governments have been providing basic services to immigrants for a number of years now. Some municipalities are more affected by immigration than others, and some provide a wider range of support. At the same time, particular areas have proven themselves more willing to challenge the national government over the question of foreign residents while others have been less apt to do so. In the face of an often disjointed, inconsistent and unresponsive national system, this dissertation contends that it is these local governments and their motivated residents, willing to face off against the national government, that pioneer and ultimately help secure changes in national policy.
Local Government Action

Immigration is thus a controversial policy in Japan, one over which the national government has traditionally held a large degree of control. While the national government seemingly dictates the country’s immigration-related policies, this dissertation will examine the extent to which local governments and other local actors have a hand in determining immigration related policies. Faced with unique and often unprecedented influxes of immigrant workers, local governments are forced to address the issues that concern their municipalities before the national government has the time or will to act. This puts local governments in the position of advocating immigration policy to the national government, actions contrary to what one would expect from a traditionally unitary state.

Looking at an issue like immigration shows the degree to which local governments exercise autonomy on an issue that has been heretofore dominated by the central government. While not exhaustive in the sense that there are many other policies the local and national governments address in their daily business, it does serve as a good illustration of decentralization in action. If local governments are able to make inroads on a policy as controversial in Japan as immigration, it is reasonable to assume that localities are able to enact changes in other less controversial policy areas as well.

An emphasis on local government initiative may point to future developments in the Japanese state. With a revolving door of top-level leadership, not to mention the public’s growing lack of faith in national government initiatives and being better placed to address constituent concerns, local governments seem well poised to obtain greater decision making
discretion. Such decentralization would show a fundamental shift in Japanese government: where the central government has been the dominating force for so many years, it now appears to be abdicating a significant share of power to the localities. Yet these developments would be in step with the fundamental changes Japan has been capable of making at critical junctures in its history. It is quite possible that a gradual shift from the traditional unitary model will be an important step in the further evolution of Japanese government, just as it has been an important step in the evolution of other unitary states in the modern era.

Considering the development of local government power in terms of immigration policy, this work will attempt to determine if policy innovation does in fact begin at the local level in the case of Japan, and the circumstances under which it is then adopted by the national government. This research not only considers the current state of Japanese immigration policy, but also illustrates the state of central-local relations in a unitary country like Japan. Ultimately it challenges the notion of traditional central government dominance in unitary states.

**Argument Brief and Setup of this work**

Using immigration policy as an example, I argue that local governments, in association with other local actors, have been able to institute their own adaptive, informal policies which may not be in keeping with the official directives of the national government. Further, these local policies are often innovations on national directives, helping the local government to address some issue given previously inadequate attention, enact policy in a more practical fashion, or to help the municipality achieve some end that may or may not agree with those of the national government. Such local innovations, should they prove effective, may then be adopted by the
national government and instituted throughout the country. Put succinctly, this argument looks to illustrate the sort of fundamental shifts the Japanese government is currently undergoing, offering the suggestion that local governments will play a larger role in the Japanese system by creating innovative policies and addressing concerns in the absence of central government leadership. Such structural shifts in government ultimately point to a strong change in Japan’s system, moving it away from the traditional unitary model.

This study starts with an examination of theory in chapter two, which looks first at unitary states and immigration, then considers formal versus informal actors and finally addresses the power dynamic between central and local government in the Japanese state. Chapter three reviews Japanese immigration policy in more detail, recounting a history of immigration in Japan, notable national policies dealing with the immigration issue and inconsistencies in these policies. This chapter also considers related issues including decentralization policy and non-state actors such as NGOs. Chapter four introduces the case study of Kawasaki City and discusses the policy areas along which Kawasaki will be examined. Chapters five and six are the case study results: chapter five discusses voting rights, health insurance, pensions and housing policies. Chapter six is devoted exclusively to education-related policies. In both chapters the policy developments of the case study city are compared and contrasted with national government policies. Finally, chapter seven gives an analysis of the case study and offers final conclusions.
Decentralization and Immigration

Japan is a country that has demonstrated the ability to enact fundamental, essential change at critical junctures in its history. As Japan attempts to move beyond the rupture of the bubble years and the two decades of economic malaise that have ensued, the country finds itself once again at a critical juncture, slowly groping for the path that would return it to the heights of prosperity. Consensus as to the best way to re-attain such prosperity is elusive, especially when considering some of the significant problems faced by Japanese society and its government.

Looking through the lens of immigration policy, this work argues that Japan is taking the cues of other unitary states and transferring power down to local governments. This represents a major shift in government policy, removing the paradigm of strong central government that has been in place for much of modern Japanese history. Such a shift in power can cause less cohesion and unity in Japanese government. It runs the risk of an uninformed populace passing poor policy, devolving into sectarian chaos, or in an extreme case possibly even dividing into regional fiefs akin Japan’s medieval era if central oversight is too weak. Yet decentralization can also provide a more representative and responsive democratic system, capable of novel policy solutions that can be tailored to the conditions of individual areas. Greater local representation has the potential to ensure a more efficient utilization of resources and can help forge closer ties between the populace and the government.

To see if it is in fact the case that Japan is embarking on the path toward greater decentralization, we will turn our attention to the issue of immigration. The following chapter will begin this examination with a look first at immigration theory and how it relates to Japan.
Chapter 2: On the road to Adaptive, Innovative Local Policy

Examining national immigration policy and how local initiatives help in its formulation places this research into three schools of comparative thought: those of rationalism, structuralism and culture. Both individuals and institutions are focal points. Mayors in particular are potential policy innovators, making a rational calculation to benefit their constituents in exchange for re-election. Likewise, individual actors such as factory owners and potential migrants make decisions based on the consideration of their own rational benefit. The conflict between municipalities and the national government as a whole, on the other hand, is clearly institutional, just as consideration of macro-level benefits to the Japanese economy is institutional. These two factors alone, however, do not adequately explain the often unique factors affecting immigration in the Japanese context. The cultural perspective serves to offer further explanation of the choices and constraints facing individual actors, local governments and the national government. A discussion of each theoretical perspective and their relevance in Japanese immigration policy follows.

Rational Choice

From the rational choice perspective, one would expect local executives to attempt to maximize the benefit to their constituents in an effort to secure their re-election. If there is a strong push on the part of constituents to promote immigrant rights, be it for economic, humanitarian or other reasons, the mayor will push for them despite contrary national policy. Of equal concern is how Japanese society reconciles its historically xenophobic tendencies with the
need to address its labor shortage. Would it be rational for communities to enact ordinances more supportive of immigrants and immigration than the very few sanctioned by the national government, or does the idea of Japanese ethnic homogeneity prevail? Industrial areas requiring a significant amount of labor may feel especially enticed to supplement their workforce with foreign labor if other viable domestic sources of labor are exhausted.

A considerable body of scholarly literature after the 1970s investigates local Japanese government efforts toward greater autonomy, particularly movements helmed by local mayors (Hein & Pelletier, 2006; Kawamura, 2008; Shipper, 2008; Sorensen, 2006; Takao, 1999). This local, individual focus is very much steeped in the rational choice school.

Traditional migration theory is closely connected to global capitalism: as a country improves economically, the increasing opportunities available have strong appeal to residents of other, less fortunate countries. At the same time additional labor is often necessary to sustain and further improve the host country’s economy (Yamanaka, 2000). Rational actors in a country, particularly business interests, would consequently want to encourage immigration in order to have access to more labor and maximize their economic benefit. Rational migrants would want to come to Japan for the socioeconomic and political reasons one would expect: they are pushed out of their home countries because of poverty, lack of opportunities, or political strife and pulled to a country like Japan for its comparatively higher wages, high standard of living and political stability (Herbert, 1996). Put more basically, opportunity exists in Japan that does not likely exist in a potential migrant’s home country. Immigration becomes a tool for maximizing their personal benefit.
Of course, this theory does not address cases where there are diminishing “pull” factors. The lack of Japanese economic development for a number of years, for one, would lead one to think immigration to Japan would be less likely, particularly after the early 1990s and the end of the “bubble” years (Brody, 2002). However, immigration to Japan peaked in 2006, well after the bubble period and has remained relatively constant since. Decreased “push” factors like the relative increase in per capita incomes in countries like China and Brazil would also appear to discourage immigration, yet numbers of Chinese immigrants coming into Japan have actually increased. Fewer Brazilian immigrants have been coming to Japan recently, although there are still significant pockets of Brazilian residents in Japan, working most commonly in the manufacturing and manual labor sectors (Ministry of Foreign Affairs, 2009).

Another aspect of immigration that follows the rational choice school is dual labor market theory, where a country’s residents generally reject lower status jobs, even if they are compensated at competitive rates (Wallerstein, 1974). Instead, native-born residents want to pursue higher-status, less labor-intensive and more upwardly-mobile positions. Immigrants are concerned with income more than status and, consequently, flock to these lower-level jobs, especially when labor shortages increase wages, and opportunities are lacking in their home country. This phenomenon occurred in Germany during the 1960s and 70s, where many immigrants, often from Turkey in this case, acting in their rational self-interest flocked when average wages were considerably higher than in their home state (Sayari, 1986).

Japan had similar occurrences at the height of its economic development in the late 1970s and early 80s, where foreign workers were brought in to small and medium-sized companies,
often in the manufacturing sector, to fill labor shortages. Such jobs offered little incentive for
Japanese workers, as they were often regarded as “dirty, dangerous and demanding” (or kitanai, kiken and kitsui, 汚い, 危険 & きつい), offered little room for advancement and paid less than positions with larger companies (Coulmas, 2007; p. 118). Immigrant labor looked to be a workable solution, as the low wages by Japanese standards were still quite large from the perspective of a foreign worker.

One thing dual labor market theory is perhaps less able to explain, however, is the reasoning for temporary workers to stay in the host country permanently. It is a fairly common occurrence for immigrants to take up a more long-term residence in their host country, even if originally unintended. Some may find life in this new location preferable to the situation in their home country: developed countries often have an abundance of modern conveniences, making life easier and more comfortable, which less developed countries may lack, higher wages in the host country may encourage the sojourner to stay and continue remitting money back home, or political circumstances in the home country may necessitate that the immigrant continue to live abroad. Other considerations can come into play as well. Many foreign residents establish families in their host countries. The cost of moving a family back to their home country may be prohibitively expensive, both monetarily and psychologically. If children were born and raised in the host country, they would not necessarily feel a strong affinity for their ethnic home and may experience difficulty re-assimilating. In other words, a multitude of reasons exist as to why immigrants may ultimately choose to remain in their host country.
Dual labor market theory assumes that workers would want to stay in the host country long enough to achieve their financial goals and that long term residency would not be an intention or a priority. Yet in both Germany and Japan, many of those workers brought in to address the initial labor shortage have in fact chosen to stay and raise families. A sizable number of immigrants may ultimately choose to return home once achieving their aims as dual labor market theory attests, yet it does not address those who decide to stay.

**Structuralism**

Structuralism is more concerned with identifying big picture issues and how they affect the country as a whole. Fundamentally, structuralism is an essential part of the basic theory of globalization. That is, one of its central themes is that the world is becoming increasingly unified as barriers to trade and information are reduced. In terms of immigration, market factors combine with political and social factors to make immigration very structured and systematic. The migration from one country to another is not just an individual phenomenon, but something that happens in large numbers throughout the world (Sassen, 1996). Developed countries like Japan, whether they officially approve or not, will systematically experience influxes of immigrant labor.

With Japanese immigration in particular, the structuralist perspective is concerned with the institutional conflicts over the immigration issue and how they move toward equilibrium (Parsons, 1961). Shils’ (1968) center-periphery model, with the developed center dominating the weaker periphery, is an excellent illustration of the structural perspective. The center-periphery model is often applied at the national level when considering countries and their relations to
others using, for example, world systems theory (Wallerstein), or dependency theory (Cardoso, 1979).

Like many of the scholars concerned with Japanese immigration policy (Jain, 1989; Muramatsu, 1997; Takao), I will be considering immigration from the structural perspective primarily at the national level. Instead of looking at international relations with other states, my concern is relations among the various actors that lead to the formation of national policy. As Japan is regarded as a unitary state with a strong central government, the center-periphery model can be easily applied: the central government hopes to induce the peripheral local governments into cooperating and following its policy directives. The local governments, for their part, hope to break out of this pattern and enact policy that works more directly for their own benefit.

Adopting the structural perspective, Tsai (2007) considers the case of China, taking Shils’ model to its logical conclusion: the center adopting policy from the periphery. Tsai makes the argument that informal practices at the local level used to avoid prohibitive government policy result in the establishment of informal institutions. These informal institutions, often in violation of national directives and in some cases technically illegal, also serve as a good testing ground for changes in policy. Perhaps more importantly, informal institutions adopting local changes in regulations also work to ultimately transform national policy. In Tsai’s case, informal business practices in China have worked as an economic reform mechanism much stronger than political dissent, creating an environment in the country considerably friendlier toward business and capitalist undertakings. The same framework could easily be applied to the case of the Japanese
government to investigate whether local efforts at liberalizing immigration policy have already or will eventually lead to the liberalization of national immigration policy.

This research consequently adapts Tsai’s concept of “adaptive, informal institutions” to the case of Japan with an emphasis on adaptive, informal policies. Rather than looking at the establishment of unofficial organizations trying to circumvent restrictive government policy, I will consider efforts at the formation of local-level government policy. These efforts may be outside of the realm of officially designated local powers and may contradict national initiatives, hence the retention of the term “informal”. In the case of Tsai’s research as well as my own, such efforts begin in an informal, local setting but hope to enact meaningful changes in policy. This may be achieved most quickly as an informal agreement among the various actors involved (i.e. “adaptive”), but may also eventually be adopted formally by the government. Like Tsai, I will also be looking to see the degree to which such informal efforts are codified into law both at the local and national levels.

Considering immigration policy from a structural perspective may be helpful in explaining immigration policy developments, but often inadequately explains why policies are the way they are or the logic behind them. Rational choice can partly explain why people may want to immigrate to other countries and the host country’s inducements for accepting them, yet Japan is commonly regarded as being closed to immigration, a move that would not necessarily work to Japan’s rational benefit. Immigrants, after all, can make significant intellectual and economic contributions to their host country, especially if the host country experiences labor shortages that immigrants can help diffuse. Even at the peak of the bubble economy the numbers
of immigrants taking up residence in Japan were small compared to other developed countries. To consider immigration policy in the Japanese context, some discussion of Japanese culture and modern ideas regarding Japanese cultural change is also warranted.

**Japanese Culture**

In her well-regarded review of Japanese culture in the aftermath of World War II, Benedict (1946) notes the degree to which group solidarity and hierarchy structure Japanese society. Benedict had, in fact, never actually visited Japan, basing her research entirely on second-hand accounts through Japanese films, books, papers and interviews with Japanese-Americans and captured Japanese soldiers. Yet her work was highly influential, helping to inspire an entire genre of literature quite popular in Japan, popularly dubbed *nihonjinron*, or “theories of the Japanese people”. Other notable efforts in the *nihonjinron* canon include Minami’s *Psychology of the Japanese People* (*Nihonjin no Shinri*, or 日本人の心理, 1953) and Doi’s *The Construction of ‘Amae’* ² (*Amae no Kouzou* or 「甘え」の構造, 1971) among many others. These works all seek to explain what is commonly regarded in Japan as their own unique character and traits, cover a variety of academic disciplines and became increasingly popular during the bubble years when the economy was rapidly developing. The discussion of culture in Japan is thus a large industry from which a wealth of information is available. Other *nihonjinron* works of note include *On Depravity* (*Darakuron* or 堕落論) by Sakaguchi (1947), *The Formation of Modern Japanese Thought* (*Nihon Kindai Shiso no Seiritsu* or 日本近代思想の成

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² Doi identifies *amae*, a somewhat nebulous term, as the dependent relationship between an individual and a person of higher authority. Doi sees *amae* as a defining characteristic of Japanese relationships, directly related to the culture’s high tolerance for ambiguity, reluctance to share true feelings and preference for unanimous decision making. These are some of the “unique” characteristics of the Japanese people the *nihonjinron* literature discusses.
立) by Iwai (1959), Thought and Behavior in Modern Japanese Politics by Maruyama (1963), A Defense of Culture (Bunka Boeiron or 文化防衛論) by Mishima (1969), The Japanese Brain (Nihonjin no Nou or 日本人の脳) by Tsunoda (1978), Japanese Culture and the Ideology of the Imperial System (Nihon Bunkaron to Tennosei no Ideorogi or 日本文化論と天皇制のイデオロギー) by Hijikata (1983), and Changes in the Theories of Japanese Culture (Nihon Bunkaron no Henyo or 「日本文化論」の変容) by Aoki (1990), among many others.

According to Benedict, most activities and decisions in Japan take place within the group context, governed by strict rules of decorum based on where one fits in relation to other members of the group. A strong emphasis is placed belonging to the group, broken down into various categories including family, hometown, school and workplace associations. The largest group one belongs to is the “Japanese” group, or the Japanese nationality. This collective group ideal relates back to one of the founding myths of the Japanese people, where the emperor is directly descended from the sun goddess, and all Japanese are regarded as descendants of the emperor. With this concept of a shared historical lineage, membership to the perceived national “Japanese” group is reinforced. At the same time, even with the shared lineage the emperor sits at the “top” of the social hierarchy. Group relations are similarly hierarchical, with distinct status relationships among members and a variety of honorifics available in the Japanese language to address hierarchical differences. While the folk mythology of the emperor has been politically manipulated over Japan’s long history, particularly during the Meiji era in an effort to promote
national unity, it has had a strong hand in helping to ingrain the group orientation and hierarchical tendency into modern Japanese culture (Nakane, 1970; Doi, 1973).

The question of conformity is also an extremely important one in Japanese society. In promoting consensus and hierarchy, Japanese culture consequently places a strong emphasis on group solidarity. A common proverb in the Japanese language states “the nail that sticks up gets hammered down” (deru kui wa utareru or 出る杭は打たれる), meaning that it is considered better to be a part of the group than to stand out. To “stick up”, as the proverb says, brings the implication of dire consequences. Decisions are typically consensus-oriented, with higher ranking group members often waiting until the end of a discussion to state their opinions. With the viewpoints expressed, group leaders will then take decisive action and issue the final decision. Other members, having been heard at the outset, revise their views to the prevailing opinion and give their assent. As a result, the variety of decisions made are often unanimous in Japanese society (Rosenbluth & Thies, 2011). Such an emphasis on conformity is very much at odds with the more typically western ideals of individualism and valuing the expression of one’s true opinion. That foreigners do not obviously blend in, both in terms of physical appearance and behavior and do not follow the same hierarchical ideals, leads to an inevitable conflict with the Japanese identity.

Foreigners represent individuals outside of the generally accepted “Japanese” group, visibly different from the Japanese and seemingly incapable of conforming to the norms of Japanese society in the same way. As a result, it is truly difficult for the foreigner to be seen as member of the group or conform to the accepted concepts of hierarchy or obligation to one’s
status or group. Foreigners can never truly assimilate and, thus, the traditional line of thinking goes, are outsiders inherently not to be trusted (Dale, 1986).

Questions of foreign assimilation also relate to the larger issue of perceived cultural exceptionalism in Japan. Japan’s historical isolation, along with its later willed isolation, served to reduce the degree of influence stemming from other states. The Japanese identity was able to develop in its own unique way. Commodore Matthew Perry’s visit to Japan in 1853 helped to force Japan open to foreign influence. The country could no longer sit in isolation, ignoring the increasing power of foreign actors like the United States. Having never been successfully invaded previously, Japan realized it was now vulnerable to attack and exploitation from other countries (Walworth, 1946). Yet even after the country opened itself to the foreign world with Commodore Perry’s visit and the dramatic shift in Japanese governance that followed, an inherent suspicion of foreigners has remained. Such suspicion has manifested itself time and again in denying ethnic Chinese and Koreans a number of important rights following World War II, keeping close records on foreign residents in the country, and allowing only Japanese descendants entry to work in the early 1990s. These events will be discussed in more detail in chapter 3, but it is important to note here the influence that Japan’s culture and history have had in the passage of such policies.

The discussion of Japanese culture’s traditionally restrictive stance toward immigration and foreigners, while important in shaping modern views, should not be considered immutable. Many contemporary scholars (Kabashima & Steel, 2010; Kingston, 2011; Rosenbluth & Thies) note the apparent “collapse” of Japan’s homogenous culture in the midst of the myriad other
changes Japanese society is facing. In the wake of the significant upheavals the country has faced since the end of the bubble era and in its continued economic stagnation, these authors point to a Japan that is looking for new solutions. They regard the country as becoming more tolerant of dissent, more willing to embrace other ways of establishing a “Japanese” identity and ultimately a willingness to be more inclusive. Such gradual shifts in culture may well be closely linked to the gradual changes in policy that this work examines in more detail. A Japan more willing to tolerate cultural diversity may also be more willing to tolerate change in its government’s policies.

**Unitary States and Decentralization**

Using immigration policy to determine the extent of local government policy innovation and its overall share of power compared with the national government will help to determine exactly where Japan fits in comparing central versus local dominance, the extent to which immigration policy is changing in Japan, as well as the ability of local governments to assert themselves in a unitary state. Japan is often regarded as a “unique” case in many instances: it has been historically isolated, it was the first Asian state to rapidly develop, and it remains largely ethnically homogenous. This research will help to clarify if Japan is an anomaly with regards to central-local relations, or if in fact it bears similarities to other unitary states in terms of an increasing decentralization of functions, decentralization of policy innovation, increased challenges to the center and the ultimate adoption of local innovation at the national level.

The primary theme of this work is, consequently, decentralization in unitary states, with particular attention being placed on the Japanese example. Unitary governments are traditionally
characterized by the predominance of the central government, displaying one “supreme, ultimate and unified center of authority”, along with clearly subordinate local governments (King, 1982). Unitary states are the most centralized of government systems, with power concentrated in one location. This research will examine the possibility of decentralization in immigration policy through the adoption of informal policy already passed at the local level.

Looking at another example, France is typically considered the “classic” unitary state, as its government is primarily concentrated in the central Parisian bureaucracy and the President’s office, giving a select group of elites a comparatively large degree of influence over policy. Local government does, of course, exist in France, but it has traditionally been subservient to the capital (Meny, 1987). A perhaps extreme example of French centralization exists in the system of “departments”, which are administrative divisions that include overseas colonies like Martinique, Guadeloupe and French Guiana. These overseas departments are run in much the same way as the other departments in mainland France: they are directly overseen by the government in Paris despite their considerable distance from the capital. Their educational and social policies are similar to those of the rest of France, as are their administrative and budgeting functions (Shineberg, 1986). Aside from the physical distance, these overseas departments work in the same manner as the rest of the “French” country.

This system of centralization in France has received both praise and criticism. The main advantage is that the government can enact policy initiatives quickly, efficiently and in a uniform manner throughout the country and its colonies. Like Japan, France’s modernization following World War II is largely attributed to the efforts of the central government (Hall, 1983). On the
other hand, criticism has also been levied at the French system for being inhospitable to local concerns and excessively bureaucratic (Duclaud-Williams, 1983). As we shall see, centralized government brought about many of the same benefits and costs for Japan: the state was the major driving force in postwar development, but strong government involvement in the economy and a high level of bureaucratization has acted as more of a burden since the end of the bubble era.

During the Meiji Restoration, Japan, in fact, modeled many of its institutions on the Western European state system of the time, primarily that of France and Germany. Along with Japan, France was typically considered the archetypal state-led economy for many years, where the state dictated the major economic decisions. After 1983, however, the French government began adopting more typically market-oriented reforms. The state began to play less of a role in the economy, focusing instead on social welfare policies (Levy, 2005). The result is that France devolved a considerable degree of economic control to other actors, leading to more international competitiveness. In the case of Japan, many critics point to Japan’s staunchly statist system as one of the major reasons for its current economic stagnation.

Interestingly, some have argued that the concept of unitary states in general is no longer applicable. The classic cases of France and other Western European states like Germany and the United Kingdom have already significantly decentralized their governments (King). States may still play a large economic and social role, but the degree of power they have over the country as a whole has been eroding. Instead, powers are transferred to local governments to address issues as necessary, often taking their special circumstances into consideration.
China also provides an interesting comparison, as it is a major East Asian unitary state but fosters increased decentralization and policy innovation at the local level, as we have seen in Western Europe. The state remains supreme, but it is forced to take measures promoting greater empowerment of local officials in order to maintain its overall dominance. This creates the curious case of more autonomous local governments on the one hand, yet they are still subservient to the national government on the other (Landry, 2008). With the move toward a more open form of capitalism, the tolerance of limited open dissent and the introduction of limited competitive local elections, some have argued that China is currently in the midst of fundamental governmental reform. Changes have been slow and often deliberate, and any fundamental reforms China ultimately undergoes will likely look very different from the present-day western systems of government (Ogden, 2002). However, it is clear that China is relinquishing a significant amount of state power to local actors.

China is not the only unitary Asian state to experience significant decentralization in recent years. South Korea has also made major strides toward increasing local autonomy. Much of South Korea’s post World War II history has been forged as a highly centralized nation. Although decentralization had been nominally introduced in South Korean politics as early as the 1950s, it was quickly reversed with the onset of military control of the state (Kang, 2006). Like Japan, South Korea experienced considerable economic development under a centralized bureaucratic system in the 1970s and 80s (Kang). Some have gone so far as to argue that South Korea’s political and economic power was more concentrated at its peak than Japan’s (Choi & Wright, 2004). No local elections were held, and all high-ranking government officials were
appointed from the central government (Kang; p. 96). Also, like Japan, South Korea experienced widespread economic hardship with the onset of the Asian financial crisis in the mid 1990s. As a way to address governmental inefficiencies in both the political and economic realms, the government reintroduced local autonomy in 1995 (Choi, 2007). With the implementation of local autonomy, South Korea has experienced increased citizen participation in government, greater competition among localities and an emphasis on innovative reform (Choi & Wright). The central government still plays an important role in local affairs (Kang), but the overall trend has been toward increased power for local governments. Although European states, China and South Korea differ greatly from Japan in many aspects, it is worth noting the apparent decentralization of these other unitary states.

Japan provides an interesting case for further consideration, as comparatively little research has been done on the Japanese case in the west, making western scholars much less familiar with this example. It is worth seeing if the trend toward decentralization is in fact occurring in Japan as well, and under what circumstances.

**Formal & Informal Institutions**

A distinction has to be made between formal and informal institutions when considering the formulation, implementation and the changing of policy. Formal institutions are representatives of government created to address a particular policy area. Policies approved by the government directly affect the formal institution, which is required to enact those policies. Informal institutions, on the other hand, are the “creative responses to formal institutions that local actors find too constraining” (Tsai; p. 19). In other words, informal institutions are the ways
actors work together, most accurately reflecting the conditions on the ground. Where there is a disparity between official government policy and influential actors with a different agenda, informal institutions are likely to exist.

In Tsai’s example of China, local governments and businesspeople in many cases had little choice but to create informal institutions in order to improve their respective economic situations. Everyone benefitted from the development of private business in China: people had jobs, often receiving better wages than positions in state-run industries, businesses were able to gain profits, and more money went to taxes. Business owners were initially trying to cope with restrictive government policy, finding ways around it by labeling their businesses as “collectives”, for example, when they were clearly privately-run and capitalist in nature. Tsai notes that with diffusion and repetition over time these coping strategies take on a life of their own, as “adaptive informal institutions”. These informal strategies for dealing with regulations become more commonplace and institutionalized in their own right. As the popularity of these informal institutions grows, governments may then be motivated to change the original formal institution. In China, as informal businesses expanded, the government was able to see the benefit of less restrictive policy, and ultimately made moves to liberalize its economic and financial regulations.

A few other prerequisites are also extremely helpful in making Tsai’s concept of adaptive informal institutions work. For one, administrators of the formal institution at the individual level need to be complicit in allowing the “institutional distortions” to repeatedly occur (Tsai; p. 39). Local administrators should support the change in policy and not actively prosecute those who
are acting against the letter of the law. Additionally, complex, multi-layered institutions provide the greatest opportunity for actors to work around the official institutional rules (Tsai; p. 209). If the formal institution is large, there will be a greater chance for an adaptive informal institution to develop.

While I do not necessarily expect to find adaptive informal institutions in Japan to the extent that Tsai was able to uncover in China, I do expect to find a similar system of informal institutions that have been legitimized and utilized by the state. I would like to show, in other words, that the Japanese state has used these informal institutions as a means of pioneering and innovating policy. Based on their successes, the government has then officially recognized these informal institutions.

In terms of changing government policy, Jutting (2007; p. 14) notes that civil society groups are often instrumental in enacting change. These groups are rarely government-sanctioned, typically embodying the “informal” spirit discussed. NGOs in Japan, for example, were not able to get any sort of formal recognition until the passage for the Non-Profit Organization law in 1998 (Reimann, 2010; p. 37), in spite of the fact that many had been operating since at least the 1960s. This is a case of adaptive informal institutions ultimately becoming formalized by the government. Japanese NGOs rose up to address a variety of concerns local residents had that the central government was not addressing. The government eventually saw some benefit to formalizing NGOs, and ultimately did so. Since formal legitimization, NGOs have worked much more closely with local government administrations and even the central government to enact favorable policy changes.
Municipalities also have had a strong incentive to make informal adaptations. Local
governments are required to deal with the waves of incoming immigrants before the national
government has the time or will to act, and often face a variety of conditions that the national
government may not have planned for or intended. Flexibility is often necessary. However, under
a centrally-dominated unitary system, formal discretion has typically been difficult to come by.
The cities, in conjunction with concerned NGOs, have been forced to make policy changes often
well in advance of national government legitimization.

Enacting change in formal institutions can be a daunting task. In many cases change is
slow to come, if ever. A number of authors have discussed formal change in Japan. Most agree
with Streeck & Thelen (2005) that Japan exhibits what they call “punctuated equilibrium”, where
there is a long period of stasis, followed by some “shock” that allows for a major reorganization.
Japan has demonstrated several times in its recent history the capacity for significant change.
Looking first at the Meiji Restoration, the government completely restructured itself within the
span of a few years, moving from a feudal caste system to an advanced constitutional monarchy.
At the end of the second world war Japan made another dramatic change, this time from
nationalistic imperialists to pacifist capitalists. More recently, with the collapse of the bubble
economy Japan significantly restructured its electoral system, changed its business structure, and
opposition parties have been increasingly chosen to govern the country (Pyle, 2007; Soderberg &
Nelson, 2010). It is very plausible that these recent changes in Japanese formal institutions could
portend the next major shift in political character of the country and the means by which policy
is debated and ultimately passed.
In order to see what sort of changes the formal institutions will ultimately make, it is necessary to look first to the informal institutions of the country. When considering immigration policy, the formal institutional setting established by the central government exists on the one hand, but the more informal reality set up by local government administrators and elected officials, NGOs, and the public at large must also be examined. This research proposes to look at the informal setting of immigration policy to see if it has had any effect on changing the formal institution. Below is an initial look at formal government policy, followed by consideration of the more informal aspects.

**Local and National Government**

Modern Japanese government draws its origins from the Meiji Restoration beginning in 1868. The government at the time underwent a set of major reforms instigated by the sudden arrival of Commodore Perry commanding an American naval flotilla and his forcing open of Japan to trade. Up until this point Japan was organized as a feudal regime, with distinct clans ruling independent states. The *Tokugawa Shogunate*, the ruling feudal clan, levied high taxes and imposed strict regulations as a means of keeping the other clans subservient, but the independent states were free to run their own affairs. This is important to note, as the centralized, unitary state that later developed in Japan may be a product of the country’s efforts at modernization, but the cultural tradition is based more around regional sovereignty.

Although Japan pursued an active policy of isolation during its feudal era, the shock of witnessing the destructive firepower of American weaponry spurred extensive debate amongst the various groups within the country vying for power. Internal divisions in Japanese society
compounded by social and economic dislocations from the changing economic system, along with continued incursions by American and European trading and military forces, threw the country into disarray. Pro-modernization factions\(^3\) eventually united to overthrow the dominant feudal regime at the time, and install a new form of government (Pyle; p. 67-68).

This was a notable period of rapid change in Japanese society, where in the span of 15 years, ranging from Perry’s 1853 visit to the beginning of the Meiji era in 1868, the country quickly progressed from a fragmented feudal system to a united, modern regime. Meiji-era officials closely studied the French and German governments, placing a strong emphasis on adopting the centralized, unitary system they observed to be dominant at the time. In order to preserve Japan’s independence, take advantage of the imperial system promoting the conquest of other territories and attempt to play a more prominent role on the world stage, the Meiji government saw the necessity of developing a strong, central government capable of quick and decisive action. The drive for imperialistic economic expansion ultimately brought Japan into direct conflict with the United States and other allied powers during the Second World War. With the end of the war and the subsequent occupation by American forces, another major round of reforms were made, this time orienting Japan toward an emphasis on peaceful economic expansion. However, despite some Occupation reform efforts aimed at empowering local governments after World War II and the renunciation of the emperor as a deity, the centralized system that characterized the Meiji era has remained largely intact in Japan.

\(^3\) These factions were primarily the Satsuma and Choshu domains, rival feudal powers based in territories outside of present day Tokyo. The Satsuma and Choshu united to overthrow the dominant Tokugawa Shogunate, restore the emperor’s place as a national figurehead, and found the Meiji government.
The modern era of western research on Japanese government begins with the American postwar occupation and has since undergone several permutations. Krauss (2000) provides an excellent overview of the English language scholarly literature on Japanese local government, noting three major cycles of interest: initially during the occupation’s restructuring of the Japanese system, again in the late 1960s and early 1970s with the burgeoning progressive movement, and finally as part of a current revitalization.

One of the earliest modern-era examinations of Japanese local government was Steiner’s *Local Government in Japan* (1965). Steiner’s work set the stage for much of the research by both Japanese and non-Japanese scholars on local governments to follow, extensively documenting the struggle for local government autonomy versus the national government’s effort to consolidate power in the immediate aftermath of the occupation. Steiner points out the “muddle” that results when government functions are not clear cut and local governments are financially dependent on the national government. The seeds for conflict between local and national government were sewn but did not come to a head until the 1960s.

As the 1960s and 70s saw a burgeoning movement toward electing progressive mayors in municipalities throughout Japan, a number of important works highlighted the hitherto unprecedented local opposition (White and Munger, 1976; Samuels, 1983; Jain, 1989). The conflict between progressive mayors and the much more conservative Liberal Democratic Party (LDP)-dominated central government proved to significantly shake up the policy system. No longer was the central government seen to be the sole driving force of Japanese policy. Rather,
this era was a more tumultuous period with the municipalities and prefectures attempting to secure a greater degree of autonomy from the national government.

