Social Science *Japan*

23

April 2002

Civil Society

Cover Photo
The plaintiffs and supporters celebrate their victory in a "*kan-kan settai*" taxpayer suit at the Sapporo Supreme Court (cf. pp. 6, 9-11), December 2001.
Compliments of the Mainichi Shimbun.

Back Cover Photo
A camphor tree on the construction site for a new mansion, saved from felling by a local residents movement, is readied for its journey to a new home, March 2002.
Compliments of the Mainichi Shimbun.

Editorial Notes
Personal Names
  All personal names are given in the customary order in the native language of the person unless otherwise requested. Hence in Japanese names, the family name is given first, e.g. TANAKA Makiko, and in Western names the family name is given second, e.g. Joan ARC.

Romanization
  Due to software limitations circumflexes are used in place of macrons, and omitted in most personal and place names.

As one corruption scandal follows another in the beleaguered Japanese Diet and politicians drop like flies, enduring political and financial reform would appear to remain as elusive as ever. The articles in this edition of *Social Science Japan*, however, explore recent developments that indicate positive change at the grass-roots level of Japanese society, describing how citizens have, for example, begun to take advantage of new legal avenues to hold the government accountable and challenge the political status quo. Further to documenting the growing role of the civil sector in Japan, moreover, the articles give pause for thought on the nature of "civil society," a concept that continues to gain currency worldwide in the search for new models of governance but which in many ways remains somewhat nebulous and ill-defined. A dynamic concept, nevertheless, it will be important to watch how the Japanese version of civil society develops over the coming years and in what ways the central government will enhance its activities to engage in partnership with the civil sector. It is to be hoped that the recent clamour that toppled the inimitable Minister of Foreign Affairs Tanaka Makiko, concerning the alleged barring of non-governmental organizations (NGOs) from the International Conference on Reconstruction Assistance to Afghanistan in January, is not indicative of the government's attitude to partnership in governance. Rather, as civil society in Japan increasingly becomes a force to be reckoned with, it may one day pave the way for far-sighted and forward-thinking government. We shall see.

Erratum

In the previous issue, we incorrectly printed *Figure 2* on page 13, "Two-Dimensional Positioning of Parties and Key Politicians (2001)," in Leonard Schoppa's article on "Locating the LDP and Koizumi in Policy Space" as a duplicate of *Figure 1* on page 12. The correct version can be found on page 20 of this issue. We would like to offer our sincere apologies to Leonard and to readers for the oversight and for any inconvenience it may have caused.

Contents

On "Civil Society"

HIROWATARI Seigo

An investigation into the nature of "civil society" need not concern itself primarily with clarification of the academic term or concept "civil society" along the lines of philosophical history. Of course, this is not to deny the need for clarification of conceptual history, and we must remain aware of the clues that an Aristotelian, Hegelian, or Habermasian approach might provide. Why, then, consider "civil society?" What is civil society's historical context?

The term "civil society" directly implies a "society composed of citizens." Developing this theme, proponents of civil society would acknowledge their own existence, as members of society, as that of "citizen," and would recognise that other people were also, or ought to be, "citizens." The question that then follows is what kind of society is a "society composed of citizens?" In order to answer this, it will help first to imagine constituent elements alternative to the citizenry of which a society might be composed. The substance of "civil society," then, will become apparent by means of this negative list comparison; by default, as it were.

Alternative constituent elements include, for example, "the masses" (*taishû*), "the classes" (workers and capitalists; *kaikyû*), or "state national" (*kokumin*). Another possibility, according to the conclusions of the Institute of Social Science's research project *Contemporary Japanese Society*, is "the company" (*kigyô*). Using each of these adjectivally with "society" gives us "mass society," "class society," "national society" and "corporate society." A combination of "nation" (*kokumin*) with "state" (*kokka*) for "nation state" is, perhaps, more popular; however, the term "national society" is not uncommon. By the negative list method, therefore, the citizenry constitutes neither the masses, the classes, nor the nation. Again, the term "corporate society" espoused by the *Contemporary Japanese Society* project suggests that it is not citizens but companies that determine the shape and direction of society.

What, then, are the positive attributes of citizenship? Here it is necessary to exercise a degree of caution. In the context of the question, "why civil society?" the concepts of citizenship and civil society, rather than being analytical and descriptive concepts, tend to be treated as normative concepts relating to people's responsibilities and what society should be like. Questions of "how?" are consequently approached in the same, normative, way as questions of "why?" As a result of this, discussion of civil society often lacks the scientific objectivity appropriate to social science. Nevertheless, it is important to understand that contemporary social science, in its pursuit of critical analysis of contemporary society, is also a product of its own history, and that analytical description and normative criticism of society are, therefore, intertwined and difficult to separate.

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An important empirical clue as to the positive attributes of the citizenry and civil society is to be found in the legal system of contemporary Western European society. Modern social law, regulating societies consisting of human transactions, based the legal system on an abstraction of humans as legal personalities (*persona sui juris*) by which they are the bearer of rights and obligations, thus nullifying their practical social attributes. All humans are equally accorded this legal personality as *persona sui juris* at birth. The essential attribute of this legal personality is as a subject of free will, and it is this very free will that forms the fundamental basis for the rule of law in modern society. This modern social law is, indeed, called civil law (*code civile; Bürgerliches Recht*). Japan's civil code is, of course, closely related. Citizenship, in terms of the analogy of the legal personality, is an abstract entity and, as such, is one of equality and of free arbiter based on one's own will. Civil society ought to be characterised by the continuing definition of various relations (the civil order) by subjects of free will on the grounds of mutual consultation, understanding and decision. The basis of order in contemporary society is not identity, then, but will, and contract.

This legal conceptualisation of citizenship and civil society is based on the premise of a horizontal model of human relations (private transactions in their entirety). If we are to discuss the whys and the hows of citizenship and civil society we must go beyond the legal domain to incorporate several new spheres. Firstly, there is the sphere of people's political discourse and activity. Democratic activity is encouraged, organised and enlarged by the concept of citizenship. The way in which citizens forums played a major role in the shake-up of Eastern Europe's authoritarian socialist systems, and how, in response to this, the concept of "civil society" gained a new lease of life in Western European society, are new phenomena. Second is the problem area of growing awareness, due to so-called globalisation, of the various limits of the nation state, as a result of which people are looking to the concept of "citizenship" to provide them with a fuller identity than that given by "state national," which is tied to the interests of the nation state. In place of national society, the concept of a global civil society is gaining currency.

Citizenship and civil society, to sum up, are concepts capable of disturbing the *status quo* and encouraging critical governance. "Citizenship," however, exists only in the abstract, and accordingly, is accompanied by a number of conceptual issues. The articles in this issue represent an analysis of a number of significant phases in the development of Japanese society that are having an impact on these conceptual issues.

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The Organisation and Activation of the Civil Sector: Rapid Development during the "Lost Decade"

HASEGAWA Koichi

Frequent depiction of the 1990s as a "lost decade" for Japanese society in light of political and economic stagnation and dead-end reform has failed to take into account significant changes witnessed during this period in terms of the development of civic action and social movements. It is the author's hypothesis that since the burst of the bubble economy Japan has been experiencing a transition from bureaucrat-led "corporate-centred society" to "civil society" in which autonomous civic actions play a leading role. Thus framed, the 1990s can be understood as a period during which political and economic stagnation were balanced by the simultaneous vitalisation of civic action.

When compared with the upsurge of residents movements nation-wide surrounding issues of environmental destruction and development in the early 1970s, and the increase in interest regarding the modalities for "new social movements" by means of networking in the mid-1980s, the transformation of civic action and social movements during the last ten years has been truly remarkable. Before proceeding, let us clarify here the distinction between the government sector comprising national and regional legislation, administration and judicature, the corporate sector comprising profit-making enterprises, and the non-government, non-profit domain composed of civic and non-profit organisation (NPO) activities and public campaigns; the "civil sector."

There have been five principal developments in the civil sector, as summarised below. Each of them, whether directly or indirectly, reflect the ongoing "institutionalisation" of civic action and social movements.

The first aspect has been the extremely rapid pace of the organisation of civic action. Between the implementation of the Law to Promote Specified Nonprofit Activities (the so-called NPO Law; *tokutei hi-eiri katsudô hô*) in December 1998, and December 2001, 5688 groups were certified nation-wide. This represents an increase of roughly 1000 groups every six months. With certification numbers far exceeding initial expectations, Japan has experienced, as it were, an NPO boom. It could even be said that with NPOs taking root in society a new "civil culture" is taking shape. When citizens decide to take action of some kind, it is becoming the norm for such action to be taken in the form of an NPO.

