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The Diene Report on Discrimination and Racism in Japan

By Oda Makoto, Pak Kyongnam, Tanaka Hiroshi, William Wetherall & Honda Katsuichi

This Japan Focus special report was coordinated and introduced by David McNeill.

In July 2005, the United Nations special rapporteur on discrimination and racism, Doudou Diene, went on a nine-day tour of Japan and talked to minority groups, anti-discrimination campaigners and government and police officials around the country. After releasing his preliminary findings to the press last year, Diene handed the completed 23-page report based on his research to the UN Commission on Human Rights in January. [**Doudou Diene Report**]

Doudou Diene from Senegal

Japan has been condemned before for its failure to humanely accommodate the descendents of its former colonial subjects in Asia, and for its willful neglect of its own minorities in Hokkaido, Osaka and elsewhere, and for its restrictive policies toward immigrants and refugees. Still the blistering tone of the UN report caught many by surprise. The country was criticized in quite forceful terms for its "deep discrimination" which Diene said the government was not doing enough to combat.

The report was especially harsh in criticizing Japan's treatment of the over one-million people of Korean and Chinese descent in the country, many of whom still feel pushed to the margins of Japanese society even as they move into their third and fourth-generations. But he also called for measures to protect the rights of Japan's indigenous Ainu and Buraku minorities and small but growing number of foreigner immigrants.

Perhaps mindful of his reported snubbing by Tokyo Governor Ishihara Shintaro during his visit, Diene specifically criticized the xenophobic speeches of some politicians, and the Justice Ministry's so-called 'snitch-site' for the anonymous reporting of wrong doing by immigrants. " As a world power in an era of globalization, Japan has to expand to the outside world," said Diene last year. "But its society is still closed, spiritually and intellectually centered."

Diene's strongest recommendation, ahead of the 86th session of the U.N. Human Rights Committee in New York, is that Japan introduce specific legislation against racism to meet its commitments to the International Convention on the Elimination of All Forms of Racial Discrimination, which it signed in 1995. Human rights campaigners such as Arudou Debito and many Japanese NGOs have been calling for such a law for some time.

The report comes at a crucial time. The number of long-term resident foreigners in Japan has crept quietly past two million as the Japanese aging population begins its inexorable decline – by 19,000 in 2005 according to government reports. The prospect of mass immigration, once unthinkable, has been raised in business and political circles in response to a growing labor shortage. But discussion has thus far been stymied by lack of political will and a mainly law-and-order-driven debate about crime, hyped by some politicians and the media. Polls suggest that many ordinary Japanese hold contradictory attitudes. A Cabinet Office survey in 2005 found over 70 percent worried that an increase in illegal foreign workers could undermine public safety, but more than 80 percent said Japan should still accept more foreigners.

How serious is discrimination against minorities, immigrants and foreigners generally in Japan? What progress has been made in reducing discrimination? Can new laws contribute toward ethnic harmony? How does Japan's performance in reducing discrimination compare with that of other nations with their own histories of racism and discrimination? Above all, what kinds of measures will help to reduce discrimination? These are among the issues that the report poses.

Minorities and progressives in Japan broadly welcomed the report. It was also, however, the target of some online vitriol by nationalists (many anonymous) who pointed to the racism of US and European societies; suggesting they fix their own back yards before trampling into Japan's. The question is will the Diene report have any impact? The Japanese political class is highly sensitive to foreign perceptions of its own domestic failings and will not like being condemned by an organization still highly respected in Japan. One sign that the government takes the report seriously came in March when its officials met with representatives of Korean-Japanese, Ainu, foreign workers and other minorities to discuss discrimination issues. After the meeting, Foreign Office spokesperson Chiba Akira told the *Asahi* newspaper that " Japan cherishes human rights, and any matters concerning human rights that Japan needs to improve, it will do as much as possible." Only time will tell whether this is just window dressing or the start of a significant, perhaps even historic government shift toward prioritizing the rights of immigrants.

