

## The Impact of the NPO Law on Foreigners Support Groups in Japan

Apichai W. Shipper

Political life in modern Japan is characterized by a strong central government, influential economic elites, and a homogeneous society.<sup>1</sup> Accordingly, much of Japanese behavior and civic activities are a result of state efforts in “molding Japanese minds” through various moral suasion campaigns. Sheldon Garon asserts that the Japanese government directly transforms Japanese people into active participants in its various projects.<sup>2</sup> Robert Pekkanen further argues that the state shapes civil society in Japan by selectively promoting certain civil society organizations and allowing them to expand while regulating others and making it difficult for them to survive or flourish. He points to the existence of few large civil society organizations and numerous small ones. Pekkanen elegantly explains that the Japanese state provides preferential treatment to those civil society organizations that are useful to the state, such as the neighborhood associations, and promotes their growth before it eventually exerts influence over the organizations. In contrast, the Japanese government makes it difficult for those issue-oriented civil society organizations, such as environmental NGOs, to expand, because it fears that these organizations may undermine its power.<sup>3</sup> Despite the impressive increase of civil society organizations in Japan during the past few decades and the passage of the Nonprofit Organizations (NPO) Law in 1998, which grants smaller volunteer and other civic groups a corporate status, they interpret these developments as continued efforts by the state to control and to shape civil society associations.<sup>4</sup>

Other important developments during the past few decades that challenges this conventional view of Japan’s strong state and dependent civil society involves a recent influx of foreign workers and the establishment of their support groups. Despite the fact

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<sup>1</sup> Chalmers Johnson, *MITI and the Japanese Miracle: the Growth of Industrial Policy, 1925-1977* (Stanford: Stanford University Press, 1982); Richard Samuels, *The Business of the Japanese State: Energy Markets in Comparative and Historical Perspective* (Ithaca: Cornell University Press, 1987); Daniel I. Okimoto, *Between MITI and the Market: Japanese Industrial Policy for High Technology* (Stanford: Stanford University Press, 1989).

<sup>2</sup> Sheldon Garon, *Molding Japanese Minds: The State in Everyday Life* (Princeton: Princeton University Press, 1997).

<sup>3</sup> Robert Pekkanen, “Molding Japanese Civil Society: State-Structured Incentives and the Patterning of Civil Society,” in Frank J. Schwartz and Susan J. Pharr, eds., *The State of Civil Society in Japan* (New York: Cambridge University Press, 2003), pp. 116-134.

<sup>4</sup> After the Hanshin-Awaji Earthquake in January 1995, the three ruling parties began deliberation at the Diet on a Nonprofit Organizations (NPO) Law in December 1996. On the passage of the NPO law, see Robert Pekkanen, “Japan’s New Politics: The Case of the NPO Law,” *Journal of Japanese Studies* 26:1 (2000): 111-143. The NPO Law, which came into effect on 1 December 1998, was designed to promote corporate status to small voluntary organizations by eliminating financial requirements and easing the approval process. Specifically, the Law promotes activities in 12 areas: health, medical care, and welfare; social education; community development; culture, the arts, and sports; environment; disaster relief; community safety; human rights and peace; international cooperation; equal treatment of women in society; sound nurturing of youth; and support of any of the above. Before the NPO law was passed, the criteria for certification of incorporation was too rigid and difficult for many small voluntary organizations, due to specified financial assets and lengthy approval process. The process was subjected to intense bureaucratic intervention both during and after the approval process. Since the passage of the Law, Japan’s civil society groups have been growing at an impressive rate. By 31 July 2003, for example, the number of new NPO Legal Persons has surpassed 12,000.

that Japan has one of the most tightly controlled borders in the industrialized world, the number of foreigners rose to more than 1.9 million by the end of 2003. While many foreigners are old immigrants from Korea and China who were born in Japan, over half are new immigrants from Korea, China, the Philippines, Thailand, Iran, India, Bangladesh, Pakistan, Brazil, and Peru. They come to work in Japanese small-medium manufacturers. Among the new immigrants also include approximately 250,000 illegal foreign workers, who are more likely to face industrial accidents and unfair labor practices.

Meanwhile, some imaginative Japanese have created support groups after several “illegal” foreign workers, who are prone to abuses and are legislatively deprived from receiving most public services, come to them seeking professional assistance.<sup>5</sup> They establish these institutions as a result of tinkering with new methods and ways to deliver their services to “illegal” foreign workers, because government policies impede them from doing it in traditional ways. Operating against Japanese laws and under relative inexperience with foreigners, these Japanese form support groups to share expertise, to raise necessary fund, and to legitimize their activities in order to provide requested services to “illegal” foreign workers. In addition to helping solve problems for illegal foreign workers, these Japanese activists seek to transform public attitudes about, and official treatment of, illegal foreign workers.

This paper attempts to understand Japan’s state-civil society relationship by focusing on the impact of the NPO Law on Japanese-established foreigners support groups. Have these groups applied for corporate status? Has the law make it easier or more difficult for these groups to operate? Or has the state attempt to redirect the activities of certain civic groups, orienting them toward national causes in order to impose social control by moral exhortation? Finally, has the state provided financial and logistical support to those whose agendas and activities are consonant with governing interests, as suggested by Pekkanen? The paper argues that the NPO Law has promoted greater partnerships between local governments and civil society organizations, which allow civil society groups in Japan to play a role in redefining membership rules and state responsibilities for its residents. This role is traditionally monopolized by officials of the central government. Seen in this light, this partnership between civil society organizations and local governments demonstrates the political strength and independence of these small, foreigner support groups.

The data is based on two sequences of fieldwork with 78 Japanese-established foreigners support groups in Tokyo and Kanagawa: one was conducted in 1998 before the passage of the NPO Law and another was conducted during the summers of 2003 and 2004. For my analysis, I have conducted 196 in-depth interviews with Japanese NGO leaders and volunteers, government officials, and foreign migrants. In addition to an extensive series of structured on-site interviews, I also employed various forms of participant observations: participating in NGO activities, attending various organizational meetings, and observing local governments sponsored deliberations. I

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<sup>5</sup> Itoh Satoko, “NPO to Gaikokujin Juumin” [NPO and Foreign Residents] in Menju Toshihiro, ed., *Kusa no ne no kokusai kouryuu to kokusai kyouryoku* [Grassroots International Exchange and International Cooperation] (Tokyo: Akashi Shoten, 2003).

also collected secondary sources such as internal documents from these support groups and local governments, newsletters from all support groups, and published materials written by or about leaders of these groups.

The paper is divided into five sections. The first section discusses the state and associational life of foreigners in a historical perspective. The second section focuses on the work and activities of foreigners support groups in recent years. The third section examines the impact of the NPO Law on selective foreigners support groups by highlighting significant changes of those groups that have been incorporated as NPOs. The fourth section explores how the NPO Law has promoted new partnerships between support groups and local governments. It then elaborates on how these partnerships have allowed civil society activists to redefine membership rules and state responsibilities for its residents. The fifth and final section briefly summarizes the findings of the paper.