This must be understood not only in light of government and market failure, but also in light of the fact that families, extended family groups, local residents organisations and other such local communities have been losing their collective strength and social function. One could say that as the existing social system becomes ineffective and redundant, great expectation

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is being laid on civic action as an effective substitute or supplement.

The second change is the way in which, as exemplified by the activities of the Citizen Ombudsman Network, civic action has, by taking advantage of information disclosure procedures (*jôhô kôkai seido*), residents' petitions for audit (*jûmin kansa seikyû*) and civil litigation (*jûmin soshô*), been the catalyst for administrative and financial reform of local government. Among social movements in 1990s Japan, the activities of the Citizen Ombudsman Network are an example of those that have had a nation-wide effect in terms of bringing about change and improvement in local government. By exposing illegal public expenditure by local governments and local assemblies nation-wide, as per the likes of falsified business trips (*kara shutchô*), falsified expenses and padded claims (*kara shishutsu, mizu-fuyashi seikyû*), bureaucrats wining and dining bureaucrats (*kan-kan settai*), heavy financial outlays to public works projects of dubious necessity with no profit margin, unaccountable granting of subsidies, and "*maru nage*" (washing one's hands of responsibility by wholesale delegation) to auxiliary organisations, the Network has propelled the processes of information disclosure, revision of local law, and moderation of public expenditure.

The third change of note has been the call for local referendums to become standard action strategy. While the negativity of local assemblies has been something of an obstacle in this regard, a number of local referendums have been carried out on issues concerning which local public opinion has been split down the middle. The 1980s witnessed movements to elect representatives of civic actions and social movements to local assemblies, and this trend has been given added impetus throughout Japan in the 1990s by groups hoping to thereby facilitate the referendum strategy option.

Since the first local referendum was held in Japan in accordance with local law on August 4, 1996, concerning the construction of a nuclear power plant in Maki-machi in Niigata Prefecture, 12 referendums have been held as of December 2001. With environmental issues as the main points of contention five referendums have been held over the construction of industrial waste disposal sites, two over construction of nuclear power plants, and two over the implementation of pluthermal (plutonium thermal) systems in nuclear power plants. The remaining three concerned U.S. military bases in Nago City and Okinawa Prefecture, floodgate construction on the Yoshino river *Daijû-seki* (tenth dam) in Tokushima Prefecture, and a quarry in Kosai-machi in Nagasaki Prefecture. As is shown by the example of the construction of an industrial waste disposal site in Shiroishi City, Miyazaki Prefecture, there have also been cases of local government heads instigating local referendums. The local referendum phenomenon mirrors an increasing desire for greater self-determination, in which the fate of a region is decided

by its inhabitants. Although legally non-binding, local referendums, open equally to the whole electorate, represent an all-inclusive opportunity for "civil participation."

Fourthly, further to campaigns adopting a confrontational and accusatory approach, a type of movement is on the increase which, in consultation with experts, focuses on proposing alternative policy and then works in collaboration with government, bureaucracy, or company, in order to effect the realisation thereof. Civic groups and NPOs, by critically monitoring the process of policy decision-making and the social logic of policy substance, can function as non-institutional opposition (counter power). Japan's maintenance of a planning and decision-making system with a centralised power structure led by bureaucrats prioritising the preservation of vested interests, and the long years of one-party dominance with scant chance of government changeover, have resulted in deliberations in assemblies and councils becoming a mere facade such that their supervisory function is no longer effective. Civic groups with fresh and flexible conceptual power and dynamism can lead by example, their activities functioning as exemplary practice ("*reishiteki jissen*"), and they can function in this way with particular effectiveness at the local government level.

Lastly, computerisation and globalisation have advanced even within civic groups and social movements, enabling and bringing about exchange with overseas organisations. With the spread of the Internet, information exchange with foreign sources has become an everyday occurrence, and campaign aims and strategies can be formulated based on an up-to-date knowledge of international trends. It is likely, then, that because Western non-governmental organisations (NGOs), which work closely with both government and academia, have a strong policy orientation, Japanese NGOs will also come to further strengthen their policy orientation.

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Here Comes the Judge: Freedom of Information and Litigating for Government Accountability

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Although the 1990s were in many ways a decade of lost opportunities for reform in Japan, some legal and social changes increased the political role of civil society and strengthened the position of non-state actors in checking state action. The 1998 Non-Profit Organization (NPO) Law, which lowered the barriers to formally incorporating civic groups, is one example of formal legal change that enables issue advocacy and an ongoing institutional presence on the part of grass-roots organizations (Pekkanen, 2000). The most surprising development in state-society relations, though, is the "freedom of information" (*jôhô kôkai*; literally "information disclosure") boom that began in the mid-1990s (Maclachlan, 2000; Repeta, 1999). Freedom of information has not only helped make local governments accountable; it has also changed state-society relations by injecting courts into the role of administrative overseer. Few would have expected such a change in 1990, but by 2000 freedom of information had made its mark in Japan's courtrooms. Below I briefly examine how freedom of information, a hazard to both bureaucratic and political incumbents, came into being, and how it then allowed citizens to hold government accountable.

The Information Disclosure Surprise

Information disclosure ordinances are local statutes that allow residents of a municipality or prefecture to request documents in the possession of that particular local government. The local government can then either turn over the requested documents or withhold them, either completely or in part. The ordinances allow governments to withhold information that fits into certain exempt categories, such as information that would infringe on the privacy of individuals or would compromise the local government's position in negotiations. Requesters who are dissatisfied with the government's disclosure decision can appeal to a review panel (appointed by the mayor or governor), or they may take their case directly to district court. The local review panels provide effective relief, currently ruling in favor of greater disclosure more than half the time, such that only a small fraction of dissatisfied requesters go straight to court.

Why did freedom of information prove such a surprise? The short answer is that prefectural governors and big city mayors failed to foresee that courts would interpret information disclosure ordinances in favor of plaintiffs rather than governments. This failure is understandable, given that the plaintiff wins in less than 10% of administrative lawsuits. The progressive governor of Kanagawa Prefecture, NAGASU Kazuji, was instrumental in legislating Japan's first freedom of information statute in 1982. By the

beginning of 1989, about 60% of prefectures and big cities (*shitei-shi*) had enacted information disclosure ordinances, but only 11 cases had been decided at the district court level, and many of these were on appeal.[1] Also, while Governor NAGASU had run on a platform of government accountability and public participation, many other local government executives, including Governor SUZUKI Shun'ichi of Tokyo, had moved to enact disclosure ordinances to steal an opposition issue and preempt more far-reaching proposals. Information disclosure spread more slowly to solidly conservative rural prefectures (see Ito, 1999, for an explanation of local ordinance diffusion), but even hold-out local governments had enacted statutes by 1999, when the national Information Disclosure Act finally passed after nearly two decades of activity.

The lag between enactment and court enforcement of information disclosure created the surprise. When local information disclosure ordinances were being enacted in the 1980s and early 1990s, it was unclear how courts would rule, and the ordinances were politically attractive to progressive leaders and to conservatives who needed to de-fuse the issue. By the time the direction of court rulings became clear in 1993-94, most prefectures and big cities had already enacted disclosure ordinances, going back on which was impossible. As it happened, plaintiffs in information disclosure cases were successful about 50% of the time. Courts had thus taken the place of local government officials in interpreting what, precisely, the local ordinances meant, and they had taken local officials to task.

Information Disclosure as Catalyst
Information disclosure statutes generated not only their own stream of litigation but also a stream of litigation under a long-established but infrequently used legal weapon, the taxpayer suit. In a taxpayer suit, the plaintiff (a resident of the municipality or prefecture that is the target of the suit) sues a local official to force him/her to pay illegally spent public monies back to the local treasury. Before a would-be plaintiff can take a taxpayer claim to court, however, he/she must file an audit request with the local government. An audit board, appointed by the prefectural governor or municipal mayor, reviews the request and issues a report containing its findings and suggested remedies. Only when this administrative process is finished can the case be brought before a district court. Taxpayer suits are brought not under local ordinances but under a provision of the national-level Local Autonomy Act. The taxpayer suit provisions were inserted in

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[1] Statistics on court cases throughout this paper are courtesy of the Secretariat, Supreme Court of Japan. These statistics are compiled from the case record data used to produce the Yearbook of Judicial Statistics (*Shihô tôkei nenpô*), but the case record data remain unpublished. I would like to thank the Secretariat for providing me with the annual aggregate figures for cases by type and disposition. Professor Usaki Masahiro of Seikei University has also compiled a helpful list of information disclosure cases.

