

【Article】

Minorities in Japan: Problems of an Over-extended Minority Concept

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1. The issue of ‘minority’ in Japan

The Japanese word *mainoriti* is an adoption of the English word ‘minority’ and both ordinary people and academics, especially sociologists, use it to mean the vulnerable. The prevailing concept of minority is ambiguous, and there is no legislative protection of minorities’ rights, whether national, ethnic, religious, or linguistic.

How are minorities conceptualized in Japan? How have their characteristics developed in Japan’s history and society? This chapter focuses on the relation between national/ethnic minorities and the ethnic Japanese from the beginning of Japan’s modernization in 1868, that is, from the Meiji Restoration.

Moreover, the chapter also examines how the ambiguous minority concept has hindered the protection of minority rights under international human rights law and the U.N.

Japan is obligated to take measures to protect minority rights and meet international standards as it confronts unresolved minority issues both domestically and internationally, especially with regard to its neighboring countries such as South Korea and China.

The Japanese government has only officially designated the Ainu as an indigenous people. Furthermore, this designation was only provided in 2008, although the Ainu were involved in a movement for recognition since the 1970s. Many Ainu still endure poverty and prejudice (see 6.1).

The United Nations Committee on the Elimination of Racial Discrimination (CERD) has strongly requested Japan to address the issues of the Ryūkyūans/Okinawans (Ryūkyūans hereafter), refugees, and asylum seekers (CERD 2014). Although UNESCO has recognized that the Ryūkyūans have a unique ethnicity, history, culture, and distinctive traditions, the Japanese government does not recognize them as an indigenous people. CERD has thus requested the Japanese government to recognize them and take concrete steps to protect their rights. Moreover, CERD recommends that the government consult with Ryūkyūan representatives on the promotion and protection of their rights.

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Japan is notorious for its extremely low refugee acceptance rate. In 2014, only 11 of 5,000 applicants were given refugee status. UNHCR has strongly requested Japan to modify its rigid and restricted refugee-recognition system according to best practices in international refugee status determination as it would increase the acceptance rate of and shorten the examination period for refugees.

A major problem straddling domestic and international issues is the treatment of *zainichi* Koreans, or Koreans living in Japan (*zainichi* hereafter)—Koreans originally from the Korean Peninsula and their descendants who have been forced to live in Japan as a result of the Japanese colonial occupation of Korea from 1910 to 1945. Anti-Korean demonstrations and hate speeches against *zainichi* by *Zaitokkai*, a group of anti-Korean activists, have caused serious problems since the late 2000s.

The hate demonstration in front of Kyoto Korean 1st Elementary School in 2013 was a symbolic event in a series of hate demonstrations and hate speeches against *zainichi*. In 2014, the Supreme Court ruled this to be racism. However, skepticism among conservative legislators, especially those in the Liberal Democratic Party (LDP), that legislation against hate speeches would violate citizens' freedom of expression hindered prompt enactment of laws against hate speeches. The first law against hate speeches was enacted in 2016, rewarding the several years' worth of efforts of anti-hate speech groups comprising both *zainichi* and Japanese citizens. However, many problems persist. The law imparts no punishments and only includes foreigners and their descendants who legally live in Japan.

Furthermore, CERD has also expressed major concerns over the exclusion of *chōsengakkō* (Korean schools) from the High School Tuition Support Fund and the suspension of or decrease in funding allocated to these schools by local governments. Such restrictions hinder Korean-origin children's right to education. Although *zainichi* are a result of Japanese occupation, this fact is rarely taught in the Japanese compulsory educational curriculum, thus contributing to the dissemination of hate speeches against this community and discrimination against *chōsengakkō*.

The South Korean government has requested that the Japanese government give local suffrage to *zainichi* with Korean nationality. However, no further developments regarding this request have occurred.

Another issue is that of Japanese orphans left behind in China, the *chūgokuzanryūkoji*, orphans aged twelve or younger when they were separated from their relatives in Manchukuo after the Soviet invasion on August 8, 1945. Japan first realized about the existence of these orphans after diplomatic relations with China were normalized in 1972; the orphans returned to Japan through the efforts of volunteer groups in the 1970s and a governmental return project in the 1980s. As most of them were already in their 40s or 50s by then and had received limited governmental

support, such as only a four-month Japanese-language program, they were forced to struggle and live in poverty and isolation—serious problems that have been passed down through the generations (Hirai, 2015). Although Japanese orphans could have been regarded as a national/ethnic minority in China, where national/ethnic minority policies have force, they were virtually exempt from these policies because Japan invaded China.

Japan has also been compelled to accept immigrants to address its labor shortage problem, a result of a low birth rate and an aging population. The U.N. estimates that Japan must accept about 600,000 immigrants each year from 1995 to 2050 if it is to maintain its 1995 working population (U.N., 2000). However, the Japanese government only uses the word *gaikokujinrōdōsha* (foreign workers), rather than *imin* (immigrants). Furthermore, Japan has maintained a policy of accepting only skilled foreign workers (Iguchi, 2001:26).

The government has taken two measures to cope with the unskilled worker demand, mainly from small- and medium-sized companies. First, it altered the Immigration Control and Refugee Recognition Act (ICRA) in 1989 to allow *nikkeijin*—Japanese who began migrating to places such as Brazil and Peru from the Meiji era until the 1970s—and their descendants to come to Japan (see 6.4). The 1990 revision provides *nikkeijin* a special visa that allows them to work without any restrictions. Second, in 1993, the Japanese government introduced training programs for young workers in developing countries. The gap between the official policy of accepting only foreign workers with specialized experience and the reality of accepting unskilled workers through these two systems has generated serious problems.

Japan faces not only unsolved national/ethnic minority issues such as those of the Ainu, the Ryūkyūans, and the *zainichi* but also new concerns, such as the acceptance of immigrants and refugees, an aging population, and globalization pressures. Thus, it is indispensable to investigate the history of the relation between the ethnic Japanese, a massive ethnic majority, and national/ethnic minorities.

2. Minorities in dictionaries

How are the words *mainoriti* and minority defined in Japanese dictionaries and English-Japanese dictionaries? Definitions of *mainoriti* in three representative Japanese dictionaries are examined.