## **I. The State and Associational Life of Foreigners in Historical Perspective**

State promotion of associational life for foreign workers has historical precedence in Japan. After the economic recession in 1921, Pak Ch'un-kum, a prominent Korean resident in Japan, established the Mutual Friendship Society (相愛會) to help his fellow Koreans living in Japan by providing food and shelter. Realizing a need for such services for Koreans, Japanese officials began to provide financial support for Pak's projects, which had expanded into mediating labor disputes between Japanese employers and Korean workers. Subsequently, the Mutual Friendship Society began to build close ties with the Japanese police, passing on information related to allegedly subversive Korean activities.<sup>6</sup>

Even though the declared objectives of the Mutual Friendship Society were to provide social services and to promote friendship between Koreans and Japanese, it began to function as a control organ over the Koreans in carrying out official Japanese policy.<sup>7</sup> After the military got control of the Japanese government in 1931, Japanese officials feared that private organizations might be easily diverted to anti-Japanese activities if they were not properly controlled. In 1934, the Mutual Friendship Society was superseded by the Concordia Society (共和會), which was operated and staffed by Japanese officials. It was established under the jurisdiction of four government agencies: the Ministries of Home Affairs, Welfare, and Colonial Affairs, and the Colonial Government of Korea. The publicly announced purposes of the Concordia Society were to promote understanding between Koreans and Japanese, to raise living standards through social services, and to cultivate the trust and loyalty of Koreans by Japanization. Locally, the Concordia provided employment and welfare services. It also offered classes on Japanese language, manners, customs, and sewing for adults. By

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<sup>6</sup> Although many Koreans were aware that the *Sou-ai-kai* maintained a close link with the Japanese police, they joined the organization regardless and pushed the membership to nearly 100,000 (or 25 percent of the Korean population in Japan). Korean laborers felt that they at least had some organization on which to represent them with an active spokesperson whom they could rely and ask for help.

<sup>7</sup> See Changsoo Lee and George de Vos, *Koreans in Japan: Ethnic Conflict and Accommodation* (Berkeley: University of California Press, 1981), pp. 48-49; Richard H. Mitchell, *The Korean Minority in Japan* (Berkeley: University of California Press, 1967), pp. 37-38.

1943, 共和会 had 47 groups with 1,124 branches.

Clearly, these groups functioned as a mechanism of control. Membership in this organization was mandatory for all Korean laborers who came to Japan to work and every member was required to carry a membership card at all times. This card served as identification needed to process any government papers. Without the card, no Korean was allowed to travel anywhere.<sup>8</sup> As more and more Koreans were forced to serve in the Japanese industrial front to help the war effort during the late 1930s and early 1940s, the Japanese government became increasingly concerned about control over Koreans. The Concordia Society served as an official arm of the government to urge Korean workers to support the industrial requirements of a nation at war.<sup>9</sup> The historian Richard Mitchell writes that the main concern of the Concordia Society was

... to make the Korean laborers “soldiers of industry.” The association supervised their training period and followed up by sending teams of inspectors to factories and mines throughout Japan. After consulting with the management to check working conditions, the inspectors held “friendly discussions,” encouraging the Koreans to remain at the same job and talked individually with each man whose contract was due to expire.<sup>10</sup>

Because the leaders of the Concordia Society had to work closely with the police stations and to handle classified information, the police bureau insisted that only Japanese be chosen for leadership in these organizations. By 1942, all subgroups were headed by local police chiefs, and other officials in these organizations were members of the Special Higher Police.<sup>11</sup> This example from Japan’s prewar history demonstrates that support groups for foreign workers can function as a mechanism of direct control by the central government over the foreigner community in Japan.

State control over the associational life of foreigners appears to be absent after the war. *Zainichi* (Japan-born) Koreans and Chinese were allowed to establish several ethnic associations with large memberships. There are two large Korean ethnic associations – one that is ideological connected with South Korea and the other with North Korea. Two Chinese ethnic associations, one that is ideologically connected with Taiwan and other with mainland China, also exist in Japan. *Zainichi* Koreans who feel politically or ideologically connected with South Korea belong to the Korean Residents Union in Japan (在日本大韓民国民団, Mindan hereafter). Mindan claims 509,000 members. Another 247,000 *zainichi* Koreans, who feel ideologically connected with North Korea, join the General Association of Korean Residents in Japan (在日本朝鮮人総連合会, Souren hereafter). Both organizations are highly centralized with 4,624

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<sup>8</sup> Mitchell, *The Korean Minority in Japan*, pp. 51-52

<sup>9</sup> *Ibid.*, p. 54.

<sup>10</sup> *Ibid.*, p. 82.

<sup>11</sup> This was the case despite the fact that the Welfare Ministry Regulation 145 (26 December 1942) stated that the leaders of the *Kyowakai* had to be Koreans. Naimushou keihokyoku hoanka [Home Ministry, Police Bureau, Security Section], *Kyowakai kankei kaigi shorui shougakukai kankei o fukumu* [Conferences relating to the Korean-Japanese Harmony Society] (Tokyo: Naimushou, January 1943), p. 87,060. Quoted in Mitchell, *The Korean Minority in Japan*, p. 88.

Mindan and 2,044 Souren branches and offices throughout Japan. In addition, Souren and Mindan respectively operate 218 and 4 Korean schools.<sup>12</sup>

Similarly, two separate Overseas Chinese Associations exist in Tokyo, Yokohama, Kobe, Osaka, and Fukuoka. The two largest associations are located in Tokyo with a membership of 120,000 people for the pro-Taiwan group and 20,000 people for the pro-PRC group. These Overseas Chinese Associations were established as self-help groups to assist resident Chinese resolve various lifestyle problems in Japan. Their activities typically included consultations on marriage and lifestyle in Japan. They also organize social gatherings with members, trips to the PRC or Taiwan, and Chinese festivals in Japan. They operate Chinese schools (with their own parent-teacher associations and alumni associations), youth clubs, women clubs, economic associations (such as chambers of commerce), and public meeting halls. Their goals focus on the promotion of Chinese educational, cultural, and business activities in Japan.<sup>13</sup> The Yokohama Overseas Chinese Association (PRC) has the promotion of Chinese (PRC) patriotism as one of its major goals.<sup>14</sup>

Given their ideological connection, these ethnic associations are highly political-oriented organizations. They promote ethnic attachment to home countries - either South Korea or North Korea or either Taiwan or mainland China. If the Japanese state really provided preferential treatment to certain groups as Pekkanen argues, we would not expect Souren or pro-PRC Overseas Chinese Associations to exist or to expand to such an enormous size. Moreover, the state would have controlled their associational activities such as ethnic and communist education. Instead, state officials deliberately keep a hand-off and non-preferential policy towards these ethnic associations and their activities during the postwar period.<sup>15</sup> Meanwhile, these groups - out of their ideological differences - are monitoring their counterpart's activities.