Japan Focus has asked several Japan-based writers to respond to the Diene Report. Oda Makoto who has been campaigning against war, injustice and discrimination for over half a century, welcomes the report's findings while pointing out that all developed countries have similar problems. He hopes the report will push debate beyond the national point-scoring that he believes is all too prevalent. The second-generation Korean essayist Pak Kyongnam provides by far the angriest analysis of the pervasiveness of Japanese discrimination, one informed by her own experience. She believes the report will be heartily welcomed by Koreans in Japan. William Wetherall, a veteran commentator on Japan, by contrast, finds the Diene report fatally flawed by, among other things, the special rapporteur's lack of familiarity with the country he was investigating. Tanaka Hiroshi, who has long worked to protect the rights of foreigners, views the report as a welcome step in the long march toward a racism-free Japan. He notes the positive effect of Japan's previous adoption of UN conventions in extending human rights. Journalist-author Honda Katsuichi, who has addressed issues of discrimination against the Ainu in Japan and American Indians, welcomes the report but warns that in the absence of vigorous treatment of the report by major media it will have little effect

Oda Makoto: Not Just Japan

Translated by Steve Rabson

Oda Makoto

I believe the Diene Report accurately describes racial discrimination in Japan. Although there is clearly less of it than in the past, the fundamental problems of discrimination in Japanese society remains unchanged. Two primary difficulties are "the absence of laws" and "the social atmosphere."

No matter how many laws prohibit discrimination, if an atmosphere rejecting it does not exist in a society, they are useless. Nevertheless, systematic legal protections are also essential and Japan currently lacks any laws directly prohibiting discrimination. As a case in point, no developed country has admitted so few refugees. Barring refugees and discriminatory granting of residency based on nationality are shameful. No laws exist in Japan for systematically granting refugee status, so permission to enter the country is determined on an ad hoc basis according to special considerations for "charity" and "sympathy" that provide no consistent solution to the problem. In Western Europe, at least minimal efforts seem to have begun to "reforming the legal system" and improve the "social atmosphere," but no similar efforts have occurred in Japan. The movement I am active in works within the country to eliminate discrimination, and I commend the U.N. report, which can have an effect from the outside.

It is also essential to recognize that discrimination is not a problem only in Japan, but one that plagues all nations in various forms. When we in our movement meet people abroad, some of them tell us triumphantly about "the discrimination you have in Japan against Koreans and Burakumin." They need to be asked what they are doing about discrimination in their own countries. In the United States, for example, there is discrimination against blacks, Latinos, and people of Arab descent. I want to ask Americans what they are doing as individuals to deal with this problem. If they aren't doing anything, we have no common ground for discussion. If, on the other hand, they are doing something, then we can see how our efforts differ, and discuss them. For journalists and others to speak about discrimination against Koreans in Japan and blacks in America only to show off their knowledge does nothing to solve the problem.

As for Japan's relations with the countries whose people that have been the object of discrimination, things were fine between Japan and South Korea as long as Japan was considered "groovy" in South Korea during the " Korea wave" here and the " Japan boom" there. But as soon as South Korea mentions the Yasukuni problem, trouble starts. Similarly, relations with China were fine as long as people there were talking about marvelous Toyotas and economic cooperation between the two nations. But as soon as Beijing mentions the history of aggression, anti-Chinese sentiment spreads in Japan. Something similar happens in America when the Palestinian issue is raised. Such tendencies must be resisted wherever in the world they occur.

When there are meetings between nations or individuals, the question is: how can mutual problems of discrimination and insults be resolved internally? Can Americans and Japanese come to grips with discrimination and prejudice in their own societies? If so, then the important thing is not to use the existence of discrimination as points of argument about one country or another, but to discuss how common problems can be resolved.

Oda Makoto, *novelist and the founder of the citizens' anti-Vietnam War movement, Beheiren, has been campaigning against war and injustice for half a century. His more than 100 books include the classic bestseller* Nandemo Miteyaro (I'll Go Everywhere and See Everything). *He was recently featured in a* Time *magazine profile of Asian heroes.*

Pak Kyongnam: About Time

Translated by Nobuko ADACHI

I jumped for joy when I read this report's conclusions about Japanese society and its recommendations about so-called *zainichi* Koreans —Korean-Japanese or Korean residents in Japan. [1] The Japanese talk a lot about the internationalization of their society, and act as if they are serious about discrimination. However, they have neither carried out internal "internationalizing" nor paid any attention to Japanese violations of human rights.