Kōjien is the most representative Japanese dictionary. Its first edition was published in 1955. The lexical item *mainoriti* first appeared in its fifth edition in 1998 and the same definition appeared in the sixth edition (Shinmura, 2008). The lexical item *majoriti*, as an antonym of *mainoriti*, is also shown for reference:

mainoriti (minority in English): having fewer members, ethnic minorities. ⇔ *majoriti*.

majoriti (majority in English): having more members, major part, the majority force.

⇔ *mainoriti*.

While the definitions in the first (Matsumura, 1995) and augmented editions of *Daijisen* (Matsumura, 1998) basically follow those of *Kōjien*, the meaning of ethnic minority is excluded.

The most in-depth definitions are found in *Daijirin* (Matsumura, 1988, 1995, 2006). The definitions of *mainoriti* and *majoriti* in each edition are as follows:

First edition of *Daijirin*

mainoriti (minority in English): having fewer members, being in a minority. ⇔ *majoriti*.

majoriti (majority in English): having more members, the majority force, major part. ⇔

mainoriti. (Matsumura, 1988)

Second edition of *Daijirin*

mainoriti (minority in English): having fewer members, being in a minority. *Mainoritigurūpu* (minority group): a group that is discriminated against by others for ethnic, cultural, or religious reasons in a nation or a society, a minority group.

majoriti (majority in English): having more members, the majority force, major part. ⇔

mainoriti. E.g., *sairento majoriti* (silent majority). (Matsumura, 1995)

Third edition of *Daijirin*

mainoriti (minority in English): having fewer members, being in a minority. *Mainoritigurūpu* (minority group): a group that is small in number in a nation or a society, a minority group. *Majoriti* (majority in English): having more members, the majority force, major part.

⇔ *mainoriti*, e.g., *sairento majoriti* (silent majority). (Matsumura, 2006)

While the definition of minority group was added in both the second and third editions, published after the outbreak of the Yugoslav Wars, the explanation of being discriminated against in the second edition was deleted in the third edition, which emphasized having fewer members.

The definitions of minority in the two representative English-Japanese dictionaries are also examined.

Jiniasu eiwa daijiten

minority: 1) having fewer members, smaller part of a split group, fewer than half the number—this meaning is applied to the vote (\Leftrightarrow majority), 2) ethnic minorities in a country—usually it indicates colored races, not white, small parties in a parliament or an assembly, 3) being under age. (Konishi and Minamide, 2001)¹⁾

Kenkyūsha shin eiwa daijiten

minority: 1) having fewer members, outnumbered, small parties in parliament or assembly, 2) ethnic minorities in a country, a smaller religious, linguistic, cultural, etc. group (this is also called a minority group) c.f. ethnic minority problems, 3) being under age, nonage. (Takebayashi, 2002)

Both definitions are basically identical to the definition in *Kōjien*, except the addition regarding being under age.

The minority concept generally accepted in the U.N. and Europe—a small group that is distinguished from other groups by national, ethnic, religious, or linguistic aspect in a country or a society—does not appear in Japanese dictionaries or English–Japanese dictionaries in Japan.

In Japanese and English–Japanese dictionaries, for the term *mainoriti gurūpu*, national, ethnic, religious, linguistic, or cultural characteristics are indicated. However, such characteristics are disregarded in dictionary definitions of *mainoriti*. Further, in English–Japanese dictionaries, in the definition of the English word ‘minority,’ religious, linguistic, or cultural minorities are shown as examples. This shows the subtle difference in meaning between *mainoriti* and ‘minority.’

Another subtle difference is found in other types of dictionaries. *Amerika nichijōjiten* (Tazaki, 1994), which is an established dictionary carrying detailed descriptions regarding American life, includes the lexical item ‘minority group’ and defines it as an ethnic or other group that is discriminated against in education, jobs, marriage, and so on. This definition is similar to that of the minority concept in the U.S. (see Iwama, Concept of a Minority, Affirmative Action, and Social Movements in the United States, in this issue). Thus, Japan’s acceptance of the American minority concept clearly highlights the potent influence exerted by the U.S. on Japan since World War II.

3. Definitions of minority in the social sciences

The index of *Shin shakaigaku jiten* (1993), the most exhaustive sociological dictionary in Japanese, includes the term *mainoriti*; however, it provides a reference to the term *shōsūshashūdan*. The definition of *shōsūshashūdan* is as follows:

Shōsūshashūdan (minority group in English): *mainoritigurūpu*. A group that is cast out from a society by other members of the society and recognizes itself as discriminated against as a whole group. Other members of society cast out the minority, offering discriminatory and unequal treatment as a pretext for the group's physical or cultural characteristics. Schemerhorn, R.A. defines a minority group as a group small in number having less power. However, primary importance is not given to the group size but to whether it generally has power or not. See *shōsūminzoku* (ethnic minority). (Aoyagi, 1993, 733)

Although physical or cultural characteristics are considered the sources of discrimination, no details or examples exist. It is interesting that the above definition does not consider having fewer members as an important element. This is not presented in the Japanese and English-Japanese dictionaries considered here.

A recent sociological dictionary also considers minorities to be vulnerable. Although *Shakaigaku jiten* (2010) does not contain the lexical item *mainoriti*, it refers to *mainoriti* in an explanation regarding the lexical item *mainoritiundō* (minority movement). This explains that *mainoriti* are oppressed and discriminated against based on certain characteristics, and the most important component is not having fewer members but being oppressed (Ōhata, 2010:824).

No other Japanese sociological dictionary or encyclopedia defines the term *mainoriti*, but it is generally understood to mean a vulnerable group, and various groups are included within the term in the Japanese sociological context. For example, two sociologists present the following minority concept in a book on minorities and social structure.

Mainoriti (mostly used in the plural) may be defined as negatively differentiated in socially, politically and economically vulnerable positions, and aware of their weak position, based on ascribed factors such as cultural or physical characteristics...

Indigenous people and historical or regional minorities, such as the Bretons in France, the Basques in Spain and the Ainu in Japan, are *mainoriti*, and women, children and the disabled can be *mainoriti* in some cases (Miyajima and Kajita, 2002:1).

While some dictionaries and encyclopedias of other social sciences do not include the term itself (*Shakaikagaku jiten henshū iinkai*, 1992; Inoguchi et al., 2005), one dictionary only includes 'minority representation' (*shōsūdaihyōsei*) and 'minority government' (*shōsūhaseiken*), which have traditionally been used for a minority in parliament (Inoguchi et al., 2000).