1948, under the urging of the Occupation authorities, but taxpayer suits were uncommon until the 1970s. The boom in taxpayer suits came only after information disclosure legislation had shown signs of being successful for plaintiffs (see Figure 1).

Figure 1 : Suits Concluded, District Court
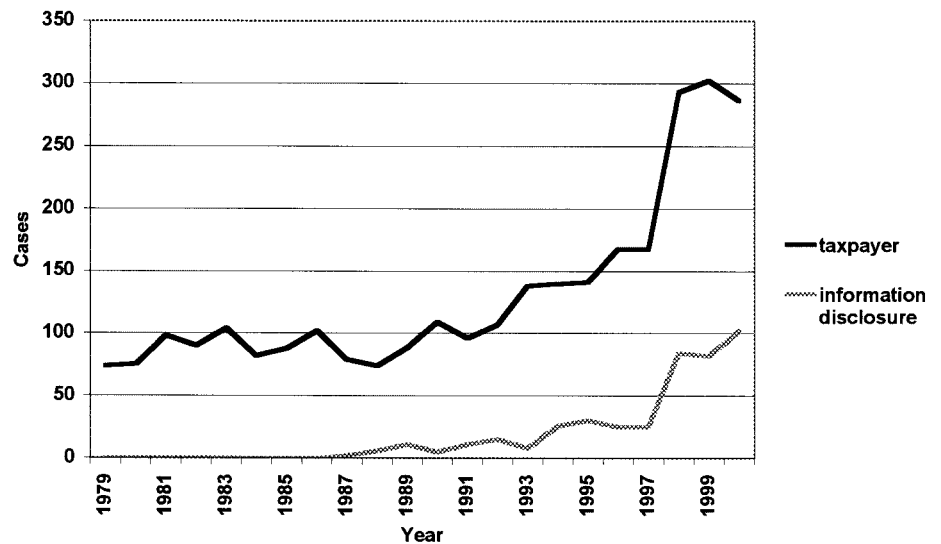
Note: Disaggregated totals are unavailable for the period before 1987. I have estimated the number of taxpayer suits as the number of "local government suits" reported by the Supreme Court Secretariat. Because the number of "local government suits" that are not either taxpayer or information disclosure suits is small, and because there were only a few information disclosure cases before 1987, the numbers for "local government suits" and taxpayer suits should be quite close. Source: unpublished aggregates, Secretariat, Supreme Court of Japan

Why did information disclosure litigation cause a jump in the number of taxpayer suits? The answer to this question lies both in Japan's civil society and in its legal institutions. First, information disclosure created a cadre of activists skilled at, and dedicated to, litigation as an accountability strategy. Second, successful attempts at gaining disclosure provide the evidence needed to prosecute a taxpayer case. Both of these changes in the legal landscape in the 1990s contributed to the invigoration of the taxpayer suit.

The activists that pressed both information disclosure and taxpayer suits cover the organizational spectrum. The most well-known watchdog

organization is the Citizen Ombudsman Network, which links groups throughout Japan and which organized a coordinated disclosure request campaign in 1995 over entertainment expenses that involved bureaucrats wining and dining other bureaucrats (*kan-kan settai*). The Network then coordinated nationwide filings of both information disclosure suits (over falsified travel receipts) and taxpayer suits (over bid-rigging in sewer projects) in 1996 (see Repeta 1999, Zenkoku Shimin Ombudsman Renraku Kaigi 1998). The Citizen Ombudsman Network has been able to apply the skills and organizational muscle it has gained from its forays into information disclosure litigation to taxpayer litigation.

Information disclosure suits also provide a sort of mandatory discovery process that ordinary Japanese civil procedure lacks, and so generate evidence for taxpayer suits that could not be gathered during the taxpayer audit or litigation processes themselves. For example, WAKABAYASHI Hitomi, a city councilwoman in Bunkyo Ward in central Tokyo, sought disclosure of the itemized construction costs for the Bunkyo Civic Center, a massive edifice near the Tokyo Dome that cost over 82 billion yen. As an independent councilwoman, WAKABAYASHI was unable to use parliamentary tactics to obtain disclosure, so she filed suit in the Tokyo District Court. The mayor[2] of Bunkyo Ward initially fought the suit but then handed over the itemized contract in the hope that WAKABAYASHI would drop the suit. She persisted and won a dismissal verdict that assigned the court costs (and thus blame) to Bunkyo Ward. She then filed a taxpayer suit against the former and current mayors as well as the joint venture that built the Civic Center to recoup the costs of a skylight that was supposed to provide natural light to the city council chamber but failed to do so. The itemized costs from the information disclosure suit served as evidence for the taxpayer suit, for which the decision is expected as this piece goes to press. Information disclosure taught WAKABAYASHI the gory details of the Civic Center, and it also provided a legal lever to extract evidence that could prove the extent of the injury to taxpayers' pocketbooks.

What the 1990s Moves Toward Accountability Mean for Japan

Even without formal changes to the taxpayer suit provisions of the Local Autonomy Act, the annual number of taxpayer suits doubled in the second half of the 1990s, and the number of information disclosure suits increased by an order of magnitude, from 10 per year at the beginning of the decade to over 100 per year in 2000. Although taxpayer plaintiffs became only

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[2] The local mayor or governor is the nominal defendant in information disclosure and taxpayer lawsuits.

marginally more successful in court, there is no question that the litigation wave changed the composition of Japanese courts' administrative caseload. By the year 2000, information disclosure and taxpayer suits came to constitute more than 25% of district court cases dealing with appeals to administrative actions, up from 12% in 1990 (Secretariat Statistics). Figure 2 shows this increase for both suits combined.

Figure 2 : Taxpayer and Disclosure Suit Share of Administrative Suits, District Courts
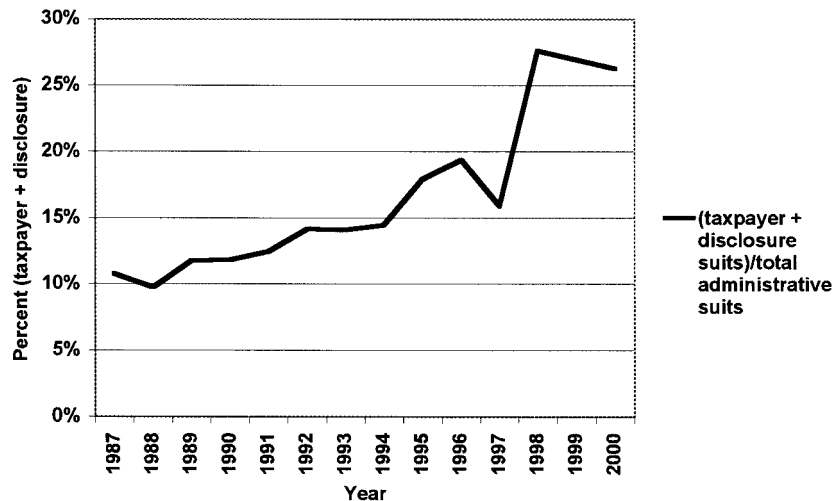
Source: unpublished aggregates, Secretariat, Supreme Court of Japan

The numbers show that Japan is part of the global trend toward more active administrative law that seeks more transparent and accountable government. This aspect of globalization is usually associated with big business and its desire for standardized, transparent regulation. We might therefore expect Japan to converge with the U.S. and Europe in an area like administrative procedure, but there has been little real movement on administrative procedure in Japan, despite the passage of a rather weak general-purpose administrative procedure law in 1993. Instead, Japan has experienced a movement toward the U.S. and Europe in local government accountability, where multinational business does not exert globalizing pressures. In Japan's case, the globalization of administrative law has, quite surprisingly, strengthened ordinary citizens, not just multinationals, vis-à-vis the state.

The advent of freedom of information and taxpayer litigation is also a sign

that Japanese politics is changing. Court intervention in these two areas has eroded the bureaucracy's control over statutory interpretation and indeed over its own oversight. It will be difficult for courts to ignore plaintiff victories in disclosure disputes with local governments when they decide similar cases brought under the national Information Disclosure Act. Litigation has also injected outsiders, like the Citizen Ombudsman Network and WAKABAYASHI Hitomi, into local governance, and so serves as an alternative to sometimes unresponsive majoritarian institutions like local assemblies. Although it is possible to have too much of a good thing when it comes to litigation, it would be difficult to argue that the changes in local government accountability during the 1990s in Japan were anything but positive.

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The Amami "Rights of Nature" Lawsuit

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On February 23, 1995, a lawsuit was brought to court arguing for the "rights of nature," with the Amami Black Rabbit as one of four wildlife plaintiffs (joined in court proceedings by human plaintiffs).