## **II. Foreigners Support Groups in Recent Years**

Contemporary Japan is characterized by popular suspicion of, and increasing hostility toward, Asian foreigners. Official government policies and agencies offer little if any assistance. Nor do established legal foreigners generally come to the assistance of their conational and coethnic residents: because acceptance into Japanese society is difficult for outsiders, legal foreigners tend to distance themselves from their illegal counterparts, securing their own position in Japan rather than coming to the aid of those who share their language and culture, but whose legal status in Japan is far less secure. If caught, illegal workers are likely to be punished and deported, regardless of the severity of their plight, their status as victims of organized crime, or their contributions to the Japanese economy. There also exists significant media complicity in police efforts to vilify foreign workers, portraying them as a threat to law-abiding Japanese citizens, an image that resonates with the Japanese public, and that established legal foreigners have little incentive to challenge.

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<sup>12</sup> Mindan, ed., *Kankoku mindan 50 nen no ayumi* [The 50 Year Path of Mindan] (Tokyo: Gosatsu Shobou, 1997); Souren, *Choren souren* [Korean Souren] (Tokyo: Souren, 1991).

<sup>13</sup> Interview with Mr. Seki Hiroyoshi of the Yokohama Overseas Chinese Association (Taiwan), 28 May 1999.

<sup>14</sup> Interview with Mr. Wen Yao Quan of the Yokohama Overseas Chinese Association in Yokohama, 31 May 1999.

<sup>15</sup> Interview with Mr. Koide Kenzo of the Ministry of Justice Immigration Bureau in Tokyo, 8 January 1999.

Given these realities of Japanese politics and society, it is a curious fact that Japanese citizens themselves have formed numerous local associations aimed at assisting illegal foreign workers. These associations provide a range of medical and legal services, and work to increase public awareness of the conditions faced by illegal foreign workers. In some cases, these associations play an active role in forcing local governments to be more responsive to the exploitation of unskilled foreign workers, and more flexible in their treatment of them. There are six categories of foreigners support groups.

i) *Christian NGOs*: These organizations provide labor and lifestyle consultations as well as dispute settlement mostly to Filipinos, Koreans, and *nikkeijin*. Most of these Christian groups do not have a membership system as staff and volunteers are mostly church people. Most are subgroups of a religious corporation (宗教法人) and none has applied for NPO status. Accordingly, Christian groups receive most of the funding from the church. They help foreigners, because they hold an ethical view that all people – natives and foreigners – are equal as children of God. Assisting foreigners also strengthens their longstanding campaign against the popular deification of the Japanese emperor.

Table1: Foreign Workers Supporting Christian NGOs in Tokyo and Kanagawa

No.	Group Name	Location	Year Began	Legal Status	Member	Ethnic Groups Served
1	CTIC 亀戸外国人相談センター (Catholic Tokyo International Center - CTIC)	Tokyo	1990	宗教団体	300	Filipino, Nikkei Peruvian
2	CTIC 目黒外国人司牧センター (CTIC - Meguro)	Tokyo	2000	宗教団体		Filipino, Nikkei Peruvian
3	滞日外国人と連帯する会 (Society in Solidarity with Foreigners in Japan)	Tokyo	1983	宗教団体	26	Filipino
4	難民 外国人労働者問題キリスト者連 絡会 (Christian Coalitions on Refugees and Foreign Migrant Workers - Nankiren)	Tokyo	1989	宗教団体	37	Filipino, North Korean
5	聖フランシスコ 山里相談室 (Yamasato Consulting Office)	Tokyo	1988	宗教団体	N/A	Chinese, Iranian
6	在日アジア人労働者と共に戦う会 (Society to Struggle Together with Asian Workers in Japan)	Tokyo	1989	宗教団体	1	Filipino,  Korean
7	Kapatiran・日本聖公会 (Kapatiran - Nihon Sei-Ko-Kai)	Tokyo	1987	宗教団体	40	Filipino
8	Makoto Kaibigan (Makoto Kaibigan)	Tokyo	1990	宗教団体		Filipino
9	フィリピンセンター (The Philippines Center)	Tokyo	1992	宗教団体	N/A	Filipino
10	難民移住移動者横浜司牧センター (Pastoral Center for Migrants - PACEM)	Kanagawa	2002	宗教団体	N/A	Filipino, Korean, Nikkei Peruvian
	旧：横浜教区 滞日外国人と連帯す る会 (Yokohama Diocese: Solidarity Center for Migrants)	Kanagawa	1992 -2002	宗教団体	N/A	
11	フィリピンデスク (Korean Desk)	Kanagawa	1992 -2002	宗教団体	N/A	Filipino
12	韓国デスク (Philippines Desk)	Kanagawa	1994 -2002	宗教団体	N/A	Korean
13	ラテンデスク (Latin Desk)	Kanagawa	1994 -2002	宗教団体	N/A	Nikkei Peruvian
14	フィリピンと日本を考える横須賀市民の 会 (Yokosuka Citizens Group to Think about the Philippines and Japan)	Kanagawa	1983	宗教団体	N/A	Filipino

ii) *Community Workers Unions*: Community workers unions, which are incorporated under labor unions (労働組合), provide labor consultation and disputes settlement to mainly South Asian and Iranians. Membership of this group ranges from 33 to 6,000 workers, who provide all the sources for their operation funds. Japanese activists at these community workers union assist illegal foreign workers in order to strengthen solidarity among all marginal workers, including part-time workers and workers at small firms.