Another dictionary includes *mainoriti* and refers to *tōō no minzoku mondai* (national/ethnic minority issues in Eastern Europe). However, the term *mainoriti* does not appear in the definition,

although it explains national/ethnic minority issues in Eastern Europe from the end of the nineteenth century (Shiba, 2003).

The term ‘minority’ has generated relatively little interest in Japan where elaboration of the concept in reference to the concepts of minority in other languages or countries has been insufficient.

Gendai seijigaku jiten (1991) is an exceptional dictionary among social science dictionaries that focuses on ethnic, religious, and linguistic characteristics. Its definition is as follows:

mainoritigurūpu (minority group in English): Translated as *shōsūminzokushūdan*. A group small in number in the aspect of race, ethnicity, language, religion, and so on, put in a socially disadvantaged position and treated badly. It is forced to be aware of its disadvantaged position and poor treatment. However, its small number alone does not always matter; its social inferiority and discriminatory treatment are more crucial. For example, this is the case with colored races in the Republic of South Africa. Although they are numerically the majority, they are dominated by the whites and discriminated against in all aspects, such as politics, society, and the economy, and they suffer from inequality. In this view, many recognize *mainoritigurūpu* as a political concept rather than a numerical concept... (Akimoto, 1991, 960)

Size is given little priority here as well. *Sekai minzoku mondai jiten* (2002) is the only dictionary that focuses on small number in ethnic, religious, or linguistic aspects. Its index has the lexical item *mainoriti*, and it refers to the two lexical items *shōsūminzoku* and *gengotekishōsūsha* (linguistic minority). The dictionary states that *shōsūminzoku* is generally recognized as a group distinguishable from the average citizen of a state, that is, the majority, according to cultural characteristics such as language, religion, and customs and these are usually expressed as minorities, national minorities, and ethnic minorities in English (Lee, 2002:526–527).

This dictionary is exceptional in that its definition of minority is similar to that accepted in the U.N. and Europe because it focuses on issues of ethnic minorities.

4. Minorities in the press

Newspaper articles are examined to understand their use of *mainoriti*.

Iwama (2007) analyzes the frequency of *mainoriti* and trends in its usage in *Asahi Shimbun*, a representative national newspaper. *Mainoriti* first appeared in an article published on September 1, 1972, in which a Japanese professor of American history wrote on ethnic minority issues in the U.S. *Mainoriti* was subsequently used in an article published on November 4, 1975, in which

a Japanese researcher from the Sao Paulo Research Institute of Human Sciences wrote of the publication of the complete works of *nikkeijin* (Japanese-Brazilian) authors in Brazil.

Mainoriti was used as an academic term by researchers in both articles. The study concludes the following:

- 1) The word *mainoriti* is overwhelmingly used in articles on American affairs;
- 2) While most articles on American affairs use *mainoriti* to mean ethnic minorities, some use it to mean the vulnerable;
- 3) At first, *mainoriti* in articles on Japanese society merely meant a small number, but *zainichi* used the term *esunikku mainoriti* (ethnic minority) for themselves in the late 1980s;
- 4) Since the 1990s, *mainoriti* has been increasingly used to mean vulnerable communities, such as LGBT individuals and the disabled;
- 5) People such as men with thinning hair, Hiroshima survivors, patients, the unemployed, and people with leprosy were called *mainoriti* in the late 1990s;
- 6) With the increased use of *mainoriti* in the sense of vulnerable groups, ethnic minorities such as *zainichi* gradually became invisible among groups designated as *mainoriti*;
- 7) Very few articles referred to foreigners in Japan as *mainoriti*, and religious minorities in Japan never appeared in any articles;
- 8) Politicians used the word *mainoriti* in very few articles.

These trends continue even today.

5. Absence of legislation of minority protection

There is neither a law containing the word *mainoriti* nor a law protecting minority rights in Japan. Furthermore, no regime exists to protect minority rights at the regional level in East Asia, in contrast to Europe. The only way for minorities in Japan to demand protection as minorities is to lobby for their rights granted in the U.N. conventions that Japan has ratified.

Since the 1980s, the Ainu had been appealing to domestic public opinion and directly to the U.N. for recognition and rights as an indigenous people. Their efforts finally led to the Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy of the Traditions of the Ainu and Ainu Culture (LPACDA) in 1997. However, they had to wait until 2008 to be recognized as an indigenous people (see 6.1).

The Ryūkyū's ethnic identity as an indigenous people and their self-definition have also not always been acknowledged. However, recently, a significant shift has occurred in their identity,

from a regional one to a national one. Okinawa prefectural governor Takeshi Onaga delivered a speech at the U.N. Human Rights Council (HRC) in Geneva in September 2015. He began by stating that 73.8 percent of U.S. bases in Japan are in Okinawa, which is only 0.6 percent of Japan. He further added that crimes, accidents, and environmental problems due to the long-term presence of U.S. bases have negatively affected people's daily lives. Finally, he said that the Japanese government has ignored the Okinawan people's right to self-determination and their human rights. (Okinawa Taimususha, 2015). Although the governor's statement was carefully worded, his demand for self-determination at the HRC can be interpreted as an action for indigenous peoples' rights.

Japan has ratified five international conventions intended to protect minority rights: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and the Convention against Discrimination in Education (CDE). The ICCPR has provisions for minority rights while the remaining have provisions that can contribute to minority protection (Henrard and Dunbar, 2008).

Due to the roles the ICCPR and the ICERD play in national/ethnic minority rights, they are examined further in the following sections to address Japan's legislative problems in minority rights.

5.1 Fatal mistranslations in the ICCPR's official translation

The ICCPR was adopted by the 21st UN General Assembly and implemented in 1976. Japan ratified the ICCPR in 1979 in the midst of harsh international criticism for permitting refugees from Indochina to reside in Japan only temporarily. Under pressure, Japan allowed the refugees to settle permanently in Japan in 1978.

