

Department of International Studies
Graduate School of Frontier Sciences
The University of Tokyo

2017

Master's Thesis

Destiny of a Nation Denied:

Commentary on the failed asylum of Turkish Kurds in Japan

(日本におけるトルコ系クルド人の庇護不認定処分に対する批判的検討)

Submitted 23 January, 2018

Adviser: Professor Mikiyasu Nakayama

Co-Adviser: Professor Masahide Horita, Professor Riki Honda

Hirota Fujibayashi

藤林 大貴

Table of Contents	Page
List of Illustrations	iv
Acknowledgement	v
Abbreviations	vi
Abstract	vii
Chapter 1: Introduction	1
1.1. Backgrounds	1
1.2. Objectives	8
1.3. Methodology	9
1.4. Thesis Structure	14
Chapter 2: Kurdish Diaspora and A Path to Japan	16
2.1. What is the Kurd?	16
2.2. Kurdish Question in Turkey	25
2.3. Kurdish Migration beyond “Kurdistan”	33
2.4. Kurdish Migration to Japan	37
Chapter 3: Theoretical Framework	41
3.1. Theories of International Relations	41
3.2. Analytical Liberalism	47
3.3. Why Analytical Liberalism?	55
3.4. Applying Analytical Liberalism to this Study	63
Chapter 4: Exterior Dimension	66
4.1. Structure of International Refugee Regime	66
4.2. Paradigm Shifts of International Refugee Regime	73
4.3. State Responsibility and “Burden-Sharing”	75
Chapter 5: Interior Dimension	80
5.1. Context of Refugee Governance in Japan	80
5.2. Current System of Refugee Governance in Japan	83
5.3. Key Actors of Refugee Governance in Japan	90
Chapter 6: History of Japan’s Refugee Governance and Turkish Kurd Asylum	105
6.1. Emergence of Japan’s Refugee Governance	105
6.2. Reformations of Japan’s Refugee Governance	107
6.3. International Responses to Japan’s Refugee Governance	112
6.4. “Refoulement” of Kurdish Asylum-Seekers in Japan	114

Chapter 7: Discussions	129
7.1. Analysing the Strategic Interaction of Interior and Exterior Dimensions	129
7.2. Ideal and Reality of Refugee Governance	132
7.3. Consequences of Denial: Kurdish Legal Limbo in Japan	135
Chapter 8: Conclusions	144
Bibliography	152
Appendices	198

List of Illustrations	Page
Map 1. Kurdistan	21
Table 1. Realism, Liberalism and Constructivism	43
Table 2. Fundamental Assumptions of Analytical Liberalism	50
Table 3. A Two-Stage Model of State Behaviour	53
Table 4. A Two-Stage Model in this Study	65
Table 5. Overview of the Refugee Status Determination Process in Japan	87
Table 6. Chronology: Japan's Refugee Governance and Turkish Kurd Asylum	128
Appendix 1. Annual Number of Applications for Refugee Status in Japan	198
Appendix 2. Top 10 Countries of Origin of Asylum-Seekers in Japan	199
Appendix 3. Annual Number of Applications for Refugee Status in Japan from Top 10 Countries	200
Appendix 4. Annual Trends of Refugee Status Determination in Japan	201
Appendix 5. Annual Trends of Refugee Status Determination for Turkish(-Kurd) Asylum-Seekers in Japan	202

Acknowledgement

My first word of thanks goes to all of the informants of this study. Their names cannot be disclosed here, but I would like to acknowledge and appreciate their kind supports for my research. I am grateful as well for the professors of the Department of International Studies at the Graduate School of Frontier Sciences, at the University of Tokyo, that ensured the completion of this project. In particular I would like to express my gratitude to my main-advisor, Professor. Mikiyasu Nakayama, and co-advisors, Professor. Masahide Horita and Professor. Riki Honda for their insights and constructive suggestions. Their worthwhile comments could help me writing this thesis.