Table2: Community Workers Unions for Foreign Workers in Tokyo and Kanagawa

No.	Name of Group	Location	Year Began	Legal Status	Member	Ethnic Groups Served
1	江戸川ユニオン (Edogawa Workers' Union)	Tokyo	1988 *1984*	労働組合	130 *10*	Iranian, Pakistani, Bangladeshi
2	京浜ユニオン (Keihin Union)	Tokyo	1992	労働組合	80 *10*	Bangladeshi, Iranian
3	すみだユニオン (Sumida Union)	Tokyo	1991	労働組合	70 *10*	Filipino
4	全国一般労働組合東京南部 (National Union of General Workers-Tokyo South)	Tokyo	1974 *1960*	労働組合	2,700 *400*	Chinese, (American, European)
5	全統一労働組合外国人労働者分会 (Foreign Workers Branch of Zentoitsu)	Tokyo	1992 *1960*	労働組合	3,000 *2,000*	Indian, Bangladeshi, Pakistani, Indian
6	全労協全国一般東京労組FLU分会 (Foreign Laborers' Union - FLU)	Tokyo	1992 -2001	労働組合	3,642 *50*	Bangladeshi, Nikkei, Iranian, Pakistani
7	東京ユニオン (Tokyo Union)	Tokyo	1989 *1979*	労働組合	500 *10*	
8	日本語学校教職員ユニオン (Japanese Language School Teachers Union)	Tokyo		労働組合	90 *1*	
9	ねりまパートユニオン (Nerima Part-time Workers' Union)	Tokyo	1992	労働組合		
10	としまユニオン (Toshima Union)	Tokyo	1992	労働組合	80	
11	ふれあい江東ユニオン (Fureai Koto Workers' Union)	Tokyo	1988	労働組合	200 *180*	Bangladeshi, Iranian, Pakistani
12	八王子ユニオン (Hachioji Union)	Tokyo	1988 *1984*	労働組合	67 *1*	Iranian
13	三多摩合同労働組合 (Santama Joint Labor Union)	Tokyo	1991 *1977*	労働組合	120 *7*	
14	北部パートユニオン (Hokubu Part-time Workers' Union) 旧：北区地域ユニオン (Former：Kita-ku Community Union)	Tokyo	1998 1990	労働組合	33 *4*	
15	首都圏移住労働者ユニオン (Labor Union of Migrants)	Tokyo		労働組合		
16	国際互助組合ブライト (BRIGHT International Cooperative Society)	Tokyo	1993	労働組合	6,000	Iranian, Chinese, Pakistani, Filipino Nikkei
17	神奈川シテイユニオン (Kanagawa City Union)	Kanagawa	1990	労働組合	586 *230*	Peruvian, Korean
18	よこはまシテイユニオン (Yokohama City Union)	Kanagawa	1997	労働組合	133 *10*	Indian, Korean, Bangladeshi
19	かながわ 横浜勤労者ユニオン (Yokohama Workers' Union)	Kanagawa	1991 *1986*	労働組合	100 *2*	Korean, Chinese

iii) *Support Groups for Women*: These organizations, two of which have acquired NPO status and one was incorporated as a foundation (財団法人), offer temporary shelters and provide legal advice and women advocacy to mostly Filipina and Thai women. They assist foreign women, because they believe in sexual equality and women rights that transcend national boundaries. Members in these groups range from 12 to 2,500 people. They acquire needed funds from membership fees, church donations, and subsidies from local governments.

Table3: Foreign Women Support Groups in Tokyo and Kanagawa

No.	Name of Support Group	Location	Year Began	Legal Status	Member	Ethnic Groups Served
1	アジアの女性資料センター (Asia - Japan Women's Resource Center) 旧：アジアの女たちの会 (Former: Women of Asia Association)	Tokyo	1995  1977	None	900	Asian Women
2	タイ女性の友の会 (Friends of Thai Women Association) 旧：タイ女性支援基金 (Former: Thai Women's Supporting Group)	Tokyo	1991  1989	None	150	Thai
3	ぐるーぷ赤かぶ (Group Akakabu)	Tokyo	1992  *1983*	None	20	Thai, Filipina
4	女性の家 HELP (Women's Shelter HELP)	Tokyo	1986	財団法人	2,500	Thai, Filipina
5	反差別国際運動 (International Movement Against All Forms of Discriminations and Racism - IMADR)	Tokyo	1988	UN NGO	204	Asian Women
6	かながわ 女のスペース”みずら” (Kanagawa Women's Space "Mizula")	Kanagawa	1990	NPO *2001*	607	Thai, Filipina
7	女性の家”サーラー” (Women's Shelter "Saalaa")	Kanagawa	1992	NPO *2003*	700	Thai, Filipina, Chinese, Peruvian
8	カラカサン (Kalakasan)	Kanagawa	2002	None	120	Filipina

iv) *Medical NGOs*: Medical service providers, including the Occupational Health and Safety Centers, account for nineteen organizations, most numerous among the six types of support groups. These organizations, four of which acquired NPO status, provide medical treatment and insurance schemes, medical translation, and make accident claims for all foreigners. Their membership ranges from 650 to 6,000 people. They assist foreigners, because they believe that medical services should be available to all, particularly to those who have higher risks of getting ill and no means to pay for medical treatment. Assisting foreigners also strengthens their campaign to bring medical help to all people.

Table4: Foreign Workers Supporting Medical NGOs in Tokyo and Kanagawa

No.	Name of Support Group	Location	Year Began	Legal Status	Member	Ethnic Groups Served
1	AMDA国際医療情報センター (AMDA International Information Center)	Tokyo	1991	NPO *2001*	160	Thai, Chinese, Indian, Filipino
2	SHARE (国際保健協力市民の会) (SHARE)	Tokyo	1991 *1983*	NPO *2001*	650	Thai, Filipino, Peruvian
3	亀戸ひまわり診療所 (Kameido Himawari Clinic)	Tokyo	1990	医療法人	1,000	Indian, Bangladeshi, Pakistani, Filipino
4	TELL Filipino Line (Tokyo English Life Line - TELL Filipino Line)	Tokyo		None		Filipino
5	三多摩労災職業病センター (Santama District Occupational Safety and Health Center)	Tokyo	1992 *1985*	None		
6	東京労働安全衛生センター (Tokyo Occupational Safety and Health Resource Center) 旧 東京東部労災職業病センター (Former: Tokyo East District Occupational Safety and Health Center)	Tokyo	1998 1989	NPO *2000*	224	Pakistani, Bangladeshi
7	全国労働安全衛生センター連絡会議 (Japan Occupational Safety and Health Resource Center)	Tokyo	1990	None	360	
8	すべての外国人に医療保障を！連絡会議 (Health Insurance to All Foreigners! Committee)	Kanagawa	1990	None		All "illegal" foreigners
9	在留外国人の医病問題を考える市民の会 Esperanza-no-kai	Kanagawa	1993	None	51	Nikkei, Filipino, Indian
10	みなとまち健康互助会 (MF-MASH)	Kanagawa	1991	医療法人	6,000	Filipino, Iranian, Korean, Pakistani, Bangladeshi
11	港町診療所 (Minatomachi Clinic)	Kanagawa	1991	医療法人		
12	十条通り病院 (Jujo-dori Clinic)	Kanagawa	1991	医療法人		
13	横須賀中央診療所 (Yokosuka Chuo Clinic)	Kanagawa	1991	医療法人		
14	伊勢佐木クリニック (Isezaki Women's Clinic)	Kanagawa	1995	医療法人		
15	いまい国際クリニック (Imai International Clinic)	Kanagawa	1995 -1998	医療法人		
16	小林国際クリニック (Kobayashi International Clinic)	Kanagawa	1991	医療法人	N/A	Peruvian, Thai, Filipino
17	SABAY (SABAY)	Kanagawa	1993	None	10	Filipina, Thai
18	神奈川労災職業病センター (Kanagawa Occupational Safety and Health Center)	Kanagawa	1990 *1980*	社団法人	600	Thai, Peruvian
19	MIC かながわ (MIC Kanagawa)	Kanagawa	2002	NPO *2002*	80	All Foreigners

v) *Legal Services*: Organizations providing legal services are subgroups of a regional lawyer association (弁護士会). They offer consultations and dispute settlement to all foreigners at a small fee. Membership in these groups ranges from 19 to 540 people, and they help illegal foreigners because they feel that this clientele is prone to injustices, particularly those caused by Japanese government policies. In particular, a group of lawyers in Yokohama, with the support of most of these Japanese NGOs in the area, incessantly voice their dissatisfaction with the Ministry of Justice and the Ministry of Health, Labor and Welfare. They have taken these Ministries to court on several occasions.