Amami Oshima, an island in Kagoshima Prefecture, Kyushu, has a subtropical climate with heavy rainfall, warm enough that spring flowers like violets bloom in mid-winter. Owing to the historical isolation of the island's ecosystem, much of the wildlife on the island has evolved along unique lines, and each type of wildlife named as plaintiff in the lawsuit is unique to Amami.

Further, Amami is home to a culture not found on the Japanese mainland, such as the belief in "*Neriyakanaya*" (known in Okinawa as "*Niraikanai*"), a land of happiness across the ocean where one's ancestors dwell, and the island's natural environment undergirds its culture. The lawsuit came about in these unique natural and cultural surroundings.

With large-scale construction projects being carried out all over Amami Oshima there is great concern that much of the island's wildlife is on the verge of extinction and the island's culture, moreover, has long since begun to disappear. In 1990, a plan was drawn up to develop a golf course on the island. The planned Sumiyoson Golf Course was to be built in an area inhabited by a high density of Amami Black Rabbit which, due to fears of extinction, had already been designated as a protected species in Japan. Local nature conservation groups and a variety of other organisations opposed the golf course, and the opposition developed into an active movement. Nevertheless, development was permitted on the grounds that the black rabbit supposedly does not inhabit Kagoshima Prefecture. Nature conservation groups and their lawyers deliberated the best course of action for some time before opting to go to court as an unequivocal declaration of intent on behalf of nature conservation.

Thus, on February 23, 1995, the Amami "Rights of Nature" Lawsuit went to court with the Amami Black Rabbit and three other types of wildlife as plaintiff. The reaction to the lawsuit was much greater than we had anticipated, with the media taking up the story and a variety of experts discussing the plaintiff, the rabbit, from every conceivable angle.

The court itself had no little difficulty with the irregularities of the case, demanding, for example, clarification of the Amami Black Rabbit's name and

address. The press was in an uproar about the court calling the rabbit to appear in court. However, had the whole affair been dealt with as nothing more than some kind of joke, it would have ended without the question of the rights of nature being discussed in Japan. The movement itself was in danger of being labelled as a group of jokers. Consequently, our strategy was to build up a scientific case based on, for example, the ideals of nature conservation, international trends regarding wildlife diversity policy, and the development of environmental lawsuits in the U.S., and thus have our lawsuit claim an important place in environmental history. While on the one hand a lawsuit in which an animal stands in court sounds like something out of a fairy tale, this aside, our aim was to build a case that would give people pause for thought and prove to be of profound substance.

The suit establishes the plaintiffs' standing on the basis of "involvement" (*kankeisei*). The human litigants watched the wildlife at the site of the planned golf course and absorbed within themselves what they saw, before going on to express what they had learnt to the rest of society by means of publishing findings in articles and more aesthetic vehicles such as collections of photographs. What they gained by this process within themselves was of personal value to them as individuals and, as such, is relevant to anyone; the information that they then expressed externally held objective value that merited its sharing throughout society. In other words, these benefits, personal and objective, were the product of an involvement resulting from the litigants' observation of the ecosystem at the site of the proposed golf course. The value of nature, then, can be objectively judged by analysing this involvement.

A natural ecosystem needing protection and a culture needing protection are not separate entities; rather, they speak of a mutual relationship that has at one end of its spectrum the natural environment and, at the other, human daily life. The conservation movement has repeatedly stated that it is participating in the lawsuit due to the realisation that "if nothing is done, Amami will soon be Amami no more" (*kono mama de wa Amami ga Amami de naku naru*). They contend that the devastation of Amami's natural environment amounts to the destruction of Amami's identity. This assertion encapsulates the link between Amami's natural environment and the lives of its inhabitants. The fact that the Amami "Rights of Nature" Lawsuit has found itself the object of intense public scrutiny, and that the phrase the "rights of nature" has resonated with so many people, is surely due to its

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expression of the intrinsic relationship between humans and nature.

Although the "rights of nature" has its origins in the United States, it seems to have developed somewhat in the Japanese context, perhaps due to the influence of oriental thought on the concept. The eastern perspective envisions a world where humans and nature coexist as part of a society in which nature has rights. This is significantly different to an approach stressing the liberation of nature, along the lines of the liberation of blacks and women, for example.

The assertion that nature also has rights is one that is likely to perplex the majority of people, as rights are commonly supposed to be features of human society alone. In our mythology, folklore and fables, many tales speak of the relationship between humans and nature. These stories portray a make-believe world in which mountains and rivers, birds and beasts talk with humans and, despite the inherent fiction, the stories resonate with us as we long for the implied richness of such a world. This is a much more fundamental matter than involved debates on "what is nature?" "what are rights?" or "what is human society?" We have lost something of great importance! For it is an artless and intuitive response to the destruction of the environment that is a prerequisite to questioning the "rights of nature." It was in order to appeal to and reawaken this sympathetic attitude throughout contemporary society that we took up the challenge of the "rights of nature." Support for the "rights of nature" has spread among citizens, government personnel and Diet members, and the development of the golf course has been all but overruled. Japanese society has been won over by the ingenuous beliefs of Amami's residents.

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For Further Information
Please refer to the Japan Environmental Lawyers Federation homepage (http://www1.jca.apc.org/JELF/), and the "Rights of Nature" homepage (http://member.nifty.ne.jp/sizennokenri/).

Toshi Keikaku and Machi-zukuri

NAKAI Norihiro

In Japan, while the term "*toshi keikaku*" (urban planning) tends to evoke deep suspicion, the term "*machi-zukuri*" (literally, "town-building"), on the other hand, has an especially good reputation among citizens. This is reflected, for example, in the way that nearly all candidates running for election as heads of local government include the promotion of *machi-zukuri* in their election platforms, while urban planning is rarely mentioned.

Machi-zukuri is a term that has come into frequent use in dialogue between citizens and local governments since the 1970s, covering a wide variety of actions and efforts to improve both the material and non-material local environment. *Toshi keikaku*, then, can be understood as but one aspect of *machi-zukuri*.

Why, then, does the reputation of *machi-zukuri* compare so favourably with that of *toshi kekaiku*, and why do citizens regard the former with so much more optimism? It is certainly not simply a problem of nuance, with the modern, inorganic quality of *toshi keikaku* inspiring less confidence than the softer nuance of the more classical Japanese term *machi-zukuri*. Rather, a more intrinsic difference explains the terms' conflicting receptions, a difference not expressed by the words themselves, but relating to citizens' perceptions of "the public interest."

If we look back at the history of urban planning in Japan, it is well known that the first modern legal system's *Tôkyô Shiku Kaisei Jôrei* (the ordinance concerning alteration of the Tokyo central urban district) of 1888, the 1919 Urban Planning Law which promulgated the earlier law nation-wide, and the 1968 Urban Planning Law that constitutes the basis of current legislation, were all concerned not so much with regulating land use as with projects to develop urban districts, and with basic urban infrastructure projects such as roads, parks and sewage systems in particular. When Japan shed feudalism for modern society in the latter half of the 19th century and set its sights on catching up with the Western Powers by espousing the causes of wealth and military strength (*fukoku kyôhei*) and encouragement of new industry (*shokusan kôgyô*), there was an urgent need to reconstruct feudal cities as modern cities. Again, in the post-war period, in order to rebuild the country from the ashes of defeat and achieve economic growth, the highest priority of urban planning was to boost the urban functions that would facilitate development of the basic manufacturing industries as catalysts to growth. In other words, Japan's urban planning has always been a means of "state

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development," which is why it has centred on basic infrastructure. To put it another way, it has developed as a state instrument underpinned by a public interest defined at the national level (hereafter, national public interest). This is further revealed by the fact that the 1919 Urban Planning Law stipulated that all urban planning was to be finalised by the central government, namely, the state. This framework was maintained even when the law was finally amended in 1968, as urban planning then became an agency-delegated function of the state to be carried out by local government.

The growing appeal of *machi-zukuri* since the 1970s could be said to represent the antithesis of urban planning based on the national public interest, that is, the central government, revealing a paradigm shift towards the public interest at the civic level, that is, the local public interest. Since the 1990s, moreover, this trend has become irreversible.

The principal reason for this is that with the burst of the bubble economy economic growth has rapidly lost its cohesive power as a national priority. At the same time, moreover, since rapid economic growth prior to the collapse had enabled the achievement and maintenance of a certain standard of living, people became increasingly concerned with "quality of life." In contrast to the national public interest that had guaranteed a certain "standard of living," Japanese citizens began to put their faith in the civic/local public interest through which they would be able to realise a better quality of life.