The mid 1970s saw the peak of the local progressive movement, with approximately 40% of the urban population living under progressive executives (Shipper; p. 6). Soon after, most cities returned to electing executives from the dominant LDP. A greater emphasis was placed on cooperation with the center, rather than conflict. In return, local executives could expect access to central resources that could be used to secure their re-election. In other words, access to government funds and favored, popular projects became the primary motivation for political actors. Localities for the most part were simply consulted on policy initiatives. Rather than acting as partners, local governments could at best only hope to frustrate central policies and try to seek a general accommodation (Nakano, 2010). While the national government of the conservative era was still regarded as the dominant source of power, with 47 prefectures and approximately 3,300 municipalities at the time making up 68.8% of total government expenditures, the largest of any unitary state, the sheer size and amount of money given to the local governments helped to secure at least a degree of local flexibility (Takao).

The early 1990s saw major changes to both the national and local Japanese governments. Perhaps the greatest catalyst for change was the collapse of the “bubble” economy in 1991 (Pempel, 1997; Van Wolferen, 1993; Yamamura, 1997). With the ensuing depression, voters clearly voiced their dissatisfaction, removing the LDP from power for the first time since the party’s inception in 1955 (Desposato & Scheiner, 2008). Although the LDP was able to regain power relatively quickly, it could not win back a majority in the upper house until 1997. The
LDP was forced to take a much more accommodative stance in regards to opposition parties, and implemented a number of important reforms in an effort to regain public confidence (Nakano).

One of the major reforms to occur immediately following the post-bubble era was a change of the electoral system from a single, non-transferable vote multi-member district system to a mixed proportional representation/single member electoral district system in 1994 (Belchinger-Talcott, 2010; Chang & Womack, 1996). Carlson (1996) goes on to note that this is one of the few instances of an established democracy dramatically overhauling its electoral system. Instead of a simple winner-take-all legislative vote, the proportional aspect allows other parties greater opportunity for representation in the legislature, and ensures that LDP domination in the legislature is no longer a foregone conclusion. Additionally, the systemic change served to more accurately represent the population. The pre-1993 electoral system placed a much greater emphasis on rural voters, who were able to block most efforts to allow agricultural imports, secure considerable public works and welfare spending in their districts, and perhaps not by coincidence were also the most loyal of LDP supporters (Soderberg & Nelson). With the legislative reforms, city residents were given a proportionately larger share of the vote, reflecting the fact that the vast majority of the population lives in urban areas.

With the changes made in the electoral system, it is perhaps not surprising to find that there has been an increasing move on the part of voters to elect candidates outside of the LDP. The previously invincible LDP lost its majority in the upper house (the House of Councillors) in 2007, although it did gain some seats in 2010, denying the opposition majority status. The LDP also lost the premiership in 2009. As of 2012, the largest opposition party was the Democratic
Party of Japan (DPJ), an ostensibly centrist party that originated from the merger of several smaller opposition parties. The DPJ has controlled the more powerful lower house (the House of Representatives) and has held the Premiership since 2009 (Yomiuri Shinbun, 2009). The DPJ also controlled the upper house after the 2009 election, but lost control to the LDP in the July 2010 upper house election due to questions over an increase in the consumption tax and internal party scandals (Asahi Shinbun, 2010).

Along with the significant political changes that occurred as a result of the end of the “bubble” era, Japan underwent major economic reform. The lifetime employment system that Japan was famous for, with assured long-term employment and large pensions, has been slowly eroding. To improve their flexibility, many businesses have increased their proportion of “non-regular” workers: temporary, at-will workers not on the same lifetime employment track. A much larger demand for part time, short-term workers has sprung up among Japanese firms. With the large number of insolvent loans brought on at the end of the bubble, the previously close ties between corporations and banks have also been slowly changing. Loans are now more often given through market-based rationale, rather than as a result of their close relationships to firms (Vogel, 2005). These changes serve to undermine the traditional way business has been conducted in Japan and have contributed to the continuing, fundamental change occurring in the country since the end of the bubble era.

Japan’s government now faces several daunting challenges. The economy has stabilized since the crash of the early 90s, but has yet to make a significant recovery. Adequate political leadership has been lacking since Junichiro Koizumi’s premiership ended in 2005. In the six
years since Koizumi resigned, the country has had six prime ministers. To illustrate, even with the election of the opposition DPJ in 2009, prime minister Naoto Kan stayed in office for just over one year. Yoshihiko Noda, the subsequent prime minister appointed in September 2011, inherits a deeply fractured party and a public growing increasingly frustrated with the Japanese political system. Economic and security challenges abound in the region with an ascending China, a belligerent North Korea and uncertainty over US-Japanese security ties. Finally, the country is experiencing what is called an “aging population”, with increasingly larger numbers of senior citizens, yet with a low birth rate and comparatively few working people to support them.

With the multitude of problems Japan faces and the apparent revolving door of leadership, effective policy solutions have been slow to come. While local governments may not be able to directly influence issues like Japan’s bilateral ties with other countries, the international security situation or the country’s diplomatic standing, they have made efforts to address many of the social and economic problems the country faces. These efforts have become especially important given the current absence of effective national leadership.

**Local government and national policy**

Local governments have also had to grapple with the changes and challenges Japan faces, doing their best to address the variety of problems they encounter. It is widely documented that central bureaucrats dictate policy down to the municipal levels of government (Jain; Steiner, 1980; Takao), but as Jain notes (p. 10), there is also a reasonable degree of discretion afforded to the localities to deal with the unique issues they face. Over the past 50 years, and especially in
more recent years, there has been a movement toward greater local government autonomy in an effort to allow municipalities more discretion in handling local problems.

One early policy innovation that originated at the local level was free health care for the elderly. Localities began providing health care to senior citizens in the early 1970s as a part of the burgeoning progressive movement. Up until this point elderly residents had to pay their own insurance premiums, which resulted in numerous instances of senior citizens with inadequate health insurance or foregoing health insurance completely. This local policy innovation was initiated at the city level, gradually expanded across the country to the prefectures during the 1970s, and was adopted nationally in 1983 (Kinoshita, 1994).

Other instances of local success in policy implementation include public information disclosure laws (Maclachlan, 2000) and environmental protection regulations (Muramatsu, 1997). With public disclosure laws, politically active local residents were able to use the court system to contest government withholding of information, ultimately winning greater disclosure. The move for greater environmental regulation originated with groups of local citizens becoming increasingly vocal about the pollution of their neighborhoods beginning in the 1980s. Japan is geographically a very small country, with only a portion of the land residentially inhabitable. Industrial areas are often very close to, if not directly within, residential areas. People are not able to simply move away if conditions turn unfavorable. With the postwar emphasis on economic expansion, the government paid little attention to issues like environmental regulation. Developing the economy was considered more important. As the economy developed, lifestyle and standard of living issues became increasingly important with the public. Groups of local
citizens began banding together to pressure the government to keep the residential areas as free from pollution as possible. Locally active residents lobbied for and eventually won strict national environmental standards and enforcement. These efforts also proved to be notable instances of grassroots local lobbying.

There have also been instances of less successful local policy movements, including compensation for public housing initiatives (Takao) and the movement to abolish US military bases in Okinawa (Smith, 2000). Adequate housing was an important issue for many Japanese in the 1960s and 70s. As the economy was rapidly expanding, there was an ever-increasing need for labor, and a very large rural migration to the cities followed to provide it. Housing had traditionally been overseen by private landlords, who had difficulty meeting the greatly increased demand. The national government began to step in, partnering with municipalities to build many large-scale housing facilities (Waswo, 2002). Unfortunately, while the central government assisted in building housing, it did not always make good on paying its agreed-upon share of the construction costs, often leaving the local governments to foot the bill. Some municipalities attempted to sue the national government in an attempt to force payment of its share of expenses. Although the lawsuit helped prompt the central government to improve some of the processes mentioned in the litigation, the case was ultimately dismissed (Takao).

In the case of Okinawa, the series of islands in southern Japan have been used as the major US military outpost in the country since World War II. The islands have since served important roles during the Korean and Indochina wars as a base for American troops. However, the necessity of the US presence has been increasingly questioned with the return of the islands
to Japanese sovereignty in 1972, the end of the Cold War, the absence of any major conflicts in the region, and the conspicuous presence the military maintains on the islands. A grassroots movement to remove the US military originated in Okinawa, consistently lobbying both the local and national governments. The movement has spread throughout Japan to gain considerable exposure, yet the Japanese government has not successfully negotiated any major shifts in American military personnel thus far (Smith, 2000). Although local actors and local government have attempted to change national policy, in this instance trying to move US military personnel to less densely populated areas of the island, or off the island altogether, other confounding factors have stood in the way, namely, Japan’s security treaty with the US requires that any change in American bases be negotiated with the US government. The grassroots will is in place and local actors have taken strong action to try and induce changes at the local level, but it has not been sufficient to motivate the adoption of new policy thus far.

The successful cases of local policy innovation all involve very active and politicized local groups. Maclachlan goes on to theorize that the extent of local influence on the state in Japan is largely proportionate to the degree of politicization of the otherwise passive group of local citizens (p. 13). In other words, any local initiatives require an active group of people behind them to have a reasonable chance of passing. If some policy is galvanizing enough to elicit widespread political action, it has a greater chance of being seen on the national radar and ultimately being considered and adopted. The three cases of successful local policy innovation mentioned, health insurance, public information disclosure and environmental policy can affect residents throughout the country. Highly populated areas are especially susceptible to the effects
of poor elderly health care and weak environmental regulation. In each of these cases grassroots pressure spurred local policy initiatives, which in turn inspired other localities to adopt similar statutes. These local efforts are an important first step on the path toward implementing unique policies.

It is also worth noting that while the instances of unsuccessful policy innovation had significant numbers of backers, they were not able to galvanize public support in the same manner. Compensation for building public housing in Japan for the most part does not affect local residents the way something like pollution and health insurance would. As long as the housing facilities are built, residents are likely to be satisfied. That the central government did not pay its fair share would be an annoyance, but something left for the various factions of government to work out amongst themselves.

The movement to abolish the US military bases in Okinawa is somewhat more complicated, as it involves international treaties, with the United States in this case, and cuts to the heart of US security guarantees given to Japan as a part of the constitution adopted immediately following World War II. There is a widespread movement to remove the US bases from Okinawa, particularly within Okinawa itself (Inoue et al., 1998), and more recently there has also been considerable national concern. The Okinawa base issue was able to gain enough saliency that former Prime Minister Yukio Hatoyama made the US withdrawal from Okinawa one of his major campaign pledges while running for office in 2009. It was also one of the main reasons for his resignation in 2010 when he was ultimately unable to secure an American withdrawal (Yakushiji, 2010). In this case there is enough local pressure to bring national
attention to the issue and even a significant push toward reform by the central government, but other confounding factors have stood in the way of total reform. On the other hand, the US and Japan have recently agreed to relocate approximately 10,000 US marines to Guam (Ogawa, 2010), which can be seen as a compromise ultimately moving in the direction of reform.

Conclusions

This chapter began with an examination of various immigration-related theories seen through the rational choice, structural and cultural perspectives of comparative politics. While rational choice theory and culture cannot be counted out as important influences on Japanese policies and immigration policy in particular, this analysis is more concerned with the lack of national government response to the problems the country faces and the accompanying increase in local policy actions in an attempt to address these issues. People are always making rational calculations to try and maximize their benefit, be they individual local actors or amalgamations like national government. Likewise, culture plays a major role in explaining the Japanese context for immigration and the viability of the options available in addressing immigration policy. Consequently, this research will take a structural perspective going forward, but incorporate the rational choice and cultural perspectives.

Keeping the structural perspective in mind, the next step is to formalize the guiding theory and argument of this work, namely that unitary states are heading down the path of decentralization. More specifically, this work applies to Japan Tsai’s paradigm of “adaptive informal institutions,” which in this case I re-label “adaptive, innovative local policy”. This adaptive, innovative local policy is the primary means of introducing policy innovation first at
the local level. As these innovative policies are considered successful, they are taken up by other local governments and ultimately adopted at the national level. The national government, for its part trying to make do with limited personnel and resources, permits the changes even if not explicitly allowed in statute. Thus, we have the gradual movement toward decentralization.

Several both successful and unsuccessful examples of adaptive, innovative local policies in Japan were reviewed, including successful health care and public information disclosure legislation, and payment for public housing construction and the movement to remove US military personnel from Okinawa as instances of unsuccessful local policy efforts. Adaptive local policies are intended to address problems as they affect certain areas, and, as such, may not be applicable or workable in different localities. In other instances, confounding factors may inhibit the degree to which policy can be adopted, as is the case in removing US military bases from populated areas in Okinawa. Regardless, the successful examples of local policy innovations have involved an active polity, making use of local organizations and grassroots lobbying to enact the desired changes.

It is from this framework that immigration policy in Japan will be analyzed. Local governments have long played host to foreign residents living in the country, which have inspired some attempts toward reforming national immigration policy. As we shall see, the national government does not recognize most immigrants or provide services to them, leaving local governments to fill in the gaps. It is to this seemingly contradictory policy area that we will next turn our attention: to see if in fact local governments have effectively made adaptive, innovative local policy and the extent to which any such efforts have been adopted at the national
level. This examination of local and national immigration policy will work to answer the question of whether or not we are seeing movement toward the decentralization of the Japanese state.
Chapter 3: Immigration Policy Review

Having discussed theory regarding unitary states, basic immigration issues and the circumstances currently surrounding Japan, the next logical step is to consider Japanese immigration policy. This chapter takes a macro-level view of immigration policy in Japan, focusing mainly on the national level, including policies in place and inconsistencies in those policies before looking at other important actors in immigration policy: namely local governments and NGOs. Finally, this chapter ends with a discussion of decentralization in Japan.

Japanese Immigration: addressing the demographic shortfall?

Immigration in Japan has long been a polarizing issue, with a number of actors in the country pushing for either more or less regulation. Officially, Japan remains a country closed to foreign labor, particularly labor of the unskilled variety. Compared to other developed countries, it is exceedingly difficult to obtain a visa and to remain in the country for an extended period of time. According to the United Nations, as of 1995 Japan was outside of the top 30 countries receiving international migrants, ranking it below Jordan, Turkey, South Africa and many others. As of 2005, Japan has moved up slightly in the rankings, occupying the number 20 position with an immigrant population of roughly 2.0 million. Japan still ranks below Kazakhstan, the Ivory Coast and Pakistan in terms of immigrant populations, and is by far the lowest of the major industrialized countries (UN International Migration Report, 2006).

The demographic situation of Japan is somewhat unique as well. The UN estimates the current Japanese birth rate at 8.3 per 1000 people, giving it one of the lowest rankings in the world: 191 out of 195 countries (below Japan are Germany, Singapore, Hong Kong and Macau
respectively). For the sake of comparison, the US is ranked 139 with a birth rate of 14.0 per 1000, and the Democratic Republic of the Congo is number 1 with a birth rate of 49.6 per 1000. At the same time, Japan also has one of the longest life expectancies in the world. The UN estimates average Japanese life expectancy at 82.6, currently the highest in the world. The US ranks 38th with an average expectancy of 78.2. Swaziland ranks the lowest (#195) with an average life expectancy of 39.6 years (UN World Population Prospects, 2008).

As a result of its low birth rate and long-living population, Japan is experiencing an aging society. Table 1 shows the long term trends in the average age of the population. Taking the year 2000 as a baseline, we can see that the vast majority of the population falls within the 15-64 range (67.9%), with 14.7% in the 0-14 range and 17.3% in the 65+ category. Looking next at the projection for 2030, there has been a dramatic increase in the 65+ category (31.8%), as well as a reduction in the 0-14 category (9.7%). The numbers become even more strongly pronounced the further out the projections go (Japanese Ministry of Internal Affairs Statistics Bureau, 2008). Interestingly, many other developed countries, particularly in Europe, are experiencing similar problems of an aging population. Most countries had a large increase in their populations following World War II, and have since had declining birth rates as their economies developed. One of the differences with Japan, however, is that it has not used immigrant populations on a large scale thus far to address the problem (Timonen, 2008; 16-20).
Increased foreign migration has been presented by proponents as a potential solution to the aging population problem Japan is now experiencing. Liberalizing immigration could contribute to the already inadequate labor pool, provide important services like health care for the elderly, keep other services like the social security system afloat, and contribute to the overall advancement and improvement of the Japanese economy (Komai, 2001). Proponents of
immigration point to other justifications to liberalize policy as well. Some see immigration as inevitable because of compelling socioeconomic needs (Herbert, 1996), while others advocate the adoption of increased legalized immigration on humanitarian grounds (Gurowitz, 2006).

On the other hand, critics of liberalized immigration policy also have their own set of justifications. Goto (2007), for example, believes the fears of an aging population in Japan have been exaggerated. Compared to other countries, Goto argues that the burden on the Japanese working population is fairly light, and that domestic workers alone would be able to handle the increased burden of supporting the aging population. Along the same lines, Coulmas (2007) believes that there is no guarantee that immigration would replace the age cohorts that will be lacking, and increasing immigration may end up further splitting the labor market rather than helping it. Raut (2007) notes that the numbers of immigrants needed to replace the declining population would be excessively high, and that Japan would be better served economically by investing abroad to remove inefficiencies in its economy. In each of these cases, opponents claim that immigration does not actually solve the problems proponents believe it would.

Another common argument against increasing immigration to Japan is that other policies can mitigate the losses stemming from an aging population. As more people retire from the workforce and draw pensions, more workers are needed to fill in the gaps. Many developing countries experience significant rural to urban migration to account for these disparities. However, Japan experienced its major urban migrations in the 1960s (Kondo, 2002) and is already highly urbanized, so much so that the de-population of rural towns and even larger cities outside of the major metropolitan areas is already a genuine concern (Mantle & Sato, 2010).
As a potential solution to demographic problems they are facing, developed countries, such as France recently, have proposed increasing the age at which individuals are able to draw social security pensions, often referred to colloquially as increasing the “retirement age”. Two major problems exist with this policy for Japan. For one, like many other countries Japan’s wage system is based largely on seniority, where older workers are paid at much higher rates than younger workers (Jung & Cheon, 2006). The state has an incentive to keep older workers employed, but it is advantageous for businesses to let their most expensive workers retire. By raising the retirement age, the level of support and services demanded by retirees from the government are greatly reduced. For its part, the Japanese government has taken some action along these lines. In 2001 the government revised the retirement age to be gradually phased in at 65, the current norm for most countries (Shimizu). With the present administration focusing its fiscal energies on raising consumption and income taxes to fill budget shortfalls in programs including social security (Ito & Minami, 2011), questions over further raising the retirement age in Japan have not recently been seriously considered. While other countries, particularly in Europe, are debating raising the retirement age and while doing so may ultimately be necessary to reduce public expenditures and keep the social security system solvent, it is politically unpopular. At this point in time in Japan, the issue is more or less dead in the water, although it may very well be likely to be revived again at some point in the future.

Technology is one area where some of Japan’s loss in workforce may be moderated. Japan is currently one of the world leaders in technological development, devoting hundreds of billions of yen annually to research and development, the highest share of its GDP out of any
country in the world (Brahmbhatt & Hu, 2010). An important facet of this development focuses on automation. Japan leads the world in robotics, producing and utilizing well over half of the industrial and operational robots in the world. The government is actively pursuing the robotics field as a possible solution to the declining birth rate and aging population problems Japan faces (Robertson, 2007). However, technological development cannot address all issues of the labor market. A number of internationally competitive Japanese firms have been able to harness the benefits of advancing technology to greatly improve their productivity, profits and even workers’ wages. Yet on the other hand, Japan also has an extremely large, less competitive domestic sector that requires large amounts of manual labor, including fields such as services, health care, packaged goods and chemicals (Porter & Takeuchi, 1999; p. 72). Not only do these less competitive, domestically-oriented industries often require significant inputs from manual labor, but the wide variety of small scale manufacturers and subcontractors that make up the supply chain of Japan’s export-oriented firms are also major users of manual labor. As such, the desire for cheap manual labor remains embedded in the Japanese system as it currently stands, in spite of technological advances.

Investment in technology, robotics and automation is a politically popular route for the Japanese government to take and may ultimately mitigate some of the need for foreign manual labor. There have been, after all, great advances made in a variety of fields over the last 30 years bringing considerable gains in individual worker productivity. Yet the replacement of workers with new technologies is more of a long-term solution to Japan’s labor shortages. Technological development occurs over a long period of time, often favoring particular fields over others.
Automation and technological development do little to address current labor shortages. They are politically popular policies, but the net benefit, at least in the short to mid range, is questionable.

A perhaps more common argument against liberalized immigration is that Japanese culture is somehow unique and not ready for the potentially disruptive changes a large influx of foreign residents could bring. As discussed in chapter 2, there is a strong group orientation in Japan, where the group takes precedence over the individual. People who stick out from the group often face a lack of acceptance or even ridicule and intolerance. As an example, the bullying of students who are “different” is a widely discussed problem in the education system. This extends to children of non-Japanese heritage, Japanese born abroad and even the disabled (Ikeda & Richey, 2009; p. 658). In spite of only surface differences beyond their own control, these seemingly “different” children face ostracism from the group.

Immigrants coming into Japan face even greater hurdles to acceptance and assimilation. Such immigrants represent a different “group”, in this case outsiders. Critics of immigration are concerned that newcomers to Japan would not want or be able to adapt to the culture, that they would not learn the language, and that ultimately the close social cohesion in the country could be severely damaged. With Japan’s long history of isolation and strong perception of homogeneity, groups with obvious differences from the majority face potential discrimination, either intentional or inadvertent. The perception of Japanese cultural distinctiveness is something constantly reinforced: television programs extol the uniqueness of Japanese culture while pointing out the differences of “foreign” groups (Hambleton, 2011), many resident immigrant children feel strong pressure to use assumed Japanese names in schools (Okano, 1999), and
politicians often make overt references to Japan’s homogenous culture. As an example, in 2005, then Minister of Foreign Affairs (and later Prime Minister), Taro Aso, remarked that Japan has “one nation, one civilization, one language, one culture and one race” (Japan Times, 2005)

Some go so far as to allege that discriminatory practices are sanctioned and encouraged by the government as a means of social control and reinforcing incumbent power. Shipper (2005) believes that the government has a long history of playing up social and ethnic differences in the interest of keeping a “united” Japanese culture, which can then be more easily exploited by the ruling class. Conservative politicians, including prominent individuals like Tokyo Governor Shintaro Ishihara, paint immigrants as “deviant” and “dangerous” as a means of consolidating their influence over voters and ensuring their own longevity in office (p. 305-6).

Regardless of whether or not the government plays a knowing role in exploiting the exclusivity of Japanese culture, large influxes of foreigners are met with fear and suspicion by the general populace even now. Japan has one of the lowest rates of acceptance of refugees in the developed world, for example. With a combined total of only 7,061 foreign refugees, asylum seekers and stateless persons in 2010, Japan ranks number 14 in comparison to the other G-20 nations (UN High Commissioner for Refugees, 2011), a ranking that is perhaps surprisingly low given that Japan is currently the world’s third largest economy. The full comparison can be seen below in Table 2.
Table 2: Refugees, Asylum Seekers and Stateless Persons by G-20 Country, as of 2010

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of Refugees, Asylum Seekers and Stateless Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>670,462</td>
</tr>
<tr>
<td>China</td>
<td>301,108</td>
</tr>
<tr>
<td>United States</td>
<td>270,859</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>253,235</td>
</tr>
<tr>
<td>France</td>
<td>250,394</td>
</tr>
<tr>
<td>South Africa</td>
<td>229,601</td>
</tr>
<tr>
<td>Canada</td>
<td>216,574</td>
</tr>
<tr>
<td>India</td>
<td>188,567</td>
</tr>
<tr>
<td>Russia</td>
<td>132,552</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>70,669</td>
</tr>
<tr>
<td>Italy</td>
<td>61,327</td>
</tr>
<tr>
<td>Australia</td>
<td>25,565</td>
</tr>
<tr>
<td>Turkey</td>
<td>18,088</td>
</tr>
<tr>
<td>Japan</td>
<td>7,061</td>
</tr>
<tr>
<td>Brazil</td>
<td>5,229</td>
</tr>
<tr>
<td>Argentina</td>
<td>4,223</td>
</tr>
<tr>
<td>Indonesia</td>
<td>2,882</td>
</tr>
<tr>
<td>Mexico</td>
<td>1,570</td>
</tr>
<tr>
<td>South Korea</td>
<td>1,249</td>
</tr>
</tbody>
</table>

Source: UNHCR, 2011

Further exacerbating the problem is the negative portrayal of immigrants in the media. There often tends to be an over-reporting of crimes by foreigners in the media, primarily because most media outlets accept information from the National Police Agency regarding crime statistics without criticism, and are generally unwilling to conduct their own investigations (Fitch, 1999, p. 496). Just as politicians have an incentive to exaggerate the threat posed by foreigners, the police also gain in stature and resources by overemphasizing crime statistics. Foreigners are less likely to question national police reporting and they make a convenient scapegoat to pin crimes on. The National Police Agency has in fact issued several “White Papers” (statistical
reports) decrying foreign crimes often without substantiation or proof that suspects were even found guilty. The media, for their part, also benefit from scandal. If the public is interested in foreign crimes, they can report them to sell more papers and gain more viewers. The unsurprising result has been an overall poor perception of immigrants by the public at large (Komai).

Although there may be a negative portrayal of immigrants in the Japanese media, the government has recognized the need for foreign labor in the country over time. Policy dealing with immigrants has been cautious and slow to evolve (Asakawa & Sakanaka, 2007), but there have been notable developments especially since the 1980s which have continued on to the present day. Regardless of whether or not immigration will actually solve the problems Japan faces, it is a reality that must be dealt with at both the national and local levels.

**Developments in National Immigration Policy**

Japan has traditionally been a closed country to immigration, with its historical isolation well noted. During the period leading up to the Meiji era, the Tokugawa government made the first real moves to open the country up, passing commercial trade treaties with the US, Netherlands, Russia, the United Kingdom and France in 1858. Foreign settlements were established in designated areas of Kanagawa, Nagasaki, Hyogo, Hakodate and Niigata, typically near major ports. The first ministerial ordinance on the “entry of foreigners” was issued by the Home Ministry in 1918. This was the first regulation regarding the entry of foreigners into Japan, mainly prohibiting Chinese nationals from establishing residency (Yamawaki, 2000). In spite of the policy, Japan has had Chinese residents in its port cities since the early 1900s. With the
colonization of Korea in 1910, Korean migrants began flowing into the country as well. By 1945, over two million Korean workers were living in Japan, many of them conscripted laborers. At the time, as Korean and Chinese colonies were considered Japanese territory, these workers were regarded as Japanese citizens. However, these residents were later declared foreigners in 1952 when Japan regained its independence at the end of the US occupation (Kashiwazaki & Akaha, 2006).

Soon after the restoration of Japanese independence, the government passed the Immigration Control Act in 1952, legislation that would serve as the basis for postwar immigration policy. The law was modeled after the American immigration system to some extent, but was not intended to permit immigrants to settle in the country permanently or to acquire Japanese nationality (Kashiwazaki & Akaha). An alien registration system was also established with the law, which has been one of the primary means used by the Japanese government to track foreign residents. Both long-term and newer foreign residents have been required to sign up with the alien registration system since its inception, to notify the authorities if they change addresses, and to apply for re-entry if they leave the country (Kondo). Foreign residents are required to register at their local immigration office within 90 days of arrival and receive a foreign resident registration card. All foreign residents have to do so in order to be eligible to receive benefits like public health insurance and other social services (Takao, 2003).

Immigration from other countries did not become a salient political issue in Japan until the 1980s with the continued expansion of the economy (Asakawa, 2007; p. 12). Up until the 1980s, as Kondo points out, Japan was able to account for the increased demand for labor
domestically through the combination of internal migration from the countryside to the cities, automation of production processes, utilizing part time workers like students, housewives and the elderly, and by keeping very long working hours. Another important means of addressing labor shortages has been available to companies by working outside of Japan’s borders. Like other internationally competitive firms, many top Japanese companies as well as their smaller subcontractors have established an extensive network of factories throughout the world, providing access to cheap labor and avoiding the politically difficult questions of treatment that foreign workers in Japan would face (Phongpaichit, 1988). With the combination of domestic transfers and overseas contracting, immigration into Japan remained low for the most part during this period.

As the Japanese economy continued to develop, small and medium-sized manufacturing firms and service industries began to experience shortages in labor. These manufacturing firms are often subcontractors and suppliers to the larger Japanese manufacturing concerns, many of which are essential to the operation of the Japanese economy and its export market. To illustrate, a variety of subcontractors and suppliers exist in and around Toyota City in Aichi prefecture, participating in important portions of the automobile manufacturing process (Phongpaichit). The smaller-scale manufacturers help the larger companies to keep costs down by delivering materials on an “as needed” or “just in time” basis, rather than requiring the larger company to maintain an up to date inventory. Operating on thin profit margins, keeping prices low for the larger manufacturers and helping them stay internationally competitive, the smaller-scale manufacturers face strong pressures to keep wages down. Furthermore, the positions in such
firms revolve around repetitive manual tasks with very small margins for error and sometimes questionable safety regulations. It is commonly regarded as “dirty, dangerous and demanding” work. Similarly, service industry jobs also face strong pressure to keep wages low in order to maintain competitive prices and profit margins. With the expansion of the economy at the time, particularly in the manufacturing and service sectors, the demand for these manual labor positions steadily increased. Yet at the same time these positions became less attractive to Japanese workers: they did not pay well, had little room for upward mobility, and of course were potentially dangerous. As a substitute, foreign labor became more attractive to these firms. With the rising yen, comparatively abundant labor opportunities and industry eager to harness their abilities, Japan became an increasingly attractive destination for foreign labor in spite of its apparently restrictive policies. Transnational labor networks developed, with “brokers” responsible for bringing ever more foreign manual labor into Japan (Kashiwazaki & Akaha; Isago, 2001).

Much of the foreign manual labor entering Japan during the 80s, with a considerable amount coming from Bangladesh and Iran at the time, was technically illegal. While immigration statutes were strict in prohibiting the entrance of unskilled laborers, enforcement of the regulations was relatively lax. The government did not directly change immigration laws at this time, but was receptive to the demands from industry for cheap foreign labor (Asakawa & Sakanaka, p. 12). At the behest of private industry, the Ministry of Justice and the police turned their attention elsewhere (Lee, 2007; p. 614).
With the sudden collapse of the Japanese economy immediately following the “bubble” era and the growing numbers of foreigners already residing in the country, some revision to the Immigration Control Act began to appear increasingly necessary. As the economy was already suffering, allowing such free reign of obviously “different” foreigners to enter the country began to become unpopular. Beginning in the late 1980s Japan began more strictly enforcing existing immigration statutes, as well as adopting differentiated entry categories for foreign labor, ultimately culminating in passage of the revised Immigration Control Act of 1990 (Usui, 2006; p. 46). The revised Immigration Control Act had two major facets: on the one hand it instituted strict penalties for employers and brokers of illegal immigrants. On the other hand, it opened the door to “Nikkeijin” to enter the country freely (Coulmas; p. 16).

The term “Nikkeijin” (日系人) refers to descendents of Japanese nationals, literally meaning a person of Japanese descent. In the late 1800s and early 1900s Japan was still a developing country: it had a per capita annual income in 1872 of only $290, in 1988 dollars. Like many other developing countries Japan at this time was a net exporter of labor. A large number of Japanese citizens emigrated to South America, primarily Brazil and Peru, to work in their budding agricultural industries. Those residents settling in South America raised families and generally assimilated to the predominant culture (Linger, 2001). The descendents of these immigrants became known as Nikkeijin in Japan.

By closing the door completely to foreign manual labor a number of businesses would lose access to a cheap source of workers, one which did not have as many reservations about working in questionable conditions for low pay compared to native-born Japanese workers. The
line of thinking at the time of revision to the Immigration Control Act was that if a foreign labor source was needed, nikkeijin would be the best option. Allowing nikkeijin to work in the country was a means of accommodating the continued desire for cheap manual labor, yet at the same time brought in groups who were not quite as “different” as other ethnic groups appeared on the surface. Like Germany, Austria, Italy and Poland, Japan determines citizenship by bloodlines, not by place of birth as compared to the United States, although conceptions of “Japanese” nationality have become gradually more liberal over time. Nikkeijin by definition had some Japanese heritage, and it was believed they would be better suited to blend in to the culture. (Roth, 2002)

As an illustration of Japan’s conception of citizenship by bloodline, some discussion of the family registry system is warranted. Japan has used a family registry system since the seventh century to maintain records on its citizens and to determine Japanese citizenship. The modern conception of the family registry (koseki or 戸籍) dates to the Meiji era with the creation of the “Household Registration Law” in 1871 (koseki ho or 戸籍法). Through the lens of the Household Registration Law as well as the Meiji era Civil Law (Meiji minpo or 明治民法) of 1898, Japanese nationality was passed on through patrimonial dissent. Children from Japanese mothers but non-Japanese fathers would not be considered Japanese citizens at this time. However, children from Japanese fathers with mothers of another nationality (so long as the father recognized paternity) could be considered Japanese under this system. Beginning with the colonial era, Japanese citizens could be born abroad so long as they were registered with the Japanese government. The government in fact started two separate registration systems with the
enactment of the Meiji Civil Law in 1898, one for Japanese citizens from the mainland (naichi koseki or 内地戸籍) and another for Japanese citizens from the colonies (gaichi koseki or 外地戸籍). This ensured that ethnically Japanese children were on the correct domestic registry regardless of the place of birth, while the children of colonial subjects were on the separate registry even if they were born in Japan (Chapman, 2011).

With the end of the war, the government revoked the Japanese citizenship of its colonial subjects, although eventually made provisions for the resident foreign population that continued to reside in the country as “special permanent residents” (tokubetsu eijuusha or 特別永住者). Nationality requirements have since become more lenient, first with an amendment to the Nationality Law in 1985 recognizing matrilineal dissent and further with a Supreme Court ruling in 2008, revising the Nationality Law to give children born out of wedlock to a Japanese father Japanese citizenship (Suzuki, 2010). In the case of nikkeijin, they were usually at least one generation removed from having a parent that was a Japanese national. Yet with the liberalization of nationality laws, it was felt that some consideration could be extended to them, just not full citizenship.

As the nikkeijin by definition have some amount of Japanese ancestry, it was felt that it would be relatively easy to extend the option of residency to them. Additionally, they had the advantage of already looking “Japanese”, and would theoretically be more familiar with the language and culture than other immigrants (Coulmas). This was seen as a reasonable compromise, particularly since other avenues of importing labor were being cut off with the revised law. If employers were going to comply, some source of additional labor was necessary
(Isago). The 1990 revision to the Immigration Control act permitted up to third generation descendents of Japanese nationals to freely enter and work in Japan (Hiraiwa, 2007).