An official translation of the ICCPR is available on the Ministry of Foreign Affairs of Japan's (MFJA) website; however, Article 27 on minority rights has been rendered nonsense due to three mistranslations (Iwama and Yu, 2007:9-12). The official translation is as follows:

Shuzokuteki, shūkyōteki mata wa gengoteki shōsūminzoku ga sonzai suru kuni ni oite, tōgai shōsūminzoku ni zokusuru mono wa, sono shūdan no ta no kōseiin to tomoni jiko no bunka o kyōyū shi, jiko no shūkyō wo shinkō shi katsu jissen shi mata wa jiko no gengo wo shiyō suru kenri wo hitei sarenai.

A back-translation of Article 27 reads as follows:

In those States in which tribal, religious, or linguistic ethnic minorities exist, individuals belonging to such ethnic minorities are not denied the right, in community with the other members of their group, to be entitled to share their own culture, to profess and practice their own religion, or to use their own language.

Article 27 in authentic English text is as follows:

In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The comparison of the above versions of Article 27 reveals three fatal mistranslations. First, the word ‘minority’ in the authentic English text is translated as *shōsūminzoku* (ethnic minorities). This mistranslation limits right holders to ethnic minorities, distinguished according to their tribal, religious, or linguistic characteristics. Religious or linguistic minorities who do not belong to such ethnic minorities are excluded. Moreover, the word *shuzokutekishōsūminzoku* (tribal ethnic minorities) is unclear.

Second, the word *shuzokuteki* (tribal) for ‘ethnic’ is inaccurate as it limits the subjects of Article 27 to ethnic minority subgroups. Although ‘ethnic’ in English is usually translated as *minzokuteki*, here it is translated as *shuzokuteki*. The word *shuzoku* (tribe) indicates the negative connotation of being uncivilized or uncultivated (Henry, 2002:79). The translation of *shuzokuteki* is likewise problematic.

These two mistranslations create misunderstandings regarding who is entitled to minority rights under Article 27. Thus, it is very difficult for citizens and the government to understand who is to be protected under Article 27 and for minorities to claim their rights.

Third, for ‘shall not be denied’ in English, the Japanese translation ‘are not denied’ is more passive than the authentic English.

Thus, the entire idea of Article 27 is also inaccurately translated, thus it seems to reflect the Japanese government’s negative attitude toward minority issues.

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (DRNERLM) was adopted by the U.N. General Assembly (UNGA) in 1992 to further clarify the contents of the minority rights indicated in Article 27 of the ICCPR. The DRNERLM is significant as the word ‘national’ is added. However, the Japanese government has

not yet provided an official or temporary translation of the DRNERLM.

5.2 Fatal mistranslations in the ICERD's temporary translation

Although the ICERD was adopted by the UNGA in 1965 and implemented in 1969, Japan finally became the 146th country to ratify it in 1995. It is believed that the Japanese government wished to evade being the only developed country not to have ratified the ICERD after the U.S. ratified it in 1994. The then-prime minister, Tomiichi Murayama (1924-), was the leader of the Japan Socialist Party (JSP), which focused on human rights and discrimination. This may have contributed to its ratification (Okamoto, 2005:22-29).

The Japanese government has not provided an official translation of the ICERD and only a temporary translation is available on MFJA's website. Similar mistranslations are found here as well. First, the word 'ethnic' in the English text is again translated as *shuzokuteki* (tribal). For example, 'ethnic origin' is translated as *shuzokutekishutsuji* (tribal origin); thus, the term fails to convey ICERD's idea precisely.

Second, the words 'national origin' in the preamble are translated as *kokumintekishutsuji*; however, this is completely unclear. In the sentence 'race, color, descent, or national or ethnic origin' in Article 1, translating it as *minzokutekishutsuji* (ethnic origin) rather than *kokumintekishutsuji* is appropriate. *Kokuminteki* usually corresponds to 'national,' as indicated in a representative English-Japanese dictionary, *Jiniasu eiwa jiten* (Minamide et al., 2014).

Furthermore, Japan has no comprehensive legislation that bans acts of racial discrimination with punishment for violations, although the CERD has consistently expressed concern regarding discrimination against ethnic minorities. Compared to the Japanese government's responses to other international conventions, its extremely negative attitude toward the ICERD is striking. For example, the Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the UNGA in 2006 and implemented in 2008. The Japanese government signed it in 2007 and soon amended the Basic Act for Persons with Disabilities to meet the CRPD's requirements.

The Elimination of Discrimination against Persons with Disabilities Act was enacted in 2013 and implemented in 2016. After carefully hearing the opinions of the concerned people, the government ratified the CRPD in 2014.

Another example is the response to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The UNGA adopted the CEDAW in 1979 and implemented it in 1981. The government updated conventional legislation to meet the CEDAW's requirements to ratify it in 1985.

The Japanese government has neglected its duty to submit reports on legislative, judicial, administrative, or other measures with regard to the CERD every two years. The CERD, along

with domestic and international NGOs, has criticized Japan's repeated breaches of the ICERD.

The CERD's criticism of Japan's handling of racial or ethnic discrimination issues is indicated in *Concluding Observations on the Combined Seventh to Ninth Periodic Reports of Japan* (CERD, 2014). The following concerns related to topics discussed in this chapter have been outlined: 1) the periodic report did not address most of the CERD's recommendations in the previous concluding observation (2010), 2) comprehensive data on the population's ethnic composition was lacking, 3) a definition of racial discrimination was lacking, 4) a specific and comprehensive law prohibiting racial discrimination was absent, 5) a national human rights institution was not established in compliance with the Paris principles, and 6) the dissemination of hate speech against foreigners and minorities, particularly against Koreans, was not always properly investigated and prosecuted. A legal system meeting the CERD's recommendations has not been developed, and 20 years have passed since ratification.

The Japanese government has not clearly specified the rights of racial or ethnic minorities or established legal procedures to examine racial or ethnic discrimination, although the CERD has repeatedly requested it to do so.

6. Modernization, ethnic composition, and minorities

This section examines the problems of the Ainu, Ryūkyūans, *zainichi*, refugees from Indochina, and *nikkeijin*.

6.1 The Ainu and Ryūkyūans

The first ethnic policy since the Meiji Restoration forced ethnic groups traditionally living in the north and south of Japan to assimilate into the ethnic Japanese.