A further decisive point in this paradigm shift came with the Hanshin Awaji earthquake disaster that struck Kobe in January 1995. The disaster, which claimed 6000 lives, as well as making clear the fact that urban planning based on the national public interest could not guarantee citizens' safety—an essential feature of a superior quality of life—also, by means of the subsequent recovery process, clarified the differing potential of a public interest defined at the national and civic levels in terms of being able to deliver a better quality of life.

A little way past the turn of the century, Japan's urban planning is in need of major change. The pressing question is how urban planning, long based on the national public interest, and thus not infrequently at odds with the civic public interest, can be reconciled with the ethos of *machi-zukuri*. If, as is quite appropriate, one translates *machi-zukuri* as "community-led planning and development," the question then becomes how the government-led and

community-led aspects of planning might achieve symbiosis.

The district planning system introduced into urban planning in 1980 allowed for planning by district unit as opposed to the prior city unit. At the same time, residents' participation was emphasised and for the first time the gate was opened to self-representative consideration of the civic public interest in urban planning. With decentralisation of government power in 2000, urban planning was at last, at least in terms of the legal system, taken from the hands of the central government and the greater part of decision-making authority passed to the basic unit of local government (the sub-prefecture *shichôson*). Currently, ways are being explored for a more community-led mode of urban planning by which local residents can make propositions of their own accord.
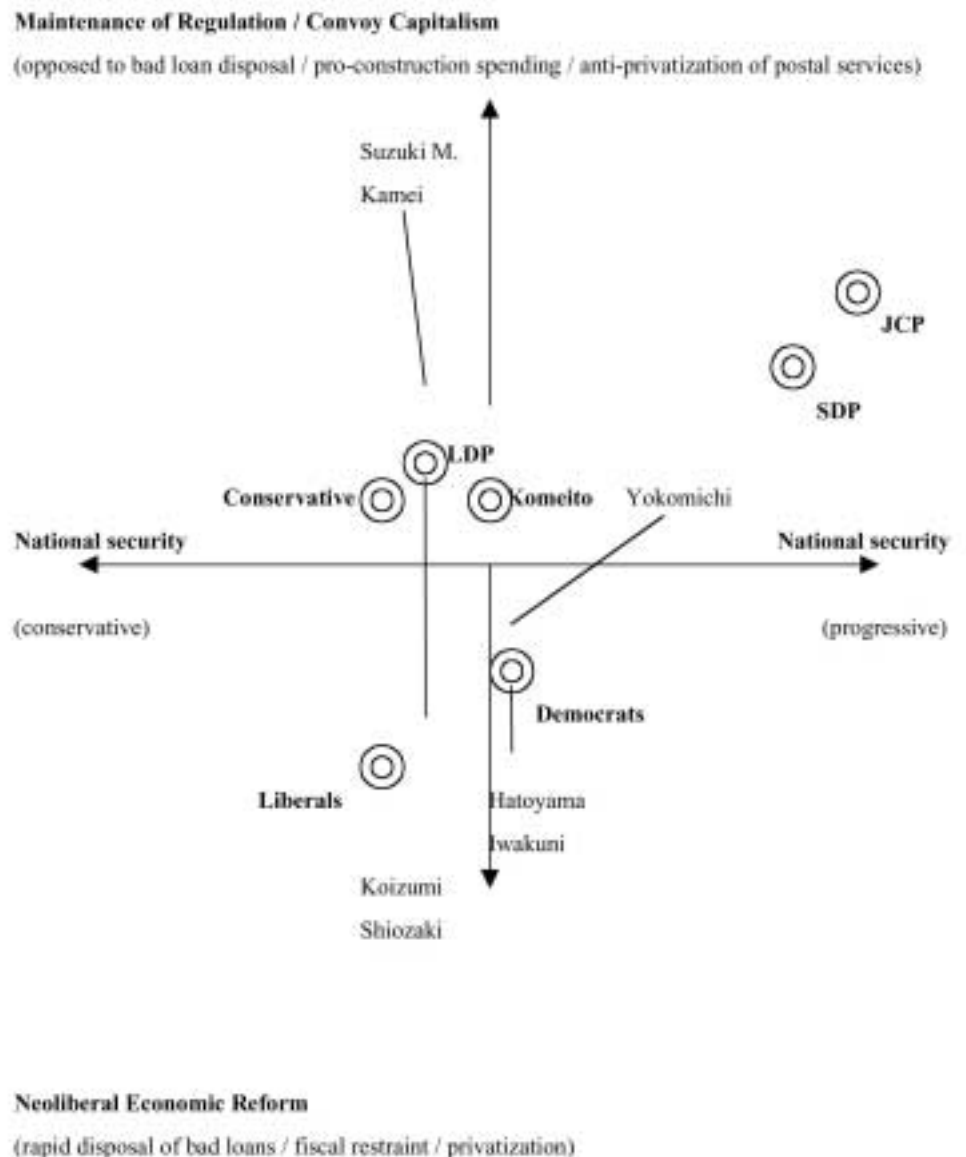
The institutional reform of urban planning, therefore, is certainly developing with a view to further change. Nevertheless, it is clear that if consideration of the civic public interest is merely incorporated as an element into the realm of the national public interest, the above-mentioned symbiosis will not be achieved. This is because an indispensable process for the two public goods to come together will be lacking. This is the process by which the national public interest and the civic public interest are in constant dialogue and discussion, and where, by means of their mutual interaction, the position and substance of both are changed, such that the two public interests eventually converge at the optimal point.

In the midst of this process of convergence, local government, particularly the unit of local government closest to the citizen, plays an important role as mediator between citizen and state. In actual fact, the number of local governments nation-wide attempting to further this process is on the rise, and there are signs that, as a result, a partial convergence between *toshi keikaku* and *machi-zukuri* is being realised. The author hopes and expects that the accumulation of similar endeavours will bring about the necessary changes in urban planning for the new century.

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Corrigendum (for page 13 of Social Science Japan 22, December 2001)

Figure 2: Two-Dimensional Positioning of Parties and Key Politicians (2001)

Maintenance of Regulation / Convoy Capitalism

(opposed to bad loan disposal / pro-construction spending / anti-privatization of postal services)

Suzuki M.

Kamei

JCP

SDP

LDP

Conservative   Komeito   Yokomichi

National security ←————————————————→ National security

(conservative)   (progressive)

Democrats

Liberals   Hatoyama

Iwakuni

Koizumi

Shiozaki

Neoliberal Economic Reform

(rapid disposal of bad loans / fiscal restraint / privatization)

Method: Security policy positions are based on Kabashima data used in the chart above; positions on neo-liberal reform for parties based on Kabashima and Kato/Laver survey questions about administrative reform and regulation cited in the text, along with recent policy positions taken by parties during the upper house election; positions of individual politicians are estimated based on recent public statements.

The "Learning from European Knowledge Partnership" Roundtable
University of Tokyo, February 14, 2002

Sponsored by the Institute of Social Science (ISS) and chaired by ISS Director NITTA Michio, the roundtable brought together ten University of Tokyo professors, visiting professors and alumni to discuss issues of technology and know-how transfer between universities and the private sector. The roundtable was held with a view to learning from the European experience and discussing what steps Japanese universities, and the University of Tokyo in particular, might take to establish dynamic and effective systems of technology transfer in Japan. The roundtable covered much ground in a short period, raising diverse topics warranting further discussion. The summary below sketches some of the more prominent issues discussed during the session.

Professor Theodor LEUENBERGER

Theodor LEUENBERGER, visiting professor at ISS, opened the discussion with a paper in which he began by arguing the need for strategic management of universities. In a time of paradigm shift, universities need strong and co-ordinated leadership in order to enable them to respond to the flows of changing demands that they face. Traditional modes of university management are no longer effective, particularly as regards research and development functions. Universities need, moreover, to foster a more entrepreneurial ethos and approach to teaching. They need to be reorganised as enterprises, not in order to effect commercialisation but, rather, in order to facilitate the realisation of the innovation potential of a scientific community in co-operation with other such communities. The stakeholder approach was discussed, which keeps a university in constant interaction with trade and industry, the general public, and government, as were the advantages of the Swiss policy of 'clusters of competence' in terms of the pooling of resources and stimulating innovation at the interfaces between different areas of expertise. A further requirement for effective technology and know-how transfer is that of mobility, where personnel and, therefore, intellectual resources, can be moved back and forth among the stakeholders. Professor LEUENBERGER also discussed funding, indicating the disadvantages of traditional funding systems in which resources are spread thinly between many institutions, and contrasting this with the more competitive U.S. system. He drew our attention in this regard to Germany's Max Planck and Fraunhofer Research Institutes, which have diversified funding systems and where the Fraunhofer Institutes' levels of public funding, for example, depend on the amount of contract work they generate.