These factors served to create two distinct categories of foreign residents in Japan: the steady but slowly diminishing “old comers” zainichi, special permanent resident population who have been in the country since 1952 (technically earlier, but were considered Japanese citizens up until this point), and the rapidly increasing “new comers” immigrants, primarily from other Asian countries and South America, entering after 1980. The two sets of immigrants had their own distinct sets of problems which occasionally put them at odds. Zainichi (在日, literally meaning “residing in Japan”) were born and raised in Japan, consequently having a much easier time acquiring the language and learning the culture. However, they also retained their own cultural characteristics, as they are primarily ethnically Chinese and Korean. This made them the targets of widespread discrimination in Japan. The zainichi were not only one of the first major “foreign” ethnic groups in the country, they were also the first to feel the brunt of the categorical discrimination set up by the Japanese. For example, the 1947 Alien Registration Ordinance stripped zainichi of their Japanese citizenship, social welfare benefits, and forbade them from obtaining public sector employment (Douglass & Roberts, 2000). Zainichi were subsequently the first group of “foreigners” to protest restrictive government policies, such as mandatory fingerprinting and the ineligibility to receive pensions in spite of contributing financially to the pension system (Takao, 2003). Protests against the government were often hard fought and concessions slow to emerge.
The new comer *nikkeijin*, on the other hand, often spoke very little Japanese, if any, and had a much more difficult time “blending in” in spite of their often shared Japanese heritage. Newcomers tend to be more concerned about saving their earnings to eventually return home, or remitting their earnings directly to relatives back in their home countries. Periods of residency tend to be more short-term, with employment mainly in the manufacturing sector (Linger). With the changes to the Immigration Control Act beginning in 1990, the newcomer population greatly increased. As of 1992 the newcomer population began to surpass that of the oldcomers (Suzuki, 2007).

Immigration policy has further developed in recent years, with a revision to the Immigration Control Act in 2004. The revision was meant to ease the process for skilled labor to enter the country and make it more difficult for unskilled labor to do so (Komai). New measures have included increased scrutiny of residence applicants, a stricter review of employee training programs, and more scrutiny on entertainment visa applicants. At the same time, due to the aging population and declining labor force, business groups have begun requesting more lenient regulations on employing foreign workers. The government has consequently begun allowing workers in particular fields, health care being the most apparent, permission to work in the country (Ministry of Justice, 2010). In order to be eligible, foreign health care workers must first pass the Japanese-language examination for their field, just as a Japanese health care worker would be required to do (Kashiwazaki & Akaha).

In sum, we have seen the maintenance of a relatively strict immigration policy in Japan, at least on the surface, since the country regained its independence following the Second World
War. As the Japanese economy has developed, however, there has been an increased need for foreign labor. At the same time, increased immigration is also viewed by many as a potential solution to curbing the rapidly aging population and declining birth rate. The resulting pressure has resulted in more leniency toward immigrants than perhaps is officially noted. This is where we turn our attention next.

National Policy Inconsistency

While the official government stance on immigration has tended to favor tight regulation, in actuality national government policy has been somewhat inconsistent. Mills (2006) notes that the Ministry of Justice and its Immigration Control Bureau tend to act as leaders and coordinate with other agencies over entry and immigration enforcement. However, Mills also notes that there is little leadership in coordinating the policy responses of other agencies. Weiner (2000) goes further to say that there is often little communication or cooperation between the 17 separate ministries and agencies that are involved in making immigration policy. This lack of communication has made policy coordination more complicated, as immigration is often seen as “turf” over which the various government agencies run into conflict trying to gain the upper hand. This perspective was confirmed by my own interviews with immigration officials.

The result of this lack of communication and policy coordination has been the creation of a few officially-sanctioned “front door” means of entering the country, such as the allowance of Indonesian and Philippine health care workers into the country to work. However, more typical are “side door” openings for large numbers of workers to enter the country. These include company trainee programs, return migration from nikkeijin, admission of pre-college students,
and the issuing of “entertainer” visas, among other means. Like most other countries, Japan also has more illicit “back door” entry, where migrants enter the country with forged documents, overstay their visas, or enter illegally, often by boat (Tsuda).

“Front door” entry possibilities into Japan have been relatively few and far between. The example of Indonesian and Philippine health care workers is a good case in point. With the aging population and declining birth rate, there is a greater need for health care workers to support the growing number of senior citizens, yet there is a smaller domestic labor pool to address the issue. In 2007, the central government decided to authorize Philippine and Indonesian health care workers to come to the country as a potential solution. However, the difficulty of the Japanese-language entrance examination has been well noted, even for Japanese citizens (Asakawa). As of the summer of 2010, the passage rate for the examination for these foreign health care workers has only been 2%, meaning that while the policy is in place, it is not a truly effective means of bringing in labor or addressing the issue.

Either an adequate system for training these health care workers in Japanese does not exist, or the examination is too restrictive for these workers to pass. If the government is serious about utilizing foreign health care workers, it will need to apply some combination of implementing a better language training program, reducing the language competency requirements on aspiring foreign caregivers, or allowing them more time to meet the requirements. Of course, one can see the benefit proficient Japanese would have in this field. Because these are healthcare workers, misunderstandings can be fatal in some circumstances. On
the other hand, such a stringent standard of acceptance serves to contradict government intentions. Clearly some kind of action needs to be taken in this regard.

Other means of front door entry include entering the country as a “skilled” laborer or entrance through marriage. Skilled labor categories include fields of high expertise, such as doctors, professors and scientists. This category of “specialist” admission is relatively small, with 7,354 visas issued in 2006, 6,526 visas issued in 2005 and 6,677 visas issued in 2004. As of 2007 the “specialist” visa category is no longer reported. Instead, a more specific field of expertise is reported, such as medicine, research or education. Marriage is a category that has increased in recent years, although it still remains relatively small, with 13,638 visas issued for foreign spouses of Japanese citizens in 2009, 19,072 in 2008 and 23,776 in 2007 (Ministry of Foreign Affairs, 2010). Table 3 shows the statistics for visas issued by the Japanese government over the last 10 years in more detail.

Table 3: Statistics on the Issuing of Visas to Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Short term stay</th>
<th>Work</th>
<th>Specialist</th>
<th>General</th>
<th>Spouse, Japanese Citizen</th>
<th>Spouse, Permanent Resident</th>
<th>Permanent Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>1,398,756</td>
<td>1,103,509</td>
<td>55,718</td>
<td>37,085</td>
<td>28,146</td>
<td>19,605</td>
<td>13,638</td>
<td>1,600</td>
</tr>
<tr>
<td>2008</td>
<td>1,512,018</td>
<td>1,170,317</td>
<td>71,743</td>
<td>33,310</td>
<td>23,852</td>
<td>19,072</td>
<td>19,072</td>
<td>1,934</td>
</tr>
<tr>
<td>2007</td>
<td>1,396,008</td>
<td>1,049,340</td>
<td>79,254</td>
<td>28,132</td>
<td>19,268</td>
<td>23,776</td>
<td>27,776</td>
<td>1,686</td>
</tr>
<tr>
<td>2006</td>
<td>1,187,218</td>
<td>855,880</td>
<td>81,851</td>
<td>7,354</td>
<td>19,144</td>
<td>25,658</td>
<td>25,658</td>
<td>28,332</td>
</tr>
<tr>
<td>2005</td>
<td>1,415,205</td>
<td>1,034,931</td>
<td>126,775</td>
<td>6,526</td>
<td>18,215</td>
<td>24,712</td>
<td>24,712</td>
<td>35,049</td>
</tr>
<tr>
<td>2004</td>
<td>2,564,886</td>
<td>2,172,961</td>
<td>163,147</td>
<td>6,677</td>
<td>15,062</td>
<td>23,913</td>
<td>23,913</td>
<td>32,400</td>
</tr>
<tr>
<td>2003</td>
<td>2,367,342</td>
<td>1,980,623</td>
<td>156,413</td>
<td>6,720</td>
<td>27,128</td>
<td>23,956</td>
<td>23,956</td>
<td>31,821</td>
</tr>
<tr>
<td>2002</td>
<td>2,270,080</td>
<td>1,915,952</td>
<td>146,966</td>
<td>6,210</td>
<td>25,884</td>
<td>21,725</td>
<td>21,725</td>
<td>41,016</td>
</tr>
<tr>
<td>2001</td>
<td>2,062,381</td>
<td>1,699,465</td>
<td>144,134</td>
<td>6,975</td>
<td>24,155</td>
<td>28,713</td>
<td>28,713</td>
<td>31,615</td>
</tr>
<tr>
<td>2000</td>
<td>2,099,192</td>
<td>1,742,685</td>
<td>130,782</td>
<td>7,034</td>
<td>21,725</td>
<td>34,160</td>
<td>34,160</td>
<td>41,016</td>
</tr>
<tr>
<td>1999</td>
<td>1,894,162</td>
<td>1,604,464</td>
<td>105,581</td>
<td>6,462</td>
<td>19,432</td>
<td>28,299</td>
<td>28,299</td>
<td>23,966</td>
</tr>
</tbody>
</table>

Source: Ministry of Foreign Affairs, Statistics on Visa Issuance, 1999-2009
It is worth mentioning that the reporting of visa categories changed slightly after 2006, in accordance with revisions to the Immigration Control Act. However, one can see that by far the largest category of admission is for short-term stay, typically intended for tourists. The proportion of working visas is comparatively small, as are most other categories of admission. Pre-college and training admissions appear to be increasing in recent years, while the number of permanent resident visas appears to be declining.

“Side door” entry opportunities into Japan are much more numerous and have been the primary means for bringing unskilled labor into the country. Perhaps most notable is the entrance of primarily South American nikkeijin into the country (typically a large portion of the “permanent resident” visa classification, listed in Table 3). With the passage of the revised Immigration Control Act of 1990, people of “Japanese ancestry” were now free to establish residency in Japan, along with their spouses and children. Although the conventional thinking at the time was that people of Japanese ancestry would have an easier time adjusting to Japanese society, South American nikkeijin in actuality have had a rather difficult time assimilating, as they are often several generations removed from their Japanese roots. The degree to which the nikkeijin have been able to “blend in” has for the most part been overestimated, as periodic friction with local residents attests (Komai).

Another major side door entry method that opened up as a result of the revised Immigration Control Act of 1990 was allowing foreign “trainees” into the country (listed as the “training” visa category in Table 2). In this case, the belief was that people coming from other countries would have the opportunity to learn a skill while “training” in a Japanese company.
The trainee could then take that skill back to their home country and help to improve their own economy. In reality, the training agenda was very low on the list of priorities for most companies. Instead, trainees were often given menial tasks and paid wages below those of regular employees doing the same work. The trainee system acted as a de-facto means of acquiring very cheap labor (Coulams; Tsuda). In recent years the government has attempted to more strictly enforce the “trainee” portion of the program, limiting the number of trainees allowed into the country, dictating baseline requirements for actual “training”, including the minimum number hours of actual training received, and has attempted greater on-site enforcement (Kashiwazaki & Akaha). The degree of success these changes have had is not yet clear.

Other popular means of side-door entry for foreign labor are as pre-college students and “entertainers”. Pre-college students are given admission into Japan primarily to improve their Japanese and study for university entrance examinations, where they will ostensibly continue their educations. Because the cost of living in Japan can be quite expensive, especially when compared to students’ home countries, they are given permission to work part-time during the academic year and full time in the summer. The extent to which students are actually in the country to study is not entirely clear either, although numerous cases of pre-college students working in excess of the regulations have been reported, and these students are considered somewhat more likely to overstay their visas (Usui; p. 49). The “entertainer” visa encompasses a wide range of categories, including musicians, actors, and is notably used to bring individuals involved in more illicit cabarets and prostitution rings (Muroi & Sasaki, 1997; Douglass, 2000).

In 2009, 31,761 entertainment visas were issued, with 36,271 in 2008 and 41,149 in 2007.
(Ministry of Foreign Affairs), making the entertainment visa one of the larger visa categories used to enter the country for a long period of time.

These different categories of side door admission bring with them very different demographics of foreign workers. Those in the industrial sector (the *nikkeijin* and trainees) are most often young men, many of them single. Pre-college students tend to be younger than the industrial workers and find employment more often in the service industry: restaurants, retail stores and the like. Entertainers are largely young females, often earning a considerably larger income than the other categories of workers (Komai).

Overall, in spite of policy that seems to strongly discourage immigration, the actual number of immigrants in Japan has actually risen regularly. According to the Ministry of Internal Affairs and Communications, as of 2005 the foreign population of Japan was 1.56 million, an 18.7% increase over the year 2000 alone and a 75.6% increase since the implementation of the revised Immigration Control Act in 1990. Although this 75.6% increase in the number of immigrants is significant, it should be qualified noting that the proportion of foreigners has only risen from 0.72% of the whole population in 1990 to 1.22% in 2005. Obviously, immigrants still make up a tiny fraction of Japanese society. Table 4 shows the number of foreigners residing in Japan over time in more detail.
Table 4: Trends in the Total Population and the Number of Foreigners, 1950-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Population (thousands)</th>
<th>Number of Foreigners (thousands)</th>
<th>Proportion of Foreigners</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Both Sexes</td>
<td>Male</td>
</tr>
<tr>
<td>1950</td>
<td>84,115</td>
<td>529</td>
<td>299</td>
</tr>
<tr>
<td>1955</td>
<td>90,077</td>
<td>598</td>
<td>328</td>
</tr>
<tr>
<td>1960</td>
<td>94,302</td>
<td>579</td>
<td>312</td>
</tr>
<tr>
<td>1965</td>
<td>99,209</td>
<td>596</td>
<td>317</td>
</tr>
<tr>
<td>1970</td>
<td>104,665</td>
<td>604</td>
<td>319</td>
</tr>
<tr>
<td>1975</td>
<td>111,940</td>
<td>642</td>
<td>335</td>
</tr>
<tr>
<td>1980</td>
<td>117,060</td>
<td>669</td>
<td>344</td>
</tr>
<tr>
<td>1985</td>
<td>121,049</td>
<td>720</td>
<td>364</td>
</tr>
<tr>
<td>1990</td>
<td>123,061</td>
<td>886</td>
<td>445</td>
</tr>
<tr>
<td>1995</td>
<td>125,570</td>
<td>1,140</td>
<td>567</td>
</tr>
<tr>
<td>2000</td>
<td>126,926</td>
<td>1,311</td>
<td>621</td>
</tr>
<tr>
<td>2005</td>
<td>127,768</td>
<td>1,556</td>
<td>727</td>
</tr>
</tbody>
</table>

Source: Ministry of Internal Affairs and Communications Statistics Bureau: Statistical Handbook of Japan, 2008

Immigrant populations also appear to be diversifying, with notable increases in the Brazilian, Chinese, Philippine and Peruvian populations in Japan. According to Table 5, there have been dramatic changes in immigrant demographics in terms of changes in the makeup of the various nationalities, especially after 1990. The resident Korean population has been decreasing, reflecting the dwindling influence of the old comer Zainichi population. Many of the Zainichi Koreans choose to either fully assimilate into Japanese society by taking Japanese names and becoming citizens, or they marry Japanese citizens and their children no longer carry the “immigrant” bloodline (Chapman, 2008). Ethnic Koreans have historically made up the majority of immigrants in Japan. Although they are still in the majority, their concentration has fallen in comparison to other nationalities, especially the Chinese. The growth of Chinese
citizens reflects the addition of new comer residents, as one can see that the resident *Zainichi* population in the 1950s was relatively small. Perhaps most noticeable is the very large and sudden increase in Brazilian, Philippine and Peruvian immigrants, as well as immigrants coming from other (primarily South Asian) countries after 1990. This is accounted for by the changes in government policy that have occurred since that time.

**Table 5: Trends in the Number of Foreigners by Nationality, 1950-2005**

<table>
<thead>
<tr>
<th>Number, Proportion and Year</th>
<th>Total</th>
<th>Korea</th>
<th>China</th>
<th>USA</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Brazil</td>
<td>Philippines</td>
<td>Peru</td>
<td>Others</td>
</tr>
<tr>
<td>1950</td>
<td>528,923</td>
<td>464,306</td>
<td>39,965</td>
<td>4,995</td>
<td>19,657</td>
</tr>
<tr>
<td>1955</td>
<td>597,438</td>
<td>539,635</td>
<td>40,500</td>
<td>7,858</td>
<td>9,443</td>
</tr>
<tr>
<td>1960</td>
<td>578,519</td>
<td>516,211</td>
<td>40,505</td>
<td>10,688</td>
<td>11,115</td>
</tr>
<tr>
<td>1965</td>
<td>593,030</td>
<td>520,465</td>
<td>43,945</td>
<td>13,550</td>
<td>15,075</td>
</tr>
<tr>
<td>1970</td>
<td>604,253</td>
<td>519,997</td>
<td>44,765</td>
<td>17,548</td>
<td>21,943</td>
</tr>
<tr>
<td>1975</td>
<td>641,931</td>
<td>558,833</td>
<td>39,521</td>
<td>18,755</td>
<td>24,822</td>
</tr>
<tr>
<td>1980</td>
<td>668,675</td>
<td>557,672</td>
<td>43,478</td>
<td>18,590</td>
<td>29,521</td>
</tr>
<tr>
<td>1985</td>
<td>720,093</td>
<td>571,234</td>
<td>60,549</td>
<td>25,170</td>
<td>49,084</td>
</tr>
<tr>
<td>1990</td>
<td>886,397</td>
<td>567,598</td>
<td>109,229</td>
<td>33,317</td>
<td>176,253</td>
</tr>
<tr>
<td></td>
<td></td>
<td>317,233</td>
<td>42,273</td>
<td>36,079</td>
<td>6,181</td>
</tr>
<tr>
<td>1995</td>
<td>1,140,326</td>
<td>560,414</td>
<td>175,640</td>
<td>38,954</td>
<td>358,373</td>
</tr>
<tr>
<td></td>
<td></td>
<td>133,609</td>
<td>68,496</td>
<td>27,112</td>
<td>129,156</td>
</tr>
<tr>
<td>2000</td>
<td>1,310,545</td>
<td>529,408</td>
<td>253,096</td>
<td>38,804</td>
<td>489,237</td>
</tr>
<tr>
<td></td>
<td></td>
<td>188,355</td>
<td>93,662</td>
<td>33,608</td>
<td>173,612</td>
</tr>
<tr>
<td>2005</td>
<td>1,555,505</td>
<td>466,637</td>
<td>346,877</td>
<td>37,417</td>
<td>704,574</td>
</tr>
<tr>
<td></td>
<td></td>
<td>214,049</td>
<td>123,747</td>
<td>40,091</td>
<td>326,687</td>
</tr>
</tbody>
</table>

*Source: Ministry of Internal Affairs and Communications Statistics Bureau: Statistical Handbook of Japan, 2008*

**Local Governments and Immigration**

Although the central government has formulated the bulk of policy regarding the terms by which foreigners are admitted into Japan, it has passed very little policy addressing foreign residents living in the country. Instead, the burden has fallen largely on local governments. Because there are a variety of local governments in Japan, with some affected more by immigration than others, local immigration policy also has quite a bit of variability.
Japanese local government currently consists of 47 prefectures, subnational state-like entities that have existed since the Meiji Restoration. Within the prefectures are municipal level governments. As of March 2010 there are 1,730 municipal-level governments in the country (Ministry of Internal Affairs, 2010). The modern conception of the prefecture has its origins in the Local Autonomy Law (ちほうじちほう or 地方自治法), passed in 1947 during the American occupation. Before this time, prefectures were mainly extensions of national ministries and controlled primarily by the Ministry of the Interior. Passage of the Local Autonomy Law was an attempt at decentralization on the part of the American administration. While not entirely successful at decentralizing the administration of local government, the law did create more independent prefectural bodies after 1947 that are separate and distinct from the national government (Ministry of Internal Affairs, 1947; Ulmer, 1957). Since the passage of the Local Autonomy Law, local governments are free to pass their own ordinances and regulations, but they cannot legally contradict the national government (Jain, 1989; p. 15).

Until now, the national government has done little to pass policy recognizing foreign residents currently living in Japan. As previously mentioned, the 17 separate ministries and agencies involved in immigration often do not see eye-to-eye, making passage of a uniform policy difficult. Aside from regulating entry and exit procedures, the immigration issue is for the most part largely ignored by the national leadership. Local governments are consequently left on their own to decide how best to address their immigrant populations. In many cases the municipality has been the first branch of government to extend rights to immigrants. For example, as we shall see, local governments have taken the initiative to provide educational
services to migrants and their families, giving information on how to receive health care, labor counseling services, etc. (Tsuda; p. 21). It is the local governments, along with relevant non-governmental organizations, that have been able to take on a much larger role regarding immigration policy. Local governments have become the primary arena through which the debate on the reception of foreign residents occurs, especially discussions on how to deal with immigrants once they arrive (Machimura, 2000).

A large amount of literature covering local immigration policies in Japan exists. Pak (2000), Reimann (2010) and Shipper (2008) focus on local government relationships with NGOs, and to varying degrees the politicization of immigration in areas with large immigrant populations. Machimura (2000) follows a similar line of logic, looking at the fiscal motivations for localities welcoming immigrants. He notes that in areas where politicians represent business interests, policies assisting foreign residents are passed much more quickly. Yamanaka (2000) looks at the policies passed in Hamamatsu, just outside of Nagoya, attempting to address the needs of foreign residents. Isago (2001) does the same, although he concentrates primarily on Oizumi Machi in Gunma Prefecture. Roberts (2000; p. 292) notes how government bureaucrats in Tokyo dealing with immigrants often receive training at local women’s shelters in the area.

Local governments, particularly the municipalities, are consequently the major innovators of policies dealing with immigrant populations. They are, after all, one of the largest stakeholders in accepting immigrants. Localities have to address the business interests of their districts, as well as quality of life issues for both the foreign residents and the Japanese citizens
adjusting to the changes in their city’s demographics. Local governments have been the front line and represent the groups most affected by immigration policy at the micro level.

Because local governments are the most likely to be influenced by the citizens living within them, it is only natural that they should develop close relationships with NGOs. The connection between local governments and NGOs on a host of issues, including immigration, is one that has been growing ever stronger. While the municipal governments represent one facet of the public will, NGOs are also groups of citizens working together often to enact some change in policy. In many cases where there has been a strong interaction between the local government and NGOs, there is often fruitful policy that results in a host of areas, including immigration.

**NGOs**

Concrete definitions of NGOs differ because they can encompass such a wide variety of categories and cover a large range of activities. The term dates back to the founding of the United Nations and the distinction made between government-affiliated public institutions and private, non-governmental organizations. For the sake of this work, I shall borrow Peter Willetts’ terminology (2002) and define an NGO as an “independent voluntary association of people acting together on a continuous basis for some common purpose, other than achieving government office, making money or illegal activities”. This means that NGOs encompass an important participatory aspect of civil society. They are not a direct part of the government, although the government in many cases wields some influence, particularly through funding and regulation of their activities.
NGOs can encompass a wide array of groups and interests, including advocating for broad issues like the environment and civil rights, as well as very specific topics like the improvement of schools in a particular district or the removal of an especially unpopular politician. They can be outposts of international organizations such as Amnesty International, Oxfam or the Red Cross, or can be instigated at the local level. Japan has a noted dual NGO sector, with a small number of incorporated associations and foundations (shadan hojin or 社団法人 and zaidan hojin or 財団法人) receiving preferential government treatment and funding on the one hand, and largely unincorporated, grassroots citizens’ organizations (shimin dantai or 市民団体) on the other (He, 2010).

Japan’s history with NGOs is somewhat tumultuous, where the government has traditionally taken a hard-line stance against legitimizing their actions. It is only in recent decades that NGOs have been able to wield a significant degree of influence on policy. For much of Japanese post-war history the central government tightly controlled the reins of officially-recognized non-profit status. Officially designated non-profit organizations are given favorable tax rates as well as legal protections from individual liability. These benefits are desirable for an organization, as it gives the group some legitimacy in the eyes of the public, often makes fundraising easier, and ultimately protects individual representatives in the case of any legal action against the organization. The central government typically required prospective organizations to demonstrate at least $3 million in assets and to accept retiring bureaucrats on their boards. This ensured significant barriers to acquiring non-profit status: only large, well funded groups had even the possibility of receiving official non-profit recognition, and even then
loyalty to the central government was ensured by packing their boards with former bureaucrats. Groups were consequently forced to make the decision to stay small and devoid of legal status, operate for a profit, or give in to the government. The result was a very small number of officially-recognized non-profit organizations, the vast majority of them universities and hospitals (Sorensen, 2006).

Needless to say, with the barriers to official non-profit recognition placed so high, few NGOs, if any, were able to acquire it. Community-oriented groups were either officially sanctioned and consequently less apt to be critical of the national government, or were by necessity small and less effective. The NGO sector, at least in the western sense, has only existed in an organized capacity since the late 1990s when the government loosened restrictions on obtaining non-profit status.

The first efforts at forming grass-roots NGOs by political activists in Japan go back to the 1960s, with the promotion of somewhat more radical political ideals both within the country and internationally. The signing of the 1960 US-Japan Mutual Security Treaty generated a considerable amount of controversy within Japan at the time. As criticisms and animosities grew, the idea to form citizen groups initially occurred within the academic community and spread outward (Krauss & Simcock, 1980; p. 191). Despite protests, the treaty was ultimately ratified, although the seed had been planted that citizen organizations and movements could exist in Japan. It is also worth noting that this initial step was in opposition to central government policy, a relatively novel phenomenon at the time. Radical politics continued to develop in Japan throughout the 1960s, culminating in passage of the 1967 Environmental Pollution Prevention
Act (*kogai taisaku kihonho* or 公害対策基本法). This was the first major national-level attempt at pollution regulation, instigated primarily by the efforts of local actors, but regarded as a largely symbolic gesture on the part of the national government (Almeida & Stearns, 1998; p. 47). It is important to note that during this time, due to the restrictive policy environment and heavy bureaucratic oversight, most NGOs remained small, informal and without any legal status (Pekkanen, 2004; p. 371-2).

Moving through the 1960s and beyond, Japan began to experience its unprecedented economic growth. NGOs certainly still existed, but for the most part remained small and informal or partnered with the central government. As things were going well for most people, there was little impetus to complain or challenge the status quo, resulting in little political pressure to accommodate non-governmental actors. Japan in fact had one of the most tightly controlled and regulated nonprofit sectors in the industrialized world (Reimann). Interestingly, environmental groups did begin to form around the late 1980s as pollution became an increasingly greater problem in particular areas. In its quest for continued economic expansion, the central government was seen to be doing little in terms of protecting the health of residents, siding more often with private business and being reluctant to pass policy that could inhibit growth. Neighborhoods began taking it upon themselves to address the increasing pollution problems in their communities. These environmental associations were typically made up of neighborhood housewives banding together, rallying local and national politicians in an effort to enact change in legislation.
Their efforts ultimately paid off, with the passage of stricter environmental standards first at the prefectural level, then spurring passage of the Basic Environment Law of 1993 (*kankyo kihonho* or 環境基本法), which closely regulates emissions, waste, land usage, promotes recycling and energy conservation at the national level, and permits sanctions for parties that do not comply with the regulations. This law updated the Environmental Pollution Protection Act of 1967, making pollution regulations more strict and enacting tougher sanctions (Ministry of Internal Affairs, 1993). As these local networks were able to meet with some degree of success, this model of community-based networks would go on to become the prevailing pattern for grassroots NGO formation in Japan (Krauss & Simcock).

When the economy began to falter and the Japanese “bubble” burst in the early 1990s, the assuredness of the centrally-dominated political system began to wane. With the subsequent economic collapse came an increase in experimentation on the part of the central government to try to bring the country back from the economic doldrums. During this time, organizations from outside of Japan, especially US-based foundations, began promoting philanthropic activities in the country. It is important to note that although the push for an increased NGO sector initially originated outside of Japan, the seeds for citizen action were already planted in the 1960s protest movements. Additionally, similar to most other countries, the current NGO movement was one that started at the grassroots level, primarily as volunteer organizations, with individual actors establishing the groups. With pressure from both locally-based domestic groups and international organizations, what resulted was the 1998 passage of the Law to Promote Specific Nonprofit Activities (*tokubetsu hieiri katsudo sokushinho* or 特別非営利活動促進法, commonly referred
to as the “NPO law”), which greatly reduced the hurdles to receive official NGO recognition. Reimann (p. 38) sees the reform process moving NGOs toward a more Anglo model of “simple registration”.

In fact, since 1998 it has become relatively easy to establish an NGO in Japan. Prospective organizations only have to demonstrate that they are not profit seeking (that a maximum of only one third of administrative officers receive payment), that they are not proselytizing a particular religion, and that they are not espousing a specific political ideology or supporting political candidates. Under the NPO law, to officially incorporate organizations have to provide to their local prefectural governor various materials, including articles of incorporation, a prospectus, list of organization founders, proof that the group has at least ten active members and other associated materials. Discretion for granting non-profit status is left to the prefectural governors, although they are required to grant NPO status unless there is legitimate reason not to do so (Ministry of Internal Affairs, 1998). An additional set of reform laws was passed in 2006, further reducing barriers to official registration as an NGO.

Although legal NGO status is now considerably easier to obtain in Japan, a major roadblock to further development of the NGO sector lies in the tax system. Tax laws regarding NGOs were revised in October of 2001, allowing individuals and corporations to deduct contributions to qualified NGOs from their taxes. This is seemingly a positive step for NGOs in that people and organizations would be encouraged to donate and the NGOs can obtain funding independent of the government. The problem lies in what actually constitutes a “qualified” NGO. The regulatory body in charge of registering “qualified” NGOs, the National Tax Agency, makes
the requirements very difficult. As of 2002, only seven of approximately 3,000 organizations had qualified (Kuroda, 2003; p. 232). Those groups that have not obtained qualified status from the National Tax Agency are taxed at the same rate as profit-making organizations for their revenue-generating activities, and those submitting donations are unable to receive a tax credit (Osa, 2003; p. 258). Such restrictive policy on the part of the National Tax Agency marks additional important barriers to further NGO growth.

Because many NGOs are still unable to receive a favorable tax status from the National Tax Agency, as well as the fact that the Japanese government in many cases makes the largest financial contribution to the operation of NGOs, the non-governmental sector is in actuality highly reliant on the national government. Even though they may operate independently from the government, as Takao (2001; p. 293) notes, their projects must satisfy the “interests and concerns” of the institutions that provide their funding. The Japanese government has thus worked to incorporate NGOs into the policymaking process, providing them with the resources necessary to operate and influence the political debate, but this in turn calls the degree to which they are actually independent into question.

As we have seen, over much of the Japanese post-war history NGOs have not been able to exist in any significant capacity, especially groups that could oppose central government policy. However, with the passage of the 1998 NPO law, the government made an about-face and quickly began embracing a larger NGO sector. The liberalized NPO law has permitted a substantial increase in the size and scope of NGOs operating within the country (Pekkanen; p. 373) as well as the areas in which they are working. While the size and relative influence of
NGOs has increased, it is important not to overstate their significance. Reimann notes that the NGO sector is still relatively small compared to other developed countries in terms of budgets, staff and membership. Tax regulations continue to frustrate the fundraising abilities of many organizations and questions exist as to how truly independent from the government NGOs really are. Additionally, as Krauss & Simcock (p. 190) note, the majority of Japanese NGOs are environmentally focused. However, in spite of these limitations there is an increasing number of organizations that have begun to embrace the immigration issue.

Under current immigration law, all government employees are required to report any illegal immigrants they are aware of to the immigration bureau. Because this law precludes government employees from providing services to illegal residents in Japan, the role has largely fallen onto the shoulders of private NGOs. There are a number of organizations assisting legal foreign residents in the country as well. As of 2005, there were over 200 NGOs in Japan operating to provide services to foreign residents, many being volunteer citizen groups supported by donations, foundations, membership and service fees, and in some cases receiving funding from local governments as well (Tsuda, p. 23-4).

Immigration-focused NGOs have placed lobbying government high on their agendas. Like other NGOs, immigration-focused NGOs in Japan have, in most cases, started as relatively small organizations that have steadily grown over time. As they have started small, they tend to lobby the local governments in their jurisdictions first. These are primarily areas with large immigrant populations, and they have had varying degrees of success. Some local governments have been much more responsive to NGO lobbying than others, and have consequently worked
closer with NGOs in passing local policy (Tsuda; p. 286). Shipper (2008; p. 11) notes that since
the passage of the 1998 NPO law, local governments have been more willing to work with
NGOs. However, Pak (p. 52) also points out that cooperation between local governments and
NGOs on immigration has been haphazard, with inconsistent levels of cooperation across the
board. Because cooperation has not been uniform, there have been distinct regional differences
in both the adoption of immigration-related policy and the treatment of foreign residents already
living in Japan.

NGOs have been important players in the realm of both local and national politics,
embodying the grassroots efforts of individual citizens attempting to provide services and enact
changes in policies on a host of issues including immigration. In many cases, immigrants must
look to associated NGOs for help settling labor disputes, obtaining compensation for injuries,
and resolving health care, family and educational problems among other issues. This holds
especially true for illegal immigrants, as strict regulations prohibit direct government assistance.
NGOs working closely with more progressive local governments have played a major role in
advancing immigration-related policies, some of which may contradict national legislation. The
involvement of NGOs in providing services, influencing policy and their increasing degree of
influence are aspects of the apparent movement toward decentralization and greater local
autonomy in Japan.

Decentralization

Historically speaking, Japanese municipalities have a long tradition of being self-
managing and self-policing. As long as they paid taxes, feudal villages were largely left to their
own devices (Sorenson). It was not until the Meiji Restoration that Japan adopted a strong, centralized government that took a considerable degree of power away from the municipalities. Central government domination during the Japanese imperial era has been extensively documented (Aoyama, 2008; Beasley, 1987; Borton, 1970; Reischauer, 1981). With the American occupation following World War II, the allied forces attempted to give some powers back to the municipalities with the passage of the Local Autonomy Law, which guarantees the existence of the prefectures and local governments. However, enacting significant postwar decentralization has been a very slow process.

Nakano (2010) has extensively documented the postwar decentralization movement in Japan, noting that inquiries into decentralization occurred as early as 1952 in various government panels. There were attempts at decentralization during the progressive era of the 1960s and 1970s, but the confrontational progressive tactics of localities eventually gave way to a more conciliatory approach with the central government in the 1980s. Once the LDP lost power in 1993, however, the opposition Japanese Socialist Party (JSP) fervently pursued decentralization. The JSP lost power relatively quickly, but it forced the LDP to continue down the path of reform in order to maintain its hold on government. A commission on decentralization was established in 1995, after the LDP had returned to power. The commission made five full reports by 1998, which served as the basis for Decentralization Blanket Law, taking effect in 2000.

The decentralization law passed in 2000 was the first successful attempt at decentralization in Japan during the postwar period. It attempted to change the distribution of roles between the central and local governments. Central tasks were now limited to three general
categories: diplomatic and international affairs, affairs better governed by uniform standards, and affairs that should be conducted on a national scale (Nakano, 95). Localities were also given more freedom in raising funds: they no longer had to seek central approval when creating new local taxes (Schebath, 2006; p. 92).

In reality, the amount of decentralization that has so far occurred has been rather limited. Nakano (p. 98) shows that while the restrictions placed on the central government appear significant, little actual power was devolved to the localities. The only real powers given to localities primarily involve zoning and urban planning, and have been most beneficial to larger cities. Schebath is not quite so pessimistic, but believes that defined central and local roles are now ambiguous. There has been little clarification as to who is in charge of which areas. Overall, while the decentralization law was an important step for the localities to acquire some degree of power, no dramatic changes have come from it thus far.