One of the best examples is the on-going social and institutionalized discrimination against *zainichi* Koreans in Japanese society. Japanese show no interest in solving this problem, and many are even unaware that there is discrimination against *zainichi* Koreans. I am very grateful that the United Nations has recognized the existence of social discrimination in Japan.

In spite of the current " Korea boom" in Japan, there remains much discrimination against *zainichi* Koreans at every level of society here. Let me give an example from my own experience. After graduating from college and getting a job, my son—a third generation Japanese-Korean —could not find an apartment because of his ancestry. My friend's son, also a third generation Japanese-Korean in his early twenties, was refused even a simple physical part-time job because of his Korean nationality. The problem is these two young men still use their Korean names. Those who change their names or hide their background, however, *can* get apartments and jobs.

Not only is there discrimination against first and second generation Japanese-Koreans, even young third generation *zainichi* Koreans constantly fear discrimination. This is why ninety percent of *zainichi* Koreans today use Japanese names to hide their ethnicity. Japanese prejudice and discrimination against Koreans was deliberately fostered during Japan's colonization of Korea (1910-1949). These views and attitudes are still strongly held in Japanese society.

This can be clearly seen in places where people can express themselves anonymously such as on the internet. Discriminatory epithets against *zainichi* Koreans are all over the web. While I do not think that incidents like the mass-murder of Koreans following the Great Tokyo Earthquake of 1923 would happen today, deeply biased views and social discrimination toward *zainichi* Koreans are open and widespread.

I think one reason for this continuing social discrimination is that Japanese have not got their history straight. Another factor is that Japanese cannot accurately criticize themselves, but can only make judgments by comparing themselves with others. For example, Japanese compare themselves with other Asians and feel superior; they compare themselves with Westerners and feel inferior. In other words, Japanese society cannot stand on its own two feet; the Japanese lack confidence in themselves.

Frustrated with themselves and their society, they release such frustrations through discrimination against "weaker" people. If this leads Japan to become exclusive and xenophobic, as they were before World War II, Japan will lose their international allies and become isolated. This could even lead Japan once again on the road to war.

Furthermore, because of the new economics of global free trade, economic disparities are growing, leaving clear winners and losers. It seems to me that diversity is now rejected in favor of acceptance of some uniform social value, and a feeling of depression is spreading throughout the society. For example, young people have few good job prospects and many lack hope for the future. With young people unable to feel positive about themselves, uncertainty, dissatisfaction, and frustration are growing.

These negative feelings cause Japanese to target not only Koreans, but any weaker "other"—such as those with physical disabilities —as a means to overcome their frustrations. We see this in the discriminatory writings found on blogs and websites such as the popular Channel 2 bulletin board. [2] I fear that the Japanese will become more exclusive and discriminatory towards others in efforts to relieve their collective angst.

In order to stop such a social disaster it is important to consider how the media conveys information. The media needs to report news clearly, unemotionally, and objectively, allowing people to form their own opinions. However, I cannot help thinking that the current mass media controls public opinion for its own purposes. The best example is reports on North Korea. Needless to say, this nation has numerous problems, but the Japanese media always depicts North Korea as an "unpredictable" or "bizarre" nation. Its method is sensationalism. The media does not report the historical background of the Japan-Korea relationship, still less does it suggest the possibility of a brighter future for Japan-North Korea relations. I think their reports have not provided balanced and fair information.