I would like to offer my special thanks to the professors of Institute of International and Civil Security at the Khalifa University of Science, Technology and Research in Abu Dhabi, United Arab Emirates – Dr. Ash Rossiter, Dr. Brendon J. Cannon, and Dr. Athol Yates. I spent nearly one year in total working as a visiting researcher of the Khalifa University and they have been mentors, friends and colleagues throughout my time in Abu Dhabi, and they have been a constant source of inspiration through their work, ideas, and commitment to the area. I am especially grateful to Dr. Ash Rossiter because this project started when I first talked with him about the topic of this thesis - Kurdish migration to Japan – and he told me so many things important for my life. He is one of the most influential person for my life, and the enjoyable time with his lovely family is a precious memory for me. I have also had numerous influential discussions with Dr. Brendon J. Cannon, who gave me the opportunities to broaden my research interests.

Though I cannot name everyone, but discussions with and feedback from the friends of mine in both of the University of Tokyo and the Khalifa University have either directly or indirectly contributed to this thesis. I would also like to acknowledge all of those who have helped me pursuing my study. Finally, I would like to acknowledge the support and patience of my family during the time which took to complete this work and in assisting me with the preparation of its final form. Their numerous supports have gotten me through the difficult times.

Abbreviations

AKP	Adalet ve Kalkınma Partisi
CIA	Central Intelligence Agency
DDKO	Derimci Dogu Kultur Ocaklari
EU	European Union
ICRRA	Immigration Control and Refugee Recognition Act
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
JFBA	Japan Federation of Bar Association
LDP	Liberal Democratic Party
MOFA	Ministry of Foreign Affairs
MOJ	Ministry of Justice
NGO	Non-Governmental Organisation
NIMBY	Not In My Back Yard
PKK	Partiya Karkerên Kurdistan
RCJ	Refugee Council Japan
RHQ	Refugee Assistance Headquarters
UNHCR	Office of the United Nations High Commissioner for Refugees
1951 Refugee Convention	Convention Relating to the Status of Refugees
1967 Refugee Protocol	Protocol Relating to the Status of Refugees

Abstract

Since Japan started to accept asylum applications in the 1980s, their total number has surpassed 40,000 and only two nationals – Myanmar and Turkey – made up more than half of asylum appeals in Japan, except for the recent unreasonable inflation of asylum applications until 2010. Concerning these top two countries of origin, Myanmar refugees constitute large parts of those who were officially recognised as refugees in Japan but, in contrast, no asylum-seeker from Turkey has ever been granted the official refugee status. Indeed, most of Turkish asylum-seekers in Japan are considered to have the ethnicity of Kurds, not Turks. In a similar vein of the other ethnic minorities, the Kurds have often experienced a lack of political representation, poor economic development, reduced social services, or sometimes denial of their ethnicity and cultural identity in their home countries. In particular, labour migration, political turmoil, and conflicts in Turkey have resulted in many Kurds dispersing throughout Europe and beyond, and Japan has been another popular destination for the Kurds since around the 1990s. Yet many of the Turkish Kurds came and applied for the refugee status in Japan, though nobody among them has been granted the decent refugee status. This is a significant contrast to the facts that many countries of the West have ever accepted so many Kurdish people as refugees, who had similar backgrounds to those who are in Japan.

The international refugee regime is currently structured within the context of modern world system consisting of sovereign states, despite its original laudable aim to protect all of those who need asylum. Under the current structure of international refugee regime, each state can discretionary set out its own refugee regime, and the discrepancies in implementation and application of international refugee laws exist from state to state. Every state holds its ultimate decision on immigration and border control; consequently, states' responses to refugees always tend to remain ad hoc, which can be applicable to the case of Turkish Kurd asylum situations in Japan. Under the current fragmented structure of international refugee regime, Japan has set out its own

refugee regime whose legal basement is the state's immigration control law. According to the international and national legal documents, the Immigration Bureau of the Ministry of Justice is legally permitted to have the authority to discretionarily make judgments concerning the refugee status determination in the country. Though it can be assumed that the ultimate wills of the government are strongly and directly reflected on the outcomes of refugee status determination, in reality, other actors such as the Opposition parties or politicians, public opinion, media and civil society groups can have some indirect effects on the decision of the government. As such, even though the official stance of the Japanese government towards the Turkish Kurd asylum-seekers has never changed, a slight but significant policy shift of the state refugee governance from a set of remarkable events in the context of asylum situations of Turkish Kurds between around before and after the deportation of two Turkish Kurds in 2005.