Although the decentralization law passed in 2000 has not served to significantly alter central and local relationships in Japan, government officials do recognize the need to devolve power back to the localities. Decentralization was a major part of the Hatoyama administration’s platform while in office in 2009 (DPJ), as well as with the Koizumi Administration from 2001 to 2006 (Hayano, 2004). The major resistance has been central government ministries that would have to withstand a loss of authority. The tug-of-war between the localities and the central government remains largely unchanged in terms of actual legislation. The main difference is that elected politicians are becoming increasingly aware of the disparities and siding more often on the side of the localities at least in terms of their rhetoric. The implementation of policy in
practice can be considerably different when compared to the letter of the law as well. Although no further fundamental decentralization statutes have been enacted in Japan, we have seen that there can be a considerable distance between government policy in statute and the reality in practice.

Conclusions

This chapter has aimed to present a wide-ranging review of Japanese immigration policy, starting with a discussion of increased immigration as a potential solution to the aging society Japan is currently experiencing. Arguments were presented both supporting and opposing a more liberalized immigration policy, noting that other possible solutions such as increasing the retirement age and technological improvements have thus far been unsuccessful in sufficiently addressing current labor shortages. Another major hurdle to liberalized immigration has been Japanese culture, where many argue that the insular and homogenous culture of Japan frowns upon bringing in outsiders who may not share the same types of values.

Keeping this discussion in mind, we have seen some liberalization in Japanese immigration policy over time. In the aftermath of World War II and the restoration of independence, Japan maintained relatively strict immigration regulations. Zainichi, the major “foreign” group at the time, met a number of exclusions and widespread discrimination in spite of the fact that many were forcefully brought to the country during Japan’s colonial era. This discrimination against foreigners has continued for quite a while, yet as the Japanese economy developed, labor shortages became more pronounced and the desire for manual labor greatly increased. Foreign labor was eventually brought in to fill the gaps. Regulations were not
necessarily amended, they went unenforced instead, and Japan’s foreign population gradually increased as the economy developed.

At the height of the “bubble” era, the government began to make changes to immigration policy, culminating the revision to the Immigration Control Act in 1990. This opened the door primarily to South Americans who possessed some degree of Japanese heritage (*nikkeijin*), and at the same time closed the door to manual laborers of other nationalities. The concentration of *nikkeijin* gradually increased to where they have now overtaken the *zainichi* in terms of population size. Other “side door” means of entry have also opened, notably in company trainee programs, as well as with pre-college students and entertainers. Official “front door” entry by skilled labor or marriage is still relatively small but has shown modest gains. Overall, numbers of immigrants in Japan have increased since the 1980s, yet they still make up a small portion of Japanese society at only 1.25% of the population.

Although the central government has allowed greater numbers of immigrants to take up residence in Japan, it has not actively addressed their needs once inside the country. This role has instead fallen primarily on local governments who are forced to deal with the immigrant populations living in their borders. Local policies regarding foreign residents vary by prefecture and municipality, with some more active and progressive than others. The degree of action often depends upon having an active citizen base and an amenable local administration. NGOs consequently play an important role, as they are a manifestation of the grassroots efforts of individual citizens attempting to enact improvements in Japanese society.
NGOs have become increasingly important local and national players as legislation has begun to encourage their formation. Working closely with the more progressive local governments, NGOs have played a major part in advancing policies to help local foreign residents, policies which may be novel governmental solutions and may sometimes contradict national legislation. They have also acted in conjunction with local governments to lobby the national government for policy changes. The involvement of NGOs in providing services, influencing policy and their increasing degree of influence are one aspect of the apparent movement toward decentralization and greater local autonomy in Japan.

To conclude, this chapter has outlined national and local government policies dealing with immigration, noting inconsistencies at the national level and the fact that localities have been forced to address their foreign residents in the absence of national leadership. Using the framework of “adaptive informal institutions,” we shall see in subsequent chapters whether or not the more informal local improvements have had an effect on enacting changes in national immigration policy.
Chapter 4: Immigration in the Local Context

In examining Japanese immigration policy, this dissertation focuses on two primary aspects: the efforts at enacting immigration-related policy initiatives by the national government, as well as similar attempts by more informal local actors. What will ultimately be investigated are efforts toward institutionalizing common action. That is, the process of changing the officially accepted letter of the law through the gradual adoption of informal processes. The intent is to show the extent to which policy innovations are occurring locally in Japan, as well as the degree to which such actions are adopted nationally. If local governments are in fact initiating and changing policy to suit their needs, it would suggest a change in the locus of some policy innovation in Japan and a need to re-evaluate mainstream literature on unitary states with strong, central governments. At least in the case of Japan, local governments are playing an increasingly active role in determining how to address their problems, instead of waiting for the national government to initiate policy changes.

It is, therefore, necessary first to clearly distinguish between formal and informal institutions. Formal institutions are creations of government, amalgamations of rules, policies and regulations passed over time in order to address a particular policy area. The formal institution is wholly dependent on the policy environment of the given moment: it evolves as necessary as government policies and priorities change over time. Yet formal institutions are a necessary tool of government, as they are responsible for ground-level decisions in the implementation of those policies. In this case, one of the main formal actors with regard to
immigrants is the Immigration Bureau of Japan (nyukoku kanrikyoku or 入国管理局), a branch of the Ministry of Justice and the facet of national government directly concerned with implementing and enforcing immigration policy. However, the Immigration Bureau’s primary concern is with issues like the numbers and categories of entry of foreign nationals entering the country, visa status and terms of residence. While the Immigration Bureau’s activities certainly encompass an important aspect of the foreign resident experience, there are other branches of government involved in making policy that affects the daily lives of immigrants. The Ministry of Education, Culture, Sports, Science and Technology (monbukagakusho or 文部科学省), for instance, establishes the formal institution for education policy, a high priority for any immigrant family with children. The Ministry of Land, Infrastructure, Transport and Tourism (kokudokotsusho or 国土交通省) governs housing policy, another area of extreme importance to all foreign residents, and the Ministry of Health, Labor and Welfare (koseirodosho or 厚生労働省) handles health insurance and pension related issues.

Informal institutions are not as concretely established and slightly more vague in purpose and function compared to their more formal counterparts. They result from the efforts of particular actors or groups banding together, working at the grass-roots level around some formal institution’s policy. Typically, informal institutions are flexible arrangements, enacted by stakeholders as a “coping strategy” to address some problem in a practical fashion. These informal practices, implemented for their convenience and practicality, become increasingly standardized over time, ultimately leading to generally accepted routines and procedures, or informal “institutionalization”. They are designed to deal with areas often burdened by
prohibitive, misinformed or unresponsive government regulation, as is the case in Tsai’s example of capitalist development in China. The informal institution acts as a sort of reach-around government policy, allowing stakeholders to take some action that may not have been otherwise possible, given the policy environment.

Stakeholders in the establishment of informal institutions can include local political representatives, local government offices, NGOs, volunteers, community groups and the like, and even in some cases lower-level members of the central government. Yet the important point is that the local informal *practices* contrast with national *policies*. The specific informal institution surrounding some official central government policy can incorporate actions from any number of interested parties, often at different points in time. These institutions are flexible and not necessarily united by a common agenda. However, what unites the actors in the informal institution is a desire to enact some change in the formal policy. The formal institution is not addressing some aspect of the policy adequately. Therefore, the informal institution helps the stakeholders to take some action in their policy area with a better chance of getting more desirable outcomes.

In the case of Japan, local governments play an important role in the establishment of informal institutions. It is through local policy initiatives and their involvement with local and national stakeholders that many immigration-related informal institutions are able to exist. As noted earlier, centralized systems traditionally do not enfranchise local governments to any considerable degree. A local government with a large amount of power, able to arrange practices that compete with and contradict the national government, would seemingly oppose the basic
foundation of unitary, centralized government. Japanese local government can encompass a number of facets, including the mayor’s office, the local representative assembly and municipal bureaucrats. Local government may also entail semi-official entities, for example deliberative bodies established by the government but consisting of regular citizens, or NGOs partially or completely funded by the local government. Finally, there are non-government actors to consider. Often very involved at the local level are volunteer groups and NGOs who may promote their own agenda. These actors must work together enough to establish the practices that revise or in some cases rival those of the formal institution.

By definition, informal policies should operate in a way that is distinct from the national government’s formal policies. As Tsai (p. 209) notes, where there is a disparity between official government policy and influential actors with a different agenda, informal institutions are likely to exist. Tsai also notes other criteria that help promote the growth of informal institutions: for one, formal institution administrators, especially at the local level, should be complicit in allowing the existence of the informal institutions even if they do not necessarily follow the letter of the law. Additionally, complex and multi-layered institutions provide the greatest opportunity for actors to work around the official rules of the institution. This is because the complexity of the formal institution not only works as a barrier to timely changes in policy but can also work to ensure some degree of institutional confusion. One department may be completely unaware of what the other department is doing, and in-fighting over bureaucratic “turf” as well as strict rules regarding interdepartmental conduct and communication may impede the full disclosure of information (Tsai, 2007).
Japan is, of course, well noted for its strong bureaucratic tendencies and its large, complex formal institutions. The ministerial bodies addressing immigration in Japan are quite large, often with vague and overlapping responsibilities. As an example, education policy is officially overseen by the Ministry of Education, Culture, Sports, Science and Technology, although local governments have a large role in selecting teaching materials and the curriculum, particularly for foreign students. Local governments are also supposed to verify the residency of foreign students, which has traditionally been done by checking their alien registration, handled through the Ministry of Justice with a black-and-white focus on legal residency. The Cabinet Office (the office of the prime minister) has also gone on record to promote multiculturalism in schools. Because of Cabinet Office pressure, the Ministry of Education informed local schools that they should be lenient on immigration record checks, going against the Ministry of Justice and giving the local government some degree of discretion in looking at student residency records. As a result, it is unclear here who officially determines the eligibility for foreign students to enroll in school: the Ministry of Education, the Ministry of Justice, the Cabinet Office, or the local school. Education policy will be discussed in more detail in subsequent chapters, but the point to note here is that the various large stakeholders involved make it easier for the local school to adopt a practical solution that may not coincide with other national priorities or directives.

However, finding clear evidence of formal actors complicit in local-level innovations may prove slightly more difficult. Few bureaucrats would want to place themselves on record as favoring policy that could contradict national priorities. Instead, we can assume at least some
degree of bureaucratic deference, at least in principle, thanks to voluntary abdication of formal institutional powers to local governments. This is illustrated in some formal policy efforts like the Decentralization Package Law of 2000 (Isozaki, 2010), although there is considerable debate about the actual effect these efforts have had on the formal powers of local government. Still, the Ministry of Education, for one, has made prefectural budgetary allotments for the purpose of promoting Japanese language acquisition for foreign students without specifying exactly how the funds are to be used. They do, however, give recommendations (MEXT, 2008).

This study aims to consider the disparity between formal and informal institutions in terms of national versus local immigration policy. Immigration policy itself may be a somewhat vague term requiring some elucidation. When referring to the term “immigration policy”, for the purpose of this dissertation it means any action made to address foreign residents by either the formal or informal institution. This is a somewhat widely focused interpretation of immigration policy, meaning that immigration policies are not simply limited to visa issues or determining lengths of stay, but rather can encompass the vast array of issues immigrants must face in Japan and how the government deals with them. Relevant issues include arranging health insurance, finding housing, gaining access to public education, securing workplace rights, and voting eligibility. Although it is a widely-focused view of immigration policy, it accurately reflects the circumstances immigrants encounter when living in a foreign country. To limit the discussion to the simple intake of foreign nationals at the airport or the border is to ignore them once they have entered the country. Not only must a government be concerned about the numbers and types of people it permits entry or residence, but it must adequately provide services for them.
Consequently, any issue that may affect foreign residents, including social welfare issues, health, taxes or emergency services, can constitute some aspect of immigration policy.

Why focus on disparities in immigration policy passed at the national and local levels? For one, immigration policy is a highly contentious issue in Japan. Japan has a very long history of avoiding any kind of large influx of immigrants and attempting to maintain its ethnic homogeneity, or at least the facade of it. Even in recent times, immigration is a topic on which Japan has been very slow to make significant progress at the national level, in spite of the fact that the country had a severe labor shortage for a number of years and now has to address the dual problems of an aging population with a low birthrate. There have been increased calls on the national government to drastically liberalize the immigration process in recent years (Asakawa & Sakanaka, 2007), but there are still many actors strongly opposed to any policy that could potentially disrupt the ethnic makeup of the country, increase the crime rate and provide only a seemingly marginal benefit. Compounding the difficulty is the well-documented fact that the Japanese government is often slow to move on decisions that are regarded as controversial (Levy, 2005; p. 120)

If informal institutions are able to pioneer practices in an area as controversial as immigration, it should then follow that considerably less controversial policy areas also have local governments working in conjunction with other stakeholders as policy innovators. Immigration was thus chosen as a means of considering local, informal policy innovation primarily because of its controversial nature in Japanese politics. Changes in this policy area pioneered by informal institutions also illustrate fundamental changes in the way the Japanese
political system as a whole is running and can provide good indications of where and how future changes are likely to occur.

**Hypothesis**

The central hypothesis of this paper is that local governments in Japan, in conjunction with other related stakeholders, are policy innovators: that they are the testing grounds for new policy measures through informal practices. More specifically in this case, my contention is that local governments, in cooperation with other local actors, promote a more progressive immigration policy. Additionally, as these policy innovations are tested at the grassroots level and adopted by more local governments, some of them will ultimately see adoption by the central government. Like the “adaptive informal institutions” posited by Tsai, those successfully tested adaptations that work to practically meet the needs of the national government will eventually be formalized.

This hypothesis serves to illustrate the changing nature of centralized government. If proven correct, it will provide further evidence that we are no longer able to rely solely on the assumption that national governments exclusively dictate policy to the periphery. Instead, this will show a concrete example of the periphery pioneering policy which is later taken up by the center. In terms of the fundamental structure of unitary states, this is contradictory. We will see if Japan is unique in retaining its highly centralized system, or if instead it is following in the footsteps of other formerly centralized states and moving in the direction of decentralization: that more responsibilities are being devolved to local governments and actors, and that these local actors are taking on a greater role in pioneering policies that work in their particular regions.
It should be noted that not all progressive policies enacted locally through informal institutions are likely to be adopted nationally. There are several possible explanations for this. It is possible that the local policy may prove unpopular or impractical nationally. Conditions often differ among particular regions and cities, even in a country as geographically small as Japan. There are different average income levels, degrees of population density, different prevailing industries and, of course, differing demographics. To that end, like any country, individual regions have some amount of variety in their prevailing political ideologies. Some areas are more conservative or liberal, some vote more than others, and some are affected more by particular policies than others.

As a brief illustration and comparison, consider the case of American immigration policy in the state of Arizona. Here, some local actors, such as Maricopa County Sheriff Joe Arpaio, took a hard-line approach to fighting illegal immigration by requiring documentation for any individuals questioned by law enforcement. Such an approach has been controversial to say the least, with Arpaio being accused of racial profiling by the US Department of Justice (Lacey, 2011). However, for those in the state hoping to combat illegal immigration, this served as a strong example. The state ultimately passed legislation in April 2010, authorizing police officers to check the immigration status of anyone being questioned by law enforcement, a policy quite similar to Sheriff Arpaio’s. Soon after its passage the law met with an injunction from the federal government, prohibiting the implementation of its most controversial provisions (Archibold, 2010). In this case, such anti-immigration policy has proven popular in Arizona, and has also met with a large amount of both support and protest outside of the state. The important thing to note
is that what has apparently worked for one state has proven extremely controversial in others. Because it is so controversial, there is a very low likelihood of such legislation being adopted at the national level as it currently stands. Yet local action on the part of Arizona has also spurred a national debate about immigration policy, one which may ultimately see fruitful results.

To that end, the central government of any country is not going to be able to pass policies that are widely unpopular on a national scale. There has to be at least a fair amount of agreement from the general population. A policy implemented locally first may not be popular nationally if there is significant national opposition. As is often the case, local policy innovation may be debated in the country’s legislative branch or come up for a general referendum before national adoption. However, if an informal policy works locally and would bring some improvement if adopted nationally, there is often a strong case to make that its implementation throughout the country would be beneficial.

The general point is that policy can be made to accommodate the different localities as necessary. Should a policy passed in a major Japanese city like Tokyo be irrelevant to a rural village in Tottori, it would make little sense for them to adopt it. On the other hand, as these innovations occur, policies working in a particular municipality may very likely be of some benefit to other municipalities. Ahead of any official national government recognition, municipalities may take it upon themselves to implement policy innovations of their own accord. National government implementation would likely follow behind. It then makes good sense to see exactly how some of these policy innovations have played out at the national level.
To understand the types of local policy innovations and how they affect national immigration policy, there are a few aspects to investigate. One of the first things to consider is exactly what practices were enacted locally. This entails a review of local action with regard to immigration. Local governments often have very little power in determining the type of immigrants entering Japan in terms of their visa status, length of stay or residency requirements, although they can appeal to the national government to make changes to these sorts of policies. Once immigrants are in their jurisdiction, however, localities can have a large impact on their daily lives. Municipalities can take action and pass policies that make them more or less accommodating to the foreign nationals living there. Most often, the types of services offered, or not offered, will play an important role in creating a favorable environment, or lack thereof, for the foreign population of a particular area.

Discussing local, informal policy innovations is only part of the analysis. Local immigration policy innovations will need to be compared to national immigration policy. Major national immigration policy efforts were previously discussed, but specific policy innovations compared with those of local actors have not yet been reviewed. The contrast between what has happened locally with the degree of national adoption is important to note. The timeline may become important where an innovation was first introduced locally, and later adopted nationally, to establish local innovation. Another important thing to consider is cases where a policy was not adopted nationally. Why was it ultimately not accepted? Is it a question of timing, in that the national government has not yet had adequate time to address the issue? A question of strong
opposition? Or perhaps some other factor. In cases where policy innovations appeared to have the possibility of national adoption, it will be worth discussing why it did not occur.

Analyzing the types of local immigration policy initiatives that have been made thus far and determining their degree of national adoption will show if my hypothesis can ultimately be upheld or rejected. As this study is primarily qualitative in nature, there is likely to be no clear and concise answer. What this study can show, however, is a general trend in Japanese politics, or lack thereof, that can be included with the other literature on the decentralization of unitary states in recent years.

**Choosing the case study**

Examining unique immigration-related initiatives at the local level will require consideration of local government and grassroots efforts at establishing informal institutions. As such, it will be necessary to look at a municipality with informal institutions actively working around formally established immigration-related policy. An inactive or only moderately active municipality would simply not provide enough data to make a worthwhile comparison with national policy.

To consider municipalities with active immigration-related informal institutions, it is necessary to consider the factors that led to their taking such actions. Municipalities actively innovating in immigration practices will likely need to have a large number of immigrants settling in their borders. This would provide some incentive to make efforts addressing their needs. Ignoring a large immigrant population may prove problematic for a municipality in the long run, either in building general dissatisfaction on the parts of immigrants, and perhaps other
residents, or in more tangible ways. Governments and some citizens’ groups are often concerned that dispossessed immigrant populations could bring about increased levels of crime, breed religious or ethnic extremism, and even promote acts of violence against the host country (Giry, 2006). To take the French example, Parisians have had great concern over their disenfranchised and segregated Muslim population. The seeming inequalities they face and tensions they breed culminated in a series of riots in 2005 (Smith, 2005) and since. To avoid such extreme consequences, if not simply from a humanitarian standpoint, it is in the municipality’s interest to incorporate their foreign residents as much as possible. Put more generally, those municipalities that make efforts in addressing their immigrant populations obviously see some benefit to doing so.

Areas with large immigrant populations tend to be primarily urban or suburban in Japan. Rural areas often have much smaller populations than their urban and suburban counterparts as a whole, and while they may also have foreign residents, the ratio of foreign residents is much smaller compared to more developed areas. As perhaps may be expected, developed areas with business and labor opportunities are much more likely to have a larger foreign population.

Looking at Table 1, compiled from Ministry of Justice and National Statistics Center data, one can see that the major industrial centers indeed have the largest populations in Japan. These include Tokyo and its surrounding prefectures: Kanagawa, Chiba and Saitama, and the Kansai area (western Japan) including Osaka, Kyoto, Aichi and Hyogo. Accordingly, these areas do have higher corresponding numbers of foreign residents, both in real terms (“Foreign Population”) and by concentration (“Foreign Rate per 1,000”). As a consequence of this
population breakdown, if my aim is to consider a municipality actively engaged in immigration policy, it makes the most sense to look at an urban or a suburban city.

Table 1: Foreign Population, Total Population and Foreign Population rate per 1,000 People by Prefecture

<table>
<thead>
<tr>
<th>Prefecture</th>
<th>Foreign Population</th>
<th>Population</th>
<th>Foreign Rate per 1000</th>
<th>Prefecture</th>
<th>Foreign Population</th>
<th>Population</th>
<th>Foreign Rate per 1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hokkaido</td>
<td>22,239</td>
<td>5,507,000</td>
<td>4.04</td>
<td>Shiga</td>
<td>26,417</td>
<td>1,405,000</td>
<td>18.80</td>
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<td>Aomori</td>
<td>4,457</td>
<td>1,379,000</td>
<td>3.23</td>
<td>Kyoto</td>
<td>52,742</td>
<td>2,622,000</td>
<td>20.12</td>
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<tr>
<td>Iwate</td>
<td>6,191</td>
<td>1,340,000</td>
<td>4.62</td>
<td>Osaka</td>
<td>206,951</td>
<td>8,801,000</td>
<td>23.51</td>
</tr>
<tr>
<td>Miyagi</td>
<td>16,101</td>
<td>2,336,000</td>
<td>6.89</td>
<td>Hyogo</td>
<td>100,387</td>
<td>5,583,000</td>
<td>17.98</td>
</tr>
<tr>
<td>Akita</td>
<td>4,061</td>
<td>1,096,000</td>
<td>3.71</td>
<td>Nara</td>
<td>11,304</td>
<td>1,399,000</td>
<td>8.08</td>
</tr>
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<td>Yamagata</td>
<td>6,591</td>
<td>1,179,000</td>
<td>5.59</td>
<td>Wakayama</td>
<td>6,152</td>
<td>1,004,000</td>
<td>6.13</td>
</tr>
<tr>
<td>Fukushima</td>
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<td>591,000</td>
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<td>14,324</td>
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<td>Ehime</td>
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<td>1,436,000</td>
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<td>3,460</td>
<td>766,000</td>
<td>4.52</td>
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<td>Fukuoka</td>
<td>52,750</td>
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<td>1,430,000</td>
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<td>808,000</td>
<td>15.37</td>
<td>Kumamoto</td>
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<td>1,814,000</td>
<td>4.96</td>
</tr>
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<td>1,195,000</td>
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<td>2,092,000</td>
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<td>1,700,000</td>
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<tr>
<td>Shizuoka</td>
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<td>3,792,000</td>
<td>22.72</td>
<td>Okinawa</td>
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<td>1,382,000</td>
<td>6.46</td>
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<tr>
<td>Aichi</td>
<td>204,836</td>
<td>7,418,000</td>
<td>27.64</td>
<td>Total</td>
<td>2,134,151</td>
<td>127,510,000</td>
<td>16.74</td>
</tr>
</tbody>
</table>

Sources: National Statistics Center, 2010 for Registered Foreign Residents; National Statistics Center, 2009 for Japanese Population

As the ideal municipality for this study will have a large number of foreign residents, it should have some factor that attracts them to live in that area. That is, the municipality should
have relatively convenient access to a number of labor-intensive jobs in industries that tend to hire immigrants in Japan. In other words, a big city with a large immigrant population is ideal. Of cities to consider, one of Japan’s “ordinance-designated cities” would work best. Ordinance-designated cities (seirei shite toshi or 政令指定都市) are cities denoted by the Cabinet Office with populations over 500,000. There are currently 19, and they encompass the biggest cities in Japan, including Tokyo, Osaka, Kyoto, Kobe, Sendai and Yokohama. Administratively, they are given a greater degree of institutional autonomy than other cities. Due to their comparatively large populations, ordinance-designated cities have many powers ordinarily granted to prefectural governments, including, according to the Revised Local Autonomy Law of 1999, zoning, city planning, sanitation, social welfare programs, the regulation of business, and running public health programs, among others (Nippon Foundation, 1999).

Prefectural government consequently plays a diminished role in ordinance-designated cities. Without an extra layer of oversight, the administration of the largest cities is more streamlined. They have a freer hand to make policy as necessary in order to better address the needs of their population. Prefectures, on the other hand, handle the duties listed above for non ordinance-designated cities, according to the Local Autonomy Law. For ordinance-designated cities, prefectures can play a more complimentary role, where they may extend their policies to other municipalities within prefectural territory, but they rarely restrain the government of the largest cities. Tokyo is a unique case in this regard. Due to its extremely large population and geographical size, Tokyo is designated as its own metropolitan prefecture, an entity unto itself.
In addition to being a large, urbanized city having jobs that would attract foreign workers, the case study should also have an active informal structure working to address its foreign community. Beyond jobs and foreign residents, the city should be actively engaged in promoting immigration policy, whether or not actually successful on the local or national level. This will show the extent to which attempted local innovations in immigration policy actually work in the municipality, or even on a wider scale.

The city of Kawasaki thus works quite well as a case study, as it is an ordinance-designated city with a large immigrant population, close to a major metropolis (Tokyo) but not too large in itself to be an anomaly. It has an active local government and informal network and bears a number of similarities to other major cities in Japan. Perhaps not coincidentally, Kawasaki has taken an active stance in immigration-related policies, sometimes far ahead of other municipalities and the national government.

Choosing Kawasaki as the case study location does bring its own set of limitations. As one of the most active municipalities in immigration-related policies, its progressive stance does not necessarily coincide with other cities, even if it may resemble other locales demographically. The case may be atypical from the perspective of adherence to national immigration regulations. On the other hand, the existence of a progressive policy is precisely what this research looks to analyze. Like any controversial policy area, immigration in Japan is a complex field with a number of actors pushing both for and against change. Kawasaki is one actor that has strongly pressed for change, providing innovations that other cities and the national government may or may not choose to adopt. To see the extent to which local government is able to innovate policy
and establish informal institutions, a highly active municipality is thus a necessary component of this research. Kawasaki fits this criteria. While its progressive immigration stance may not be typical, this active and progressive orientation is exactly what I aim to consider.

**Kawasaki: a general background**

Kawasaki is located in Kanagawa Prefecture, within twenty minutes or less of central Tokyo and Yokohama, and is a notable city in its own right. The city lies close to Narita International Airport, the major international airport of the Tokyo region and the eastern part of the country, and within fifteen minutes of Haneda Airport, a large domestic airport. The city has its own active industrial and commercial port, neighboring the ports of Tokyo and Yokohama, with lines connected to other major ports around the world. It also has railway and highway links to all of the major cities in the country (Kawasaki City; Economic Affairs Bureau, 2011). As of 2010, the city’s population was approximately 1.4 million, making it the ninth largest city in Japan (Kawasaki City; Principal Statistics, 2011). In essence, Kawasaki is a link that makes up a part of the greater Tokyo metropolitan area.

The city is the home base of Kawasaki Motors, NEC, Canon, Toshiba and Fujitsu. JFE Steel and Ajinomoto, a large food and amino acids manufacturer, are also based in the city. International companies such as Dell, Tyco, Toys R Us and Minit Asia Pacific have made Kawasaki their bases in Japan as well (Kawasaki City; Economic Affairs Bureau). Between businesses in the city and those in Tokyo and Yokohama, there are a variety of job opportunities available to both local and foreign residents.
In comparison to other major Japanese cities, Kawasaki ranks ninth behind the likes of Tokyo, Yokohama, Osaka, Nagoya, Sapporo, Kobe, Kyoto and Fukuoka in terms of population, as illustrated in Graph 1. However, Kawasaki ranks third in population density with 9,765 people per square kilometer, behind Tokyo (14,152 people per square kilometer) and Osaka (11,973 people per square kilometer). The city’s population is currently increasing at a rate of 1.21%, the highest rate of increase for all of the major cities in the country. Its death rate is the lowest of the major cities at 0.63%, the birth rate is the highest at 1.03%, and marriage rate at 0.76% is second only to Tokyo. The city ranks consistently at the low end of the scale in terms of most crimes when compared to other major cities as well (Kawasaki Bureau of General Affairs, 2010).

**Graph 1: Major Japanese City Populations, 2010**

![Graph 1: Major Japanese City Populations, 2010](source)

Economically speaking, Kawasaki City has had the highest rate of growth (at 1.6%) compared to all of the other major Japanese cities. Average income is the third highest at 3,245,000 yen, or approximately $40,500 per year, behind Tokyo (4,138,000 yen, or $51,700 per
year) and Nagoya (3,320,000 yen, or $41,500 per year). It has the fourth highest municipal tax revenue of the major cities at 93,955 yen annually per person, where the average is 80,604 yen annually per person. As Graph 2 shows, Kawasaki is ranked number three in the cost of public housing rent at 2,992 yen per 3.3 square meters\(^4\) per month, below Tokyo (3,532 yen) and Yokohama (3,277 yen). The ranking for private housing rent shown in Graph 3 is higher at number two, with an average cost of 7,454 yen per month per 3.3 square meters, behind Tokyo at 9,031 yen per month. In terms of average monthly family expenditures, Graph 4 ranks Kawasaki as number six at 312,154 yen, where the average is 298,303 yen per month (Kawasaki Bureau of General Affairs, 2010).

**Graph 2: Average Monthly Public Housing Rent per 3.3 m\(^2\) area (in yen), 2010**

![Graph 2: Average Monthly Public Housing Rent per 3.3 m\(^2\) area (in yen), 2010](source)

*Source: Kawasaki Bureau of General Affairs, 2010*

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\(^4\) This refers to the *tsubo*, or tatami mat, a common way of measuring available housing space in Japan. Smaller apartments are typically as small as 10-15 *tsubo*, while larger homes can encompass considerably more space.
Graph 3: Average Monthly Private Housing Rent per 3.3 m² area (in yen), 2010

Source: Kawasaki Bureau of General Affairs, 2010

Graph 4: Average Monthly Expenditures for Households of Two or More People (in yen) by City, 2010

Source: Kawasaki Bureau of General Affairs, 2010
The registered foreign resident populations of Kawasaki and the other major Japanese cities should also be mentioned, as it is an important aspect of this research. The “registered” foreign population includes those residents residing in the country as non-tourists, meaning that they had to apply for a visa for entry to the country and will stay for a period of more than 90 days. Number of “registered” foreign residents will admittedly not account for the entire foreign population, as it obviously does not encompass those staying in the country illegally. Additionally, while foreign residents are required to register with their new municipality relatively quickly, should they decide to move to a new city, it is often not an instantaneous process. However, cities typically keep good records of their registered foreign populations. While the numbers may not reflect 100% of the foreign population, they are a good means of assessing the general picture.

As of 2011, Kawasaki has a registered foreign resident population of 31,794 people (Kawasaki Planning Office). With a total population of 1.4 million, the city has approximately 22.56 foreign residents for every 1,000 people, higher than the prefectural average of 16.74 mentioned earlier. By contrast, for 2011 Tokyo has 422,226 registered foreign residents (Tokyo General Affairs Bureau, 2011) with a total city population of 8.8 million. This gives Tokyo 48 foreign residents per 1,000 people, the highest in the country. Yokohama has 21.4 registered foreigners per 1,000 residents (Yokohama Policy Office, 2009), and Nagoya has 30.12 (Aichi Prefecture, 2009). Fukuoka and Saitama are cities with overall populations closest to Kawasaki. Fukuoka has 14 foreign residents per 1,000 people (Fukuoka General Affairs, 2007), and Saitama has 14.44 (Saitama Prefecture, 2010). Comparisons with several other cities are shown
in Graphs 5 and 6, looking at overall foreign resident populations and their concentrations, controlling for general population size. Overall, for a city of its size, Kawasaki actually has a higher concentration of foreign residents than its population may lead one to expect.

**Graph 5: Registered Foreign Resident Population by City**

**Graph 6: Registered Foreigners per 1,000 Residents**

*Foreign resident concentrations were compiled by the author based on individual city population statistics*
Ranking toward the middle of large cities in terms of the concentration of its foreign residents, Kawasaki city has been home to a number of long term Korean and Chinese residents since World War II. Along with Tokyo, Yokohama, Kobe and Kitakyushu, the city is one of the major outposts of former colonial subjects (Shipper, 2008). More recently, Kawasaki was directly affected by the 1990 revision to the Immigration Control Act, experiencing a significant increase in its Brazilian and Latin American population since that time. This makes for an interesting mix of the “old comer” zainichi residents and “new comer”, primarily Latin American, residents. Graph 7 below shows the breakdown of registered foreign residents by year in Kawasaki from 1998 to 2011. As one can see, the numbers of registered foreign residents has increased annually, peaking quite recently in 2009.

**Graph 7: Registered Foreign Population of Kawasaki, 1998-2011**

Kawasaki is also one of the most active municipalities in Japan in providing services for its foreign residents, both documented and undocumented, and has pioneered a number of
initiatives relating to immigration. City policies addressing immigrants fall into a broad range of categories, including education, pensions and insurance, voting rights and housing, among a host of other issues. Kawasaki has often acted as a model for other municipalities and even the central government to follow, pioneering policy initiatives and petitioning the central government for the changes to policy.

Looking at Kawasaki’s immigration-related policies to the fullest extent they are available would require a level of detail and space that is not feasible for this research. Instead, I will concentrate on particular policy areas where the city has been active with regards to its immigrant population. Specifically, this research will address five separate areas including voting rights, pensions, health insurance, housing and education. Each of these issues affects the foreign population greatly, be it in terms of representation in government, payment into a pension scheme which may or may not provide some ultimate benefit, securing basic health coverage, obtaining decent housing, or educating its children.

With the preceding discussion in mind, we will next turn our attention to Kawasaki in more detail to see exactly what sorts of policies the city has adopted regarding its foreign population. We shall see to what degree the city and its informal institutions are, in fact, active in its immigrant-related policies, how they have pioneered or made innovations in existing policies, and the extent to which those policies have been adopted by other localities or the national government. From this analysis, it should be clear whether or not the central government is permitting a greater degree of local authority in policies addressing immigrants.
Chapter 5 – Kawasaki Case Study Part 1: Voting, Pensions, Insurance and Housing

Having first discussed the qualities that make immigration policy ideal for looking at the power of informal municipal institutions versus the formal institutions of the central state and then putting Kawasaki into perspective by comparing its demographics with other major Japanese cities in Chapter 4, it is now appropriate to consider Kawasaki’s immigration-related policies. This will show if in fact Kawasaki’s informal immigration policies have worked to demonstrate the systemic changes in the local/national government relationship that I have hypothesized, or if the status-quo of central domination over the periphery remains.

