Diplomat rues Tokyo's 'lack of humanity' to asylum-seekers

Sadako Ogata was U.N. High Commissioner for Refugees from 1991 to 2001, and has been president of the Japan International Cooperation Agency (JICA) since 2003. Here, she talks frankly to JEFF KINGSTON about Japan's attitudes to those who flee their homelands and seek sanctuary on these shores.

Sadako Ogata JEFF KINGSTON PHOTO

Are there signs of progress in the grim situation facing asylum-seekers in Japan?

From 1979-89, when the Indochina refugee issue was hot [after the Vietnam War], there was a lot of energy and effort focused on refugees and resettling them in Japan. In 1979, I was asked to lead a mission to the Thai-Cambodian border. It was the first time I saw a massive refugee outflow and presence. At that time Japan pledged to provide half the funding for the UNHCR Indochina refugee program. That was the first big step Japan took toward helping the Indochina refugees. In addition, Japan agreed to accept an initial 500 refugees for resettlement, and in the next year the number went up to 10,000.

In the early 1980s, Japan's economy was rising and it faced rising expectations for shouldering some of the burdens — and it lived up to those expectations. It would be interesting to examine the outcomes for the Indochina refugees. I think there are some good stories there that would reassure the public about the consequences of accepting refugees.

In 1981, Japan also became a signatory to the 1951 U.N. Convention on Refugees, but then the numbers of refugees accepted went way down. Japan's approach to refugees under the Convention has been very reserved. This may come back to haunt Japan if there is a crisis on the Korean Peninsula. Will other countries help with resettling large numbers of North Korean refugees — or only provide financial assistance?

Critics argue that Japan is guilty of checkbook diplomacy — contributing significant funding but accepting so few refugees. Is this a fair assessment?

Yes, that is accurate to a degree, but at the same time there were not that many asylum-seekers landing in Japan after the Indochina crisis. Since Aung San Suu Kyi's detention in 1989 by the military regime in Myanmar, there has been an increase in Burmese asylum-seekers — and more recently from Afghanistan — but it has not been a massive outflow. Individual cases are considered and there the Japanese tendency for a meticulous judicial approach, asking for complete documentation that most refugees don't have, came to dominate refugee reception policies. It has been a very legalistic approach showing no humanitarian sense to those who had to flee.

Is that changing?

Every year I would come and lobby Justice Ministry officials about their policy toward refugees, but I don't think there was that much progress. Maybe I should have worked harder on Japan, but I was so busy with millions of people globally, whereas in Japan they were only trickling in. Maybe I should have been more firm. I don't think it was just checkbook diplomacy — there were also lots of Japanese volunteers who came to help with the refugees, and efforts by NGOs, maybe not on a large scale, but still significant.

In terms of asylum, Japan has not been the best humanitarian country. Japan is not a refugee power in global terms — refugees go where they know they will be received and can find support. From Japanese officials' perspective, the fewer that came the better. The government thinks of this as *taigan no kaji* (fire on the opposite riverbank), in the sense that it is not an immediate crisis situation facing Japan.

What are the diplomatic costs of Japan's restrictive policy toward refugees?

The costs, unfortunately, are not so high. Everywhere the door is closing against refugees. Look at the United States and Europe — the commitment to helping refugees is fading, and that means that Japan will not suffer much criticism for its policy. So I don't think that Japan's bid for a seat on the UN Security Council will be harmed by its poor record on refugees.

Are government policies and attitudes improving?

Groups of lawyers have been very devoted to helping asylum-seekers and have exposed weaknesses in the legal system regarding asylum-seekers. At least they made some changes and expanded the appeal process and brought in some outsiders including some NGO people to hear the appeals. So in that sense there has been a slight improvement. And now they have added a category of humanitarian consideration (asylum-seekers who are not recognized as Convention refugees but are still allowed to stay in the country). There are more cases of asylum-seekers being awarded humanitarian status than refugee status.

Within JICA [the Japan International Cooperation Agency] a group was organized to help Ali Jane, an ethnic Hazara from Afghanistan, and (it) published a book — "Mother I Am Still Alive" — and my colleagues actually found his mother. There are good stories of real humanitarian consideration. Not everybody is cruel, but the legal process is less than what I would like to see.

The Justice Ministry says it doesn't want to get ahead of public attitudes, and the Japanese people are not ready for an influx of refugees.

They are very strict. In my discussions with them there is rarely any reference to humanitarian considerations.

What is the logic of Japan's exclusionary policy?