Table5: Lawyers Support Groups for Foreign Workers in Tokyo and Kanagawa

No.	Name of Support Group	Location	Year Began	Legal Status	Member	Ethnic Groups Served
1	外国人労働者弁護団 (LAFLR) (Lawyers Association for Foreign Laborers Rights)	Tokyo	1990	弁護団	400	Filipino, Chinese, Iranian, Peruvian
2	入管問題調査会 (Immigration Review Task Force)	Tokyo	1994	None	140	Bangladeshi, Thai, Korean
3	東京弁護士会 外国人 인권 救済センター (Tokyo Bar Association-Center for Protection of Foreigners' Human Rights)	Tokyo	1989 *1946*	弁護団	80	Chinese
4	法律扶助協会 (Japan Legal Aid Association)	Tokyo	1995 *1952*	弁護団	95	Chinese, Iranian, Korean, Filipino
5	外国人刑事弁護団 (LAFOCC) (Lawyers Association for Foreign Criminal Cases)	Tokyo	1992	None	140	Chinese, Iranian
6	東京第一弁護士会 国際人権部会 (Dai-ichi Tokyo Bar Association-International Human Rights Section)	Tokyo	1989	弁護団	50	Chinese, Filipino, Iranian, Korean
7	東京第二弁護士会 人権擁護委員会 (Dai-ni Tokyo Bar Association-Human Rights Protection Committee)	Tokyo	1993 *1990*	弁護団		Chinese, Iranian, Bangladeshi
8	自由人権協会 外国人の権利小委員会 (Japan Civil Liberties Union/Foreigners Rights Sub-committee)	Tokyo	1988			All foreigners
9	社会権規約小委員会 (Social Rights Sub-committee)	Tokyo	1998			All foreigners
10	横浜弁護士会外国人法律相談窓口 (Yokohama Bar Association: Legal Consultation for Foreigners)	Kanagawa	1991	弁護団	30	Chinese, Thai, Peruvian, Korean
11	神奈川県行政書士会 渉外行政書士研究会 (Kanagawa Administrative Lawyer Association - Foreign Negotiation Administrative Research Group)	Kanagawa	1998	弁護団	25	Chinese, Peruvian, Korean

vi) *Concerned Citizens*: Finally, concerned citizens groups provide lifestyle and labor consultations as well as dispute settlements to mostly South Asians and Iranians. They assist illegal foreigners due to their belief in racial equality and civil rights. They have 40 to 1,700 members, who they rely on for membership fees. Some of these groups also receive additional funds from local governments. Most interestingly, groups in this category remain unincorporated.

Table6: Foreign Workers Supporting Concerned Citizens Groups in Tokyo and Kanagawa

No.	Name of Support Group	Location	Year Began	Legal Status	Members	Ethnic Groups Served
1	外国人とともに生きる大田・市民ネットワーク (Ohta Citizen's Network for Peoples' Togetherness - OC Net)	Tokyo	1992	None	50	Pakistani, Bangladeshi
2	いのけん(渋谷 原宿生命と権利をかちとる会) (Former: Shibuya-Harajuku Group to Gain Life and Rights)	Tokyo	1993 -1998	None		Iranian
3	CALL ネットワーク (Call Network)	Tokyo	1988 -1995	None		
4	Asian Peoples Friendship Society (APFS) (Asian Peoples Friendship Society - APFS)	Tokyo	1987	None	1,700	Bangladeshi, Pakistani
5	移住労働者と連帯する全国ネットワーク (National Network for Solidarity with Migrant Workers) 旧 :アジア人労働者問題懇談会 (Former: Forum on Asian Immigrant Workers)	Tokyo	1997 1987	None	120	All foreigners
6	外国人労働者と連帯する神奈川連絡会議 (Forum on Kanagawa's Foreign Workers Problems)	Tokyo	1997	None		
7	カラバオの会 (Kalabaw-no-Kai)	Kanagawa	1987	None	300	Bangladeshi, Pakistani
8	カラバオ 相模原 (Sagamihara Solidarity with Foreign Workers)	Kanagawa	1991	None		

These six types of support groups share one common characteristic: the people who form them have extensive experience in helping underprivileged people. Christian activists are accustomed to helping the poor. Community workers unions have been representing those workers that Japanese enterprise unions have abandoned. Other support groups struggle to improve the social and legal position of women in Japan. Activist doctors have extensive experience in serving the poor, the homeless, and other people who more prone to getting sick or injured. Lawyers, progressive or not, have traditionally assisted victims of injustice. And a small group of concerned citizens in Japan have historically sought civil rights for marginalized people.

Illegal foreign workers seeking assistance with any number of problems are often led to these particular Japanese activists, due to their reputation for helping underprivileged people in Japanese society. The problems brought to these activists include: physical abuse from Japanese employers or husbands, industrial accidents, unpaid wages, unfair dismissal, maltreatment by Japanese officials, and inability to receive or pay for medical treatment. Only illegal foreign workers with grave problems seek assistance from these Japanese NGOs. Legal foreigners and those illegal foreigners without serious problems rarely come to these groups. In terms of ethnic background, Filipinos, Koreans, and *nikkeijin* (foreign-born Japanese) tend to go to Christian NGOs. South Asian and Iranians, who usually suffer from labor-related problems, turn most often to community workers unions and concerned citizens groups. Mostly Filipina and Thai women seek help and shelter from women support groups. And all types of desperate illegal foreigners use the services of groups providing medical and legal services.

Activists are generally quick to respond to the problems brought to them, even when they lack prior experience in assisting Asian foreigners in particular. They have generally done this by forming foreigner support groups as extension of, but separate institutions from, their original establishments. Thus Christian NGOs evolved out of Catholic dioceses or NCC/J. Specific support groups for women emerged from a larger movement, and also out of Christian churches. Regional bar associations established most of the lawyers associations groups. Community workers unions and medical NGOs are exceptions, for they served foreigners since the beginning of their establishment. Nevertheless, some community workers unions had created foreigners section within their unions, such as the Foreign Workers Branch of Zentoitsu (FWBZ) and the Foreign Laborers' Union (FLU) of the National General Workers Union. AMDA and SHARE extended their international medical voluntary activities to include foreigners in Japan.