When people try to discuss the media and public opinion, they are often attacked and harassed. Thus even those who wish to discuss issues freely, as protected by law—may find themselves silenced. This kind of silencing is unique to Japanese society. The Japanese fear a society that is open to different opinions and different ways of thinking. It is probably true that this perspective has been fostered through Japan's isolation as an island country. We can see this way of thinking in Japanese proverbs like "Bend with the wind" [3] or "If you are to serve, serve the most powerful." [4] Whatever the reason, I think Japanese definitely cannot think independently, judge for themselves, state their own opinions, or express their own will. We saw this with the victory of the Liberal Democratic Party in last year's general election, when people were swept away by slogans. The Japanese tend to follow one voice without reflection, a characteristic that paved the way to World War II. I think that individual Japanese need to foster the courage to say something is wrong when it is wrong, and to say that things that should not be done, simply should not be done.

Furthermore, Japanese cannot accept criticism from other Asians. Japanese lack the ability to see themselves objectively or to see how others see them. While refusing to listen to Asian voices, Japanese tend to accept the opinions of North Americans, Europeans, and international organizations without question. Perhaps, then, they might accept the advice of the United Nations, and we may see some changes in Japanese society. The recommendations of the United Nations are a bit late when we think of the long history of Japanese discrimination against *zainichi* Koreans. Still, we *zainichi* Koreans welcome it optimistically. I just wish the Japanese would recognize their own social problems depicted in the report and change their society accordingly by themselves. It is the Japanese, after all, who are the only ones who can change their own society, not *zainichi* Koreans.

[1] Translator's note: In Japan, citizenship is not based on place of birth, but on parentage. Thus, children born of Korean parents do not thereby acquire Japanese citizenship, regardless of whether their family has lived in Japan for generations. More than two million Koreans came to Japan before World War II after Japan annexed Korea in 1910. Today, there are more than 600,000 Zainichi Koreans, the majority living in the Kansai (Osaka-Kyoto-Kobe) area. Most are second, third or fourth generation residents whose native or primary language is Japanese. They are not Japanese citizens, but "special permanent residents." Several hundred thousand more Zainichi Koreans became naturalized Japanese citizens.

[2] Channel 2 can be accessed at www.2ch.net after going through www.google.co.jp

[3] *Nagai mono-ni wa makarero* ; literally, "If bound up in long twine, it is better not to resist."

[4] *Yoraba taiju no kage*; literally, "If you need to find shelter, choose the big tree."

Pak Kyongnam, *essayist and regular TV commentator, is the author of eight documentary fiction books in Japanese. She grew up as the daughter of Korean parents in Japan and writes extensively about discrimination issues.*

William Wetherall: A seriously flawed report

There are serious flaws in the " Mission to Japan" report recently submitted to the United Nations by Doudou Diene. I have written a counter report in which I evaluate, paragraph by paragraph, the credibility of Diene's observations, analyses, and recommendations. The counter report also examines the phrasing Diene has adopted to essentially "minoritize" and "racialize" people in Japan in ways that do not reflect legal and demographic realities.

The counter report concludes that Diene came to Japan, not to objectively study minority issues, but to follow the bidding of the activist organizations that have been lobbying the United Nations human rights committees for the past couple of decades -- mostly participants in the BLL/IMADR-led "minority solidarity" movement in Japan.

Ironically, Diene has done a lot of damage to BLL/IMADR's cause -- which is not entirely without merit. It was a grave mistake to allow someone who apparently knows so little about Japan to write a report under the auspices of an objective UN mission.
Diene's "mission" was basically a ploy to embarrass the Japanese government in the eyes of the world, knowing that the content of his report will be disseminated in global mass media through press conferences and other venues. However, his report spreads all manner of misinformation, and invites all manner of misunderstanding, about Japanese and East Asian history, about Japanese law and society, and most importantly about racial, ethnic, national, and other minorities in Japan.

Diene's "three circles"

In the "Summary" (beginning) and "Analysis" (middle) sections of his report, Diene defines "three circles" of "discriminated groups" as follows (from the "Analysis" version):

the national minorities - the Buraku people, the Ainu and the people of Okinawa; people from and descendants of people from former Japanese colonies - Korea and China; and foreigners and migrants from other Asian countries and from the rest of the world.

The three most salient flaws in Diene's "three circles" list of minorities in Japan are:

1. The "discriminated groups" Diene lists do not exist as "groups" and are not otherwise "discriminated" as singular entities.