Looking first at its governmental structure, Kawasaki is, as previously noted, what is termed an “ordinance-designated city”. That is, it has a population of over 500,000 residents and is able to retain a number of functions that would otherwise be performed by prefectural governments. The Revised Local Autonomy Law of 1999 stipulates that functions of ordinance-designated cities include issues such as “affairs related to the relief of the impoverished”, “affairs related to the welfare of the aged”, and “affairs related to food sanitation”. (Nippon Foundation, 1999). In practice, this means that ordinance-designated cities have a somewhat larger degree of discretion in their actions than other municipalities, although prefectural government often plays an important role in high-level decisions. Basically, due to their large populations the major cities in the country are given more decision-making power, but it can be constrained by the prefectural government and central government. In addition to its ordinance-designated status, Kanagawa Prefecture is noted for giving its municipalities comparatively more autonomy than
other areas and for having a high degree of cooperation between the prefectural and municipal
governments (Izushi, 2010; p.247).

Kawasaki has an elected mayor, Abe Takao, an independent re-elected to his third term in 2009 and endorsed by the center-leaning Democratic Party of Japan (Nippon Television, 2009). Kawasaki also has a city council made up of 63 elected representatives. An election in April, 2011 gave the right-leaning Liberal Democratic Party the largest number of seats at 16 and their coalition partners, the Komeito Party⁵, 13 seats. The Democratic Party of Japan holds 14 seats, the Communist Party holds 10, the independent, libertarian Your Party holds 6 seats, with the rest covered by independents (Kanagawa Shinbun, 2011). Ideologically speaking, the City Assembly seems relatively evenly split between conservative and liberal factions, without a clear majority on either side.

Interestingly, in addition to these more typical representative bodies, Kawasaki has a Representative Assembly for Foreign Residents (川崎市外国人市民代表者会議), a group of 26 members of the foreign community established by city ordinance in 1996 in order to “promote mutual understanding and create better local communities” (Kawasaki City Representative Assembly, 2011). Initially founded as a means of promoting foreign resident participation in local government in lieu of actual voting rights, the Representative Assembly has continued its existence beyond the implementation of local foreign suffrage.

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⁵ The Komeito Party was originally a part of the soka gakkai in the 1960s, a group promoting Buddhism in Japan. While initially liberal by Japanese standards and a part of the ruling coalition that briefly ousted the LDP from power in 1993, a number of internal splits and reformations have induced strong ideological shifts. It now commonly aligns itself with the more conservative parties, including the LDP (Aruga, 2000).
Prospective Representative Assembly members are foreign residents, age 18 and older, who have lived in the city for at least one year. They can be nominated by community members or submit an application themselves. Nominees are screened by a Representatives Selection Committee and then formally commissioned by the mayor. All 26 members are selected for two year terms, with the possibility of members serving repeated terms, although this is not especially common in practice. A chair and vice-chair are elected each term. Members are designated as civil service employees, receiving remuneration of 12,500 yen (approx. US $162) per meeting in 2010. The assembly typically holds eight to nine meetings per year (Kawasaki City Representative Assembly, 2011; “Call for Representatives”, Interview with Representative Assembly Member, August 2011). Like the mayor and City Assembly, the Representative Assembly also has the power to consider policy and make recommendations, although it is systemically weaker than the other two offices. As is typical of Japanese politics, the mayor’s office is the most powerful local actor.

The Representative Assembly for Foreign Residents deliberates on issues of its choice that affect the city’s foreign community and has the ability to launch formal investigations using city resources. It can call in government officials to testify when necessary and make official proposals which are given to the mayor’s office and made available to the public (Kawasaki Resident’s Bureau, 2008). The Representative Assembly does not have the ability to implement policy, but the mayor’s office is required to report back to it annually on any proposals that affect foreign residents. The mayor’s office can choose whether or not to accept the Representative Assembly’s recommendations and the extent to which it decides to implement any policies the
Resident Assembly proposes. In practice, the mayor’s office usually takes Resident Assembly recommendations seriously and has made efforts to implement a variety of its proposals. Developments regarding proposals are reported annually by the Resident Assembly to the public until they are implemented to the Assembly’s satisfaction (Interview with Assembly member; August 2011).

The Representative Assembly is perhaps one of the most important entities in the city for originating immigrant-related policies and is somewhat unusual in Japanese government, given the degree of suspicion often cast on immigrants in the country. As the members are by definition immigrants themselves, and they are entrusted with the job of improving conditions for foreign residents, it is only natural that they would be pursuing an agenda actively aiming to integrate the resident foreign community more actively into city life. The initial formation, major Representative Assembly proposals and policy developments will be reviewed in more detail below.

Although the Representative Assembly often takes a leading role in investigating and making proposals regarding policies relating to foreign residents in Kawasaki, other actors also play an important role, particularly in policy implementation. The city partners with a semi-official International Association, a local NGO that receives city funding, and also runs an International Center. Both aim to promote international understanding and cooperation in the city. The International Association publishes a newsletter in six languages (English, Spanish, Portuguese, Chinese, Korean and Tagalog), giving timely information about city events and resources available to foreign residents. It also runs a foreign resident counseling center which
offers free counseling to foreign residents twice a month in six languages. Counseling sessions have a lawyer on hand as well as translators. Additionally, the International Association maintains a library in the International Center that stocks both Japanese and foreign language books. The International Center hosts overseas groups, holds seminars on international issues and affairs, organizes exchange groups, trains volunteers promoting international exchange and offers Japanese language classes on nights and evenings, among other activities (Kawasaki International Association, 2011).

In the realm of education policy, the city maintains a Comprehensive Education Center (川崎市総合教育センター) that provides assistance on the enrollment of foreign students, Japanese language classes, and adjusting to life in Japanese classrooms. The center is large enough that it performs its own research on education policy, including publishing reports on topics such as using international education to improve multicultural understanding (2006) and to improve individual student abilities (2009). It is worth noting that while most of the city websites and documents offer at least basic information in English, Spanish or Portuguese, information from the Comprehensive Education Center is only available in Japanese. However, if necessary, students and parents can procure the help of a translator through the city.

Before considering immigration related policy in more detail, some possible explanations as to why Kawasaki is active in this field are warranted. For one, Kawasaki has been home to a significant number of “zainichi” (long-term immigrant) residents since World War II. While often raised in Japan and fluent in Japanese, the zainichi are typically ethnically Korean or Chinese and were denied a number of important rights as non-Japanese citizens. Kawasaki, along
with other enclaves of *zainichi* residents in Yokohama and Tokyo, was and is at the forefront of the movement to gain greater equality for foreign residents. These efforts became especially strong during the 1970s progressive movement. Kawasaki’s government passed policies aiming to benefit its foreign residents as early as 1972 when the city enabled foreign residents to participate in the national “kokumin”, or 国民, health insurance system (Kawasaki Resident’s Bureau). Since that time Kawasaki has maintained a comparatively large immigrant population, bolstered by influxes of newcomer immigrants after the 1990 revision to the Immigration Control Act and has actively tried to address their needs. With the greater degree of discretion afforded by being an ordinance-designated city, Kawasaki is ideally placed to make changes in policy with a greater level of ease compared to other municipalities.

In considering Kawasaki’s immigration policies, we will limit the discussion to voting rights, pensions, health insurance and housing issues in this chapter. Chapter 6 will examine the issue of education for immigrants in Kawasaki and Japan as a whole. This is an area that has seen substantial activity on the part of both Kawasaki and the national government.

**Voting**

Suffrage has been an important right for many long term residents of Japan. For much of Japan’s history foreign residents have been denied any formal voice in government, be it in local or national politics. As of 2011, foreign residents were still not permitted to vote in national elections. However, voting rights have been slowly expanding at the local level for foreign residents. After a brief discussion of qualifications for gaining Japanese citizenship and the
eligibility to vote, we will examine in this section how local voting policies have developed, first in Kawasaki and then nationally.

An important initial distinction to make is between foreign residents and foreigners who have acquired Japanese citizenship through naturalization. Basically, any category of non-naturalized foreign resident, including a permanent resident, is considered a resident alien and not entitled to vote in national elections, hold national civil service positions, run for public office or serve in the police and self-defense forces (Ito, 2011). Foreign-born individuals who are naturalized citizens can vote and hold these positions just like any Japanese citizen by birth. In order to be naturalized, the foreign resident must apply formally to the Minister of Justice, demonstrating that they are at least 20 years old, have lived in the country for at least five years, have not belonged to any organizations plotting the overthrow of the Japanese government, have maintained “upright conduct”, meaning they have no criminal record, have the ability to make a living in the country, and be willing to renounce citizenship of any other countries (Ministry of Justice, 2008).

Relinquishing one’s citizenship in another country in order to become a naturalized citizen in Japan has been somewhat problematic for some foreign residents who would prefer to keep citizenship to their home country. Japan does not permit dual citizenship. Still, for those individuals who meet the eligibility criteria for naturalization and are willing to forego citizenship anywhere else, the rate of approval for naturalization applications is quite high: in 2010, 13,157 applicants out of 13,391 (or 98%) were granted citizenship. The numbers hold up consistently for other years as well: 14,676 out of 14,878 applicants (98%) were given
citizenship in 2009, 15,171 out of 15,440 applicants (98%) in 2008 and 15,847 out of 16,107 (98%) in 2007 (Ministry of Justice, 2011). Table 1 compares the total number of naturalization applicants to the Ministry of Foreign Affairs’ statistics on annual visa issuance. Although using annual visa numbers is an admittedly rough approximation of the number of foreign residents, it is a somewhat more reasonable number to compare than the total immigrant population of approximately two million people because it shows annual changes a bit better. Furthermore, even these slightly less conservative numbers illustrate the small proportion of residents actually applying for naturalization. The proportion would look much smaller compared to the total national immigrant population. The important point here is that the vast majority of foreign residents lack the privileges of Japanese citizens, including voting rights.

Table 1: Long-term Residents Compared to Naturalization Applicants, 2001-2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Long-term Residential Visas Issued</th>
<th>Naturalization Applicants</th>
<th>% of LT Foreign Residents Applying for Naturalization</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>283,426</td>
<td>13,391</td>
<td>4.72%</td>
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<tr>
<td>2009</td>
<td>295,250</td>
<td>14,878</td>
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<tr>
<td>2008</td>
<td>341,701</td>
<td>15,440</td>
<td>4.52%</td>
</tr>
<tr>
<td>2007</td>
<td>346,668</td>
<td>16,107</td>
<td>4.65%</td>
</tr>
<tr>
<td>2006</td>
<td>331,338</td>
<td>15,340</td>
<td>4.63%</td>
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<td>380,274</td>
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</tr>
<tr>
<td>2004</td>
<td>391,925</td>
<td>16,790</td>
<td>4.28%</td>
</tr>
<tr>
<td>2003</td>
<td>386,719</td>
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<td>4.05%</td>
</tr>
<tr>
<td>2002</td>
<td>354,128</td>
<td>13,344</td>
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</tr>
<tr>
<td>2001</td>
<td>362,916</td>
<td>13,442</td>
<td>3.70%</td>
</tr>
</tbody>
</table>

Source: Compiled from Ministry of Justice Statistics on Naturalization Applications and Ministry of Foreign Affairs Statistics on Visa Issuance, 2011

Obtaining citizenship through naturalization can be contrasted with the permanent resident visa category, another means which foreigners can use to apply for long-term residency.
The application procedures are quite similar, although prospective permanent residents are required to have lived in the country at least ten years, with a reduced requirement of three years of residency if the applicant is married to a Japanese spouse (Ministry of Justice, 2006). The primary difference is that permanent residents are not required to renounce their citizenship in any other country (Arudou, 2006). Some may elect not to renounce citizenship in their home country for reasons of personal identification, not wanting to change their name to a more Japanese-sounding one, preferring to visit their home country as a resident, rather than entering as a foreign alien with a visa, or hoping to avoid the potentially intrusive process that naturalization can entail.

Another important distinction is with the resident zainichi population, who are afforded the status of “special permanent residency”. The category is “special” in that they do not have to apply directly for permanent residency in Japan, as it is ascribed at birth, but they are not afforded the same rights as Japanese citizens. Birth in Japan does not automatically bestow Japanese nationality if the parents of the child are not Japanese nationals themselves (Goodman, 2008; p. 251). Like permanent residents and other categories of foreign residents, special permanent residents are prohibited from voting nationally and holding government positions (Shipper, 2010; p. 61).

Table 2 shows the breakdown of permanent residents and special permanent residents at the national level, drawing comparisons between the two groups as well as the larger, long-term foreign resident population. What should be apparent here is that the zainichi special permanent resident population has been gradually decreasing, while the numbers of other permanent
residents have made large gains. Additionally, the combination of permanent residents and special permanent residents make up an increasingly significant portion of the long-term foreign resident population of Japan, the single largest category in fact. In other words, the vast majority of foreign residents in Japan lack the basic ability to directly influence their government, even if they plan on residing in the country permanently.

**Table 2: Comparisons Between Permanent Residents, Special Permanent Residents and the Total Foreign Population, 2001 – 2010**

<table>
<thead>
<tr>
<th>Year</th>
<th>Permanent Resident (PR)</th>
<th>Special Permanent Resident (SPR)</th>
<th>Total</th>
<th>% PR</th>
<th>% SPR</th>
<th>Total Foreign Population</th>
<th>% Foreign Population PR &amp; SPR</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>565,089</td>
<td>399,106</td>
<td>964,195</td>
<td>56.61%</td>
<td>41.39%</td>
<td>2,134,151</td>
<td>45.18%</td>
</tr>
<tr>
<td>2009</td>
<td>533,472</td>
<td>409,565</td>
<td>943,037</td>
<td>56.57%</td>
<td>43.43%</td>
<td>2,186,121</td>
<td>43.14%</td>
</tr>
<tr>
<td>2008</td>
<td>492,056</td>
<td>420,305</td>
<td>912,361</td>
<td>53.93%</td>
<td>46.07%</td>
<td>2,217,426</td>
<td>41.15%</td>
</tr>
<tr>
<td>2007</td>
<td>439,757</td>
<td>430,229</td>
<td>869,986</td>
<td>50.55%</td>
<td>49.45%</td>
<td>2,152,973</td>
<td>40.41%</td>
</tr>
<tr>
<td>2006</td>
<td>394,477</td>
<td>443,044</td>
<td>837,521</td>
<td>47.10%</td>
<td>52.90%</td>
<td>2,084,919</td>
<td>40.17%</td>
</tr>
<tr>
<td>2005</td>
<td>349,804</td>
<td>451,909</td>
<td>801,713</td>
<td>43.63%</td>
<td>56.37%</td>
<td>2,011,515</td>
<td>39.86%</td>
</tr>
<tr>
<td>2004</td>
<td>312,964</td>
<td>465,619</td>
<td>778,583</td>
<td>40.20%</td>
<td>59.80%</td>
<td>1,973,747</td>
<td>39.45%</td>
</tr>
<tr>
<td>2003</td>
<td>267,011</td>
<td>475,952</td>
<td>742,963</td>
<td>35.94%</td>
<td>64.06%</td>
<td>1,915,030</td>
<td>38.80%</td>
</tr>
<tr>
<td>2002</td>
<td>223,875</td>
<td>489,900</td>
<td>713,775</td>
<td>31.36%</td>
<td>68.64%</td>
<td>1,851,758</td>
<td>38.55%</td>
</tr>
<tr>
<td>2001</td>
<td>184,071</td>
<td>500,782</td>
<td>684,853</td>
<td>26.88%</td>
<td>73.12%</td>
<td>1,778,462</td>
<td>38.51%</td>
</tr>
</tbody>
</table>

*Source: Compiled from Ministry of Justice statistics on the Status of Registered Foreign Residents, 2005, 2011*

To draw comparisons to other nations, the United States does not allow permanent residents to vote in federal elections, although they may vote in the “few jurisdictions” that permit permanent residents to do so (US Citizenship & Immigration Services, 2010). Taking residency and voting issues of the European Union aside, as it has its own set of rules for member states, a number of countries allow all resident aliens, not just permanent residents, to vote in local elections. Such is the case with many of the progressive northern European countries, including Denmark, Finland, the Netherlands, Norway and Sweden, which allow all
foreign residents to vote locally. New Zealand appears to have the most liberal of rules regarding foreign suffrage, where all types of resident aliens are able to vote nationally as well as locally. A number of other countries offer more limited voting rights to permanent residents: the United Kingdom, Portugal and Ireland let permanent residents vote both locally and nationally, while Israel, Iceland and South Korea allow permanent residents to vote in local elections. On the other hand, prominent democracies like Germany and France do not extend local voting rights to foreign residents (Bae & Kwon, 2010; Earnest, 2006; Walrauch, 2003).

Clearly, Japan would not be unique in either permitting or prohibiting its resident foreigners from voting locally, although it does appear that a number of democracies are willing to extend some degree of suffrage to their foreign residents. Japan’s national government, prohibiting non-naturalized foreign residents from voting in national elections, has not made a definitive ruling on local participation. This leaves the window open for municipalities in Japan to make their own policies regarding local elections.

Kawasaki’s focus on voting rights for foreign residents dates back to the early 1990s. With the change in the Immigration Control Act of 1990, the city began to notice a sizable increase in its foreign population. In order to better address their needs, Kawasaki commissioned a survey of foreign residents in 1993, attempting to see what kinds of problems they were encountering and what needs were and were not being met. One of the things the city realized as a result of this survey was the need to have some kind of formal representation of foreign residents in city government. The city soon began encouraging foreign residents to take part in
already established service monitoring programs, consultation meetings, and councils attached to city departments (Takao, 2003; p. 544-545).

Beyond this informal recognition, Kawasaki took further concrete steps toward promoting foreign resident participation in local government. In 1993, the city made its first petition to the national government to allow foreign residents to vote locally. At this time the central government had no rules in place permitting foreign nationals to vote in local elections. Fifteen other local governments passed similar resolutions that year, urging the national government to grant foreign residents local voting rights (Takao).

The city also continued surveying foreign residents in order to see exactly what needed improvement and how to go about it. By 1996, Kawasaki established its Representative Assembly, the first of its kind in the country. In order for the Representative Assembly for Foreign Residents to come into being, in 1996, Kawasaki also eliminated the nationality clause for hiring city employees, with the exception of firefighters. As the members of the representative assembly are not Japanese, yet would be working for the city, this was a necessary step. This was the first time a city formally eliminated its rules against hiring non-Japanese citizens in municipal government (Kawasaki Resident’s Bureau, 2008). Although there is no national law stipulating that local government employees must be Japanese citizens, this is, in fact, the practice for the vast majority of cities.

It is also worth noting that foreign residents remain ineligible to become police officers in Kawasaki. Police agencies are organized by prefecture and overseen by the National Police Agency. Police officers are thus national government employees, rather than municipal
employees who can be non-citizens in cities like Kawasaki. Kanagawa prefecture, like all other prefectures, maintains its own police force, although it has designated departments in Kawasaki and Yokohama, the two ordinance-designated cities in its territory (Kanagawa Police, 2012; “Organization”). The Kanagawa police, like other prefectural police agencies, maintain that one must have Japanese nationality in order to be eligible to join the force (Kanagawa Police, 2012; “Employment”).

While Kawasaki implemented its Representative Assembly for Foreign Residents and appealed to the national government to grant foreign residents local voting rights, other municipalities were taking similar actions. Although Kawasaki was the first city to establish a representative assembly for foreign residents, Tokyo started an assembly of “foreigner-citizens” in 1997, Kyoto in 1998, Mitaka in 1999, Atsugi in 2002, Sagamihara in 2003, and Yamato and Okayama City in 2005 (Takao; p. 547; Kawasaki Representative Assembly, 2007).

Granting foreign residents some degree of representation in city assemblies is one way of ensuring some minimal level of participation in local affairs. Another, perhaps more controversial way of doing so is granting direct voting rights. While representative assemblies are still dependent on the municipal structures in place to implement their recommendations, voting would give foreign residents the ability to directly influence government. As noted, in 1993 Kawasaki was among the first sixteen cities appealing to the central government to allow foreign residents to vote locally. In 1994, 172 local governments passed similar resolutions. By 2001, 1,439 municipalities, representing 73% of the total Japanese population, had passed such resolutions (Takao; p. 534). According to Mindan, an association of ethnic Koreans promoting
“zainichi” voting rights, by 2005 a total of 1,531 municipalities had adopted resolutions encouraging local foreign voting rights, a total of 46% of the cities in Japan encompassing the vast majority of the population (Mindan). By 2011, almost half of the country’s cities had chosen to circumvent or ignore the central government on the foreign suffrage issue.

Moreover, local governments who chose to ignore central government policy on foreign resident suffrage found some support in the deliberations of the Japanese Supreme Court. In response to appeals made by local governments, the Supreme Court took up the foreigner voting question in 1993. The court issued its ruling in 1995, holding that the constitution does not prohibit foreign residents from voting at the local level. Constitutional constraints had previously been used as justification by the central government and some municipalities to prohibit foreign residents from voting locally. With the ruling, the Supreme Court declared that decisions of foreign resident suffrage should be left to the national government to legislate (Supreme Court of Japan, 1995). What this decision did was to effectively rule out the constitution as an excuse for prohibiting foreign residents from voting. Yet the decision did not definitively answer the question of foreign suffrage one way or the other. Instead, the issue was left once again to the central government to legislate. With the conservative Liberal Democratic Party still in power at this time, however, little progress was made nationally on the issue following the Supreme Court’s ruling. In spite of a change in government leadership to the Democratic Party of Japan in 2009, as of 2011 the national government has not yet passed a definitive policy either permitting or prohibiting foreign residents from voting locally.
Kawasaki’s representative assembly first took up the voting issue in 2003, deliberating and recommending the city government investigate the possibility of local suffrage. The Kawasaki government subsequently began investigatory committees in 2004 and 2006, looking at the possibility of incorporating foreign residents and the types of rules that should be in place regarding their voting eligibility. The final report from the committee, issued in 2006, recommended that foreign residents be able to vote locally. To be eligible to vote as a resident alien, the committee recommended that the resident’s visa be good for at least three years, and they should have resided in the city for at least three months before the election. Like Japanese residents, those foreign residents over the age of 18 would be eligible. There was also concern about the registration process for voting. The committee recommended that the process be a simple one, as an overly-complicated or bureaucratic procedure can discourage participation: they recommended that foreign residents could use the receipt of their foreign alien registration as proof of eligibility (Kawasaki Representative Assembly, 2003-2006).

The committee’s recommendations were presented to the Representative Assembly, and additional forums were held on the policy at three different locations in the city in order to give the public a chance to comment. A draft policy was created in 2008, officially proposed at a city council meeting and subsequently adopted. On April 1, 2009, Kawasaki implemented its new system allowing foreign residents to vote on referenda and in local elections. At the same time, the city noted that in order to continue promoting and expanding the rights of foreign residents, it will need the cooperation of other cities in securing local voting rights for all people. In 2007, Kawasaki began investigating the positions of other large cities to determine their policies.
regarding foreign suffrage and employment. The following year Kawasaki began actively promoting the suffrage and municipal employment of foreign residents in other cities (Kawasaki City, 2008; Representative Assembly, 2003-08).

Kawasaki is not the only, or even the first, municipality to allow its foreign residents to vote on local issues. The first city to grant local alien suffrage was Maibaracho in Shiga Prefecture in 2002, which initially extended the right to vote in a local referendum on a town merger. From there, policies enabling local foreign resident suffrage have expanded. As of 2005, there were approximately 200 municipalities that authorize foreign residents to vote (Tanaka & Kin, 2006).

Nationally, the Diet first added the issue of foreign resident suffrage to its agenda in 1998. The proposal was initiated by the Democratic Party of Japan (DPJ) and timed to coincide with a visit to Japan from the South Korean President at the time, Kim Dae Jung. As voting rights are important to the zainichi Korean community in Japan and, as a result, important to Korean-Japanese relations, the proposal seemed like a positive development at the time. Soon after the visit, however, the bill was tied up by the ruling Liberal Democratic Party (LDP) with little chance of advancing further (Kim, 2006; p. 70).

With the LDP sliding in public opinion polls and the DPJ on the ascent following Japan’s poor economic performance, a string of scandals and Prime Ministerial resignations after Junichiro Koizumi, the DPJ advocated a new proposal in conjunction with the Komeito, a coalition partner at the time, that foreign residents be given the right to vote in local elections (DPJ, 2008). When the DPJ was able to take control of the government after the elections of
2009, it was widely expected that the party would implement its proposal on local foreign voting rights. However, under the DPJ, Japan continued to suffer from poor economic performance, and the DPJ itself was plagued by a number of its own scandals and prime ministerial resignations, rendering it largely ineffective on a host of topics, including immigration and voting issues. The question of foreign suffrage, in particular, met with strong opposition from right-wing parties on the grounds of protecting national security interests, but was often motivated by traditional xenophobic tendencies. By the time of the Upper House election in July, 2010, the DPJ had abandoned local foreign suffrage as a part of its legislative agenda (Asahi Shinbun, 2010; Yamaguchi, 2010), effectively taking the issue off the national agenda for the time being.

In the wake of the earthquake, tsunami and nuclear emergencies that stunned Japan in March 2011, the government had more than its fair share of issues to contend with. In addition to the logistical problems a triple disaster creates, the Naoto Kan government met with ever-increasing levels of unpopularity, both due to the administration’s handling of the crises as well as its overall poorly perceived performance. The levels of dissatisfaction were such that Kan was forced to step down from the premiership in August 2011, making him the sixth prime minister to serve in five years and calling into question the overall effectiveness of Japan’s current ruling party (Hoshi, 2011). Regardless, with the level of problems the DPJ faced, questions of foreign suffrage were all but ignored following the 2010 elections.

These instances of municipalities passing more progressive immigration voting rights policies for immigrants, in the absence of central government action are clearly an example of
local policy innovation. What began as a few municipalities trying to incorporate the opinions of their foreign community members into the decision making process has spread throughout the country, ultimately reaching the national agenda. Kawasaki has played a major role in this process. With the central government unable to develop any coherent policy on the issue, local governments have instead taken it upon themselves to extend these basic privileges to their residents.

**Pensions**

Pension issues are another area that can be problematic for foreign residents in Japan. Foreign residents often stay for differing lengths of time in the country, which means that there is no simple means of looking at the pension system and its associated rules that would fit the often unique circumstances of individual people. To this end, the following analysis first outlines the national pension policy and notes how it can be problematic for foreigners, then addresses innovations Kawasaki has made, how they compare to the national policy, and finally whether local innovations have brought any changes in the national pension system.

First and most fundamentally, all workers in Japan between the ages of 20 and 59, regardless of nationality, are required to pay into the national pension system. After reaching the age of 65 and contributing to the system, for a minimum of 25 years, an individual is eligible to receive a pension. As of fiscal year 2011, the mandatory contribution to the national pension plan is 15,020 yen (approx. US $195) per month. National pension contributions are the same for all individuals, both Japanese citizens and non-Japanese citizens, regardless of income level. Some discount is given if monthly contributions are paid in advance by bank transfer, instead of cash,
and partial exemptions from making payments are available by application to low-income individuals. Otherwise, everyone is expected to contribute the same amount. Because the contribution level is uniform, payouts are also made in a standardized fashion, based on the duration of contribution into the system. The payment made to an individual fully paid into the system and contributing to it for 40 years, for example, is 788,900 yen ($10,265) per year. Pensions may also be paid out to individuals who have disabilities or to a contributor’s dependents in the case of their death (Japan Pension Service, 2011). Many individuals also pay into private pension schemes, often organized through their employers. Upon retirement, they can receive benefits from both the national pension and their private pension. Yet the national pension is meant to cover everyone working in Japan, regardless of their individual employment circumstances, and guarantees a minimum level of income for the vast majority of the population upon retirement.

The national (kokumin or 国民) pension system was created in 1944 and was originally modeled after the German pension system. The system was significantly modified in 1959 into its more current iteration. Until 1982, there was a nationality rule in place, meaning that only Japanese nationals could receive payments from the system (Gurowitz, 1999; p. 431). Interestingly, the 25 year minimum contribution rule also made some Japanese citizens ineligible to receive payments from the national pension system. If those Japanese nationals had lived abroad for a significant period of time, for example, they would not be able to receive pension support. However, there were other options available to Japanese citizens ineligible for the national pension, like the Japanese Elderly Welfare Pension (全額国の負担の高齢福祉年金).
and shorter five to ten year pension schemes. Residents of Okinawa were also initially excluded from the national pension system but were able to obtain an amendment to the policy that would include them after lobbying the national government (Kawasaki Representative Assembly, 1998).

There are serious questions over the solvency of the national pension system in the future. With Japan’s aging society and low birth rate, there will be considerably fewer contributors to the system in the near future and a much larger number of recipients. To deal with the problem, pension contributions as a percentage of income have risen, while future payouts are to be held steady by the government, at least through 2017 (Pension Bureau, 2011). Like Japanese citizens, foreign residents are concerned that their contributions to the pension system may not be matched by the payments they later receive.

Also plaguing the pension system has been poor government enforcement of mandatory contributions. Several scandals involving the previous pension administrative apparatus, known as the Social Insurance Agency (SIA), came to light in the mid 2000s. In 2004, revelations were made in the Japanese media that several high-profile members of Prime Minister Koizumi’s cabinet had failed to pay into the national pension system. After being severely criticized in the media by the opposition Democratic Party of Japan, it was revealed that DPJ’s top leadership also had not contributed to the plan for significant periods of time (Onishi, 2004).

The underlying reasons that such high profile politicians were able to avoid paying into the pension system became clear in 2007, when the SIA revealed that it had inconsistent or altogether missing records for over 50 million pension contributors, or about half of the eligible population. Such wide-scale mismanagement was unprecedented in Japan. There are a variety of
reasons why this occurred: mistakes in reporting made by participants, employees and agency staff, fraudulent record keeping and corruption, a lack of administrative or bureaucratic oversight, a reluctance on the part of the SIA to disclose information, haphazard and inconsistent collection of social security contributions, as well as technical problems unique to Japan (Takayama, 2009).

Prior to 1997, pension participants were issued personal identification numbers based on their region. The participant was issued a new identification number when they moved to a different location, changed jobs or if they changed their name through marriage or divorce. By 1997, there were approximately 100 million pension participants, yet there were over 300 million pension identification numbers nationally. To try and integrate the disparate identifiers into a more manageable system, the SIA began implementing a computer-based, unified personal identification system in 1997, attempting to assign a single identification number of each contributor. Further compounding the problems of integration were technical difficulties: the Chinese characters used to write Japanese names can have a variety of pronunciations. The software at the time only allowed a single pronunciation for each character, which led to widespread errors in the classification of names as a part of the integration (Takayama). With this combination of factors, the SIA ultimately experienced a widespread and severe loss of data. The pension controversy was such that it is regarded as one of the major contributing factors to the resignation of Prime Minister Yasuo Fukuda in 2008 (Ryall, 2008).

In the confused environment thoroughly lacking in administrative supervision that has characterized the pension system until very recently, the evasion of mandatory contributions on the part of businesses and employees was simple enough to achieve. Only since the pension
scandals were made public in 2007 have there been moves to improve enforcement. The SIA was dissolved in 2007, with a new public corporation dubbed the Japan Pension Service created in its place. Being slightly removed from direct bureaucratic control, it is hoped that the Japan Pension Service can better manage existing records and help to organize the data lost through the SIA. As of 2010, the agency has reduced the outstanding list of missing or “unintegrated” pension records down to 20 million (Ministry of Health, Labor & Welfare, 2010). Further efforts aimed at ensuring pension compliance with the foreign community were put in place in 2009, where foreigners applying to extend their visa in Japan are now required to show proof of registry into the pension and insurance schemes (Uechi, 2009). Taking all of these factors into consideration, the government is making efforts to reduce the ranks of pension avoiders, although it still has a long way to go. It is widely believed that there are still relatively large numbers of people who avoid paying into the pension system, representing both the Japanese and foreign-born populations.

Bureaucratic shortcomings aside, eligibility to receive pension benefits for foreign residents paying into the system has proven to be occasionally problematic. This is mainly due to the 25 year minimum contribution rule. If an immigrant over the age of 40 comes to Japan, there is no way that he would be eligible for the national pension, yet he is still required to contribute to the system (Interview with Representative Assembly member, August 2011). Thus, if an immigrant were to work in Japan for less than 25 years, he would be ineligible to receive pension benefits. For many foreign residents, payment into a pension scheme from which they have no chance of receiving benefits amounts to little more than a waste of money, and they frequently
try to avoid making payments. Often, pension payments were bundled together with insurance premiums, meaning that one had to make simultaneous contributions, paying either for both health insurance and the pension, or for none. As many foreign manual laborers had jobs where their employers did not make pension contributions, or insurance contributions for that matter, they had to bear the full burden on their own. At the same time, if employers were not automatically deducting pension and insurance contributions from their paychecks, the foreign laborer had to physically make the payments themselves. The result was many that foreign workers opted out entirely, not simply ignoring the pension system but also foregoing health insurance.

Although technically required by law to contribute to the pension scheme and have health insurance, many of these foreign workers are in the informal work sector, or their employers, avoid making contributions and reporting to the government. It is relatively easy for them to avoid making payments if they so choose. The government has placed the burden of responsibility in registration and payment on the individual. It can technically prosecute those avoiding paying into pensions and insurance, yet, for the reasons noted above, rarely does so. Foreigners working in the formal sector may in fact follow regulations and have pension contributions deducted from their wages, although there is some variability according to employer. Still, the rate of pension avoidance among the foreign population is considered higher than the Japanese population. Pension payment avoidance is, of course, not limited to foreign residents: it has been a problem with Japanese nationals as well (Yoshida et. all, 2006; Hayashi & Ikegami, 1998; p. 124).
Another problem the 25 year rule brought into place was that while the nationality requirement was repealed in 1982, the 25 year “clock” did not start running until that year for foreigners paying into the system. That means in most cases any years worked prior to the 1982 revision were not counted in determining eligibility for foreign workers (Osaka City, 2009; Thompson, 2011). As an example, a long-term foreign resident beginning work in Japan in 1980 would not be eligible to receive pensions if she were to retire in 2005, as the two years she worked before 1982 would not be considered. Put another way, foreigners who were born before 1942 and entered the country or registered as resident aliens before January 1, 1982 are ineligible for the national pension because they would not be able to contribute to the pension system for 25 years before hitting the cut-off age of 65. The result is that many long term and zainichi residents of Japan are unable to receive national pension payments.

In order to address the problem of elderly foreign residents being ineligible for national pension payments, Kawasaki city, like many other cities in Japan, has taken it upon itself to provide its own welfare payments to elderly foreign residents. For Kawasaki, a resident is eligible for the city’s elderly foreign welfare payments (外国人高齢者福祉) if they were born before 1929 and have been registered as a foreign resident in the city for more than one year. The payment to such residents is currently 22,000 yen ($285) per month (Kawasaki City, 2011). Funds that supply the welfare payments come from the municipal budget.