As Table 7 illustrates, Christians were the pioneers in establishing support groups to help foreign migrant workers.<sup>16</sup> They began in 1983 to provide counseling and shelters to mainly Filipina women. These counseling focused on how to resolve

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<sup>16</sup> Although two support groups existed before the creation of the earliest Christian NGOs, they did not originally serve Asian workers in Japan. The Tokyo English Life Line (TELL) was founded in 1973 by American Christians to help American servicemen overcome psychological problems and the Tokyo South (Nambu) Union began its support for Western English teachers in 1974. Similarly, the Women of Asia Association (now the Asia-Japan Women's Resource Center) has been in existence since 1977 to promote women rights and to build networks with other women groups in Asia. However, it did not begin helping foreign women in Japan until much later.



serious problems Filipina entertainers faced, particularly rescuing them from snack bars.<sup>17</sup> By 1987 there were three Christian groups and the assistance had extended to various ethnic groups. Therefore, several concerned citizens NGOs evolved out of Christian groups. During the end of the 1980s as foreign men made their presence in the construction industry and small manufacturing, some labor unions and lawyers associations NGOs join the struggle. After the 1990 revision of the Immigration Control Law and the oral directive to exclude overstayed foreign workers from the National Health Insurance program, numerous medical and occupational safety centers began forming support groups to help foreign workers.<sup>18</sup> By the end of 1992, there were 57 support groups in Tokyo and Kanagawa alone. The NPO Law makes little impact on the overall number of groups, as only three new groups have been created since 1998. Of particular interest, however, is the impact of the NPO Law on the establishment of MIC Kanagawa in 2002, which will be discussed in the next section.

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<sup>17</sup> Interviews with: Sister Ishii Yoshiko of the Society in Solidarity with Foreigners in Japan in Tokyo, 27 August 1998; Ms. Oshima Chizuko of HELP in Tokyo, 2 December 1998.

<sup>18</sup> The 1990 revision of the Immigration Control Law demarcated the legal from illegal unskilled foreign workers, thus allowing state officials to discriminate against illegal foreigners. The 1990 oral directive from the Ministry of Health and Welfare discontinued public-subsidized medical services to illegal foreigners, and excludes illegal foreigners from the Livelihood Protection Law.

Table 7: Year of Establishment for Foreigners Support Groups

									M	M										
									M	U										
								M	M	U										
								M	M(01)	U										
								M	M(01)	U										
								M	M	U										
							U	U	M	L										
							U	M(00)	U	Z	M									
							U	U	L	U	W									
							U	U	U	W	U									
				Z	L	U	W(01)	U	U	W(03)	U									
				Z	Z	L	C	L	C	L	C	L	L	M						
C				Z	W	L	C	Z	C	C	Z	C	C	L						M(03)
C			W	C	C	C	C	W	C	W	C	W	C	W						W
1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003

Sample Size (n) = 78

Note: C = Christian NGO

U = Community Workers

Union

W = Women Shelter/NGO

L = Lawyers Association

NGO

M = Medical Support Groups

Z = Concerned Citizens NGO

( ) = year incorporated as NPO

NGO that no longer exists

Another point to note about these organizations is their flexibility and relative impermanence (see Table 7). As specific problems are resolved, the associated organization also tends to dissolve. This was the case, for instance, with the “Inoken,” which dissolved in 1998 after Iranians no longer gather at the Yoyogi Park. Some groups such as LAFLR have dissolved due to financial duress while others like FLU and SOL due to internal struggle within their organizations. Obviously, there are potential gains from permanence for an institution, but there are also clear benefits to being a short-lived and narrowly focused organization in contemporary Japanese society: no entrenched bureaucracy has time to develop, and thus few interests become vested in the organization itself, as opposed to its specific task. Also, in a political culture characterized by strong deference of the institutional status, a short-lived organization avoids easy capture by existing political interests working through established institutions.

### **III. Foreigners Support Groups after the Passage of the NPO Law**

Understandably, those organizations that already have been incorporated under religious corporations, labor unions, medical corporations, lawyer associations, foundations, and social welfare corporations would not apply for an NPO status. As a result, only two women support groups and four medical NGOs acquired NPO status: Mizula, Saalaa, AMDA, SHARE, TOSHC, and MIC Kanagawa. Surprisingly, none of the concerned citizen groups, which have not been incorporated in any form, has not applied for such status. In fact, most do not intend to apply, because they fear that incorporation would limit their independence and would allow the government greater control and monitoring of their political activities.<sup>19</sup> They specifically express concern over disclosing information to the government. An important characteristic of this incorporation system is that once the organization is certified as incorporated, it is obligated to disclose information to its authority. Moreover, each authority also supervises the overall activities of the organization. As a result, the number of groups that applied for NPO status is small. Indeed, institutional capture can have benefits in terms of improved access would be worth the cost of diminished independence. However, this trade-off is thought to be unattractive for many of these groups.

Those groups that applied and received NPO status saw an increase in their operation funds despite the fact that the number of staff and members has not increased. For women groups, Mizula and Saalaa, their operation funds doubled between 1996 and 2002. Medical NPOs also enjoy larger operation funds, but not as dramatic of an increase as foreign women’s support groups. As will be discussed below, the new source of new funds for Mizula, Saalaa, AMDA, SHARE, and MIC Kanagawa mostly comes from local governments. As the country faces a welfare crisis and international criticism for a lack of legal protection for women, local government officials understandably feel the need to promote secondary associations in medical and women issues.

Moreover, members of these foreigners support NPOs report that it has become

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<sup>19</sup> Interviews with: Ms. Imaizumi Megumi of the Kalabaw-no-kai in Yokohama, 16 June 2003; Mr. Yoshinari Katsuo of the APFS in Tokyo, 10 June 2003; Ms. Watanabe Midori of the LAFOCC in Tokyo, 16 June 2003; Ms. Yano Manami of the National Network for Solidarity with Migrant Workers in Tokyo, 18 July 2003

easier for them to conduct their activities after they received social recognition and government approval through incorporation under the NPO Law. For example, a representative of TOSHC reports that his work in assessing the environment condition of small corporations has become easier after incorporation. Before incorporation, small firms were suspicious of the group when its member requested to assess the environment condition of their factories. Government officials, who saw the necessity for such monitoring of small firms, also showed reluctance to cooperate. All this has changed after incorporation.<sup>20</sup> For Saalaa, incorporation means that the group can obtain its own bank account instead of using an account of its representative.<sup>21</sup>

Consequently, the organizational activities of those groups with NPO status increase significantly. Women's support group Mizula, for example, now runs two additional women shelters: one in Yokohama and another in Yokosuka. The Yokohama government also outsources its consulting services for women during the weekends to Mizula. Similarly, the Tokyo Metropolitan government outsources its telephone medical translation services to the medical group AMDA. Interestingly, Mizula received significant financial support from local governments and performed many of public services before it was even incorporated. In fact, it was local government officials in Yokohama that asked Mizula to incorporate – perhaps, to legitimize its decisions to outsource many public services to the group.<sup>22</sup>

Most surprisingly, the number of members remains the same after incorporation despite the fact that their operation budget have increased and their organizational activities have become considerably easier. Mizula, whose budget has increased 150 percent between 1996 and 2002, explains that they are overwhelmed with work and now have less time for activities to increase publicity and membership. Another reason may be the fact that they no longer depend on members for fund-raising (and legitimacy) as before.