The territory of the Ainu, who were traditionally hunter-gatherers, was exploited by the ethnic Japanese to develop Hokkaido; the Ainu have since suffered from discrimination and poverty. In the 1970s, they launched a campaign for recognition and rights as an indigenous people, which finally proved successful after the 2008 parliamentary resolution that recognized their status. Although the government favored the adoption of the UNGA's Declaration on the Rights of Indigenous Peoples (DRIP) in 2007, it persisted in its view that indigenous peoples did not exist in Japan. However, in the following year, the Ainu were recognized as an indigenous people. What changed? The Indigenous Peoples Summit (IPS) played a key role (Uemura et al., 2013:95). It was held immediately prior to the G8 summit in Hokkaido, and 21 indigenous groups from all over the world participated. The IPS attracted international attention and pressurized the government to recognize the Ainu as an indigenous people.

In 1997, the LPACDA was passed. This law is limited to promoting Ainu culture and it does

not grant them rights as an indigenous people or an ethnic minority. To maintain and promote traditional Ainu culture, it is necessary to provide the Ainu economic, social, and political support; however, the LPACDA lacks such provisions.

The CERD recommends that the Japanese government increase the number of Ainu representatives in the Council for Ainu Policy Promotion and other bodies. It also recommends enhancing measures to reduce gaps between the Ainu and the remaining the population in employment, education, and living conditions.

Okinawa prefecture comprises more than 100 islands and was the independent Ryūkyū Kingdom for approximately 450 years, since 1429. This kingdom played a central role in maritime trade with the Korean Peninsula, China's Ming and Qing dynasties, Malacca, and others. However, it was forcibly incorporated into Japan as a prefecture from 1872 to 1879. Since then, the Ryūkyūans have been mandatorily assimilated within the ethnic Japanese. They were also forced to speak Japanese instead of their native language. Many Ryūkyūans left Okinawa for urban areas in search of work, where they suffered discrimination and poverty, while many other emigrated as far as Hawaii or Brazil.

Okinawa is the only part of Japan where ground war occurred during World War II. After Japan's defeat in 1945, Okinawa was occupied by the U.S. military. Even after Okinawa's reversion to Japanese sovereignty after U.S. occupation in 1972, Ryūkyūans suffered from many problems, such as constant noise, military aircraft crashes, and repeated rape, due to the concentration of U.S. bases. A movement for the relocation of the U.S. military facilities has been gathering momentum since the mid-1990s. A new movement pursuing independence has also recently begun. It refuses the prefectural name 'Okinawa,' given by the Meiji-era Japanese government, and insists on 'Ryūkyū,' which has a history of more than four centuries.

This movement also insists that the Ryūkyūans belong to a nation with a unique history and culture that was colonized by Japan and the U.S. (Matsushima, 2012).

6.2 *Zainichi* Koreans

The Empire of Japan expanded its territories, first colonizing Taiwan in 1895, followed by the incorporation of Sakhalin (Karahuto) in 1905, colonizing the Korean Peninsula in 1910, and incorporating the South Sea Islands in 1919. Residents of these areas were treated as subjects of the Empire of Japan, whose population was approximately 100 million. Of these, about 70 million lived in current Japan, that is, *Naichi*, and about thirty percent were non-Japanese, such as the Koreans and Taiwanese who lived outside of *Naichi* (Oguma, 2002:xxvii).

After the collapse of the Empire, the Japanese government deported the non-Japanese who had been subjects of the Empire of Japan from *Naichi*, and forced the non-Japanese who stayed

to assimilate into the ethnic Japanese.

A two-stage deportation was implemented. First, three months after the Potsdam Declaration, the franchise of the Koreans and Taiwanese living in *Naichi* was suspended (Mizuno, 1996, 1997). This made it impossible for them to express their opinions on their treatment through voting (Tanaka, 2013, 64). The Japanese government issued *Gaikokujintōrokurei* (the Alien Registration Act), which was the last Royal Decree of May 2, 1947, the day before the Constitution of Japan was issued. This act deemed Koreans and Taiwanese to be foreigners and forced them to register as foreigners and always carry their alien registration certificates. Henceforth, they could only obtain Japanese citizenship by submitting a naturalization application.

Second, *minjikyokuchōtsūtsu* (an official notice from the director-general of the Civil Affairs Bureau, the Bureau of Legal Affairs) was issued on April 19, 1952. The notice outlined the Japanese government's view that non-Japanese ex-subjects had lost their Japanese nationality and become foreigners. Thus, they were given no opportunity to choose their nationality. This was immediately before the Treaty of San Francisco was enforced on April 28. Japan recovered complete sovereignty and secured the authority to decide whether foreigners could be granted permission to enter Japan based on *Shutsunyūkokukanrirei* (the Immigration Control Order).

Non-Japanese ex-subjects, except those naturalized in Japan, were controlled under the Immigration Control Order and the Alien Registration Control Order from that time and were excluded from the social security system. This treatment was extremely unjust in comparison to how residents of former British and French colonies were treated: they were given the right to choose their nationality and a certain period of time for the decision (Tanaka, 2013:66-68).

Furthermore, *zainichi* who were not granted Japanese or Korean nationality have been left stateless. The term *Chōsen* has been used to describe them in the resident register, although it substantially means stateless. Moreover, a common misconception is that *Chōsen* means North Korean nationality, which has led to the *zainichi* being seriously discriminated against.

Koreans were the largest ex-subject group in Japan. About 800,000 Koreans were living in *Naichi* at the end of 1938, and most of them were forced to come to Japan as the Japanese government or companies had deprived them of their lands and livelihoods (Morita, 1996:17). Some were brought from the Korean Peninsula against their will and forced to work in coal mines, at harbors, and on construction sites after *Kokkasōdōinhō* (the National General Mobilization Act) of 1938. About 2,300,000 Koreans were living in *Naichi* just before the end of World War II, and three-quarters returned to the Korean Peninsula by March 1946. More than 640,000 Koreans remained in Japan (Tanaka, 2013:60-61). It was difficult for them to rebuild the livelihoods they had lost during the Japanese occupation, and the Japanese government had

also restricted the amount of assets allowed to be taken to the Korean Peninsula. Even among Koreans who went back to the Korean Peninsula, several returned to Japan because they could not make enough money on the Korean Peninsula.