After asylum rejections, multiple refusals, family divides, detentions and deportations of Turkish Kurds, the uncertainties provoked large debates controversies inside of Japan. An increasing number of people have gotten interested in the Turkish Kurd problems, and the stringent and veiled attitude of the Japanese government has been continuously targeted by criticisms and doubts from the public, media, academics, humanitarian activists, and political elites. Until this stage, the state preferences can be considered to have shifted, and thus the Japanese government seems to have chosen to opening the pathway for some portions of Turkish Kurd asylum-seekers to the special residency permits for the humanitarian reasons, not the proper refugee status. This slight shift vis-à-vis mounting critiques can result from the strategic interaction between interior and exterior factors based on the shifting state preferences, which can correspond with the explanatory model proposed by the Analytical Liberalism, which argues that the relationships pf the states to the domestic and transnational social context in which they are embedded have a fundamental impact on the state's behaviours.

In conclusion, the refugee governance in Japan has slowly but steadily developed for over the last three decades; moreover, these modifications are largely produced by the influences of both international and domestic politics, which has resulted in the unexpected emergence of legal limbo of Turkish Kurd in Japan. Strategically counting the pros and cons of the respective scenarios to address the conditions of Turkish Kurd asylum-seekers in Japan, the government has resolved to provide the special treatments – humanitarian residency permit – or to grant the virtual tacit permission – provisional release – for them. As such, the outcome of Japan’s never hosting any Kurdish asylum-seeker as an official refugee results from the strategic calculations of the state’s preferences, stemming from the state-society relations depending on the context of domestic and international politics. In contrast to the lofty aim of international refugee regime of protecting all of the world’s refugees beyond the limits of world politics and state sovereignty, the opposite results have been reproduced, and thus the emergence of legal limbo of Turkish Kurds in Japan can be a textbook case to represent the structural failure of international refugee regime, and also sheds light on the existing deficits of international, domestic and local governance for people seeking asylum.

Chapter 1: Introduction

1.1. Backgrounds

Today, the world is witnessing the worst time of human displacement on record. According to the recent official reports of the Office of the United Nations High Commissioner for Refugees (UNHCR), which takes the leading role in the international protection of refugees as the UN Refugee Agency, there are an unprecedented number of displaced persons – over 65 million – since the end of the Second World War, and nearly 20 people are newly displaced every minute of the day.¹ The Syrian refugee crisis, which is one of the biggest challenges that the international community must overcome today, dispelled more than half of the population from the Arab republic. Along with other migrants from Iraq, Yemen, and sub-Saharan Africa, for example, millions of Syrian people sought for refuge in the neighbouring countries (e.g. Jordan, Lebanon and Turkey) or crossed the Mediterranean by small boats.

These catastrophic surroundings are often called “refugee crisis” or “migration crisis” by media² and have drawn tremendous attentions around the world. Furthermore, these massive migrations recently caused large political clashes, and socio-economic concerns not only in the neighbouring host states,³ but also in the West countries. The mass movement of people into, and

¹ United Nations High Commissioner for Refugees. “Global Trends: Forced Displacement in 2016.” (Geneva: UNHCR, 2017b), <http://www.unhcr.org/5943e8a34.pdf> (accessed 8 January, 2018).

² The term of “refugee” has a legally special meaning (which will be explained in the main texts), and thus when an article prefers to separate refugee from other migrants the “refugee crisis” is preferred to be used, while it is also true that a lot of media articles do not care for the difference of refugees and migrants.