In contrast, some groups without NPO status, particularly concerned citizens groups such as the APFS and the Kalabaw-no-kai, have witnessed a decline in their organizational activities and financial resources. For example, the number of illegal foreign workers who come to APFS has dramatically decreased in comparison to two years ago.<sup>23</sup> However, this decline may have very little to do with the NPO Law, but more with the decline in the number of illegal foreign workers in recent years.<sup>24</sup>

The increase in financial support and organizational activities for those groups with an NPO status does not mean that they fair better than those without one. With an increase in public acceptance and financial resources usually comes greater responsibility. Both Mizula and SHARE report that their financial situations have

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<sup>20</sup> Interview with Mr. Iida Katsuyasu of the Tokyo Occupational Safety and Health Resource Center in Tokyo, 8 August 2004.

<sup>21</sup> Interview with Ms. Hisano Niikura of Saalaa in Yokohama, 20 July 2003.

<sup>22</sup> Interview with Ms. Kikutani Hideko of Kanagawa Women's Space 'Mizula' in Yokohama, 16 July 2004.

<sup>23</sup> Interview with Mr. Yoshinari Katsuo of the APFS in Tokyo, 10 June 2003.

<sup>24</sup> The number of illegal foreigners peaked in 1993 with 298,646 people, but steadily declined to approximately 250,000 people in 2003.

worsened since incorporation. The expenditure on their growing activities and public services has also increased tremendously. In addition, SHARE felt the need to improve salary and health insurance coverage to its staff after incorporation.

#### **IV. NGOs-Local Government Partnerships and Membership Rules**

Clearly, the 1998 NPO Law makes the greatest impact on the partnerships between NGOs and local governments. The Law promotes this partnership and allows local governments to accept more responsibilities and to provide more services without carrying heavier financial burdens. Under the NPO Law, the prefectural governor where the NPOs are located (or the director-general of the Economic Planning Agency at the Cabinet Office in the case of NPOs with offices in at least two prefectures) serves as the authority to give a certificate of incorporation if the organization conforms with the guidelines set by the governor (or director-general). The process of certification is not conducted by a minister's instruction to the mayor through government ordinance, but by each prefectural government establishing its own regulations.

Even before the passage of the NPO Law, many of these groups have been receiving support from local governments. Because local government officials must interact directly with foreign residents in their areas, they have come to recognize and appreciate the work and expertise that the Japanese NGOs can offer. In order to tap their expertise, local government officials invite Japanese activists to give talks in their offices, affiliated institutions, and study groups. Some local government officials appreciate their work to the extent that they decide to join these groups themselves and participate in their activities. Two of Saalaa volunteers (and currently executive committee members) are government officials. Local governments in progressive areas like Kanagawa have discovered the financial benefit of outsourcing their services and activities to Japanese NGOs. A local government official explains

NGOs provide more professional services to foreign workers than do government-run welfare centers. If these NGOs do not exist, local governments will have to do all the work, which means that many of the problems will not be resolved [for foreigners].<sup>25</sup>

As a result, some local governments have broken with national policies regarding illegal foreign workers, recognizing that the burdens on local institutions would be substantially greater without the work of NGOs.

Since 1996, the cooperation between local governments and Japanese NGOs has increasingly become institutionalized. Until the election of Ishihara Shintaro as governor, the Tokyo Metropolitan Government has been sponsoring multi-parts seminar to enhance cooperation between local government officials and NGO activists for the promotion of leadership in internationalization of the Tokyo Metropolitan Government. In the 1997-1998 Seminar, the Tokyo Metropolitan Government brought Japanese NGO activists and government officials together between 13-14 February 1998 to discuss

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<sup>25</sup> Interview with Okawa Akira of the Kotobuki-cho Health and Welfare Center in Yokohama, 5 June 1999.

“International Exchange and Cooperation” for Tokyo, which included such topics as the provision of medical and consultation services to foreigners as well as Japan’s immigration system. Dr. Sawada Takashi of the medical group SHARE participated in a panel on “Health and Medical Treatments for Foreigners,” Mr. Suzuki Akihiko of the OC Net on “Foreigner Consultations and Networking,” and Ms. Tsunami Kimie of the APFS on the “Immigration Control System.” In these particular panels, local government officials and Japanese NGO activists addressed specific problems that illegal foreign residents face and tried to come up with plausible solutions together.

About the same time that the NPO Law came into effect, officials of the Kanagawa Prefectural Government increasingly recognized the importance of Japanese NGOs. They introduced an NGO advisory council, the NGO Kanagawa International Cooperation Council (NGO かながわ国際協力会議), when they were creating the Kanagawa Foreign Residents’ Council in 1998. The idea of creating an NGO advisory council actually come from local government officials at the Kanagawa Prefectural Government’s Foreign Affairs Division. Mr. Kanai Nobutake, the Kanagawa official in charge of the Council said that questions were raised on why the Kawasaki’s Representative Assembly for Foreign Residents only included foreigners when members of Japanese NGOs are seen as their partners. Hence, Kanagawa officials saw the need to create an NGO advisory council along side with the Foreign Residents’ Council.<sup>26</sup> The NGO Advisory council consists of ten members from different NGOs, who are selected by a four-person Committee of Specialists headed by a college professor. The NGO advisory council is divided into four divisions: regional internationalization, international exchange, international cooperation, and peace. For the first NGO advisory council, the Committee of Specialists selected six women and four men – three each for the regional internationalization group, international exchange group, and international cooperation group and one for the peace group. One of these ten members included Ms. Ariizumi Keiko of the Women’s group *Mizula*. The current council includes Mr. Ueda Yoshitsugu of the Kalabaw-no-kai.

The Kanagawa Prefectural Government established the NGO advisory council in order to collect opinions from members of the NGOs and reflect on them in the making of international policy of the prefecture. The stated goals of the NGO Kanagawa International Cooperation Council are: a) to promote NGO participation in the policymaking process of the prefectural government on regional international policy; b) to strengthen cooperation between local governments and NGOs; and c) to strengthen cooperation among NGOs within the prefecture.<sup>27</sup> The link between the 20 members Kanagawa Foreign Residents’ Council with the 10 members NGO Kanagawa International Cooperation Council marked the beginning of institutional experimentation by the Kanagawa local government that calls for representatives from both legal residents and NGO members who support legal as well as illegal foreign residents. Such institutional innovation may provide a sort of democratic deliberation to

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<sup>26</sup> Interview with Mr. Kanai Nobutake of the Kanagawa Prefectural Government’s Foreign Affairs Section in Yokohama, 1 December 1998.

<sup>27</sup> Kanagawa International Policy Promotion Discussion Group, *Gaikokujin kenmin kanagawa kaigi oyobi NGO kanagawa kokusai kyouryoku kaigi* (Kanagawa Foreign Residents’ Council and NGO Kanagawa International Cooperation Council) (Yokohama: Kanagawa Prefectural Government’s Foreign Affairs Division, 1998), pp. 8-12.

both marginalized Japanese activists and foreign residents of Japan at the local level.