Kawasaki’s foreign representative assembly began taking up the pension issue in 1998, urging the city to appeal to the national government to make changes to the way foreign residents pay into the national pension system. It noted that there was little incentive for foreign residents
to pay if they were to receive no benefit. The assembly also asked the city to appeal to the national government for a national elderly foreign resident welfare system that mirrors the already established Japanese Elderly Welfare Pension, which is only available to Japanese nationals. In both aspects of the pension-related policy, the representative assembly was simply trying to obtain more equal treatment of its foreign residents by the national government.

In 1999, Kawasaki banded together with thirteen other ordinance-designated cities to appeal to the Ministry of Health, Labor & Welfare to change the country’s pension policies for foreign residents. Since that time, the city, along with the other designated cities, has continued to petition the Ministry of Health, Labor & Welfare to make the necessary changes. Kawasaki has pledged to keep its own elderly foreign welfare system in place until a national plan exists that offers similar benefits (Foreign Representative Assembly, 1998 proposal developments through 2010). The city’s foreign representative assembly will be taking up the pension issue once again in the 2010-2012 term, and may develop additional proposals (interview with Representative Assembly member; August 2011).

A number of other cities have developed similar elderly foreign resident welfare systems, including Osaka, Tokyo, Chiba, Saitama, Sapporo, Nagoya and Hamamatsu. According to Mindan, as of 2006 a total of 619 cities have adopted an elderly foreign resident welfare system (Mindan). This represents approximately 20% of Japanese municipalities and all of the ordinance-designated cities with the exceptions of Niigata and Okayama. Kawasaki was among the early adopters of an elderly foreign welfare system, although a number of municipalities had done so as early as 1993.
City lobbying of the national government has proven somewhat successful in obtaining revisions to the 25 year rule for pension eligibility. As early as 2000 the Japanese government began implementing “pension treaties” with other countries, where contributions made to pension systems in one country can count toward eligibility for pension benefits in another. As an example, a German national may work fifteen years in Germany, then have his job transferred to Japan where he works an additional ten years. The Japanese government would consider this person eligible for pension benefits provided he is at least 65 years old, as he worked a total of 25 years between the two countries. Any work completed abroad is considered “complementary” to the system, meaning it counts toward determining eligibility, but not in terms of payments given to the recipient.

These treaties serve a number of important functions in the pension system: they help to avoid double payments, to both the Japanese pension system and the other country’s; they ensure that lapses in coverage that could make individuals ineligible to receive benefits are avoided; and they benefit Japanese citizens working abroad in addition to foreign nationals in Japan. Through the pension treaties, Japanese working abroad can also use the time they contributed to their own pension system toward establishing eligibility for pensions in other countries (Ministry of Health, 2011; Japan Pension Service). With the implementation of these pension treaties, foreigners working in Japan should have an increased ability to draw pensions, provided that they are nationals from countries that have an agreement with Japan. Table 3 lists those countries that have either implemented or have agreed to, and have yet to implement, pension treaties with Japan. The Japanese government is also currently in negotiations with Hungary, Switzerland,
Brazil, Luxembourg and Sweden, and may reach agreements with these countries at some point in the near future (Pension Bureau, p. 27).

<table>
<thead>
<tr>
<th>Country</th>
<th>Year of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>2000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>2001</td>
</tr>
<tr>
<td>South Korea</td>
<td>2005</td>
</tr>
<tr>
<td>United States</td>
<td>2005</td>
</tr>
<tr>
<td>Belgium</td>
<td>2007</td>
</tr>
<tr>
<td>France</td>
<td>2007</td>
</tr>
<tr>
<td>Canada</td>
<td>2008</td>
</tr>
<tr>
<td>Austria</td>
<td>2009</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2009</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>2009</td>
</tr>
<tr>
<td>Spain</td>
<td>Agreement signed Nov. 2008</td>
</tr>
<tr>
<td>Italy</td>
<td>Agreement signed Feb. 2009</td>
</tr>
<tr>
<td>Ireland</td>
<td>Agreement signed Oct. 2009</td>
</tr>
</tbody>
</table>

Source: Japan Pension Service, 2011

Another way the national government has sought to ameliorate the 25 year minimum eligibility requirement for pension payments is by offering lump-sum payouts to short term foreign residents. In this case, to be eligible the individual must contribute to the pension system for a minimum of six months but not reach the 25 year mark for contributions. Upon leaving the country, the individual can request to receive the lump-sum payment within two years. Payments from the lump-sum system are determined based on the amount of time the person has contributed to the pension system (Japan Pension Service, 2011). Table 4 breaks down the lump-sum payments based on the amount of time the worker has paid into the system.
Table 4: Lump-sum Pension Payments made to Short-Term Foreign Residents

<table>
<thead>
<tr>
<th>Duration</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-11 months</td>
<td>45,060 yen ($585)</td>
</tr>
<tr>
<td>12-17 months</td>
<td>90,120 yen ($1,175)</td>
</tr>
<tr>
<td>18-23 months</td>
<td>135,180 yen ($1,760)</td>
</tr>
<tr>
<td>24-29 months</td>
<td>180,240 yen ($2,345)</td>
</tr>
<tr>
<td>30-35 months</td>
<td>225,300 yen ($2,930)</td>
</tr>
<tr>
<td>36+ months</td>
<td>270,360 yen ($3,520)</td>
</tr>
</tbody>
</table>

Source: Japan Pension Service, 2011

Although the lump-sum payment system is certainly an improvement over the previous system where foreign residents received no compensation if they were to stop contributing to the system before the 25 year mark, one obvious problem is that the amount of money refunded falls quite short of the amount of money contributed to the system. Consider the minimum contribution duration of six months: at the current monthly contribution of 15,020 yen ($195), an individual would have contributed a total of 90,120 yen ($1,175) to the system, yet she would only receive half of that money back, or 45,060 yen ($585). Depending on the duration of time worked, one can expect a maximum refund of half of her pension contribution, and often much less. Another significant associated problem is if the individual has worked more than three years. With the lump-sum payment maximized at 270,360 yen ($3,520), one may very well receive a small fraction of the amount she contributed to the pension system. The situation is even more problematic for residents of non pension treaty countries, particularly if they have worked in Japan more than three years, as they would receive nothing. While Japan did conclude a pension treaty with South Korea in 2005, it has not yet done so for the other most populous nationalities.
in the country: residents with Brazilian, Chinese and Philippine nationalities. However, Japan is currently engaged in negations with Brazil.

In the case of pension contributions and eligibility, the national government has made a fair amount of progress since the early 1980s. Pension eligibility is no longer strictly limited to Japanese nationals, and some important changes have been made concerning the minimum 25 year contribution rule. However, there are still a number of foreign residents who are ineligible for national pension payments, either because they spent time working in the country before the 1982 repeal of the nationality rule, or because they are from a non pension treaty country. Municipalities have taken it upon themselves to attempt to address these inequalities by offering their own welfare payments to elderly foreign residents ineligible for national pension payments. While these payments are often smaller in scale than national pension payments to individuals, they do provide at least some kind of basic support that they would otherwise not receive. Between municipalities establishing their own foreign welfare systems and lobbying the national government to change pension rules, it appears that Japan is making progress on eliminating some of the most egregious systemic inequalities, particularly in determining eligibility. There is still progress to be made, and it is the cities that are leading in this area.

Health Insurance

Health insurance in the Japanese context raises similar issues. As we shall see, the national insurance system in place works to cover all residents, although municipalities are given a large degree of power and discretion. Some municipalities, like Kawasaki, have used that power to provide additional services to their foreign residents.
Japan has a system of parallel insurance schemes available to its residents to ensure universal coverage. Employees of large companies and their families belong to health insurance “unions”, or groups insured by their employer. Small and medium sized company employees and their families belong to a national health insurance “association”, which bands these groups together to insure the pool. There are also varying types of “mutual unions” that insure civil servants, educators and public officials and their families. Finally, anyone who does not fall into one of the above categories is able to become a member of the national health insurance system. Members of the national insurance system then often constitute the self-employed, the unemployed and the elderly (Ministry of Health, Labor & Welfare, 2009).

With the last catch-all category of national health insurance, it is important to note that while it is called a “national” plan, recipients are actually insured through the municipality in which they live. It is national in the sense that all municipalities offer this type of insurance, and it helps to achieve national coverage. It is not a system administered at the national level in terms of enforcement, although the national government plays a major role in recommending basic coverage levels, participant contributions and provides other general guidelines.

The insurance system is one that is unique to Japan, where in other countries offering national insurance coverage it is typically administered at the national level through contributions made by tax payments. Germany and the United Kingdom, for example, have such systems. Japan is the only advanced economy to offer national coverage through municipalities (Shimazaki, 2010). It is perhaps even more unexpected that Japan would base its national insurance system on municipalities, given the country’s centralized government system and
apparent hesitancy to decentralize power. However, municipalities have been providing health insurance since the system was implemented.

Reasons for this unique situation of municipalities providing national insurance are mainly historical. National insurance policy in Japan dates back to 1922 with the enactment of the country’s first health insurance policy and 1938 when Japan enacted its national health insurance law. Japan was in the midst of war at the time, and preserving the health of its residents became a government priority. At the time, insuring bodies were regional unions, mainly organized around groups of farmers. With the end of the war, many of these insuring unions went bankrupt due to a huge increase in medical demand and costs and, at the same time, major losses in revenues due to deaths of members and the destruction of the farmland that provided the revenues. It was at this point that local governments stepped in as insuring bodies able to provide steady enrollment to residents and encompassing larger areas, and more people paying into the system, than the previous unions. Municipalities were formally codified into law as insuring bodies in 1948 (Shimazaki, 2009).

With the development of the postwar economy and improvements in medical technology and facilities, universal insurance coverage in Japan became a clear possibility. To realize this goal, the government again turned to municipalities to implement its revisions to the National Health Insurance Act in 1959, which established the modern form of the national health insurance system and mandated insurance for all citizens (Roth, 2002; p. 71). Municipalities were seen as the best means of enforcing the policy, as they already had detailed information
regarding their residents and could offer the best level of service tailored to their individual communities (Shimazaki, 2010).

By offering municipalities power and discretion in administering the national health insurance system, they were also given more flexibility choosing who they wanted to enroll. As early as 1972 Kawasaki began offering enrollment in the national insurance system to its foreign residents (Kawasaki Residents Bureau, 2008), even though the national government strongly encouraged municipalities not to enroll them. Because of the efforts of the zainichi community and cities like Kawasaki, the national health insurance system was officially opened to foreign residents in 1986 at the national level, conditional upon their proof of residency for at least one year. This restriction, while enabling more foreign residents to enroll in the system, continued to exclude short-stay foreigners as well as illegal residents.

In spite of the one-year residency restriction, a number of cities, including Kawasaki, continued to insure all foreign residents regardless of visa status. By 1990 the Ministry of Health, Labor and Welfare (hereafter abbreviated as “Ministry of Health”) specifically instructed local welfare offices to exclude short-term and overstaying residents from applying to the national insurance program. The following year, twelve ordinance-designated cities, including Kawasaki, formally called for a repeal of the Ministry’s 1990 instructions (Takao, 2003; p. 542). In response to these requests the national government removed the one year requirement, effectively allowing short term residents to enroll in national insurance (Gurowitz, 1999). However, the growing size of the foreign community in Japan brought with it its own set of issues.
With the large increase in the foreign population in the early 1990s as a result of the revision to the Immigration Control Act, there was an escalating need for health care services for foreign residents, the vast majority of whom were enrolled in the national insurance system run by their local governments. In 1994, the Ministry of Health continued to pressure local governments not to accept applications from foreign residents for the national insurance program, this time noting that any insurance should be provided by their employers (Roth). As noted above, a common way for many people in Japan to obtain health insurance is through their employers.

Because most immigrants were not self-employed, unemployed or retired, a strict interpretation of the rules for government healthcare policy would mean that they were ineligible to enroll in the national plan. However, while many immigrants were employed, few were working directly for large companies with their own insurance policies. Most worked for small to medium-sized companies that should have been enrolled in a national insurance “association” for employees, but often were not in actuality. This was a cost-saving measure on the part of these smaller companies, of questionable legality. Many national insurance associations were run by the Social Insurance Agency, which also administered the national pension system until its dissolution in 2007. Similar to the pension system, the SIA did not keep adequate records on individuals and companies enrolled in the associations, and enforcement was lax (Takayama). Additionally, for those companies that did offer insurance, the premiums were often very high, and foreign workers were forced in many cases to contribute to pension plans from which they would not be eligible to receive any benefit (Hayashi & Ikegami, 1998; p. 124). These combined
factors created a strong incentive for foreign residents to try and enroll in the national insurance system or forego coverage altogether.

As a result of the Ministry of Health’s efforts in the mid 1990s, a number of municipalities began turning away foreign residents attempting to join the national health insurance system, leaving increasingly large numbers of them uninsured. Throughout this period Kawasaki, along with other municipalities with large immigrant populations like Toyota and Oita, continued making national health insurance available to foreign residents, once again in spite of government pressure to the contrary (Roth; p. 72). Other municipalities such as Hamamatsu in Aichi prefecture offered free health clinics and medical examinations to foreign residents as a way around national policy (Hayashi & Ikegami).

Another important policy local governments have adopted to assist immigrants with health-related issues is to subsidize the cost of medical treatment for foreign residents. Originally implemented by Gunma prefecture in 1993, this policy was adopted by Kanagawa prefecture (including Kawasaki) later the same year, Hyogo prefecture in 1994 and Chiba, Saitama and Tokyo prefectures in 1996. As there was a fair amount of inconsistency in the insurance coverage of foreign residents from city to city based on national decrees, in this case many prefectures have taken it upon themselves to help alleviate some of the burden of medical expenses for uninsured foreign residents. This system was further expanded after the 1995 Kobe earthquake, where the affected local governments and volunteer organizations worked to cover the health care expenses of foreign residents regardless of their legal status in spite of objections once again from the national government (Takao; p. 543). Policies regarding the health of
foreign residents in the wake of the Tohoku earthquake of March 2011 are still evolving, although in the immediate aftermath the government did relax requirements for residents to show proof of insurance when seeking medical care (Tokyo University of Foreign Languages, 2011). Regardless, subsidizing the cost of health insurance for foreign residents works as a de-facto insurance scheme for the residents, where the municipality and other insurance policy holders are sharing the cost of the health care for those residents. While the national government may not acknowledge it as such, local governments are still providing these basic health care services to their foreign residents.

More recently, medical-related questions in Kawasaki have focused less on the procurement of health insurance but on the delivery of services. While the information is not perfectly spread, foreign residents in the city are generally aware that they are able to enroll in and receive national health insurance, should they so choose (interview with Representative Assembly member, August 2011). The Representative Assembly proposed that the city improve its dissemination of information in other languages, both in terms of publicity and medical translation at health facilities. As a result, the city has been working closely with NGOs and immigrant groups to offer basic hospital information and forms in other languages. All city hospitals now have multilingual guidebooks in their reception areas explaining hospital procedures. Additionally, Kawasaki has established a medical translator dispatch system, where translators can be sent to area hospitals to assist foreign residents as necessary. Some local hospitals even have dedicated medical translators on their staffs (Kawasaki Representative Assembly, 2009).
Members of the national government bureaucracy recognize that the unequal provision of health insurance for foreign residents remains a problem, and inconsistencies between national and local policies can result in confusion for foreign residents. While concrete steps have yet to be made, the government hopes to address insurance policy again at some point in the near future (interview with Ministry of Justice official; October, 2010).

As municipalities are the primary insurers in the national health insurance system, and they have to address any uninsured or insolvent residents, it has been in their interest to see that residents obtain health insurance. In spite of opposition from the national government, many municipalities have acted to pursue insurance for their foreign residents, even in the face of strong opposition. In the cases where some municipalities have opted to side with the national government and not enroll foreign residents, there have often been moves around this policy by offering free clinics and subsidizing medical fees. In this case, local governments perhaps have a higher degree of power compared to the national government because of the way they were built into the insurance system. Many local governments like Kawasaki have chosen to use this power to offer foreign residents medical care comparable to other Japanese residents.

Housing

Finding reasonably desirable accommodations has long been a sore point for many foreign residents in Japan. Discrimination in terms of housing on the basis of nationality, disability, age or any other factor is something that Japanese law has not dealt with at the national level. It is perfectly legal for realtors to refuse to rent to foreigners, just as they can refuse elderly tenants or single parent families. Kawasaki, like other Japanese cities, has taken it
upon itself to address this shortfall and secure housing for foreign residents as well as other
categories of residents often discriminated against.

Policy relating to foreign resident housing in Kawasaki dates back to 1975, when the city
abolished nationality requirements for the child-care allowance\(^6\) and access to public housing
(Kawasaki Resident’s Bureau, 2008). However, major efforts toward reducing housing
discrimination did not get underway until the Foreign Representative Assembly began
addressing the topic in the mid 1990s. Based on results from the city’s Foreign Resident Survey
as well as surveys from other cities and from their own personal experiences, it was apparent to
the assembly that housing discrimination was widespread. It was common for foreign applicants
to be turned away at the door by realtors, where a foreign tenant was often too much trouble for
the realtor to deal with. Typical reasons realtors have refused to take on foreign tenants are that
they do not understand housing rules\(^7\), that they are noisy, lazy, or cause crime and property
damage.

Realtors and landlords, for their part, may have genuine misgivings about renting to non-
Japanese tenants. Aside from outright discriminatory practices, there is a greater possibility that
the foreign resident may not be aware of community rules, particularly if they are unable to
understand their rental contract. Foreign residents may stay in their housing for a shorter period
of time, thus requiring the search for new tenants, and the possibility of abrupt return to their

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\(^6\) This is a separate issue, where parents’ child care expenses are subsidized by the state and municipality, but
banded together with public housing due to the repeal of nationality requirements for each.

\(^7\) Housing rules in Japan can often be strict. Trash is an especially common source of anxiety between foreign and
Japanese residents. Trash is typically separated into different types (burnable, non-burnable, bottles and cans and
large items being the most common) with the different categories collected separately on different days. It can be
a potential point of friction if a foreign resident is not aware of or does not understand these distinctions.
home country could entail a breaking of their lease. Renting to foreigners can bring increased costs to landlords, for example in property damage, complaints from neighbors over issues such as noise, or rehabilitating abandoned property. If a landlord can avoid such costs by renting to a Japanese tenant, they may be more inclined to do so. Of course, there is no guarantee Japanese tenants will closely abide by the terms of their lease, even if they understand them, or that Japanese tenants always cause less trouble than foreigners. It is ultimately a matter of perception on the part of landlords.

Another barrier foreign residents often run up against is the guarantor system. This is common practice in Japan, where in order to rent housing another person or organization must act as a guarantor on the lease. Should the lessee default on his payments, the guarantor would then be liable. Foreign residents, particularly those involved in unskilled manual labor, often have a difficult time finding a guarantor if they have just come to Japan with few resources of their own. To compound the problem, many realtors require a Japanese guarantor which is often all but impossible for foreign residents to secure.

A third common problem encountered by foreign residents is that even if they are able to find a realtor willing to rent to them and a guarantor, housing contracts are typically written in Japanese. Although it is a common practice for legal documents to be written in the predominant language of the country, foreign residents may not be fully aware of what they are signing. This lack of comprehension can result in foreign residents breaking rules specified in the contract and also in realtors taking advantage of a resident’s poor language ability by writing in extra fees or stipulations. Even if he is buying housing, the foreign resident may run into trouble with loan
companies because non-permanent resident visas have an expiration date. Additionally, the representative assembly notes that foreign residents often qualify for public housing\(^8\), but are unaware of how long they can stay, the eligibility requirements or the method to apply.

Kawasaki’s Representative Assembly submitted a proposal to take action to end housing discrimination to the mayor in 1996. By 1999, the city had revised its general housing plan, clearly prohibiting any discrimination based on nationality. The following year the city implemented its general housing policy, decreeing that there could be no discrimination in the city based on nationality, age or disability without a justifiable reason. At the same time that the policy was passed, Kawasaki also set up a residential support system, aiming at supporting stable housing for residents and helping people to get in and keep the housing they have (Kawasaki City-Making Bureau, 2000).

As a part of this residential support, by 2002 Kawasaki created a volunteer translator system where translators can go with the foreign resident to take care of any housing-related issues. In order to overcome the guarantor problem, the support system provides guarantors to foreign residents, as well as to elderly and other residents, for a small fee. In some cases the city itself will also act as a guarantor (Interview with Representative Assembly Member, August 2011). The city support system will also provide help to the affected parties, should residents default on their housing payments, working with the relevant support groups in the city as necessary (Kawasaki City-Making Bureau, 2009).

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\(^8\) Public housing is offered and underwritten by the municipality or prefecture. Fees are often much lower than private housing options and intended for low income residents. See Kanagawa Prefecture, “Housing and Moving”, 2011
In 2002 Kawasaki also started working with the Council of Local Authorities for International Relations (自治体国際化協会), a semi-official NGO focused on municipal internationalization, to create a foreign resident housing handbook. The handbook is available through the Council in thirteen languages and has expanded to cover a wide variety of issues beyond housing, including issues like alien registration, education, taxes, and transportation. (Council of Local Authorities, 2010).

The Kawasaki mayor’s office also approved expanding the scope of the anti-discrimination housing policy in 2002, by stipulating that any instances of discrimination can be brought to the city, where the city will arbitrate an appropriate solution. Working with the local real estate association, both groups began compiling and publicizing a list of realtors who pledged to support the non-discrimination policy. Kanagawa Prefecture also began working to make sure prefectural policies were in line with those of Kawasaki. To ensure cooperation with anti-discrimination statutes, Kanagawa Prefecture pledged to make public the names of any companies engaging in discriminatory housing practices (Kawasaki Representative Assembly, 1996-2002).

Kawasaki has worked to address the question of public housing availability and publicity for foreign residents. In this case the facilities are available to those that need them, but many people were unaware that public housing facilities were in fact available to them. The Representative Assembly made a proposal in 2003 to increase the publicity surrounding public housing, both from the city and the prefecture, to foreign residents. Over a three year period from 2006 to 2008 the city stepped up its efforts to promote public housing, making large posters and
flyers to put in city buildings. The number of foreign tenants in public housing increased, although Representative Assembly members acknowledge that the dissemination of information to foreign residents is still a problem. The Representative Assembly will address housing issues again in the 2010-2012 session and may develop additional proposals (Interview with assembly member, August 2011).

National policy addressing housing discrimination has been much less active. For one, the national government has yet to pass any sort of policy prohibiting such discrimination (interview with Ministry of Justice official; October, 2010). Such discrimination against foreigners, the elderly and disabled is still relatively commonplace in Japan, although a number of realtors have begun independently banding together to make housing available for foreign residents. Given the declining birth rate, some landlords realize foreign residents can be an important source of revenue. The Japan Property Management Association, a group of independent realtors, for example, have set up multilingual information on renting housing in Japan (http://www.welcome.jpm.jp/english/) and work with landlords to open up their properties to foreign residents (Nakamura, 2007). Additionally, there are a number of realtors actively seeking and catering to foreign tenants, including Sakura House (http://www.sakura-house.com), Ken Corp (http://www.kencorp.com), Japan Housing (http://www.japanhousing.jp), and a number of others. However, the vast majority of such companies are concentrated in the Tokyo area.

Although anti-discriminatory housing policy has not been formally adopted, the central government has not completely ignored the issue. The Ministry of Land, Infrastructure,
Transport and Tourism launched a website in 2007 called Anshin Chintai (安心賃貸, meaning “safe rental housing”), which gave housing information and lists of realtors and NGOs willing to rent to foreign tenants. Lists of realtors and NGOs were made by prefecture, listed only in Japanese. If foreign residents needed help understanding the information, the Ministry said they could go to their local municipality for translation assistance (Nakamura). Anshin Chintai also offered a basic housing information guidebook in six languages, which provides translated copies of common housing forms (Ministry of Land, Infrastructure, Transport and Tourism, 2008).

While perhaps a step in the right direction for the central government, the site had limited value for foreign residents given that it was primarily in Japanese. As of 2010, the Ministry of Land, Education and Transport did away with the Anshin Chintai concept of assisting foreigners, the elderly and disabled to find reasonable housing, leaving the task to local governments. Before ceasing its activities the ministry did compile its lists of “approved” realtors and gave them to local governments to publicize. These lists have varying degrees of accessibility and are once again primarily available only in Japanese (Ministry of Land, Infrastructure, Transport and Tourism, 2010). In the wake of the March 11, 2011 earthquake, tsunami and nuclear disasters, Anshin Chintai worked to help individuals who had been displaced by the events to find alternative housing. However, those activities also ended in July 2011, with any further relocation efforts left to victims’ networks (Ministry of Land, Infrastructure, Transport and Tourism, 2011).
The Cabinet Office has sponsored some measures aimed at promoting better relations with foreign residents. In March, 2011 it issued an “action plan on measures for foreign residents of Japanese descent”, discussing policies to help foreign residents, perhaps not surprisingly focusing mainly on those of Japanese descent. In the action plan are two main proposals for housing, in which the Cabinet Office suggests the Ministry of Land, Infrastructure, Transport and Tourism publicize public housing availability to foreign residents, and for private housing that the ministry support “the activities of local governments, operators concerned, and the tenant-support councils organized by the supporters of foreigners searching for homes, to enable foreigners to secure a home”. In other words, the Cabinet Office has recognized there is a problem with foreign residents securing housing, but it is not willing to take any decisive measures against discrimination in the system and leaves the ministry in charge only with the suggestion to provide “support” to the groups involved.

Overall, housing discrimination issues and even questions of finding available housing for groups commonly discriminated against, including Japanese citizens, seems not to be a priority for the national government. The task has largely been left to local governments to deal with and legislate as they deem necessary, to the extent that the Cabinet Office has essentially abdicated this function to local governments in its action plan for foreign residents. This is certainly an instance where the national government has taken a back seat to local government initiatives. Even when it did get somewhat involved in housing policy, within the span of three years the central government abandoned it, leaving local governments to sort it out once again.
Conclusions

This chapter has examined the policies of both the government of Kawasaki and the national government in relation to voting, pensions, health insurance and housing. What we have seen in each of these instances is a national government that has been slow to address the policy shortcomings that foreign residents face. While in some cases the national government has ultimately passed helpful policy, Kawasaki, along with other municipalities, has often acted to take decisive action ahead of the national initiatives.

In the case of local suffrage, cities like Kawasaki have made provisions for their foreign residents to vote in spite of no decisive government action. Likewise, Kawasaki has extended retirement benefits to elderly foreign residents ineligible for the national pension, permitted its immigrant population to enroll in the national insurance system despite contrary pressure from the national government, and passed its own housing policies barring discrimination and making extra provisions to house foreign residents. In each of these cases, Kawasaki has been on the cutting edge of local policy, acting outside of the confines of the national agenda. The national government, for its part, has opted to liberalize some of its more hard-line policies. For example, immigrants are now entitled to lump-sum pension payments if they leave the country, and efforts have at least been made to enfranchise immigrants at the local level. Yet to find policy innovation ahead of such national initiatives, one needs to look to active municipalities like Kawasaki for evidence.

Continuing with the theme of innovative local policy, the following chapter will compare the education policies addressing foreign residents of Kawasaki and the national government. As
was the case this chapter, we will look to see if Kawasaki has, in fact, been able to adopt
education-related policies different from the national government, and if any of those policies
were eventually adopted nationally.
Chapter 6 – Kawasaki Case Study Part 2: Education Policy

Public education is an essential government service provided for all residents of a locale, of paramount importance to parents and consequently a highly salient political issue. In Japan’s case, public education has been a controversial policy area, especially when addressing whether the government should educate the children of foreign migrants and the best ways to do so. While public education curricula has historically done little to address the needs of non-native Japanese speakers, there has been progress addressing this demographic in recent years, mainly at the instigation of local governments.

The following review of education policy will focus on local and national efforts to educate the children of foreign residents in the public school system, concentrating primarily on compulsory education in elementary and junior high schools. This category of “foreign student”, denoted in Japanese as *gaikokujin jidoseito* (外国人児童生徒), gives the implication that the child is foreign-born, but of compulsory school age. The “foreign student” is separate and distinct from other groups such as the “international student”, expressed Japanese as *ryugakusei* (留学生), which implies that they are visiting or studying abroad for a fixed period of time. International students enter the country for the purpose to study, but do so on a student visa. Contrasted with “foreign students”, these international students do not attend Japanese public schools during the compulsory years, from ages six to fifteen. In fact, student visas may only be given to college and “pre-college” students studying at the high-school level, those studying
Japanese language in specialized schools, or students attempting to prepare for university examinations (Ministry of Foreign Affairs, 2012).

The analysis here focuses on policy relating to public elementary and junior high school students in the country as the dependents of a resident alien. More specifically, these students are the children of any legal visa holders staying in the country for more than three months (Arudou, 2006; “Internationalization”), in other words the “foreign student” category discussed above. While often not born in Japan, such students spend their formative years in the country, yet their educational needs are quite different from the Japanese-born population.

As discussed in Chapter 3, Japanese culture places a strong emphasis on group membership. This applies to all facets of Japanese life: the workplace, the neighborhood and, notably, in school. Since they are unable to blend in to the predominant group in school, either due to poor language skills, their distinctive appearance or their ethnic background, foreign students receive differential treatment or in some cases are ignored altogether. Yet the overriding perception of homogeneity in Japan reinforces the assumption that education policy should be uniform: that all students share similar backgrounds and levels of linguistic comprehension. For much of modern Japanese history, it has in fact been the case that schools were taught in a uniform way, with little allowance made for linguistic or cultural diversity (Maher, 1997). Government policies addressing the public school education of non-native Japanese speakers and long-term foreign residents have thus been slow to evolve at the national level. However, individual municipalities have taken a more progressive approach in addressing foreign student education in public schools.
Looking to discuss both local and national education-related initiatives, this chapter will first review Kawasaki’s efforts at reforming public education policy in an attempt to provide better educational support to the children of foreign residents. Following will be a discussion of national policy efforts at incorporating non-native Japanese speakers and fostering greater diversity in public schools. Finally, this chapter will make a comparison between Kawasaki and the national government’s efforts at reforming public education.

**Education in Kawasaki**

For much of its history, Japan’s national education policies have worked to perpetuate the impression of ethnic and cultural homogeneity, where minority groups like the Ainu were actively assimilated into the majority through schools that promoted a strong sense of the Japanese national identity and downplayed any unique cultural characteristics. After World War II, the national government made concerted efforts to try and close schools that actively encouraged Korean culture and language classes, refusing to accredit schools that used a language other than Japanese for instruction (Tai, 2007; p. 8). The promotion of Japanese homogeneity at the expense of minority groups was pervasive as late as the 1980s, for example when Prime Minister Nakasone remarked that Japan was educationally superior due to the ‘absence of racial minorities’ in 1986 (Takeda & Williams, 2008).

It was not until the 1990s and the revisions to the Immigration Control Act, opening the door to Latin Americans of Japanese heritage, that the national government became more concerned about educating the children of the old-comer ethnic minorities and newer immigrant families. With the large numbers of foreigners taking up residency in the country, it began to be
apparent that government action was needed. Only since that time has the national government begun actively investigating the needs of foreign residents’ children. Since then the government officially acknowledged the need for Japanese as a Second Language courses and worked to establish a curriculum to teach the language (Okano, 2006).

Education policy that adequately addresses foreign students can achieve multiple goals for both localities and the country: it can help the children of foreign residents acquire Japanese language proficiency and ultimately function better in Japanese society; and it helps expose Japanese students to other nationalities and cultures, giving them an opportunity to look at issues from another angle and to broaden their intellectual abilities. It can also act as a conduit to induce more community involvement on the part of foreign and Japanese parents, and it can reduce crime when foreign children are attending school instead of being left home alone.

A number of municipalities have strongly promoted the education of all students in their community, including the children of foreign residents who may not have a high level of Japanese comprehension, well in advance of national government initiatives. Some of the earliest local efforts to provide additional foreign cultural and language instruction in Japanese public schools date back to the 1960s when ethnic Korean activists and Japanese teachers in Osaka implemented Korean language and culture courses in the public school system (Tai). Kawasaki itself has also taken a progressive stance on education since the 1980s, doing its best to institute a strong program to educate its foreign residents before such programs were encouraged or even acknowledged nationally.
Municipalities are able to take progressive action in addressing their foreign populations, at least during the compulsory school years, due to the structure of the Japanese public education system. The Ministry of Education, Culture, Sports, Science and Technology (abbreviated hereafter as the “Ministry of Education”), the central government ministry responsible for national education policy, establishes the curricula for all public schools, both primary and secondary, dictating the subjects to be taught in schools and approving textbooks for schools to use. The Ministry of Education also administers public high schools through prefectural boards of education. Public elementary and junior high schools, however, are administered by municipal education boards (Ishikida, 2005; p. 3), affording them a greater degree of local control and discretion. This system has existed relatively unchanged since the implementation of the School Education Law (gakko kyoikuho or 学校教育法) in 1947, which established the basic postwar public education framework for the country (Ministry of Education, 1980; Kemble, 2005; p. 340). Cities like Kawasaki have been able to take advantage of such flexibility in administering public elementary and junior high schools, in this case enacting policies that work for the benefit of their foreign students.

Local educational policies promoting “multiculturalism” in public schools (that is, courses for Japanese as a Second Language learners, as well as teaching the cultures of other nationalities) may seem somewhat unusual for a country that has so strongly attempted to bolster its ethnic homogeneity. There are several reasons as to why some municipalities took it upon themselves to implement these policies. For one, cities may be concerned about the lack of opportunity poor Japanese proficiency can create for immigrant children. Children who cannot
perform well in school are less likely to attend and more prone to delinquency. Another angle is the idea of promoting multicultural values, where students are able to build an acceptance and respect for other cultures through their exposure to them. Some feel this is quite important given Japan’s colonial history and its past marginalization of other Asian cultures (Okano; p. 484). Additionally, globalization plays a role in the promotion of multiculturalism. With its own deficiency in natural resources and the world’s increasing interconnectivity, Japan cannot afford to be wholly insular and exclusive. An exposure to other cultures and the incorporation of domestic minorities can help younger generations contribute to regional and global politics and to stay competitive in the global economy (Okano; p. 474). With the combination of these factors, some municipalities see a strong benefit to promoting multicultural education.

Kawasaki’s earliest policies addressing foreign students date back to its Basic Education Plan for Zainichi Residents (1986), which was primarily concerned with resident Koreans, basically trying to ensure an institutional respect for their culture and allow them to pursue language and cultural studies without worry of prejudice. Despite the city’s efforts, however, few ethnic Korean students used their actual names when enrolling at public schools, choosing instead Japanese aliases to avoid discrimination. With the influx of primarily Latin American newcomer residents in the early 1990s, Kawasaki again took up the education issue, focusing on non-native Japanese speaking students enrolled in public elementary and junior high schools.

In the mid 1990s the Representative Assembly for Foreign Residents decided to look into the city’s education policies, noting that although the Comprehensive Education Center offered consultations and assistance in finding appropriate schools for children who are not native
Japanese speakers, there was no systematic support for foreign student education. Working to provide Japanese as a second language instruction, helping promote multiculturalism in schools and offering support to families have been some of the primary activities of the Representative Assembly (Kawasaki Representative Assembly 1996 Proposal Developments through 2006). Since addressing education initially after its establishment, the Assembly has been actively working to revise Kawasaki’s educational system to make it more accessible to non-native Japanese speakers.