This is a very bureaucratic country. Bureaucrats think they know what is best and act in the name of the people. NPOs have a much freer way of thinking and promote closer contact with people of other countries. Things are opening up a bit. However, there is still the myth of one race and homogeneity, even though it is slowly fading. Globalization is slowly undermining these wrong assumptions.

Isn't there a disconnect between the demographic time bomb and attitudes toward refugees?

Japan's need for foreign labor is changing the context of the debate over migrants. And civil society is also playing a role. If we leave it to the natural flow of asylum-seekers, they won't come to Japan unless there is a huge crisis on the Korean Peninsula — but we need foreign labor and a more open society.

Should the UNHCR think of more resettlement efforts like those with the Indochinese refugees?

Yes. Japan had a good experience with the Indochinese refugees and accepted more than 10,000 in the end. Perhaps it would help if Japan worked with UNHCR and set up a quota and opened up the country to bring some people out for resettlement. The U.S. had a quota of over 100,000, which came down to 80,000 during my tenure, and under the Bush administration it has become much smaller. But there are currently negotiations about giving asylum to Bhutanese in Nepal and/or Karens out of Myanmar who are in border camps in Thailand. There is screening going on. The question is whether Japan might also participate in this resettlement project and respond to this humanitarian crisis in Asian countries. Some kind of resettlement program seems likely, and discussion between the UNHCR and the Japanese government is ongoing. I expect this will start on a small scale.

What are the prospects for Japan accepting more refugees?

Prolonged recession has undermined the context for reception of foreigners, and Japan has a poor record on integrating foreign workers properly. It is hard for the public, media and government to differentiate between the mixture of refugees, economic migrants and criminals seeking entry. And very often there are those who blame crime on illegal foreign people. There are plenty of Japanese committing crimes but foreigners are easy targets. And we have more than 300,000 Brazilians of Japanese origin and their situation has not been very good. The problem is that Japan has had an open approach to receiving many foreigners, for example "entertainers," rather than refugees . . . but keeping people out doesn't always assure your security.

The Japanese government has been reluctant to criticize Myanmar, but in the last 10 years the largest number of asylum-seekers gaining refugee status have been from Myanmar. By recognizing them as refugees, is the government acknowledging that the military junta is repressive and that these people are being persecuted?

It is a very repressive regime and a political signal is being sent. There are historical reasons for Japan's sympathy for the Burmese dating back to World War II — and especially since the detention of Aung San Suu Kyi.

How could the UNHCR be more effective resettling refugees in Japan?

Of all international agencies here, the UNHCR is the only one that has to deal primarily with the Justice Ministry, and it should maintain good and close working relations with that ministry. The UNHCR advocates for non-nationals, while the Justice Ministry sees its role as protecting Japanese nationals, and this collides with humanitarian considerations. It's not just Japan, the UNHCR has had similar problems in Europe. Germany was the country I visited most frequently because they received a lot of refugees, and there were many problems. This is the job of the UNHCR, but it doesn't have to be confrontational. Emphasizing and improving legal procedures, while bringing humanitarian considerations into the discussion, is most effective. This is the role of the UNHCR.

How do you regard the Refugee Film Festival?

It is one of the better efforts of the UNHCR in awareness raising. It certainly touches a lot of people and reaches out to those who did not have much knowledge of, or interest in, refugee issues. I was especially touched by the film "Live and Become."

Any final thoughts?

The Justice Ministry's strict policies are not the whole story. There are other government officials who are concerned and trying to improve things, and lawyers and NGOs are also working toward creating better conditions. The time is coming when the Justice Ministry becomes fully involved to solve refugee problems in proper and humane ways.

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Two weeks after our interview, Dr. Ogata's staff informed me that she was infuriated and deeply disappointed by the June 11 decision of Justice Minister Jinen Nagase to ignore a Tokyo High Court ruling recognizing the refugee status of the Afghan asylum-seeker Ali Jane. She and her staff at JICA had taken a personal interest in the plight of this ethnic Hazara who narrowly avoided deportation from the Ushiku Detention Center in Ibaraki Prefecture. Freshmen JICA staff, hearing about this story from a lawyer who participated in their orientation program, researched Ali Jane's history and published a book that went into three printings, selling some 21,000 copies. Five years ago, he applied for refugee status, but was turned down by the Justice Ministry. He then pursued his case in the courts and seemingly prevailed in the appeal process. However, Justice Minister Nagase decided against granting him refugee status and instead awarded him a special status visa, apparently because he is married to a Japanese woman.