More significantly, this institutional experimentation gives “voice” to illegal foreigners through Japanese activists: an extremely innovative and progressive institutional arrangement of multicultural democracy in advanced industrialized societies. To be sure, the government generally cannot extend deliberative opportunities directly to illegal foreigners themselves (otherwise it will undermine its own membership rules), but they can improve democratic representation by incorporating these marginalized voices into the council through a member of a Japanese NGO. Therefore, an NGO advisory council that exists together with a foreigners advisory council like that in the Kanagawa prefecture can improve fairness for the community of foreigners in Japan, by ensuring that the experiences of illegal foreigners do find voice, and receive consideration in a variety of public fora as contributors to the Japanese economy.

An outcome of deliberation by these two councils can promote a better living environment for all foreign residents in Kanagawa as exemplified by the creation of a medical translation NPO, MIC Kanagawa. MIC Kanagawa emerged as a result of an appeal made in 2001 by both the Kanagawa Foreign Residents’ Council and the NGO International Cooperation Council.<sup>28</sup> The Kanagawa government responded by gathering a group of medical associations (Medical Doctor Association, Dentist Association, and Pharmaceutical Association) and medical NGOs to deliberate with local government officials on the best way to provide medical translation services to all foreigners with minimal financial burdens on the Kanagawa government. NGO leaders, led by Dr. Hayakawa Hiroshi of MF-MASH and Dr. Sawada Takashi of SHARE, recommended the creation of a new NGO that would train volunteers for medical translation. These volunteers would then work with social welfare personnel from the local government and social workers of the hospital in providing medical translation and social welfare services to foreign patients.<sup>29</sup>

As a result, MIC Kanagawa was established in 2002 with an NPO status. It has approximately 80 volunteers, who are dispatched to about 30 public hospitals. These volunteers receive routine training in medical terminology twice a year. They are sent only to specified hospitals that have legal contracts with the MIC Kanagawa and have social workers on site. Activists believe that social workers typically provide excellent follow-up services and deal not only with medical problems but also social and economic problems that a patient may have. Since many foreign patients, especially illegal foreigners, face medical problems that required extra social and/or economic assistance, officials at MIC Kanagawa prefer to work with hospitals with social workers.

Members of MIC Kanagawa, government officials, and hospital workers understand that this is a back-up system to a professional medical translation service, but it is an extremely inexpensive and full-proof system with NPO volunteers, social

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<sup>28</sup> Interview with Mr. Nakagawa Keita of the Kanagawa Prefectural Government International Division in Yokohama, 4 August 2004.

<sup>29</sup> Interview with Dr. Sawada Takashi of SHARE and MF-MASH in Tokyo, 31 July 2004.

workers of hospitals, and government officials from the social welfare division working closely together. It is a system that connected a network of resources, which allow the Kanagawa government to save enormous amount of money, as volunteers at MIC Kanagawa receive only 3,000 yen for their service – enough to cover their travel expenses.<sup>30</sup>

With the exception of TOSHC, all foreigners support groups with NPO status perform some sort of services for local governments and are receiving financial support from them.<sup>31</sup> In addition, women shelter “HELP,” who has already been incorporated with a more prestigious foundation status (財団法人), also receives considerable financial support from the Tokyo Metropolitan government in exchange for their public services. Clearly, NGOs stand a better chance of receiving funding from local governments if they are well-established and stable institutions with relatively long histories, but many of the groups considered here are not especially durable in this sense. Although local government officials choose NGOs for partnerships based on their activities/services, they prefer an NPO-incorporated group over a non-incorporated group with similar activities and services.<sup>32</sup> Counter to the conventional wisdom, they dislike big civil society organizations because their large size makes them quite bureaucratic and slow to get things done.

Although these groups do not last long, the *issues* addressed by these institutions do tend to be relatively durable, and so activists may reap some benefits with respect to local government support, simply by organizing toward clearly defined and longstanding goals. The NPO Law clearly has strengthened partnerships between civil society organizations and local governments regarding foreign residents: legal and illegal. As a result, local governments in progressive areas like Kanagawa is breaking with the central government on its policies toward foreign workers and have decided to side with NGOs on providing needed medical and social services to all its foreign residents regardless of their immigration status. As such, local governments and civil society groups are redefining membership rules and state responsibilities in their areas.

At the same time, agencies of the central government are not united on their positions regarding foreigners. Various ministries in Japan, for example, are divided on the issue of foreign workers. The Ministry of Justice and the National Police Agency take the hardest line against allowing new immigrants. The Ministry of Foreign Affairs is much more moderate in accepting foreign workers in the face of international criticism. The Ministries of Construction, Fisheries, and Transportation (industries that are currently hiring foreign workers) favor admitting foreign workers. METI favors admitting migrant workers on a limited basis to work in specific industries where they are most needed.<sup>33</sup> There also appears an inconsistency within the same ministry, specifically the Ministry of Health, Labor, and Welfare. The Labor Division of the

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<sup>30</sup> Interview with Ms. Tsuruta Mitsuko of MIC Kanagawa in Yokohama, 23 July 2004.

<sup>31</sup> TOSHC hopes to form partnerships with its local government in 2005. Interview with Mr. Iida, 8 August 2004.

<sup>32</sup> Interview with Ms. Takeo Atsuko of the Kanagawa Prefectural Government International Division in Yokohama, 4 August 2004.

<sup>33</sup> See Simada Haruo, *Japan's "Guest Workers": Issues and Public Policies* (Tokyo: University of Tokyo Press, 1989); Steve A. Spencer, "Illegal Migrant Laborers in Japan," *International Migration Review* 26:3 (1992): 754-786.



ministry, following its universal labor protection policy, attempts to protect all workers, regardless of nationality and legal status. The Health and Welfare Division of the ministry feels no responsibility for illegal foreigners and bans eligibility for the National Health Insurance to those overstayed foreigners who have been in Japan for less than one year and have not registered with local officials. While the Labor Division recognizes the rights of illegal foreign workers, the Health and Welfare Division of the same ministry views illegal foreign workers as violators of Japan's immigration law who must not be provided with public subsidies for medical treatments. These conflicts between different and within agencies of the central government allow local government officials to form partnerships with NGO activists that may think entirely different from officials of the central government.

## **V. Conclusion**

Clearly, civil society organizations in the area of foreigners support groups are not as weak and dependent as the conventional wisdom dictates. Although few foreigners support groups have acquired NPO status, the NPO Law clearly encourages grassroots activities of civic groups in welfare provision as well as international exchange and cooperation. Moreover, it has led to further decentralization of the central government by granting incorporation authority to local government agencies. Consequently, local governments in progressive areas have forged partnerships with several civil society organizations in their provision of public services to their foreign residents. They then sought institutional ideas and innovation from these NGOs and work closely with Japanese activists in implementation. Instead of the state molding the civil society, civil society organizations are shaping the role of the state through its partnership with local governments in redefining membership rules and state responsibilities.