The Japanese government continued to assimilate the remaining Koreans. It prohibited education of Korean culture, including language, and did not respect the Korean ethnicity (Tanaka, 2013:64–65). The Koreans built 525 elementary schools, 4 junior high schools, and 12 high schools within only six months of the end of World War II to restore their language and culture, which had been neglected under *kōminkakyōiku* (Japanization of education). However, the Japanese government ordered these schools to be closed or transformed in January 1948, stating that those with a Japanese nationality must attend Japanese schools. The reaction to this was fierce. The only emergency declaration issued, in April 1948, during the General Headquarters (GHQ) occupation period was regarding the shutting of Korean schools in the Hansin area.

The basic principles of Japan's policy on *zainichi* immediately after the end of World War II are outlined in a letter from Prime Minister Shigeru Yoshida (1885–1954) to General Douglas MacArthur (1880–1964), the Supreme Commander of GHQ. The letter, written either at the end of August or the beginning of September 1949, is full of factual errors and prejudicial language against *zainichi* (Tanaka, 2013:72–74). Yoshida made two requests in the letter: 1) to force all Koreans to return to the Korean Peninsula at the expense of the government and 2) among those who desired to remain, to admit only those expected to contribute to Japan's economic reconstruction. Yoshida gave the following reasons for these requests: 1) Japan imported a great amount of food from the U.S. (mentioned to gain MacArthur's favor), and a large proportion of it was distributed to Koreans; however, the government could not make future Japanese generations pay the huge debt incurred due to this distribution to Koreans; 2) most Koreans did not contribute to economic reconstruction; and 3) many Koreans were criminals, most were communists or sympathizers, and were liable to commit the most vicious types of political crimes, as more than seven thousand were already in prisons.

Deportation policy also assumed the form of a governmental project to support *zainichi* to return to North Korea until 1984, in the middle of the Cold War. The project was in response to the policies of North Korea, which trumpeted itself as an earthly paradise and welcomed *zainichi*.

The Japanese government's irresponsible attitude and the partition of the Korean Peninsula during the Cold War contributed toward the continued harsh discrimination against *zainichi*.

The partition of the Korean Peninsula resulted in two groups in the *zainichi* community: *Zainihonchōsenjinsōrengōkai* (The League of Koreans in Japan), which maintains a connection

with North Korea and *Zainippondaikanminkokumindan* (Korean Residents' Union in Japan), which has links to South Korea. This split has made it difficult for *zainichi* to work together and lobby the Japanese government.

Many *zainichi* children use *tsūmei* (Japanese names) to hide their Korean identity. As it is generally difficult to distinguish the Japanese and Koreans by appearance alone, this has been a practical way to escape the continual harsh discrimination against *zainichi* in daily life, marriage, job-hunting, and so on. However, children who use *tsūmei* are also distressed by their unstable ethnic identities.

In the 1970s, *zainichi* sued over discrimination in job hunting and exclusion from compensation for atomic bomb victims in Hiroshima and Nagasaki. While these lawsuits led to better conditions for *zainichi*, the intake of Indochina refugees, followed by the ratification of the Convention Relating to the Status of Refugees (CSR) in 1981, substantially improved their legal status. The CSR only permits domestic law that complies with CSR and requires the ratifier to modify domestic law to meet CSR standards. Japan's ratification of the CSR led to the abolition of the nationality clause in both the National Pension Act and the Children's Allowance Act, and *zainichi* could finally be covered under the social security system, although they are still affected by their previous exclusion. The deletion of the clauses in the Alien Registration Control Order that stated foreigners who are leprosy patients, mentally disabled, or welfare recipients could be deported also contributed to *zainichi's* stability (Tanaka, 2013:171).

6.3 Refugees from Indochina

Refugees from Indochina, who are less numerous and have less in connection with Japan than *zainichi*, have experienced other difficulties. Upheaval and fear of persecution in Vietnam, Cambodia, and Laos have led to numerous refugees since the end of the Vietnam War. An American ship rescued nine Vietnamese people, and they arrived in Japan in May 1975. However, the Japanese government only granted them temporary refuge by alleging that Japan was highly populated and had little experience of accepting immigrants, foreign workers, and refugees (Naikaku Kanbō Indoshina Nanmin Taisaku Renraku Chōsei Kaigi Jimukyoku, 1996). Japan received harsh criticism from the international community, especially the U.S., for this reaction. The U.S. requested Japan to accept refugees from Indochina because it regarded the existence of refugees from socialist countries as justifying the free world ideology. Japan changed its policy because of its commitment to international cooperation and to maintain peace and stability in Southeast Asia (Koizumi, 2005:341); it ratified the CSR in 1981.

In all, 11,319 Indochina refugees had settled in Japan by March 2006, when refugee acceptance ended: 8,656 from Vietnam, 1,357 from Cambodia, and 1,306 from Laos (Nanmin

Jigyō Honbu, 2012).²⁾ Government support for the refugees was poor. Refugees had to find work for themselves after a three-month program in Japanese and basic social life. Many could not find work, communicate with other Japanese at their workplaces or in their local communities, and also faced other problems. Some struggled with serious mental disorders.

Another continuing problem is the communication gap between the first generation, who could not learn Japanese, and the younger generation, who was educated in Japan's school system and cannot speak their mother tongue well. These problems are caused by a lack of a national vision and comprehensive policy on refugees (Koizumi, 2005:348; Ishikawa, 2014:139-141).

6.4 Nikkeijin

In its modernization period, Japan sent its surplus population to Hawaii and South American countries such as Brazil and Peru and to its new territories. These foreign emigrants and their descendants are called *nikkeijin*.

Nikkeijin were originally prohibited to work in Japan without being accompanied by their families. However, the number of second- and third-generation *nikkeijin* who came to Japan without the accompaniment of their families increased due to economic depression in Brazil and the strength of the yen. *Nikkeijin* organizations in Brazil requested the Japanese government to give the second- and third-generation *nikkeijin* unrestricted work visas (Iguchi, 2001; 70-72). The demand for unskilled workers was high, especially among small manufacturing companies, and the business community urged the admittance of unskilled foreign workers during the bubble economy. In 1989, the Japanese government revised the ICRA to enable *nikkeijin* to work legally in Japan. The revision was a compromise with official policy, which stated that Japan only accepts foreigners with specialized experience. The business community's high demand for unskilled foreign workers was filled under the belief that *nikkeijin* are descendants of ethnic Japanese.

