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Message

A Reform of the Asylum Policy Requires Embracing a Broad Perspective

Sadako Ogata, former UN High Commissioner for Refugees

At the end of my term as High Commissioner I told a European audience that “although many people are forced to flee from countries where human rights are flagrantly violated, only a small proportion of those people are recognised as refugees. Many of the negative developments have come about because countries have not cooperated or shared the responsibility for refugees.” The same can be said about Japan. Japan has been lagging behind the rest of industrialized countries as proven by its number of accepted refugees.

Financial contributions to refugee assistance operations are important and Japan has taken a sizable share of such contributions. However, without pursuing another form of refugee assistance – accepting and protecting refugees within Japan, the Japanese cooperation remains unbalanced. This has a cost in terms of many lives and Japan’s reputation.

After ten years as High Commissioner I concluded that political solutions are imperative for humanitarian problems. I am pleased to see that the asylum problem in Japan is finally approached from the political level. It is very good that the Coordinating Council for Refugees and Displaced Persons has been established in the Cabinet and that improved assistance for Convention refugees has been decided upon. Now that further improvement is anticipated, I feel reassured to hear about the activities of professional lawyers pursuing improvement of the asylum policy and those of non-partisan parliamentarians from the league for UNHCR.

Japan has recognised less than 300 refugees in the past 20 years since it joined the Refugee Convention. It has not established a quota for rescuing some refugees from the misery of camps overseas, with the notable exception of Indochinese. As a result, Japan’s share of the territorial asylum burdens is disproportionately low. In contrast, Japan allows over 100,000 so-called entertainers into Japan legally every year. Does passion for “entertainment” come before compassion for refugees in our immigration priorities? This situation begs the question whether or not Japan has assimilated the

values behind the Refugee Convention through its practices.

The current situation of asylum in Japan may be a reflection of our values and prejudices. We have lived under the illusion of one ethnic race, one culture and being a mono-ethnic island of prosperity. This illusion, however, will not survive in a global world where people, goods and information travel freely. We need to do away with our insularism, prejudice and discrimination towards foreigners, and realize that the outside world's problem should be our problem.

The government should be more open to accepting refugees in order to maintain its international humanitarian role. The strict application of the time limit, the lack of truly independent appeal system and an excessively high burden of proof should be dealt with through rules. However, changing rules is not enough. The officials administrating these rules should apply them with flexibility and with broad perspectives. Abuse can be associated not only with the asylum seekers who falsely apply for asylum in order to extend their immigration status but also with officials implementing the system. For instance, asylum officers involved in refugee recognition or immigration officers at airports may be abusing the asylum system if they base their work on the principle of control rather than that of a humanitarian spirit. It is important for the people involved in the system to have a humanitarian spirit in their daily work.

We need to tackle prejudice and discrimination against foreigners and sincerely recognize that refugees do have rights in Japan. As members of the legal profession, you have a great responsibility to your main mission as established by Article 1 of the Lawyers' Law of Japan, as defenders of the human rights of all. You play a critical role in ensuring that the refugees' rights get out of the legal papers that write about them.

I sincerely expect that the upcoming legislation currently under review will remove the old barriers and extend warm support to refugees. I would like to support your efforts in improving Japan's refugee protection system.