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The "Learning from European Knowledge Partnership" Roundtable *continued*

The paper concluded with the observations that Europe continues to lag behind the U.S., that innovation will be dependent on the extent to which research institutions can blend skills and incentives, and that its universities need to pursue co-ordinated strategies integrating agents, capabilities and functions. To this end, Professor LEUENBERGER highlighted the need for cutting edge scientific research; for the creation of partnerships and networks; for more focused funding from a wider variety of sources; for less dependence on closed national systems; and for greater integration of teaching and research in universities.

This paper was followed by comments from professors ARAI Ken'ichi, Dean of the Institute of Medical Science, and WATANABE Toshiya of the Research Center for Advanced Science and Technology. Professor ARAI talked of his experiences in, and lessons to be learnt from, the field of genomic medicine. He contrasted systemic demerits in Japan such as reliance on government money and government organisations, the lack of lateral mobility in a hierarchical career culture, and the prevailing 'catch-up' ethos with, on the other hand, Tokyo's potential as a hub of technology transfer for Asia and the Pacific Rim. Noting that knowledge must come with people, and drawing from the Singaporean experience, he argued that technology transfer needs to be thought of and planned for in international, rather than national, terms. Professor WATANABE described recent legal changes and some of the successes and difficulties experienced by new partnerships in Japan. He noted that while the U.S. model works well for the life sciences, a new model, perhaps similar to the Fraunhofer model, would be better suited to material science research in Japan.

Three university alumni present then critiqued the points raised thus far and offered insights gained from careers beyond Japanese academia. FUKUKAWA Shinji, Director of the Dentsu Soken Research Institute, identified as a major problem the conservatism of Japanese business executives, particularly in the current economic climate, and their hesitancy to take the risks necessary to change the status quo in

Japan. The fact that many Japanese companies look to the U.S. for technology and know-how, and have established relationships with and provide funding for universities there, puts Japanese universities at a further disadvantage. He also spoke of the need for creativity and flexibility in industry, for competitiveness among universities, and for collaboration between industry and universities.

GYOTEN Toyo'o, Chairman of the board of directors at the International Currency Research Foundation, remarked on the similarity of problems faced by Europe and Japan in establishing academic and business environments conducive to technology and know-how transfer, and wondered whether these were, therefore, symptomatic of flaws in the respective larger organisational structures. He noted that the issue of technology transfer calls into question systems of governance, and that cultural factors need to be borne in mind. More specifically, he pointed to the lack of growth-based competition, the lack of personnel interchange between universities, business and government, and the lack of a culture of endowments as compounding the difficulties faced by Japanese universities.

OGATA Shijuro, former Vice-President of the Japan Development Bank, spoke of the particular nature of the place universities hold in Japanese society and the need for more fluid relations between universities and society. He decried a 'superficially journalistic' academic culture in which making one's name known is more important to professors than teaching, and identified this as one factor contributing to the 'hollowing out' of Japanese universities, whereby there is nothing in the system to persuade the most able students to remain therein. Regarding the Japanese government's role, Mr. OGATA was critical of bureaucratic leadership vis-à-vis education, and also of a tax system that discourages private funding.

In the ensuing discussion competent fundraising and recruitment, and the appointment of a fundraising leader in each university able to maintain good relations with clients, were identified as necessary in order to re-route the flow of Japanese company funding from U.S. to Japanese universities. It was suggested, moreover, that Japanese universities would be well advised to borrow know-how from the private sector in order to update their management systems and restructure universities as enterprises. The difficulties that public universities face in this regard are not insignificant as, for example, professors are restricted in many ways by their status as government employees and budgeting systems lack efficiency. It was also asserted that postgraduate education in Japan merits a thorough overhaul before Japanese universities can achieve anything like the success of the U.S. in technology and know-how transfer. These are just a few of the points raised and criticisms voiced during what was a lively brainstorming session. It is to be hoped that the roundtable will prove a valuable first step for the University of Tokyo in its plans to establish effective schemes for knowledge partnership with industry and formulate its own response to the wide variety of issues discussed.

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Government Responses to Homelessness:
The View from Ground Level

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Notes

[1] For more on NIMBY in Japan, see *NIMBY Politics in Japan: Energy Siting and the Management of Environmental Conflict* by S. Hayden Lesbirel, Ithaca: Cornell University Press, 1998.

In a recent article (SSJ#21, pp. 17-20) I discussed the new Japanese government policy on homelessness, a policy that includes estimating the national homeless population, establishing public shelters in major cities, and providing employment introductions for homeless people. In late August 2001 the Ministry of Health, Labour and Welfare (MHLW) announced plans to build seven more shelters in FY2002, bringing the total planned to twelve. Then in December 2001 the MHLW released new figures, showing an 18% increase in the homeless population from two years before, to 24,090. A close look at this survey clearly shows that, like its predecessor, it should be treated as no more than a conservative guesstimate (for example, the city of Osaka, where a third of the total recorded homeless population lives, had not conducted a new survey and simply resubmitted figures from a survey over three years old).

Clearly the problem is getting steadily more serious. How, then, are the government's new measures working out at street level? I recently visited the Matsukage Shukuhakujo (Matsukage Dwelling) in Yokohama, one of the handful of homeless shelters already operating under the MHLW program, to find out. The shelter consists of a cluster of prefabricated buildings right underneath an elevated expressway, right next to Kotobuki-cho, Yokohama's *doya-gai*. The *doya-gai* is a district, somewhat resembling an American skid row, with concentrations of cheap lodging houses called *doya*, traditionally used by single men working as day labourers. Tokyo and Osaka also have doya-gai, called San'ya and Kamagasaki respectively. In all three cities, at least one of the homeless shelters is located in, or very close to, the *doya-gai*. It is relatively easy for city authorities to locate shelters in these areas because there are few members of the mainstream citizenry living there to raise objections. One of the main reasons why Nagoya, another major city with a conspicuous homelessness problem, has no shelter, is because there is no *doya-gai* in Nagoya and attempts to build a shelter have met concerted NIMBY ("Not in my back yard!")[1] opposition from citizens at every location considered. Work has recently started on a new, permanent shelter to replace the Matsukage prefabs; the new shelter will be right in the middle of Kotobuki-cho.

At the Matsukage shelter there are bunk beds for 200 men and four women - a figure that fairly accurately reflects the gender division in Japan's homeless population. The shelter is permanently full and there is generally a waiting list of 30 or 40 more people. The shelter is run by a charitable foundation called the Keiseikai (founded 1918), one of the oldest established of Yokohama city's 58 'external organizations' (*gaikaku dantai*), in a subcontracting procedure that allows the city to avoid employing the people who work there on the favourable terms reserved for public officials, as well as putting the city at one remove from responsibility from any problems that may arise. A large proportion of Japan's local welfare infrastructure is run by external

organizations like this.

Yokohama has adopted a relatively progressive approach to homelessness, and this shelter was opened in 1994, long before central government started to notice the problem. It was built on land owned by the city (formerly a small park) and started with 70 beds. In 2000 the shelter was incorporated into the MHLW's 'independence support' (*jiritsu shien*) program. The new government money helped pay for construction of extra rooms to support a near tripling of the shelter's size. At the same time, the maximum length of stay permitted was raised from 14 to 30 days.

The shelter has a staff of 20 full-timers and another ten part-timers, mostly students who help man the office during the night. It is clean and comfortable, with air-conditioning in every room. There is very little privacy, however: every room has as many beds as can possibly be fitted in - up to 30 per room. Meals and baths are provided and each resident gets a clean set of clothes and a daily ration of ten 'Wakaba' cigarettes (a cheap brand), plus fruit juice and biscuits on Saturday. Alcohol is strictly forbidden.

In theory, this is a transitional shelter and residents are supposed to exit in one of two directions, corresponding to the MHLW's types 1 and 2 (see my previous article): to employment and an independent lifestyle, where possible; or to life supported by social security if they are unable to provide for themselves. In either case, there may be an intervening period in hospital where health problems necessitate it. The shelter staff assists with advice and practical support.