The ICRA was enforced in 1990 and many *nikkeijin* have come to Japan since then. They have played a substantive role in solving the shortage of unskilled workers (Kajita, 1994:50-51; Iguchi, 2001:35; Sakanaka, 2014:105-108). Hidetoshi Sakanaka (1945-), the ex-director of the Immigration Detention Center in the Ministry of Justice, played a leading role in the revision of the ICRA in 1989. Sakanaka said that the revision was conducted in reference to U.K. legislation on the treatment of emigrants and immigrants that gave preferential treatment to individuals related by blood or marriage and that he had always considered it problematic that the previous ICRA did not include any measures for *nikkeijin* to easily enter Japan (Sakanaka, 2014:105-108).

Although the Japanese government expected that *nikkeijin* would return to their home countries after having saved some money, they settled in Japan in large numbers, thus leading to

many problems. *Nikkeijin* are generally regarded as foreigners because many of them differ from most Japanese in appearance, behavior, lifestyle, and names, and they cannot speak Japanese. Other problems also include cultural conflicts and isolation in workplaces, schools, and regional communities.

The education of *nikkeijin* children is also a serious problem as many of them do not go to school even when they are ready because foreigners are not required to provide schooling to their children by law. Even among those who attend school, many face difficulties in understanding lessons in Japanese and adjusting themselves to school life under Japanese schools' strong assimilative pressures. Few proceed to high school or university (Onai, 2009: chap. 6). However, addressing these problems is up to local authorities as no comprehensive policy exists to support foreigners at the national level.

6.5 Emergence of the ethnic homogeneity myth

The Empire of Japan established the puppet state of Manchukuo in northeastern China in 1932.³⁾ It was given the status of an independent country indivisibly related to the Empire of Japan. Its national motto was *Gozokukyōwa* (Five Races under One Union): the five races were ethnic Japanese, Koreans, Manchus, Han Chinese, and Mongols.

As Manchukuo's motto clearly indicates, the Empire of Japan proposed multi-nationality. It was necessary to distinguish ethnic Japanese subjects registered in *Naichi* and non-Japanese subjects registered in the newly acquired territories to maintain social order and a smooth colonial administration. Therefore, a questionnaire on *minseki* (ethnic origin) was devised for the first census in 1920 and was used for the census in *Naichi*, the Korean Peninsula, Sakhalin, and the South Sea Islands. Instead of *minseki*, *shuzoku* (tribe) was used in the census in Taiwan (Aoyagi, 2010).

The mixed-nation theory, proposed by scholars, especially anthropologists, explained ethnic Japanese domination over other groups. This theory states 1) that the idea that only pure-blood ethnic Japanese can be Japanese should be rejected because it hinders the smooth incorporation of Koreans and Taiwanese into the Empire of Japan as imperial subjects; 2) that ethnic Japanese can dominate and assimilate other ethnic groups, as seen in the successful assimilation of a large number of ethnic groups and migrants from prehistoric times; 3) that ethnic Japanese stem from a mixture of various ethnic groups of North and South Asia and have blood relations with these ethnic groups and therefore it is easy to assimilate them; thus, Japan's expansion into Asia is a return to the homeland, and the ethnic Japanese have a constitution that is remarkably adaptable to life in North and South Asia; 4) that ethnic Japanese—who have smoothly mixed with and assimilated other nations—are ethically superior to the West, and not mere participants

in the racial discrimination that characterizes the West; and 5) that merging ethnic Japanese with other ethnic groups does not conflict with Japan's principle of being a large family in which all non-ethnic Japanese imperial subjects are considered adopted children (Oguma, 2002:321-322).

However, the mixed-nation theory was abandoned in the war. Jiro Kamishima (1918-1998), a representative political scientist, criticizes the academics', including the progressive intelligentsia's, move from the mixed-nation theory to the homogeneous-nation myth without proper investigation (Kamishima, 1986:13). The homogeneous-nation myth is generally understood to mean that Japan comprises an ethnically homogeneous nation; this is a myth because it ignores the existence of the Ainu, Ryūkyūan, *zainichi*, and other ethnic minorities in Japan. Kamishima notes that a collective sense of inferiority as an occupied country caused the prevalence of the homogeneous-nation theory. However, his observation was ignored.

Sakanaka insists that accepting immigrants is necessary to maintain the population's current size. Furthermore, he also suggests that it is necessary to expand the concept of 'the Japanese' from only *junshukeiminzoku* (ethnic Japanese) to *zasshukeiminzoku* (hybrid Japanese) before accepting immigrants. This suggestion was based on the view that ethnic Japanese have the tolerance to accept various values and other ethnic groups. This tolerance was nurtured through their history of accepting many emigrants from the Korean Peninsula, China, and South East Asia until the eighth century (Sakanaka, 2014:189-192). Sakanaka's view is eerily reminiscent of the mixed-nation theory, but he never refers to it or to the history of the Empire of Japan.

While defeat in World War II triggered a drastic change in the discourse on what it meant to be Japanese, Japan's family registration system has functioned to keep the Japanese pure blooded even after the war. During the Empire of Japan, family registration for each ethnic group was independent in each region, such as *Naichi*, *Chōsen*, and Taiwan. Moving from *Chōsen* or Taiwan to *Naichi* was forbidden to ensure pure blood and the superiority of the ethnic Japanese as the ruling community (Endō, 2013). As Endō indicated, family registration in Japan functioned as a discriminatory system controlling both nationality and family information even after the war. For example, the Japanese naturalized after foreign birth are registered in the family registry system after World War II, along with their former nationality and the day of naturalization. The distinction between ethnic Japanese and other ethnic groups based on blood remains in the family registration.

6.6 Summary

The analysis of the relation between ethnic Japanese and other ethnic minorities since the Meiji era reveals four major findings. First, during the expansion of the Empire of Japan, opportunities for ethnic Japanese to come in contact with other ethnic groups increased; however, their role

was that of a ruler or an invader, and the experience of failure or defeat in ruling other ethnic groups has not been reflected. Therefore, issues of minorities such as the *zainichi*, the Ryūkyūans, and the Ainu have persisted. Both the drastic shift from the mixed-nation theory to the ethnic homogeneity myth and the continuing discriminatory family registration system show that the negative experiences of ethnic relations during the Empire of Japan have not been reflected upon.