After some debate in 1997, the Representative Assembly worked with the city to revise the Basic Education Plan for Zainichi Residents, changing it to the Basic Education Plan for Foreign Residents. As a part of this initiative, starting in 1998 the city began publishing handbooks on the educational system for the parents of foreign students in six languages, including English, Spanish, Portuguese, Tagalog, Chinese and Korean, giving general information about school enrollment procedures, a breakdown of the academic calendar, grading and other associated issues. This was one way of providing basic information to students and their parents in their own language that had not been previously available (Kawasaki Representative Assembly, 1996-1998).

Another associated problem the Representative Assembly and city wanted to address was the question of after school activities. The Representative Assembly noted that foreign students often have fewer options available to them after school compared to Japanese students, and that as their parents are frequently out of the house at work, it can lead to safety and delinquency issues. A Children’s Cultural Center was established by the city in 1998 where kids have the
option to go after school. The aim was to provide a safe environment where children of various nationalities could interact with each other in a less formal, non-academic environment. The Cultural Center has the additional advantage of creating further opportunities to expose Japanese and foreign children to each other, helping to increase multicultural understanding. Since its founding, both the city and Representative Assembly have been working to actively promote the center’s existence to the foreign community, publishing pamphlets in various languages and distributing them to city offices. (Kawasaki Representative Assembly, 1996 Proposal Developments through 2006).

Support for instruction in foreign students’ native languages has been another area Kawasaki has actively pursued. Aside from the fact that learning is considerably easier in one’s native language, the city wants to ensure that foreign students are able to maintain proficiency in their own language as well. Students could fall behind in the development of their native language if they are focusing exclusively on trying to master Japanese. To that end, based on recommendations from the Representative Assembly, the city has sponsored volunteer-led Portuguese language classes for native Portuguese speaking students since 2001. After initially running the program, the city handed administration over to the volunteer-based “Fureai” (or 触れ合い, loosely translated as “connection-building”) Center. The Center continues to run the Portuguese program, as well as similar courses in Tagalog and Korean culture and language (Kawasaki Fureai Center, 2011). In addition, from the independent initiative of local citizens’ groups, Kawasaki’s Education and Cultural Center also began offering classes in Chinese and Korean to foreign students in 2003. By 2005, these classes had 120 participants (Kawasaki
Representative Assembly, 2000 Proposal Developments through 2005). These classes are often useful in bringing truant students back to school, as they are able to receive instruction in a less formal academic environment with the added ease of courses being in their own language.

Closely related is fostering a respect for the student’s native culture: the city aims to promote the idea that children should be able to obtain an education about their native culture in their native language if they so choose. To that end, Kawasaki wrote an opinion paper on the topic and submitted it to the national government along with a petition for a change of government policy in 2000, although it did not bring about any direct changes from the national government. That same year the city passed a children’s rights policy (川崎市子供の権利に関する条例), saying that individuals’ rights to learn about, enjoy and express their cultures should be respected and that this is often done in the language of that culture (Kawasaki Representative Assembly, 2000 Proposal Developments through 2005; Kawasaki Children’s Rights Policy, 2000).

In terms of Japanese language study for the children of resident immigrants, the city offers additional services. Students requiring extra Japanese language instruction were able to meet with private, part-time, volunteer tutors as early as 2001. These meetings initially took place once or twice per week for two hours at a time. By 2005 the city itself started training Japanese language tutors and dispatching them to different schools, although the tutors were still part-time volunteers. The following year, Kawasaki set up five Japanese language classrooms for international students at different schools in the city (Kawasaki Representative Assembly, 2001 Proposal Developments through 2006). For these specialized classrooms, the city has worked to
develop its own Japanese as a second language teaching curriculum, attempting to better match the curriculum to the individual needs of the students. More recently, Kawasaki has further solidified its tutoring program. It now guarantees Japanese language tutoring to all students requiring additional instruction. Students are entitled to a minimum of 64 meetings per year, where each meeting lasts at least two hours. Additional assistance is given to third year junior high students entering high school and on an individual basis as necessary (Kawasaki Representative Assembly, 2007 Proposal Developments through 2010).

Kawasaki’s Representative Assembly noted fairly early on in its existence that only educating foreign students during their compulsory elementary and junior high school years was inadequate in terms of their overall development. Compulsory education may be a good place to start, but the assembly felt that foreign students should be also be able to attend high school in Japan and ultimately move on to university. Although this was an issue identified by the Representative Assembly in 1998, Kawasaki only started taking decisive action on the topic in 2003, when the city sponsored a conference discussing the high school entrance process with non-native Japanese speaking students and their parents (Kawasaki Representative Assembly 2001 Proposals through 2006).

There have been even more significant activities with regard to high school entrance for foreign students in recent years. A local NGO, the Kanagawa Multicultural Education Network, in conjunction with the Kanagawa Prefectural Board of Education, created a public high school entrance guidebook in 10 languages in 2008. It gives important information to students and parents on the high school admissions process, including entrance examinations, school fees,
scholarships and associated issues (Kanagawa Board of Education, 2011; Kanagawa Multicultural Education Network, 2011). Since guidebooks created by Kawasaki city only covered elementary and junior high schools, these additional guides filled an important void of information. The high school entrance guidebooks are distributed in Kawasaki by the Comprehensive Education Center during meetings about high school attendance with students and parents.

Aside from ensuring the dissemination of information about public high school entrance procedures, the city has authorized special accommodations for foreign students trying to enter high school. When taking entrance examinations, foreign students are permitted to have the tests given in simplified Japanese⁹, are given more time to take the test, and can have examiners speak more slowly using words easy to understand during the interview portion of the examination. Additional accommodations involve extra tutoring support for second and third year junior high school students as previously mentioned. In 2009, the city sent extra part time tutors to four junior high schools for a total of 18 hours per week. By 2010, the number of schools receiving special tutoring increased to ten. Translators were also sent to schools for counseling meetings, taking time to talk with foreign students individually to explain high school examination and entrance procedures, translate entrance examinations and interview questions into their native language, and provide general support to the students. To further ease the high school entrance process, in 2010 Kawasaki ran provisional tests at ten local schools where entrance examinations

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⁹ Simplified Japanese in this case refers to furigana, phonetic characters placed in smaller text above Chinese characters (or kanji). This is often useful in pronunciation, although perhaps only somewhat helpful in ascribing meaning to a particular word or phrase.
and interviews were given to foreign students entirely in their native languages. The city is still investigating the effects translating the entrance examinations and interviews has had, as these provisional changes in policy were implemented quite recently (Kawasaki Representative Assembly 2007 Proposal Developments through 2009 and 2010).

It is worth mentioning at this point that these basic provisions offered by the city, including foreign language classes, Japanese language tutoring services, Japanese language classrooms, a specialized curriculum and accommodations on high school entrance procedures all occurred through collaboration between the Representative Assembly, city workers, schools, the Comprehensive Education Center and local volunteer groups. Kanagawa prefecture has also had some involvement, permitting the easing of entrance procedures for high schools in its purview and disseminating relevant information. Conspicuously absent is input from the central government, which had little, if any, involvement in the decisions to adopt or implement the policies discussed. Rather, community involvement was the impetus to offer these additional services to foreign students.

The structure of public education in Japan allows for a perhaps surprising amount of discretion for localities, particularly for the larger ordinance-designated cities like Kawasaki. As we shall see, especially since the 1990s, the Ministry has worked in tandem with local governments like Kawasaki to develop new curricula for Japanese learners, to provide translation and tutoring services, and to develop new policies such as the differentiated high school entrance examination process for foreign students. In essence, the Ministry of Education has relied upon
innovative local governments to experiment and establish viable policies that can then be expanded out to other public schools in the country.

**Multiculturalism in Kawasaki**

Aside from straightforward education policy, a major undertaking for Kawasaki has been to promote a more multicultural environment in its schools. Language programs make up one portion of this effort, which entails not only teaching foreign students the Japanese language and promoting instruction in their own languages as previously discussed, but also getting foreign parents actively involved in the school system and promoting multiculturalism to Japanese students.

City initiatives to foster greater multicultural understanding in schools stretch back to 1997, where it began sponsoring a series of lectures promoting cultural understanding, often featuring foreign lecturers (Kawasaki City, 2005). The program still continues in city schools. In 2002, school entrance information was translated into six languages and began being mailed to parents. The same year all municipal schools appointed a coordinator in charge of “international understanding” (Kawasaki Representative Assembly 2001 Proposal Developments through 2006). During 2002 and 2003 these “international understanding” efforts mainly focused on promoting internationalization at three center schools, although by 2004 and 2005 the coordinators were researching and promoting internationalization on a city-wide level. Training programs for instructors working with international students began in 2004.

Perhaps somewhat surprisingly, specialized training had not been offered to city educators working with foreign students before this time. Instead, instructors worked with
foreign students on a voluntary or appointed basis (Kawasaki Representative Assembly 2003 Proposal Developments through 2006). Of course, it is still the case that the vast majority of teachers in Japan receive no specialized training for working with foreign students. As a brief comparison, there are a variety of English as a Second Language training and certification programs available to prospective teachers in the United States. In California, for example, teaching credentials can have English Learner or Bilingual Authorizations, one can obtain a Bilingual Crosscultural Specialist credential, a Language Development Specialist certificate, or Supplementary Authorization in English as a Second Language, among a variety of other certifications administered by the state government (State of California, 2010). Each of these certifications requires the teacher to undergo specific training to educate English learners. On the other hand, municipalities in Japan, like Kawasaki in a best case scenario, create their own programs for teachers working with non-native Japanese speakers. There are no credential or certification requirements in place at the national level for educators working with Japanese as a Second Language students.

Conferences with foreign student parents also began to be held in Kawasaki in 2004, where parents were given the opportunity to meet with school officials and address any questions or problems they may have, with or without the presence of a translator. Students also have career guidance meetings at the Comprehensive Education Center where parents are allowed to attend. Realizing these conferences were a good opportunity to give foreign students and their parents important information not relating solely to education, the city began distributing a
variety of general information pamphlets and brochures to foreign residents at these meetings (Kawasaki Representative Assembly 2003 Proposal Developments through 2008).

In an expansion of the foreign student guidebook program, Kawasaki began sending translated copies to all households with registered foreign residents in the city in 2006, rather than only those houses with known foreign children as had been done previously. By covering all households the goal was to distribute the information as widely as possible and to make sure the relevant information got to all households, either through word of mouth or to cover the possibility that some families had school-aged children the city was not aware of (Kawasaki Representative Assembly 2003 Proposal Developments through 2006).

To further disseminate important information, the city made educational materials for foreign students available online in 2008. This also marked Kawasaki’s first collaboration with the Tokyo Foreign Language University’s Center for Multilingual Multicultural Education and Research, which assisted in the translation of materials uploaded to the website (Kawasaki Representative Assembly 2005 Proposal Developments through 2008). Since 2010, the city has expanded the amount of information available on its website to include information from the Ministry of Education, as well as local school districts and even individual schools (Kawasaki Representative Assembly 2005 Proposal Developments through 2010). Information on prefectural high schools and the high school entrance process is also given. Kanagawa Prefecture maintains its own website for education-related material, although only limited information is posted in languages other than Japanese (Kanagawa Prefecture, 2012).
Collaborations with outside groups have also increased in recent years. Aside from its translation assistance, Kawasaki has been working closely with the Tokyo Foreign Language University on developing its classroom curriculum for foreign students, as well as implementing training programs for its educators and city officials (Kawasaki Representative Assembly 2009 Proposal Developments through 2010). Kawasaki also began joint research projects with the Foreign Language University in 2007.

Perhaps more importantly, Kawasaki was designated by the Ministry of Education as a model for foreign student education in 2006. What this entailed was that the central government ministry concerned with education policy recognized the city’s efforts in addressing the foreign student population, and committed to formally study three particular Kawasaki schools for two years, investigating how they support foreign students and promote multiculturalism. The Ministry of Education’s designation served to further spur the promotion of multiculturalism, as other schools in the city became more strongly involved. School libraries began purchasing a more diverse array of books, and the Comprehensive Education Center held an international education research conference again with the participation of the Tokyo Foreign Language University (Kawasaki Representative Assembly 2003 Proposal Developments through 2007 and 2008). Kawasaki’s involvement with the Ministry of Education has continued in more recent years, where it has assisted the Ministry in putting together its own foreign student guidebook. The city is currently working with the Ministry on adding a section to the guidebook about how foreign parents can support their children if there are no other foreign student support networks.
on their campus (Kawasaki Representative Assembly 2003 Proposal Developments through 2010).

As time has passed, Kawasaki’s policies fostering international student education, often done in collaboration with local actors, have garnered growing attention. In addition to increasingly sophisticated collaborations with actors like the Tokyo Foreign Language University, the city has been a leader in national education policy. Not only has Kawasaki offered an array of services to students before the central government has had the will or ability to act, but it has actually served as a model for the government to follow. This is a clear case of a local government innovating policy, and the national government subsequently working to adopt those innovations. The related players surrounding Kawasaki’s public education system have created an informal institution in an effort to provide improved services to their non-native Japanese speaking students. The central government, for its part, seeing the potential advantages such actions can bring, has been working to adapt and formalize these policies and ultimately bring them to other locations throughout the country.

**Developments from the National Government**

While Kawasaki, along with a number of other Japanese municipalities, has worked to develop innovative education policies relating to foreign residents, the national government has not been completely absent from the field. Education related issues fall under the jurisdiction of the Ministry of Education, which has played an important role since 1990 and the revision of the Immigration Control Act as a data house. The Ministry works to collect and publicize statistics regarding foreign students. This role has been carried out mainly through surveys given to
schools. The surveys were done annually through 2008, and beginning in 2009 are now done biannually (Ministry of Education, 2008). Looking at the national statistics first, we can see a basic picture of foreign student education throughout the country before delving more specifically into government policy. Information from the 2008 survey is discussed below.

Based on the Ministry of Education’s survey, in 2008 there were 75,403 foreign students enrolled in elementary, junior high and high schools across the country, although only 28,575 required special Japanese language instruction. At least some of these “foreign” students not requiring Japanese language instruction are zainichi Koreans and Chinese, the children of special permanent residents who, while they have lived in Japan for generations in some cases, are not considered Japanese citizens. This once again points to the distinction made in Japanese culture between being in the group and being outside of it. Even though these students, and in many instances their parents as well, have lived in Japan all of their lives, they are still considered “foreign”. In spite of blending in perfectly, their ethnic roots still cause them to be labeled as foreigners, requiring special distinction.

Although Ministry of Education statistics do not break down the demographics of students requiring Japanese language instruction according to their visa status or their parents’, Graph 1 classifies students requiring Japanese language assistance by their level in school and by year. Two things should be apparent from this graph: that the overall numbers of students needing Japanese language help are increasing, and that the vast majority of these students are attending elementary school. Graph 2 gives the breakdown of these students by their native languages. What is notable here is that although there are much greater numbers of ethnically
Korean people living in Japan, it is the native Portuguese, Chinese and Spanish speakers who make up over 70% of those in need of Japanese language assistance. The numbers for these students are increasing across all levels of education.

**Graph 1: Foreign Students Requiring Japanese Language Assistance, by School Level and Year**

*Source: Ministry of Education, 2008*

*Note: “Other” here refers to specialized schools, for example schools for the disabled*
Graph 2: Foreign Students Requiring Japanese Language Assistance, by Native Language

According to the Ministry’s survey, of the 28,575 students requiring additional Japanese language instruction, 80% are currently receiving it. This is the highest percentage of students actually receiving specialized Japanese language instruction the Ministry has recorded since it started surveying schools.

One other important thing to note is the distribution of foreign students throughout Japan. Approximately 80% of foreign students are enrolled in schools with a total of fewer than five foreign students. Graph 3 gives a breakdown of enrollments for foreign students requiring Japanese instruction, in this case by enrollments in the top 30 prefectures, as well as the number of schools they are attending in each prefecture. Enrollments of students requiring Japanese language assistance are even lower in the other 17 prefectures not listed. What this means is that

Source: Ministry of Education, 2008
the vast majority of foreign students are attending school with very few other foreign students. Many schools lack the ability to develop a viable curriculum for these students when their numbers are so low. Consequently, it becomes even more important for the government to look to areas where there are larger numbers of foreign students to try and develop a national policy. Kawasaki is a very good example of this. Graph 3 shows that Kanagawa prefecture, the prefecture in which Kawasaki is located, has the highest number of foreign students attending school in the eastern Japan area. Kanagawa actually has more foreign students and fewer schools than Tokyo, meaning that there is a higher average concentration of foreign students in its schools. Western Japan, especially Aichi prefecture, which serves the Nagoya area, also has a large number of foreign students and has served as a similar model for national education policy relating to foreign students.
Graph 3: Numbers of Students Requiring Japanese Language Instruction and Number of Schools those Students Attend, by Prefecture (top 30 prefectures shown)

Source: Ministry of Education, 2008
An important aspect of the Ministry’s research function is its designation of particular areas or schools as research cases (Suzuki, 2009; p. 234). Kawasaki was such a research model from 2006 to 2008. These research cases help the ministry formulate basic policies, strategies and curricula relating to foreign students for other schools throughout the country. In addition to its research function, the ministry establishes basic teaching curricula, including mandating exactly which texts schools can use\(^{10}\), and manages various education-related programs such as JET and Monbusho scholarships\(^{11}\).

Other basic services currently offered by the Ministry of Education, intended for foreign students, include an English-language website, which offers essential ministry-related information regarding foreign student education, but is very basic. A considerably larger amount of information is available on the Japanese version of the site. The Ministry also sponsors a website intended for educators working with foreign and returnee students in Japanese, called “clarinet” that hosts a variety of the research data the Ministry has undertaken regarding foreign and returnee students (http://www.mext.go.jp/a_menu/shotou/clarinet/main7_a2.htm).

The national government did not begin to address the issue of foreign student education in any meaningful way until 1991, when it sent a notification to local education boards acknowledging that “ethnic classes” actually do exist at public schools, at the discretion of local governments, and allowed them to continue (Okano). Although Kawasaki was not the first

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\(^{10}\) The Ministry of Education typically approves lists of textbooks from which schools can choose from to use. There has been some controversy with this system, for example the Ministry’s approval of texts that largely ignored Japanese war crimes during World War II resulted in widespread protests in China and Korea. For more information, see Bukh (2007) and Hundt & Bleiker (2007).

\(^{11}\) The JET program brings in native English speakers to teach the language in Japanese public schools. Monbusho scholarships are given to foreign students studying in Japan as a means of defraying costs associated with studying abroad.
municipality to permit an ethnic education program in its public schools, it was a part of the movement which was later formalized by national policy.

By 1993, the Ministry of Education started working to simplify the admissions process for Japanese “returnee” students, appealing to schools across the country to give special consideration to such students based on their cultural and linguistic differences (Ministry of Education, 1993). “Returnees” are individuals of Japanese citizenship who spend a significant period of time abroad before returning to their home country. Often such students require additional Japanese language instruction like foreign students, although returnee numbers were not included in the statistics above. While the policy was intending to make the process of entering school easier for students with limited Japanese abilities, conspicuously absent was any mention of foreign students. Instead it only focused on Japanese returnees with limited language skills.

The Ministry began looking more at foreign student education in subsequent years as local policy developed. It issued a report discussing the foreign student high school entrance process in 1997, where it encouraged schools to make the admissions process easier, this time for non-native Japanese speakers. Yet the recommendations are quite vague, saying what the schools can do depends on their individual circumstances. The Ministry does encourage schools to set up a special admissions process for foreign students and recommends that information about the process should be distributed to the parents of foreign students, informing them of admissions requirements such as entrance examinations and interviews (Ministry of Education, 1997).
However, no specific guidelines or additional requirements were placed on schools as a result of this report.

Kawasaki has, for the most part, followed the intent of Ministry suggestions in this case quite closely. As discussed above, it has worked to make the high school entrance process much easier, collaborating with a number of groups to disseminate relevant information on entering high school, providing additional tutoring to foreign students and translating entrance exams into other languages. In spite of vague recommendations from the Ministry, and without an enforced mandate, Kawasaki was able to make strong gains in this regard. Other municipalities have likewise adopted policies promoting high school education to foreign residents, although it is not clear if Ministry policies inspired local action, or vice versa (see Aichi Prefecture, 2012; Tokyo Metropolitan Education Consultation Center, 2012; and Osaka Prefecture, 2012, among others).

By 2005, the Ministry of Education began publishing a guidebook on the elementary and junior high school admissions process for students and parents in seven languages, giving general information about registration, the academic calendar, textbooks, fees, and associated issues (Ministry of Education, 2005). As noted earlier, Kawasaki began issuing its own guidebooks in 1998, and actually helped the Ministry of Education to put its version together. While it is certainly helpful to have this information available nationally in a variety of languages, this is a clear case of local policy innovation followed by national adoption.

The following year the Ministry of Education increased efforts to publicize its guidebook by issuing a report promoting foreign student education. The report reiterated that the Ministry is surveying schools regularly, and that 2006 had been the highest recorded year of foreign student
enrollments up to that point. Among the items recommended by the Ministry, but not mandated, was a flexible system for foreign student admission, particularly in regard to individual schools. The Ministry advised that students be allowed to enter schools as they wish. If another school in the area had better Japanese language education facilities, for example, they could choose to enroll in that school instead of the school in their immediate neighborhood. Also promoted in the report was the availability of the multilingual guidebook, as well as a recommendation to simplify the schools’ proof of residency requirement. When signing their children up for school, parents have to prove that they actually live in that particular area. Instead of requiring their alien registration card to prove residency, the Ministry recommended that schools use any general documents (Ministry of Education, 2006).

Leniency over proof of residence is an important development from the national perspective, as verification of alien registration is one of the best ways to verify the legal status of foreign residents. If other documents can be used to prove residency, there is a greater chance of enrolling children whose parents are in the country illegally. It is of course likely that if the parents are in the country illegally, the students would be residing in Japan illegally as well. This instance of leniency regarding the presentation of valid identification is a good illustration of the conditions that can allow informal institutions to exist. Kawasaki, for one, guarantees that any child of compulsory school age will be able to attend school in the city (Kawasaki City, 2008). However, according to Article 62 of the Immigration Control Act, the Ministry of Justice and Immigration Bureau require that all government employees report any illegal residents as soon as they are aware of them (Ministry of Internal Affairs, 2011). In this case the Ministry of
Education contradicts the Ministry of Justice, basically telling government officials registering foreign students for school to ignore questions of visa status. With such bureaucratic inconsistency, city administrators, education officials, parents and students are able to work out a more practical system of registration at the local level in spite of the somewhat antagonistic stance branches of the national government have taken.

Foreign student truancy is another area the Ministry of Education has taken it upon itself to investigate, surveying schools and foreign students in 2007 and 2008 about reasons they did not attend school (Ministry of Education, 2008). Truancy is an area that, while widely recognized as a problem with foreign students, had not previously received any significant degree of investigation. The aim of the survey was to produce policy that could encourage foreign students to attend school. Of the 11 cities and one prefecture that participated, all concentrated primarily in western Japan, there were a total of 9,889 registered foreign students and 112 who did not attend elementary or junior high school regularly. For the sake of comparison, the Ministry of Education has also issued reports on national truancy levels in Japanese public schools. Of the approximately 11 million students attending elementary and junior high school, the Ministry noted that 49,352 students did not attend school for more than 30 days, a rate of 0.46% (Ministry of Education, 2007 & 2010). The Ministry’s report on truant foreign students gives an overall truancy rate of 1.1%, a level more than double the Japanese population’s, although perhaps not particularly striking by international standards.

The most common reasons the foreign students gave for not attending class were that they did not understand Japanese and that their families did not have enough money to pay for
their education. Most students had been out of school between six months and two years. In the cases where students were not enrolled in school, the vast majority of students said they were aware of the admissions process, yet voluntarily chose not to attend. Although it does not yet appear that concrete policy has emerged from this survey, the Ministry did make recommendations, including that more grants be made available to foreign students who are having difficulty paying basic school fees\textsuperscript{12}, that there should be a streamlined process for encouraging students to return to school, and that greater Japanese language education opportunities be made available.

In recent years the Ministry of Education has increased its support to schools for foreign student education. It has enlarged funding for Japanese language tutoring programs, offered additional counseling for foreign students, high school admission outreach programs, and the construction of foreign student centers. As of 2008, the Ministry budgeted 2.23 billion yen ($28.6 million) for such projects in 22 areas. For 2009, the Ministry budgeted 3.01 billion yen ($38.7 million) for projects in 19 areas (Ministry of Education, 2008). While the budget contributions on the part of the Ministry of Education are substantial, the small number of affected areas limits the extent to which the Ministry can make a national impact. In the long run its contributions will likely prove quite meaningful if they are sustained, although much still depends upon the initiative of municipalities, particularly in the short to mid-term. With the contributions from the Ministry of Education limited to a few select areas, cities have to take it upon themselves to set up a practical system of foreign student education, especially when the

\textsuperscript{12} Public schools in Japan do not charge tuition fees. However, students are responsible to pay for school supplies, including uniforms and lunches. Additionally, high school students must purchase their own textbooks.
national government does not play a leading role in the field and is often dependent on the municipalities for information and assistance.

With the economic troubles facing Japan, the Ministry of Education has issued reports requesting urgent assistance for foreign students. These reports acknowledge that many foreign residents are having difficulty finding and keeping jobs. The shifting job structure can affect family life, where families may change municipalities to seek new jobs. Even if they stay in the same place, foreign families are often facing more uncertainty regarding future prospects. To assist foreign students, aside from the usual recommendations of offering Japanese language tutoring and an easier admissions process, the Ministry notes that it has established a Japanese language instruction program meant to supplement any assistance municipalities are already giving. Translation services are also offered by the Ministry to schools across the country, where they can set up lines of communication between schools and foreign parents and translate any documents as necessary. With municipalities as the first layer of support for foreign students whose parents are unable to pay basic school fees, the Ministry has offered itself as an additional layer of support. Additionally, the Ministry has set aside funds to establish afterschool programs for foreign students. The job of building any afterschool centers or programs is left to municipalities and NGOs, but the Ministry has pledged to provide at least a portion of the funding (Ministry of Education, 2009).

A somewhat separate issue, but also warranting a brief discussion, is the treatment of foreign teachers in Japanese public schools. The term “foreign teacher” most commonly refers to zainichi Korean or Chinese citizens. They have lived in Japan most or all of their lives, speak
perfect Japanese, received a Japanese education, but do not possess Japanese nationality. There
have been a number of *zainichi* residents who have attained the proper credentials to teach in
public schools, including a Japanese university education and receiving certification either
through postgraduate coursework or examination (Okano & Tsuchiya, 1999; p. 144-45), and
have officially been permitted employment in public schools.

However, in 1991 the Ministry of Education notified prefectures and city governments of
their right to hire teachers with foreign nationalities at differential levels (Ministry of Education,
1991). A teacher with foreign citizenship can be appointed as a “full time lecturer” (*jokin koshi*
or *常勤講師*), rather than the more standard “ordinary teacher” (*kyoyu* or *教諭*) that most
Japanese teachers are employed as. The difference is that a lecturer cannot serve as a homeroom
teacher, receives a lower salary, and is more easily fired or laid off compared to the teacher
(Okano & Tsuchiya, p. 146).

The Ministry of Education has essentially left the decision of whether or not to hire
teachers that are not Japanese citizens, and at what level, to local governments. This is consistent
with other central government policies as we have seen, where there are no rules that clearly
prohibit discrimination based on nationality. In practice, many local governments have in fact
hired foreign nationals in their public schools, but employ only small numbers of them, typically
at the lower level “lecturer” position. Overall numbers of foreign teachers working in Japanese
public schools are quite low. While there are approximately 1.1 million teachers in Japan, as of
2008, there were only 215 full time foreign teachers working throughout the country, the vast
majority concentrated in the Tokyo and Osaka metropolitan areas (Institute of Foreign Residents, 2009).

As a part of its abolition of nationality requirements in hiring public workers, Kawasaki reportedly does not take nationality into account when employing teachers. Kawasaki hires foreign educators into the “ordinary teacher” position instead of the subordinate “lecturer” position. This is somewhat unusual, as even Yokohama, a nearby ordinance-designated city also regarded as liberal on immigration, continues to hire foreign teachers only as lecturers (Ooishi, 2011). Yet even in this case, Kawasaki employs only a small number of foreign teachers, only two as of 2008 (Institute of Foreign Residents).

An interesting point one can draw from the preceding discussion on education policy and hiring practices is how passive the Ministry of Education has been. There are likely several explanations for this. For one, the Japanese government is only required to provide education to Japanese citizens. Japan did sign on to the International Covenant on Economic, Social and Cultural Rights in 1979, which made the provision of primary education available and free to everyone living in the country (United Nations, 2012), yet neither the School Education Law nor the constitution make the education of non-Japanese nationals mandatory. In other words, primary education has been made free and available to foreign residents, but foreign parents are not required to enroll their children in school. Because education is optional for foreign children, the Ministry of Education may not prioritize such elective programs. Were the government to make elementary and junior high school education compulsory for all residents, regardless of nationality, foreign student education would likely be a more pressing concern for the Ministry.
This points to another potential explanation for Ministry passivity in foreign student education: assertiveness may make for bad politics. Given Japan’s unfavorable view of immigration at the national level, policies actively and aggressively targeting foreign student education would likely be divisive. Greater scrutiny could be placed on the Ministry if it is running unpopular programs and its resources could be compromised. Schoppa (1991; p. 97-98) notes the Ministry of Education’s conflict-averse culture, being loathe to take action unless there is sufficient political pressure to do so. With various stakeholders involved on both sides of the foreign student education debate, direct and overt action may be regarded as too potentially contentious by the Ministry.

Additionally, because foreign student enrollments vary quite a bit according to region, there is no clear policy to apply uniformly at the national level, even if there were popular approval to do so. By giving guidelines and recommendations, local schools can determine what works best given their individual circumstances. Assistance in developing foreign student policies and additional resources are available, but local schools are not required to call upon them if they feel they are not necessary. This speaks to the decentralization of education policy in Japan. Although seemingly controlled centrally by the Ministry of Education, the Ministry in fact allows localities a large amount of discretion, playing a more advisory role.

Instead of dictating policies on addressing foreign students to local governments, the Ministry of Education has taken a passive route, quietly promoting foreign student education in the country, developing curricula in collaboration with local partners, as well as support policies to help non-native Japanese speakers to advance through the system. The Ministry has not forced
policy on any particular areas in this regard. It has simply made suggestions and recommendations to cities and school boards, allowing them to decide the degree to which they should implement them. Taking this less conspicuous position allows the Ministry to keep a lower political profile in this area and permits the localities to decide what works best in their jurisdictions. The Ministry, for its part, is then able to focus more of its efforts in other, perhaps more politically salient, spheres such as recent initiatives aimed at combating bullying, promoting health through dietary education programs, and improving early childhood education programs (Ministry of Education, 2012).

Where does this leave the national government’s policies dealing with foreign student education? The Ministry of Education is in many ways dependent upon municipalities to implement and develop educational policy regarding foreign students, often merely suggesting policy recommendations, either through deliberate planning or the more unintentional development of local expertise. Because foreign student enrollments differentially affect individual areas, developing and deploying a coherent national policy has been much more difficult compared to something like the basic public school curriculum. The national government has had to rely on the expertise gained from cities like Kawasaki, which have worked to address significant numbers of foreigners living in their borders, and consequently, comparatively large numbers of foreign students in their schools.

The tone of Ministry research, reports and policies has changed considerably over time, where initially the Ministry was concerned only with returnee student education, ignoring the significantly larger foreign population. It then began to move into questions of high school
admission before finally taking a more holistic approach to foreign student education in recent years, providing extra layers of support through Japanese language tutoring, translation services, financial aid and the construction of specialized education centers. Lobbying on the part of local governments has no doubt also played an important role in the development of Ministry policies. However, the key phrase here is that the ministry is providing an “extra layer” of support. Local governments still have to take the initiative in assisting their foreign students. The Ministry of Education is offering its assistance, but the responsibility lies with the municipality.

Japanese culture has likely played a hand in the Ministry’s slow efforts at reforming foreign student education. Given the country’s strong consensus-based orientation, a ministry offering bold reform proposals, particularly without the support of other bureaucratic agencies, let alone the general public as a whole, would be highly unusual. While Japan is capable at times of enacting dramatic, sweeping change, the more typical process is slow and incremental. Ministries avoid highly contentious issues, or work behind the scenes to enact them. Even highly salient issues, like the adoption of tougher nuclear safety standards in the wake of the March 11 disasters, have seen a very cautious, slow movement toward reform (Fackler, 2012). That the government has been slow to improve the services it offers to foreign students is perhaps not surprising given this cultural affinity.

In sum, education policy is an area where local government has had a clear impact on national policies regarding foreign students, moving it from largely ignoring the subject to taking a much more accommodative approach. Local governments, including Kawasaki, have acted as policy leaders, taking specific actions like issuing foreign language guidebooks, offering
translation services and establishing afterschool programs with the national government the
national government eventually following in their footsteps. This is a clear case where local-level
policy innovations have been formally adopted on the national scale.
Chapter 7 – Innovations in Local Immigration?

Japan is a country that finds itself at a crossroads. On the one hand, deep-seated values emphasizing the homogeneity of the culture have kept the country insular, loathe to bring in outsiders who may disrupt the harmonious, predictable relations of the native populace. Yet on the other hand Japan aims to maintain its globally dominant position in the face of a withering economy along with the unprecedented demographic crisis of an aging population and a low birthrate. The increasingly austere economic predictions and bleak demographic forecasts mean that Japan will have to make some effort to turn away from its perceived ethnic and cultural homogeneity and embrace a more cosmopolitan perspective, whether it wants to or not.

The Japanese labor market faces acute shortages, expected to worsen as the population ages and the workforce shrinks. In fact, at its current birthrate, the government predicts that the population will be half of its current size by 2050 (National Institute of Population and Social Security Research, 2012), meaning that labor shortages could potentially be extreme. During its industrial boom of the 1960s and 70s, the country was able to address shortages in labor through large-scale rural to urban migration. Today’s population is now highly urbanized, with little chance of the declining rural population being able to provide any further relief for labor shortages (Sassen, 1994; p. 75). Women participate at increasingly greater rates in the workplace and the retirement age has been continually raised. Some industries have been able to export work abroad to cheaper manufacturing centers like China, but other fields, such as the health care industry and the smaller-scale domestic producers, require their workforce to remain within
the country (Raut, 2007; Shimada, 1994). Not all jobs can be outsourced. A viable domestic workforce is a necessity, one that Japan cannot currently sustain.