In practice, some serious obstacles remain to be overcome. In fiscal year 2000 (April 2000 to March 2001), 1,110 people stayed at the Matsukage shelter, including 27 women. Many stayed more than once, which is why the figures below, on where they went next, add up to 1,659:

Destination	Number of people
Left after completing 30 days, destination unknown	596
Went to live in lodging house, (using some form of welfare)	267
Went into hospital, (paid for by social welfare)	241
Other (expelled for drinking, bad behaviour, etc.)	181
Became or returned to being a day labourer	104
Left without explanation or formal procedure	101
Left at own request before 30 days, procedures completed	66
Found permanent employment	62
Transferred to longer-term institution	31
Sent to mid-term alcoholism program	10
TOTAL	1,659

Table 1: Immediate destination of people leaving Matsukage shelter, FY2000

The most striking feature of these figures is that something like half the users came back for at least one further stay. Shelter officials are familiar with several hundred men who have developed a lifestyle that cycles between homelessness and life in the shelter. For them, the main difference resulting from the new government policy is that the cycle has doubled in length: they now get to stay 30 days instead of 14, but are also expected to stay out for at least 30 days. Rather than transforming their lifestyle, the shelter has been incorporated into it. These men know the score and will not generally apply for another stay at the shelter until they know they have a reasonable case for acceptance. This is why the waiting list is only 30 or 40. At any given time a couple of hundred men are waiting for a decent interval to elapse before re-applying. On the bright side, the number of newly homeless people looking for shelter in Yokohama does not appear to be that great, and we have yet to see large numbers of women, young people or middle-class people in the homeless population. Overwhelmingly, the shelter is still dealing with solitary older men of working-class background - the class of people most susceptible to homelessness in any wealthy industrialized society.

The figures on exit to employment at Matsukage cast rather a long shadow over the MHLW's idea of 'support for return to independence.' For the 104 exiting to day labour, we may reasonably assume that there has been no great change in their lifestyle. They may have found work for a few days or even a month or two, but the next time work dries up they will likely end up back on the street or back in the shelter. As for the 62 people exiting to permanent employment, 44 did so by finding work at a public employment exchange, or through recruitment magazines. Only 18 found work through the MHLW's special introduction service that was launched at Matsukage in September 2000, halfway through the fiscal year. In an upstairs room at the shelter, three staffers dispatched from the main Yokohama labour exchange handle employment inquiries. In the six months to March 2001, they handled job applications from 31 people, finding work for 18.

In one sense, these figures fit the national picture for the same period, cited in my previous article, almost perfectly: 18/31 is 58%, while the national figure of 388/682 is 57%. But the first question we have to ask is why the figure for applications is so small. With many hundreds of people using the shelter, why did only 31 apply for job introduction services?

According to SENNO Koji, the deputy head of the shelter, the reason is that only 31 people were *allowed* to use the service. There are three conditions that must be met by any resident wishing to use the service: (1) they must be willing to live in a permanent apartment rather than a *doya* if employed; (2) they must be willing to have their salary sent to the shelter rather than directly to themselves

during the initial stage of employment, during which time the shelter will save it for them and pay them pocket money of 30,000 yen a month; and (3) they must be free of debt.

The last of these three conditions is the one that excludes most shelter-dwellers. Probably the biggest single direct factor causing people to become homeless in Japan today is not unemployment or alcoholism or inadequate welfare (though each of those is a factor): it is debt. A huge majority of the Matsukage inmates have debts. Some are in debt to friends or relatives, and in such cases the shelter staff may offer to help negotiate a repayment deal and the person may be allowed to use the employment introduction service. But more often the debt is with a *sarakin* (the word derives from 'salaryman financing') - a commercial money-lending institution. Some of these 'consumer finance' companies are enormous: Takefuji, Acom and Promise, the industry leaders, are all listed on Section 1 of the Tokyo Stock Exchange. They have thrived during the recession, lending money with few questions asked and charging far higher rates of interest than banks that have stricter security requirements. A common element in many of the personal histories of homeless people is overstretched borrowing, often from more than one *sarakin*, leading eventually to inability to make the repayments and then flight from the *sarakin*, whose methods of enforcing repayment are various and controversial.

Getting a steady job requires obtaining a permanent address, which in turn requires applying with the local authority for a certificate of residence (*jûminhyô*). The *sarakin* have nationwide networks searching for errant debtors, and once your real name and address are officially registered, it will not be long before a debt-collector comes knocking at the door.

There are two reasons why this is a serious problem for the shelter. First, the prospect of debt-collectors visiting the shelter is a frightening one that the management is determined to avoid. Second, if a resident gets employed but is legally obliged to pay his earnings to his creditors, he will never be able to save the seed money required to rejoin mainstream society: the large down-payment on a rented apartment, in particular.

Hence the very small number of people allowed to use the MHLW job introduction service. It may well be that the most sorely needed staff at places like the Matsukage shelter are not counsellors or social workers but *lawyers*. Negotiating debt repayment schedules, or organizing formal declarations of bankruptcy, are key issues in getting homeless people back into regular employment.

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However, even if the debt problem can somehow be overcome, a second, even more formidable challenge awaits the MHLW. Out of the 31 Matsukage residents who *did* use the service, 18 were found jobs - five in factories, three in restaurants, three as cleaners, two as security guards, two in construction and one in longshoring. However, when I asked Mr. SENNO how many were still employed at the time of our interview - ten weeks after the end of the six-month period when the jobs were found - he gave a sad little smile and said, "Zero." Out of the larger group of 62 who found permanent jobs by any means, he estimated that "perhaps three or four" were still in work.

Mr. SENNO said he thought that relatively few of the men were fired. He identified two main patterns: either the man quit himself, having decided that he did not like the job, or the employer's attitude, or that he could probably get a better job at some other, unspecified place; or he simply stopped showing up for work, often soon after starting. He knew of cases where a man had been set up with a job and an apartment and had disappeared two or three days later. Many of these men are former day labourers, accustomed to working and being paid by the day: they could not face having to wait a whole month for payday, and being expected to work the same hours every weekday.

Counsellors from the employment exchange must trade on their personal connections and reputation to persuade employers to give a homeless man another chance. Every time a man from Matsukage does a runner, it becomes harder to persuade the employer to try the experiment again. Many employers in Yokohama automatically reject applications from any address in Matsukage-cho or Kotobuki-cho, and Mr. SENNO's experience indicates that this cannot simply be put down to irrational prejudice.

In Yokohama at least, this is the sad reality of the MHLW's well-intentioned employment plans for homeless people. The ministry's statistics will only have real meaning when they start including numbers still in employment a year later. Getting people off the streets and into jobs is one thing - keeping them there is quite another.

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Designing a Peaceful Okinawa: Local Opportunities, Regional Obstacles

Vincent Kelly POLLARD

The transnational stimulus for this paper occurred shortly after the October 1995 antimilitarist protest demonstration in Okinawa—the largest in local history. At the University of the Philippines-Diliman, a Korean graduate student introduced me to three female Okinawan exchange students. These Okinawan women posed a stimulating research question. What can the Movement to Demilitarize Okinawa learn, they asked, from the earlier successes of the Filipinos' Anti-Bases Movement? Their question referred to the termination of the 1947 Philippines-United States Military Bases Agreement in 1991 and, in the following year, to the closing of Subic Naval Base and other, minor American military facilities. This was achieved despite the fact that Filipino political activists opposed to foreign bases were no more than a 20% minority of the population. (Conflating the volcanic destruction of Clark Air Force Base by Mount Pinatubo with the 12-11 vote by the Senate of the Philippines to reject the proposed treaty later in 1991 is a serious if common error, particularly since the U.S. negotiators placed much greater value on Subic Naval Base).

Immediate, practicable implications flow from envisioning a demilitarized future for Okinawa in five, ten or twenty years. The clearer and more textured that vision is, the easier it is to identify political, social, cultural and economic obstacles to be obviated or overcome. Heuristically much more useful than predicting the future or making forecasts, conceptually walking backwards from one's preferred future to the present focuses attention on continuing and emerging issues. Often used by military planners themselves, this kind of futuristic exercise also encourages consideration of responses to cyclical events and unlikely occurrences that may facilitate or hinder achievement of a demilitarized Okinawa. In any case, an absence of foreign military bases or of any military installations is a common feature of different visions of a peaceful Okinawa.

That assertion does not imply that all Okinawans share this vision. Nor is it intended to suggest that there are no other alternatives currently under consideration by Okinawans and others concerned about the local effects of the bases. For example, some scholars, journalists and practitioners have advocated further finessing the Status of Forces Agreement, closing just a few of the military facilities, or formulating a Security Treaty without *permanent* U.S.-occupied military bases.