In contrast, second, the blood line has consistently been thought to be the essence of the Japanese nation. The principle of the blood line has been utilized under various circumstances, such as to rule ethnic groups in the Empire of Japan and allow *nikkeijin* to enter Japan more easily. These flexible applications of the principle of the blood line are possible because the principle does not require logical explanations.

Third, nationality has played an important role in excluding ethnic groups after the war. For example, *zainichi* were not listed in the social security system until the ratification of CSR, and *nikkeijin* children have faced educational problems for more than 20 years.

Fourth, *minseki* (ethnic origin) led to *kokuseki* (nationality) after the war, and now most ethnic Japanese believe *kokuseki* to be equivalent to *minzoku* (ethnic group). The lack of distinction between *kokuseki* and *minzoku* has created another problem: *zainichi* who acquired Japanese nationality are invisible as ethnic minorities.

7. Invisible ethnic minorities

All foreigners residing for more than three months in Japan have been subject to the census since the war; however, no census question determines ethnicity, only nationality is determined. No data on foreigners contain information on ethnicity; therefore, it is impossible to grasp the ethnic picture in Japan. ERDCC has repeatedly requested the Japanese government to obtain basic information on ethnic populations because it is indispensable for implementing the necessary measures for ethnic minorities.

One example that reflects the difficulty surrounding ethnic minorities is the fact that *bogo* (mother tongue) and *bokokugo* (national language of one's home country) are not usually distinguished, even in national newspapers. This lack of distinction between *bogo* and *bokokugo*—*koku* means nation—makes it impossible to discern when the home country's national language and the ethnic language as the mother tongue are distinguished; for example, *Chōsenzoku* (Koreans in China) are invisible in this usage.

Only the Ainu are officially designated as an indigenous people in Japan. Although they have been granted rights as an indigenous people since LPACDA's enforcement in 1997, obtaining basic information on the Ainu is still problematic. The Survey on the Current Living Conditions

of the Ainu, conducted by the Hokkaido prefectural government, is the only official survey because no Ainu-specific national survey exists. The Hokkaido survey has been conducted seven times since 1972, and its subjects are local community residents who are considered to have Ainu descent, excluding those who themselves deny having Ainu descent, and the family members of those with Ainu descent who share expenses (Hokkaido Seikatsu Kankyōbu, 2007, 2014). Ethnic Japanese who are family members of Ainu by marriage or adoption are substantially treated as Ainu.⁴⁾ However, the number of Ainu who conceal their Ainu descent is quite large because most Ainu do not have a positive ethnic identity due to long-term discrimination, prejudice, and economic suffering.

A noticeable movement occurred before the 2015 national census. The Cabinet Secretariat's Comprehensive Ainu Policy Office requested the Ministry of Internal Affairs and Communications, which conducts the census, to include a question on *minzoku* in the next census based on the proposal of an advisory panel on Ainu issues; however, this request was rejected (Sōmushō Tōkeikyoku, 2013). The main reasons are 1) defining *minzoku* as a sensitive issue, 2) no official method of categorizing *minzoku* exists, and 3) whether or not appropriate answers will be obtained from subjects is questionable because people in Japan generally do not know which *minzoku* they belong to. This clearly shows the Japanese government's negative stance toward minority issues, which was also indicated through its designation of the Ainu as an indigenous people to evade international criticism. The Ainu have this in common with Indochina refugees—they were finally accepted after strong international criticism but were offered very limited governmental support.

8. Conclusion: low interest in national/ethnic minorities

The main findings of the paper are summarized in this section, corresponding to the questions in section 1. First, a distinct character of the minority concept in Japan is that the vulnerable who are discriminated against are regarded as minorities. The expanded minority concept is widely accepted: merely having fewer members is not considered, and national, ethnic, religious, and linguistic characteristics are also disregarded.

Second, the dissemination of the expanded minority concept appears to reflect the failure to incorporate national/ethnic minorities into Japanese society. Japan assimilated the Ainu and the Ryūkyūans as Japanese nationals and people in Taiwan and on the Korean Peninsula as Imperial subjects; however, its failures have rarely been reflected. In this historical context, the Japanese government denies the existence of national/ethnic minorities and evades its multi-ethnic reality.

The flood of information on minorities in the U.S has led to Japan's acceptance of the expanded minority concept, used in the U.S. However, a path dependency also exists as national/

ethnic elements are given relatively little attention in Japan's minority concept as compared to that of the U.S., where ethnic minorities such as African Americans are central to the minority concept and affirmative action has been introduced. The reduced attention to national/ethnic elements in the Japanese minority concept corresponds to the Japanese government's negative stance toward national/ethnic minorities.

Third, the vague minority concept hinders the understanding of the reasons for and the significance of the protection of national, ethnic, religious, or linguistic minorities. It also has had serious negative effects on national/ethnic minority issues. For example, the words 'national minorities' themselves are almost unknown in Japan, although the protection of national minorities has been a central issue in the international community since World War I. Fatal mistranslations are present in the official translations of the ICCPR and the ICERD, and the Japanese government has not properly responded to the ICERD's requests, such as legislating to meet ICERD standards and submitting reports.

To address these issues, it is necessary to recognize the problem in an expanded minority concept, which makes national, ethnic, religious, or linguistic minorities' needs invisible; to understand the specific content of minority rights granted in the international community; and to acknowledge the necessity and significance of minority rights developed at the League of Nations, the U.N., and in Europe, thus returning to historical efforts of minority protection. Furthermore, it is indispensable to reflect on the history of relations between ethnic Japanese and national/ethnic minorities.

注

- 1) *Jiniasu eiwa jiten* (Minamide et al. 2014), widely used among high school and university students, also follows this definition.
- 2) 1,407 Indochina refugees acquired Japanese citizenship; 908 of these were from Vietnam, 321 from Cambodia, and 178 from Laos (Asahi Shimbun 2016).
- 3) Most members of the League of Nations criticized Japan, insisting that China should have sovereignty over the area. This led to Japan's withdrawal from the League of Nations in the following year.
- 4) The Ainu Association of Hokkaido gives membership qualifications to non-Ainu who are family members of Ainu by marriage or adoption, although membership cannot be carried to the next generation (Hokkaido Ainu Kyōkai 2014).

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