As Japan moves forward, ideas regarding the need of immigration and the treatment of foreign residents have seen a gradual shift. Globalization has played a role. Japanese residents have seen a greater number of foreign faces on television programs and in the popular media (Iwabuchi, 2005); they have been exposed to an ever larger variety of foreign consumer goods through multinational companies like Ikea, Costco, Zara, Amazon and Apple (Iwatani, Orr & Salsberg, 2011); and have been more involved in international exchange through modern technology, especially with the Internet. Economic concerns have played a role in altering perceptions of immigration: many Japanese now believe that allowing foreign-born laborers to work in the country can supplement the dwindling Japanese workforce, and thereby help to maintain Japan’s economic prosperity (Asakawa & Sakanaka, 2007). Humanitarian concerns have also had an effect on the perception of immigrants in Japan. Not content to ignore the foreigners already residing in the country, a number of activists have taken steps to publicize the plight of the country’s immigrant population and offer important services to them (Pak, 2000; “Local Governments”).

The result has been, on the one hand, a national policy that remains ostensibly unfriendly to immigration, prohibiting the entry of unskilled laborers and offering a minimal array of services; and on the other hand, a national policy that has permitted a number of exceptions to its prohibition of unskilled labor and has gradually expanded the types of services available to foreign residents. Local governments, for their part, have lobbied the national government for
more leniency in immigration laws and have worked to improve the treatment of immigrants residing in the country’s borders. What appears to be a strict, unfriendly immigration regime actually has a number of actors working from within to try and enact significant changes to policy.

This paper has discussed a number of policies relating to Japanese immigration, looking to see if, in fact, local actors – primarily local governments and NGOs – acting outside of the auspices of the national government, have been able to make innovations on relevant immigration issues, and if the national government has subsequently adopted any of these innovations. The purpose of this research has been to test the common knowledge regarding Japan in particular and unitary governments in general: that the national government controls the reins of power and that local governments have little discretionary control. As I have discussed, the literature on other unitary states like France and Germany has shown significant efforts at decentralization in recent years. Even other Asian unitary states, such as China and South Korea, have seen a large amount of power delegated from the central government to local governments. Japan has been a case studied much less frequently, particularly in western scholarship. This research hopes to remedy this oversight.

In order to test my theory that local governments do have an increasingly large amount of power and are able to innovate policy, in contrast to traditional notions regarding unitary states, I selected a particular policy area and a particular locality to focus on. Immigration policy is an area where the Japanese government has been traditionally quite restrictive. In addition, due to its controversial nature within Japanese society, immigration works as an excellent area to see if
local governments are able to initiate changes in policy. If local governments can make reforms in a controversial field like immigration, one would expect that less contentious policy areas are also experiencing significant changes at the local level. Kawasaki city, a local government that has a fairly large immigrant population and one that has been notably active in immigration-related policy, was a particularly good locale in which to do a case study of policy innovation and its impact at the national level through a process of informal adaptive institutionalism.

In defining the “immigrant” category I have taken a somewhat broad perspective, using Arudou’s definition of immigrants as any legal visa holders staying in the country for more than three months (“Internationalization,” 2006). This wide-ranging definition of an immigrant, or foreign resident, encompasses all visa categories with the exception of tourists, who are required to leave the country after ninety days. Being a country that bases nationality on blood lineage, the children of foreign residents in Japan are considered foreign as well and maintain immigrant visas. This is in contrast to countries like the United States that base citizenship on place of birth. Consequently, also included in this classification are Special Permanent Residents, of Chinese or Korean heritage, who have resided in the country since Japan’s colonial days, as well as more standard permanent residents and their dependents who are granted indefinite residency by the Ministry of Justice. Absent from this analysis are foreign-born residents who have become naturalized Japanese citizens, as naturalized citizens are entitled to the same rights and privileges as the rest of the native-born Japanese population (Sakanaka, 1999; pp. 27-28). Should they meet the criteria and choose to do so, long term foreign residents, such as the zainichi and other permanent residents, are able to become naturalized Japanese citizens.
Rather than considering immigration policy from the simple perspective of visas and entrance requirements, I have taken a broader definition, focusing on the variety of ways government supports (or chooses not to support) its immigrant population. As this is a broad characterization of immigration policy that perhaps covers a range beyond the scope of this paper, I have narrowed the field somewhat, concentrating on five different categories: voting rights, pension eligibility, insurance eligibility, housing access and education. This research subsequently considered Kawasaki’s immigration policies and compared them to the central government across the five categories listed. Below is a summary of my findings for each of the categories.

Voting Rights

In terms of voting rights, Kawasaki has made a number of important efforts to incorporate its foreign population in local government. It was the first city in Japan to institute a representative assembly for its foreign residents, where they could discuss topics relevant to them and make formal recommendations to the city government. Although this was not direct voting on the part of foreign residents, it was an important initial step to enfranchise residents who previously did not have a formal voice in city government. The city was later able to extend formal local voting rights to all foreign residents over 18, who have resided in the city for more than three months (Kawasaki City, 2008; “Resident Voting Policy”).

Kawasaki has made a strong overall effort to incorporate all residents into the local government system, including resident immigrants. Other cities have followed Kawasaki’s lead, where deliberative assemblies of foreign residents have been established and local voting rights
have been gradually extended to foreign residents in a number of municipalities. At this point, almost half of Japan’s municipal governments have authorized some system of representation for their legal immigrant communities, by allowing their participation in local elections, implementing representative assemblies, and petitioning the national government to grant local voting rights for their foreign residents. As we can see, Kawasaki’s inclusion of foreign residents in government through representative bodies and voting rights has proven influential and gradually become more common throughout Japanese local government. This idea that started in Kawasaki is gradually spreading throughout the country.

The national government has attempted to take up the issue of foreign residents voting locally in recent years. The Democratic Party of Japan went so far as to put the issue on its agenda, yet for a variety of reasons including internal scandals, conservative opposition and the disasters of March 2011, the local voting rights of resident immigrants has been effectively taken off of the national agenda for the time being. Despite the lack of a concrete reformed national policy, local governments have made substantive inroads in giving voting rights to foreign residents without concrete national policy. Still, the fact that action was even considered at the national level does show progress.

Where does this leave the issue of foreign residents participating in local politics? We can see that Kawasaki was a pioneer in adopting representative measures for its foreign residents, and similar policies have slowly expanded out to other cities. Policy at the national level formalizing foreign suffrage in municipal elections has proven elusive thus far, yet almost half of the cities in the country offer some means of foreign representation. It is safe to say there is fairly
strong informal institutionalization taking place in this case, where local governments have found it to their advantage to incorporate foreign residents into their decision making processes. The lack of national directives either condoning or prohibiting the participation of resident immigrants in local elections has allowed these informal practices to continue and expand. There have been some attempts by the Democratic Party of Japan to introduce legislation allowing foreign residents to participate in local elections, although they have yet to meet with a successful resolution.

Put in the context of the underlying theory of this research, local voting rights in Japan clearly demonstrate the diffusion of an adaptive informal institution. Despite a lack of national leadership, some local governments, like Kawasaki, established ad hoc coping mechanisms to address their foreign residents. The national government was not adequately doing so, and these cities found it in their interest to try and incorporate their immigrant populations into the decision making process. What began as a means of dialog with foreign residents in Kawasaki gradually spread throughout the country, eventually turning into codified local voting rights for a variety of locales. These policies are still informal in the sense that they are not sanctioned by the national government, but with continued iteration and the successful incorporation of foreign residents into municipal governments throughout the country, it could ultimately become a reality.

Pensions

As we have seen, the pension system in Japan is for the most part administered nationally. However, gaps in the eligibility of certain foreign residents to participate in the system made it necessary for municipalities to get involved in alternative pension schemes. Specifically, the
central government’s nationality requirements for pension eligibility excluded many zainichi residents from the system. Even after the nationality requirements were lifted, a sizable number of zainichi were still unable to reach the 25 year minimum contribution requirement to be eligible for benefits. Kawasaki, along with a number of other local governments, has set up alternatives for those foreign residents unable to draw normal pensions from the national government. Eligible residents of these cities receive a monthly payment in lieu of income they would have received from the national pension. These local welfare systems often pay a fraction of the national pension rate, but are at least of some help to elderly foreign residents.

This alternative to the pension system established by local governments is clearly an adaptive informal institution. These systems are not formally authorized by the national government, yet municipalities have taken it upon themselves to provide such benefits to their elderly foreign residents. Like voting rights, this is an area where cities beyond Kawasaki have slowly adopted the policy. It is not uniformly diffused nationally, but the country’s major cities, along with many smaller ones, have implemented such a system. With questions over the long-term solvency of the pension system for Japanese citizens themselves, it is unfortunately unlikely that the national government will address this policy discrepancy in the near future. Local governments will likely be left with the responsibility for caring for elderly zainichi resident welfare.

With the overall size of the zainichi population shrinking due to naturalization and intermarriage with Japanese nationals and the younger zainichi population eligible to receive national pension benefits, the discrepancy in coverage in this case will very likely continue until
the issue is no longer relevant. As the oldcomer zainichi population ineligible for the national pension shrinks, it will present a decreased strain on budgets and diminished political saliency. The passage of time will see a continued reliance on municipalities to provide benefits, but it should ultimately bring a finite solution to the problem. Barring any further potential changes to pension eligibility requirements, the zainichi population will eventually be fully eligible for national pension benefits like other Japanese citizens.

Another common pension-related problem for foreign residents relates to eligibility. A number of long term residents, although not necessarily older zainichi, are unable to receive pension benefits in spite of living in Japan for years. Kawasaki, along with most other ordinance-designated cities, which are cities with populations over 500,000 granted a greater degree of autonomy by the central government, has continued to lobby the government for changes to the 25 year minimum contribution requirement in order to receive benefits in the national pension system. To that end, the national government has made some progress. As of 2000, it started initiating pension treaties with other countries, where the years worked in each country could be transferred between either system. This means that citizens of a pension treaty country living in Japan have a greater chance of receiving some kind of pension upon retirement. The number of countries agreeing to pension treaties with Japan has been slowly increasing. Alternatively, the government also began offering lump-sum pension payouts to foreign residents, usually around half of the contribution rate, with the maximum lump-sum payout at 50% of three years’ contribution (Japan Pension Service, 2011).
While these changes to the pension eligibility rules are certainly helpful to some foreign residents, they are not uniformly beneficial. Residents who do not come from pension treaty countries, currently the majority of foreign residents, and those who stay for more than three years still face questions of eligibility and a lack of benefits in spite of paying into the system for a significant period of time. Kawasaki, along with other large cities, continues to petition the national government to make improvements.

Overall, there is fairly clear evidence that local policy innovation in municipal pension systems often works. Although not as generous as the national pension which is unavailable to some long term foreign residents, there have been changes in municipal pension systems in order to provide some aid to foreign residents. The other changes, namely pension treaties and lump-sum payments, were at best lobbied for by local governments. They were not, however, implemented locally and do not qualify as adaptive informal institutions. These policies were implemented nationally first. However, local governments do acknowledge the limitations of the current system. If the national government does not take action to expand eligibility, local governments may well consider taking some kind of further action in this realm.

**Insurance**

Health insurance is an issue that, while ostensibly appearing to be handled on a national basis, is primarily maintained by municipalities as a “legally delegated function” of government. In other words, it is a policy entrusted by the central government to the localities for administration (Ikio, 2001). This gives cities a greater degree of discretion than they would have compared to other policy areas administered directly by the national government, making it
easier for local governments to sidestep national directives and create informal institutions as necessary. Municipalities thus have a larger degree of power in this arena than they do in most other areas.

Medical translation services is one area where Kawasaki has made important innovations, offering translator dispatch services and even having trained in-house translators on hand at medical institutions in some instances. This is an area still evolving, but a number of municipalities have offered basic medical insurance and hospitalization information in a variety of languages to their foreign residents. While medical translation is a relatively new innovation, the provision of basic medical information has expanded throughout the country. It is not mandated nationally, but it is an informal innovation occurring throughout Japan. Some municipalities, once again including Kawasaki, have taken it upon themselves to go a step further and insure foreign residents, regardless of visa status.

This is a much more controversial policy innovation. From a national perspective, for municipalities to extend public health insurance to foreign residents is problematic for two major reasons. First, it can encourage illegal residency when people violating immigration law are given municipal services. Second, public insurance is intended for the self-employed, the unemployed and the disabled. By statute, in order to receive a visa most foreign residents must show proof of employment. As a result, most foreign residents are often gainfully employed, and to permit their enrollment in public insurance technically goes against the letter of the law (Hayashi & Ikegami, 1998; Takao, 2003).
Concerned that the foreign-born population could become a burden on scarce public resources, the national government may want to ensure that foreign residents continue to obtain insurance through their employers. Employer-provided insurance increases the incentive for immigrants to keep working and at the same time reduces government responsibilities to them. If immigration is a necessary evil, the government at least wants to make sure that those immigrants in the country are working, and those out of work do not have an extra incentive to stay. On the other hand, the national government has not adequately enforced requirements that employers offer viable insurance policies for their foreign employees. Policies can be prohibitively expensive or not offered at all. Immigrants are then caught between two poles, with employers and the national government both trying to minimize their coverage. Leniency in the administration of insurance statutes by local governments thus provide an alternative.

The dilemma of whether or not to insure foreign residents, as well as the degree of benefits they should receive, is one that all states have to face. Looking at the other major industrialized countries, those states that have a nationalized health care system, including the UK, France, Germany, Sweden, the Netherlands and Canada, all offer health care to legal immigrants on a level comparable to that of native citizens. The vast majority of people, including resident immigrants, utilize the same type of insurance plan under these nationalized systems (Shimazaki, 2010). Yet there are lapses in the coverage of immigrants in these countries: France and Italy, for example, have large bureaucratic regimes that can be difficult for non-native French and Italian speakers to navigate, and they may face additional difficulties trying to manage expensive co-pay fees. However, insurance coverage is still an option available to them
(Bollini, 1993; Dorr & Faist, 1997). They may be discouraged by the complexity of the system, but there are few questions over their eligibility to join.

A perhaps more fitting comparison to Japan in terms of insurance eligibility is the United States, where health insurance is employer-based and procured primarily through the private sector. Because health insurance in the US is not mandatory and there is no nationally-provided insurance available to the vast majority of the population, there are large lapses in coverage. To address some of the shortcomings in health care, there are state-level programs like the State Children’s Health Insurance Program (co-administered between the federal and state governments), state “replacement” programs that exclusively utilize state resources for the purpose of covering immigrant families that do not otherwise have insurance coverage, and even local initiatives, like the Children’s Health Initiative of Santa Clarita, California, that provides universal health coverage to all children ineligible for other forms of health care (Dorr & Faist, p. 103; Lessard & Ku, 2003, pp. 103-110). In the absence of a formal regime, state and local governments in the US have stepped in to fill gaps in coverage for immigrants. Although health insurance is universal in statute in Japan, immigrants face lapses in coverage because strict national regulations regarding employment status makes them technically ineligible for the national insurance plan.

While foreign residents in Japan face lapses in coverage similar in nature to those in the US, local governments in Japan benefit from the unique way the national health insurance system is administered. Where the national insurance scheme of most industrialized countries is centrally administered at the national level, Japan’s is in fact administered locally, with
municipalities enrolling members and managing coverage (Shimazaki, 2009). This gives local governments more discretion in choosing who to enroll in the national plan, and more progressive local governments can extend the possibility of enrollment to foreign residents, even if it may violate national legislation. Because local governments administer the insurance program, the national government has little direct recourse if they are not following the national enrollment guidelines.

Cities, of course, have different priorities than the national government. In this case, cities offering insurance to foreign residents are often more concerned about community health than visa status or legal residency. If local governments are ultimately responsible for the health of their community, it is likely they would have to pay for the health care of foreign residents in any event. Consider the case where an uninsured immigrant chooses not to seek medical care for some illness. Instead they wait until the illness escalates to the point that they go to a hospital emergency room. It is the city that will likely end up paying that person’s medical bills if there is no insurance carrier involved. Some contagious illnesses can also spread quickly if left untreated, resulting in the degradation of overall community health (US Committee on Health Insurance Status, 2009). Due to the fact that health coverage will cost cities less in the long run, it is practical for them to extend public health insurance to foreign residents. The humanitarian perspective is also important to consider, where it is simply inhumane to prevent people from receiving necessary health care.

The debate over the provision of government resources to cover the uninsured is one not unique to Japan. In the US, it is common for the national and local governments, along with
private entities, to underwrite the cost of health care for the uninsured (Hadley & Holahan, 2003), although there is a widely-held, and incorrect, perception that uninsured immigrants take up the majority of government health care resources (Mohanty, et. al, 2005). The issue is more centralized in Europe, where the national governments typically administer insurance plans for the population, and commonly offer high levels of coverage for all residents (Rice & Smith, 2002).

Japan also seems to fall closer to the US side in this case, as the resources devoted to the uninsured are dispensed in a more informal, ad hoc manner. Local governments have taken the lead in making sure their residents receive health coverage in spite of national government protestations. A number of municipalities, again including Kawasaki, have continued to permit foreign residents to enroll in their public health insurance programs. Among those cities that have chosen to follow government directives not to permit the enrollment of foreign residents into the national insurance program, many offer free clinics and subsidize their health care fees, essentially creating a de-facto insurance system. In both instances, municipalities have created informal institutions as a means to get around an overly restrictive national policy.

It is widely expected that, given Japan’s aging population, there will be an increased strain on the country’s health care resources. As individuals age, they utilize a greater share of resources, making their care more costly. These higher costs will present an increased strain on local resources, particularly in the public sphere since the elderly are a major category of people enrolled in the national insurance scheme (Kinoshita, 1993). In order to offset these potentially high costs, permitting more relatively young, healthy residents to join the plan makes sense. If a
city already has a ready population of foreign residents that could join the scheme, residents who may not be receiving insurance through other sources, enrollment would be to everyone’s advantage. Cities would face lower direct medical expenses on the part of indigent care recipients, the insurance pool would expand, helping to ensure adequate funds for the general population, and individual foreign residents would have their own insurance plans offered at a fair price. Ultimately responsible for the insurance resources of their locale, offering this sort of care is in essence what many cities in Japan have already done.

Housing

Housing policy, much like the other policies discussed, relates to the larger question of discrimination in Japan, although it is perhaps more direct. Local governments have been forced to take action with housing policy, as no anti-discrimination laws are on the books nationally and the central government has done little to assist foreign residents (also the disabled and elderly, among others) in securing housing. Landlords are able to refuse to rent to tenants for any reason. Compounding the housing issue for foreign residents is the guarantor system, where someone must co-sign with the leasee in case of default, and the fact that most housing contracts are written in Japanese.

Kawasaki began addressing the housing problem early-on, with a declaration in 1975 that removed nationality requirements from public housing. However, the city did not substantively begin considering the issue until the mid 1990s with the Foreign Representative Assembly. Based on Representative Assembly recommendations, Kawasaki implemented policy in 1999 prohibiting housing discrimination in the city, set up a network that works to help people find
housing and guarantors, as well as offering translation assistance for foreign residents (Kawasaki Representative Assembly, 1996 Proposal Developments Through 2006). The city has been active to the extent that representative assembly members believe that there are adequate housing-related services now offered to foreign residents. Rather, the problem now is publicizing the services available. Kawasaki has recently been increasing efforts to let residents know of available services, including public housing options that many low-income foreign residents can qualify for (Kawasaki Representative Assembly, 2003 Proposal Developments through 2010).

Another group that has been active in liberalizing housing availability is private realtors. Realizing the possibility of bringing in extra tenants and revenue, some realtors have taken it upon themselves to work with landlords in an effort to make housing more “foreigner friendly”. Measures taken include offering basic services in other languages, relaxation of the guarantor system, and in some cases acting as a step-by-step advocate and liaison between the foreign resident and landlord. The goal is to reduce common misunderstandings that occur between the foreign tenants and landlords, thereby creating a mutually beneficial system.

In terms of the more general national perspective, we can see that there has been some progress in Japan toward eliminating discrimination. Although initially enacted in 1966 by the United Nations, Japan signed on to the International Convention on the Elimination of All Forms of Racial Discrimination in 1995 (UN Treaty Collection, 2012). Since that time, the courts have been the most active national players attempting to curb discrimination through application of the convention to individual cases. However, to date a national policy prohibiting discrimination in general or housing discrimination in particular has yet to be passed by the Diet.
The first major ruling barring discrimination was enacted by the Shizuoka District Court’s *Bortz* vs. *Suzuki* case in 1999, where the court found that a shop owner had illegally refused service to a foreign customer. The *Bortz* ruling was the first instance of making outright discrimination illegal in Japanese law, and was the first payment of damages to the victim. This decision enacted an important precedent in Japanese law and led to further legal action on the part of foreigners who felt they were discriminated against. Note also that this ruling comes the same year as Kawasaki’s own ban on housing discrimination.

Since *Bortz* vs. *Suzuki* there have been other notable instances of successful anti-discrimination litigation, including cases in involving bathhouses prohibiting the entry of foreigners in 2000, racial profiling with real estate companies in 2001, and forbidding particular nationalities from entering drinking establishments in 2003 (Webster, 2008). These rulings have worked to curb outright discrimination against foreign residents in Japan, although the courts are limited to utilizing the laws or treaties passed by the Japanese government and only ruling in those cases brought before them. To be truly effective, anti-discrimination laws would need to be passed by the Diet.

In fact, the Diet has twice attempted to pass such legislation, proposing a human rights bill addressing discrimination, among other issues, in 2002 and again in 2005 (Human Rights Forum, 2002; Japan Times, 2005). Both attempts were blocked by the Liberal Democratic Party, the majority party at the time. Similar legislation was not discussed further while the LDP was in power, and has not been significantly addressed with the change in power to the Democratic Party of Japan in 2009.
In light of the Diet’s failed attempts, policies addressing discrimination since have been more ad hoc. For example, the Ministry of Justice maintains “human rights counseling offices for foreigners” in most major metropolitan areas (Ministry of Justice, 2012). Yet these counseling offices have very limited capacity and availability. The Tokyo branch only gives counseling in Chinese once a week for two and a half hours, and counseling in German and English twice a week for the same period of time. Clearly, this is insufficient for one of the world’s largest cities and one of the regions with Japan’s largest concentrations of foreign residents. Other locales have even more limited availability.

Japan’s anti-discriminatory policies have consequently faced a fair degree of criticism as insufficiently addressing the problem. Perhaps one of the most prominent criticisms comes from the United Nations, where it accuses the national government of ignoring repeated recommendations from the UN Human Rights Committee and finds many national entities lacking in adequate resources, expertise and authority to make a substantial difference in fighting discrimination (Webster, p. 240; Repeta, 2009). Local and national human rights groups have made similar claims against the government.

Characteristic of its perhaps underwhelming performance at fighting discrimination, the national government has not been particularly active trying to reduce discrimination in the housing field, although it has not completely ignored the area either. The government did make some effort in providing relevant information to prospective foreign tenants throughout the country, sponsoring a website where foreign residents could find realtors willing to rent to them. However, after three years this effort was transferred to local governments. While the national
government has declared its desire to help foreign residents find and procure housing, there have been no further concrete developments.

With housing policy we can see that local governments have been taking the initiative in attempting to reduce discrimination, especially since the government signed on to the International Convention on the Elimination of All Forms of Racial Discrimination in 1995. Local governments also offer additional services to foreign residents trying to find available housing in light of a slow, inadequate response on the part of the national government. Many local governments, in cooperation with the private sector, have created informal networks, publicizing realtors willing to rent to foreign tenants. Cities like Kawasaki have gone further, passing an ordinance barring housing discrimination and becoming actively involved in providing the means, such as guarantors and translation services, for foreign residents to secure adequate housing. It makes sense to do so, as it can work to the benefit of all parties involved: the foreign residents can secure their ideal accommodations, realtors are able to obtain rent-paying tenants in their buildings, and the city gains from property taxes and a reduction in legal disputes.

Housing policy thus embodies another adaptive informal institution, although perhaps not as strongly diffused as something like foreign voting rights. Cities like Kawasaki initiated their own efforts at fighting discrimination in general, and housing discrimination in particular, without national guidance, and have offered supplementary assistance to residents in securing housing. Although the court system has been used to uphold the prohibition against overt cases of discrimination, the national government has not passed any statutes explicitly abolishing it.
Local governments, left to their own devices, have improvised, taking action work around discriminatory practices or to ban discrimination in their jurisdictions altogether. With the passage of time these statutes have been formally codified into local law. Other municipalities have adopted similar statutes, although instances of discrimination in Japan do still occur. In this case, active municipalities have attempted to address problems in an area the national government has not yet been able to substantively confront. As with voting, this is likely an area that will continue to expand to other cities in Japan and may eventually be formally sanctioned by the national government.

**Education**

Kawasaki has been a leader in education-related policy dealing with foreign students, especially those in public schools. The city was one of the first to adopt a multilingual guidebook for foreign students and their parents. Perhaps more importantly, the city began offering basic Japanese language education for foreign students early-on, offered classes to students in their native languages, and has developed a tutoring system for additional Japanese assistance. Beyond language instruction Kawasaki has strongly promoted multiculturalism in its schools, has created after school programs for both foreign and domestic students to attend, and offered additional assistance to foreign students trying to enter high school. To that end, recent efforts by Kawasaki involve offering high school entrance examinations in students’ native languages to see if it can help increase admission rates for foreign students.

The national government, for its part, has become more involved with educating foreign students as well. Although Ministry of Education policies as late as the 1990s made no mention
of foreign students in its official memoranda, the Ministry now works to promote multiculturalism in classrooms, offering resources to teachers and schools. An important function the Ministry of Education has been performing is research, where it has provided a considerable amount of information to schools and the public regarding foreign student education based annual and semiannual surveys of schools and students requiring additional Japanese language education (Ministry of Education, 2008; Suzuki, 2009). Beyond this, the ministry has begun offering financial support to schools to establish Japanese language programs, after school programs, tutoring programs and the like which can be of direct benefit to foreign students (Ministry of Education, 2009).

While the Ministry of Education has been playing a greater role in this realm in recent years, it is important to note that the pioneers of education policies have largely been municipalities. In Kawasaki’s case, the Ministry directly adopted the city’s multilingual guidebook for foreign students and has been strongly promoting after school programs similar to Kawasaki’s. Like Kawasaki, the Ministry of Education has been focusing on better incorporating foreign students into the school system, promoting multiculturalism in classrooms and working to disseminate more information to foreign students and parents. Kawasaki actually served as a model for the Ministry of Education, where it specifically studied Kawasaki schools from 2006 to 2008.

That municipal schools have served as practical examples of policy development for the Ministry of Education may not in fact be a surprise. Due to the diffusion of foreign student enrollments, with the vast majority spread out in small concentrations throughout the country, it
would be difficult for the government to institute a policy nationally without first studying local developments. It is logical for the government to look to active cities where foreign student enrollments are comparatively high to determine what sorts of policies have proven beneficial to the students and how to adequately allocate resources.

In its current state, the Ministry of Education seems to be abdicating the initiative on foreign student education primarily to municipalities. The ministry is willing to offer logistical support with translation, expertise and funding, but only in conjunction with local efforts (Ministry of Education, 2009). Basically, the Ministry of Education will act as an extra “layer” of support, with the municipalities providing that first important layer. Ministry policies are currently “recommended”, in that it is at the city’s discretion whether or not it wants to implement such actions, but they are not required or enforced.

Overall, the Ministry of Education has been playing a greater role in foreign student education in Japan, where it now offers a variety of services previously unavailable. This is important for areas with relatively few foreign students, as they do not necessarily have expertise in addressing foreign student education the way a more cosmopolitan city can. In these situations, the Ministry of Education can now provide guidance, should that city request it. However, the primary responsibility still falls on municipalities, with particular cities like Kawasaki working as leaders in the field and pioneering policies. Efforts initiated by Kawasaki have been taken up by the Ministry of Education and recommended for implementation nationwide. This is a clear instance where the local, informal efforts of a city like Kawasaki have been recognized and
formalized by the national government. In this case the national government in fact directly adopted and legitimated Kawasaki’s policies focusing on foreign students.

The apparent decentralization of education policy in Japan speaks to a large degree about the overall decentralization of government functions in the country. While the Ministry of Education does play a role in the formation of the school curriculum, the education of foreign-born students is a significant policy area left to the discretion of local governments. Instead of the national government dictating policy from above, what we find here is local governments initiating policy as they feel it is necessary, and the Ministry of Education acting to help provide resources to those cities.

This model currently followed by the Ministry of Education is quite different from that of the traditional unitary state, where the central government would dictate all aspects of policy, including education. By abdicating major powers, such as important decisions about education policy, to local governments, the central government sacrifices a considerable degree of its control. No longer can the national government have a major hand in all education-related decisions. With the assertion of local power, it is likely that municipal governments will try and push to further expand their influence. On the other hand, the country is able to gain better informed and hopefully more intelligent policy, where those actors closest to the situation, in this case local educators, can make the most knowledgeable decisions for their particular area.

In Sum
The theoretical argument for this research has been based largely on Tsai’s contention that informal institutions implemented by local actors will work to make changes to government policy. In Tsai’s case, informal economic institutions worked better than protest and confrontation with the Chinese government to incrementally liberalize national economic policy. In this instance I have applied Tsai’s framework to the Japanese case, looking particularly at Kawasaki’s policies addressing foreign residents across various issues. My hypothesis has been that local governments in Japan act as policy innovators. In conjunction with other stakeholders, local governments work to advance a more progressive immigration policy. These policies have been considered and adopted by other local governments, gradually spreading throughout the country. As with Tsai’s adaptive informal institutions, those policies successfully diffused throughout the country that also meet the needs of the national government will ultimately be formalized through national policy.

As we have seen, with each of the five policy areas discussed: voting, pensions, insurance, housing and education, there have been significant efforts at policy innovation in my case study city of Kawasaki. In terms of voting rights, Kawasaki pioneered efforts at foreign resident suffrage. Those efforts have gradually expanded, where a large number of cities permit some kind of voice for their foreign residents, be it in a representative council or through direct vote. This is in spite of the fact that there is no national policy condoning such actions. With pensions, Kawasaki has implemented an alternative payment system for foreign residents ineligible to receive the national pension. A number of other cities offer similar benefits, and petition the national government to liberalize eligibility requirements. Health insurance policies have also
been restrictive, where the national government has discouraged the enrollment of foreign residents into the national health insurance system. However, municipalities like Kawasaki have done so in spite of objections from the national government. Those cities that have not extended national health insurance enrollment to foreign residents often offer alternative programs, like consultations and screenings. In either case, cities have effectively circumvented national directives. Concerns over widespread housing discrimination have prompted Kawasaki and many other cities to not only formally prohibit discrimination, but offer services to foreign residents (and other commonly discriminated groups) to help find viable housing. Although the national government has not completely ignored the issue, it has been slow to take concrete action in this area. Finally, education has been one of Kawasaki’s focal points in dealing with foreign residents. It has made major efforts at providing a quality education and related services to foreign residents, so much so that it has served as a national example. In this area the central government has been making greater efforts in recent years, but it is still dependent on the initiative of localities.

Some of Kawasaki’s efforts at policy innovation have been more or less successful at national implementation: education policy is a clear example of Kawasaki’s efforts being adopted nationally. On the other hand, although many cities now promote the right of their foreign residents to vote locally, the national government has yet to adopt any policy to that effect. Along those lines, a number of cities also offer insurance coverage to foreign residents, pension benefits to elderly foreign residents ineligible for the national pension and housing assistance, even though such policies are not sanctioned nationally.
Observing Kawasaki’s policy developments through the lens of adaptive informal institutions, we can see that education policy has been the most successful instance within the realm of topics discussed. Initially starting as an informal means of addressing immigrants of school age, many of the city’s initiatives have expanded throughout the country, all the way through the national government. Initially informal policies such as foreign language guidebooks and translation assistance have now become commonly available through the Ministry of Education. The other policy areas discussed have all illustrated a city working to actively address its immigrant population, and those policies expanding out to other cities. Local voting rights, pension benefits for elderly foreign residents and leniency in national insurance enrollment, for example, have all been taken up by a number of cities in addition to Kawasaki. However, these policies are still in the informal stage, where they have not been formally sanctioned by the national government.

As a result of the study above, I can show that Kawasaki, just one example of a local progressive government, has worked for a number of years to liberalize particular areas of immigration policy. Aspects of this liberalizing policy have in many cases evolved into informal national institutions as others cities began adopting them. To some degree, the national government has been incrementally liberalizing its policies in issue areas discussed, to a greater or lesser extent. Education policy has become much more liberalized in addressing foreign students as the result of local efforts in cities like Kawasaki. Foreigners are now able in many cases to obtain health insurance, to voice their opinions to local government, and obtain housing with the reasonable expectation that they will not be discriminated against when doing so. Yet it
has been the local governments that have provided the impetus to spur further reform in these policy areas, rather than national government initiatives.

While my discussion does not ultimately prove causality, meaning the preceding analysis does not illustrate definitively that Kawasaki’s liberalizations led directly to changes in national policy in every case, there does appear to be a strong connection. Kawasaki is just one local government out of many in Japan, and as mentioned throughout this analysis, it has often not acted alone. Other progressive local governments have been working to make their own policies addressing their foreign populations as well as a host of other issues.

Kawasaki may be regarded by some as uniquely progressive in its immigration policies. In fact, the city is more active in addressing its immigrant population compared to many other municipalities. Kawasaki is consequently an extreme example of policy innovation, but part of what I believe to be a larger picture of local government innovation. As Japan has moved increasingly further away from the centralized, top-down system of the bubble years, local governments have taken on an increasingly larger decision making role, with the national government acting more as a facilitator. Such a system is of course not unique to Japan, and can be found to varying degrees in the other developed unitary states.

To further advance this idea, additional case studies would be helpful, focusing both on immigration and other areas of policy in Japan. Studying a single topic like immigration and examining what a particular city has done gives some indication of a general trend, but does not definitely answer the question as to whether Japan is indeed moving away from its centralized system of governance. Considering other local governments would be useful in further
addressing the issue: if many local governments are innovating policy, or if policies started in particular locales are spreading to a variety of other cities, it would demonstrate clear evidence of the changes in Japanese government. A variety of adaptive informal institutions in a number of policy areas would make it clear that local governments are increasing their role in policy leadership. Likewise, examining other policy areas would further strengthen the argument. Local governments demonstrating increased policymaking capacity across a range of issues can reinforce the notion that significant changes are occurring in Japanese governance. This would also add credence to the more general argument that formerly centralized unitary states are diffusing major policymaking powers to local governments. Not only could one point to China, South Korea and France examples, but, based on further examination, Japan as well.

While I do not believe Japan has suddenly or miraculously turned into a decentralized, federal state, it does appear to be slowly and incrementally changing into something quite different from a traditionally “unitary” state. Governments ultimately have to react to the circumstances and challenges they face as best they can. It would seem Japan currently finds that the best way to do so is to give local governments greater freedom to experiment with and innovate the policies that work the best for their own situations. We shall see whether or not such a trend ultimately continues.
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A note on Japanese language materials: works are organized by the last names of authors or sponsoring institutions when an author’s name was not available. In the instance that the name of a sponsoring institution is in Japanese, I have included the original Japanese name after the English language translation. I have also included the original Japanese language titles of articles and books where appropriate, with an English translation of the title in quotations.


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