Nonetheless, three analytic benefits flow from focusing on a demilitarized

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future for Okinawa. 1) This focus facilitates crossnational comparison of relevant similarities and differences with the Anti-Bases Movement in the Philippines. 2) Under circumstances of greater local hostility towards foreign bases, complete demilitarization may become more easily achievable than partial reduction of troop levels and closure of just a few facilities. 3) If the present minority perspective is an early indicator of an unevenly emerging trend, complete demilitarization may yet become a consistent majority view in Okinawa—or, at least, a majority view among *Uchinanchu* (Okinawans) committed to realizing their respective preferred political futures.

Questions Facing the Movement to Demilitarize Okinawa
Compared to the rest of Japan, the share of the foreign military bases borne by Okinawa Prefecture is astonishingly disproportionate. No bases occupy land or water in or around most of Japan's populated areas. Despite the "Reversion" of Okinawa to Japan in 1972, about 75% of all U.S. forces stationed in Japan and the same proportion of military base land (75%) used by the U.S. military continues to be concentrated in Okinawa. This prefecture has 0.6% of Japan's land area. To borrow the Pentagon's muscular military metaphor, the disparity leaves the U.S. Department of Defense (DoD) "footprint" on Okinawa Prefecture a 100-plus times deeper than on the rest of Japan. The NIMBY ("Not in my back yard!") phenomenon and attitude may have facilitated the default position, that is, leaving most Japan-based U.S. military facilities in Okinawa. Meanwhile, the U.S. resists committing itself to withdrawing from Okinawa even on a fifteen-year projected time-scale.

But in coming years, the NIMBY phenomenon may trap the U.S. DoD and Japan's Self-Defence Forces (SDF) in a Catch-22 situation. After the September 11, 2001, attacks, relocating bases to elsewhere in Japan is probably even more unattractive than it already was—now that U.S. military facilities are also perceived as potential targets for terrorist attack. Meanwhile, on top of longstanding grievances, economic pressures have become even harsher in Okinawa. To the extent that national and local U.S. military authorities feel beleaguered and dig in their heels while Okinawans feel increasingly pressured, future social protests will probably continue to erupt periodically.

The effects of disproportionate "burden sharing" and the heavy imprint of the U.S. military boot are reflected in a series of Okinawan grievances dating

back to the late 1940s. These grievances include both issues raised by traditional Okinawan protests and "new" social movements.

Their complaints include the following:
 1) continued U.S. military occupation of real estate that might otherwise be devoted to agriculture, tourism or industry—or left as open space;
 2) crimes against Okinawans by U.S. personnel—theft, battery and sexual assault;
 3) unresolved paternity claims brought by Okinawan women;
 4) noise pollution-induced tinnitus, high blood pressure, and even deafness;
 5) physical damage and loss of life due to explosions of munitions during live-fire exercises;
 6) long-term risk from unexploded ordnance;
 7) crashes of fixed-wing aircraft and helicopters in or near built-up, populated areas;
 8) suspected presence (sometimes later documented) of nuclear weapons;
 9) environmental damage and threats to land, internal waters and surrounding seas, and to endangered species of plants, birds, animals and fish;
10) the expected high future costs of environmental clean-up of land and waters; and
11) Okinawa as a magnet for nuclear attack during the Cold War and for terrorist attacks today.

Okinawa has been the venue for demilitarization-centered political interactions led by successive governors from different political parties, and for a variety of activities aimed at demilitarizing Okinawa Prefecture and the Ryûkyûan archipelago as a whole. The level of Okinawan-initiated activity has varied from local to subnational to transnational. These activities have included the following:
 1) organizing local protests against land occupation and military crimes;
 2) engaging in subnational diplomacy between the prefectural government and Japan's national government;
 3) direct lobbying in the United States; and
 4) exchanging information and coordinating with anti-militarist individuals and public interest organizations in Asia, Hawai'i and North America.

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Lessons from the Anti-bases Movement in the Philippines

Neutralizing the power of the national governments of the Philippines and the U.S. required the development of four capabilities to a high degree. These were as follows:

1) a long-term perspective sustained by participants' commitment in order to offset disadvantages of size and scale, requiring prolonged monitoring of the potential and emerging weaknesses of the two governments;

2) a broad-based solidarity infrastructure whose network and formation involved subnational and transnational actors a) exchanging information, b) collaborating in actions of solidarity and protest, and c) gaining media coverage to challenge powerful national governments;

3) despite important leadership roles played by supportive elected political leaders (especially in the Senate of the Philippines), extra-parliamentary political activity drove the agenda and facilitated legislative action to terminate the Military Bases Agreement of 1947-1991/1992; and

4) developing and utilizing the capacity to respond rapidly and creatively to quickly changing local and international circumstances, that is, unexpected opportunities and errors made by the other side.

The Movement to Demilitarize Okinawa does not lack advantages. In particular, five continuing strengths and newly exploitable assets should be noted:

1) the transparently expeditionary mission of most U.S. military in Okinawa, particularly the Marines;

2) intergenerational social capital—the handing down of experience—something that also was essential for dissident movements in the Philippines, Hong Kong, South Korea and Taiwan––obviates "reinventing the political protest wheel" after each new provocation;

3) the 1990s national statute devolving power to prefectures and the example of former Governor Ota (1990-1998), now in the House of Councilors, who pushed the national government to the brink before U.S. bases-related real estate contracts were renegotiated;

4) the "intermestic" (domestic, transnational and international) politics of a transformed international system presenting advocacy outlets to small but committed, articulate and well-positioned subnational governments and public interest organizations; and

5) political globalization (popularity of representative democracy) and telecommunications globalization have created a large transnational media audience receptive to the prominent non-violent leadership of Okinawan women and bases-related environmental issues.

A Major Subliminal Obstacle Retarding Demilitarization
Aside from divisions within Okinawa, what other obstacles impose themselves which the Anti-Bases Movement in the Philippines did not have to surmount? In the middle and late 1980s, extended efforts by President Corazon Aquino (1986-1992) and her co-thinkers in several countries to secure the Association of South-East Asian Nations (ASEAN)'s public endorsement of an extended Military Bases Agreement with the U.S. failed. That failure stands in contrast to support received by successive prime ministers of Japan for continuing to accept the U.S. presence on Okinawa from heads of state in neighboring national governments.

Limiting discussion of Okinawan bases issues to a "U.S.-Japan relations" framework, therefore, obscures power relations to the disadvantage of the Movement to Demilitarize Okinawa. Instead, military bases issues may separately or simultaneously be framed in one or more of the following dyadic and multilateral relationships, among others:
1. U.S.-Japan military/"security" relations.
2. Okinawa-Japan local-/central government relations.
3. Regional, that is, relations between Okinawa's subnational and transnational ties with the rest of Japan, the United States, the Koreas, the People's Republic of China (PRC), and Taiwan.
4. U.S.-PRC and U.S.-Japan-PRC political, military and trade relations.

Temporary Regional Obstacles to Demilitarizing Okinawa by Default
For heads of state in South Korea, the PRC and Taiwan, the domestic political "opportunity cost" for quietly reassuring successive Japanese prime ministers to continue supporting U.S. military facilities in Okinawa is barely noticeable yet. For the time being, China's conflicting perceptions of a demilitarized Okinawa keep its government from calling for withdrawal of U.S. bases but the ruling Communist Party would risk delegitimizing its nationalist credentials if it were to suppress discussion of the issue within the PRC. While anti-U.S. bases protest activity still takes place in South Korea, the Korean anti-bases movement has yet to raise the issue of U.S. bases in Okinawa with consistent prominence. Finally, Taiwan's reliance on U.S. support for its shaky if undeclared independence initially makes the discussion awkward there.

Nonetheless, if the strength of Okinawan resistance sentiment during the height of the Cold War and under administrative conditions more

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unfavorable than today is a useful marker, U.S. President Bush's "war on terrorism" may be less forbidding an obstacle in the long-run than it may appear. And if the Movement to Demilitarize Okinawa effectively intervenes in civil society in the main islands of Japan and elsewhere in East Asia, short-term obstacles may be turned into longer-term opportunities in unexpected places. Despite Article Nine of Japan's "Peace Constitution," the ruling Party and ruling coalitions have instituted major military spending in more than one section of the national budget. However, will Japanese voters tire of their tax burden and become less and less politically comfortable with the implicitly condescending notion that their financial sacrifices are subsidizing the Americans to defend the rest of Asia against themselves? If they do, and if simultaneously the U.S. does not reduce troop levels and facilities more rapidly, the subnational government of Okinawa and the Movement to Demilitarize Okinawa may yet have another card to play. And that is the U.S. naval base in the *deep*-water port of Yokosuka in the Port of Yokohama, Japan. If the U.S. found itself facing fierce opposition to American military bases in southerly Okinawa and in the national capital region, this combination would exceed the configuration of anti-bases forces in the Republic of the Philippines.   ❏

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