2. There are no "national minorities" in Japan. If Japan were to legally exceptionalize so-called "national minorities" within its nationality, "the Buraku people" would not qualify.

3. "China" was never a "colony" of Japan, and most Chinese in Japan have not been people from, or descendants of people from, Taiwan.

For Wetherall's detailed analysis of the report, see Counter reports, "Mission to Japan 2006" at top left of the website.

William Wetherall is an independent researcher, writer and veteran commentator on Japan. He has a Ph.D. in Asian studies from the University of California at Berkeley. His homepage, which includes articles written over the years on issues of minorities and discrimination in Japan, can be accessed.

Tanaka Hiroshi: Some improvement, but a long way to go

Translated by Tomoko AMAKASU

It was in 1975, with the arrival of refugees from Vietnam, that discrimination issues in Japan first clashed with international human rights laws.

Since then, the Japanese government has ratified or hosted a series of conventions, among them: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights (ICCPR); the International convention on the Status of Refugees; the International Convention on the Elimination of All Forms of Discrimination against Women (ICERD); the Convention on the Rights of the Child, and the International Convention on All Forms of Racial Discrimination.

The government has also revised legislation and formulated new laws accordingly. For example, it has abolished discrimination on grounds of nationality in social security, enabled children to inherit Japanese nationality from their mothers' side and recognized the Ainu as an ethnic minority. Furthermore, participation in these international conventions has stimulated regular reports on discrimination issues, as well as discussion and growing NGO participation.

Against this background, Dr. Diene visited Japan to research discrimination and reported that racism and xenophobia still exist in Japan, affecting the lives of three groups or people; national minorities, Koreans and the Chinese (immigrants from former colonies), and immigrant workers. The content of the report was evaluated favorably by NGOs.

By pointing to these various forms of discrimination, this report shows how Japan can become an open-minded, plural society and avoid the homogenous thinking that the country is prone to. The report also suggests that there is much work to be done on Japanese perceptions of history and historical education, noting the trend for several new comic books such as "Hating the Korean wave" and "Introduction to China" to become best sellers. The purpose of these books is to deny and revise history and to demean the culture and civilization of Korea and China.

Finally, the report makes clear that Japan should formulate domestic legislation to ban racism and xenophobia. It remains to be seen whether the Japanese government will use the Diene's report to start walking toward these goals in dialogue with NGOs, or whether it will be business as usual.

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Tanaka Hiroshi taught at Hitotsubashi University and is the author of, among other works, Foreigners in Japan (Zainichi Gaikokujin).

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Honda Katsuichi, The Media Response to the Report Will Be Critical

Translated by Kyoko Selden

Honda Katsuichi

The report by special rapporteur Doudou Diene submitted to the United Nations Human Rights Commission in January this year summarizes the results of the investigation conducted while visiting Japan last July. That report singled out three discriminated groups and recommended improvements:

- National minorities (discriminated Buraku, the Ainu, the Okinawans)
- People from the former Japanese colonies and their descendants (including people from the Korean peninsula, China and the Taiwanese)
- Foreign residents who have come from Asian countries and other parts of the world.

As for the contents of Diene's report, I think that nearly all is as he says. That the actual situation in Japan is introduced widely to the world through the United Nations can be considered a starting point for improving Japan's situation, if only by a little. I would like to welcome this greatly. For this report to exert a favorable impact on the government and the public, however, Japan's mass media, especially daily newspapers and television, will have to pick it up and handle it in a big way. On this point, I cannot refrain from entertaining a sense of concern.

I would like to take this chance to point out that the UN itself harbors great discrimination, and would like to urge improvement. That is their use of the language of England (English) as though it were the world language. That this constitutes colossal linguistic discrimination is not recognized. I would like to suggest that Esperanto be introduced as the official language of the UN.

Honda Katsuichi, journalist, writer, and a founding editor of Shukan Kinyobi (Weekly Friday), has written extensively on the Ainu and the Nanjing Massacre among many other issues.

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