³ Massive inflow of Syrian refugees into Lebanon and Jordan resulted in unprecedented social and economic challenges, and this crisis has put a huge strain on the fiscal capacity of both countries. See Dahi, Omar. “The refugee crisis in Lebanon and Jordan: the need for economic development spending.” *Forced Migration Review* 47 (2014): 11-13. The ongoing influx of Syrians poses significant absorptive and financial challenges, which leads to compound problems stemming from the demographic changes, political polarization, and increasing security concerns, on Turkey. See Cagaptay, Soner., Oya Aktas, and Cagatay Ozdemir. “The Impact of Syrian Refugees on Turkey.” Policy Watch 2681, The Washington Institute for Near East Policy, 25 August, 2016, <http://www.washingtoninstitute.org/policy-analysis/view/the-impact-of-syrian-refugees-on-turkey> (accessed 8 January, 2018); and Crisis Group. “Turkey’s Refugee Crisis: The Politics of Permanence.” Report No. 241, 30 November, 2016, <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkey-s-refugee-crisis-politics-permanence> (accessed 8 January, 2018).

through Europe has had significant impact on the domestic politics of many European countries. Across Europe and beyond, citizens have criticised their governments for not doing enough; or, has been more often the case, for doing too much, especially “letting in” too many migrants. The accelerating movement of people must have been among a key description of the globalised world, but now many countries get reluctant to keep their doors open to those who come from abroad.⁴

Among the shifting trends in the world, Japan cannot be a popular destination, in the context of the recent refugee (or migration) crisis, for refugees and other people on the move. However, it does not necessarily mean that the islands state can keep distance from the humanitarian crisis; rather, the catastrophe seems to have become a trigger to provoke the disputes among the public over the state’s policy and governance on refugee problems and beyond. In contrast to the increasing number of refugees in the world, people who are granted refugee status have remained very few in Japan, and the recognition rate of refugee status has recently gone down while the applications of seeking asylum continue to increase. With being spotted light on those figures, opprobrium has centred on the belief that Japan eschews the internationally recognised norms and obligations to take on its fair share of the burdens of refugee governance, and thus the country has been a target of severe criticisms from the media and humanitarian groups both in and out of the country.

Indeed, Japan has still been one of the biggest donors of UNHCR’s activities,⁵ and pursued the state’s commitments to support refugees from Syria and their host countries.⁶ Furthermore,

⁴ Concerns stemming from the “migration crisis” were an influential factor behind the Donald Trump’s campaign of “America First” and his victory of the US presidential election of 2016, as well as the citizens’ choice of “Brexit” in the UK referendum in 2016. The crisis has also triggered the appearances of anti-immigration rhetoric, political polarization and the emerging populist movements in the EU member states. See Banulescu-Bogdan, Natalia., and Elizabeth Collett. “Top 10 of 2015 – Issue #6: Refugee Crisis Deepens Political Polarization in the West.” Migration Information Source, 11 December, 2015, <https://www.migrationpolicy.org/article/top-10-2015--issue-6-refugee-crisis-deepens-political-polarization-west> (accessed 8 January, 2018); and Papademetriou, Demetrios G. “Top 10 of 2015 – Issue #1: Migration Crisis Tests European Consensus and Governance.” Migration Information Source, 18 December, 2015, <https://www.migrationpolicy.org/article/top-10-2015--issue-1-migration-crisis-tests-european-consensus-and-governance> (accessed 8 January, 2018).

⁵ United Nations High Commissioner for Refugees. “Contributions to UNHCR for the budget year 2016

Japan has recently taken part in the UNHCR's third country resettlement programme and hosted around 20 to 30 Myanmar refugees from refugee camps in Thailand and Malaysia every year.

Nevertheless, these Japan's ways to take part in the international protection for refugees cannot have succeeded in turning down those criticisms. This is, I argue, because "burden sharing" has been measured more by the number of refugees that a country has taken in than funds that it has donated.⁷

Even though Japan started to take in some Myanmar refugees through the UNHCR's resettlement scheme, the project is not received favourable but deepen the ill fame because the seats are very few.

It might be even impossible to tone down the "Japan bashing" unless the government were prepared to change its stance into accepting more refugees.⁸

(as at 27 January 2017, in US dollars)." (Geneva: UNHCR, 2017a), http://reporting.unhcr.org/sites/default/files//donor_ranking/2016%20-%20UNHCR%20Donor%20Ranking.pdf (accessed 8 January, 2018).

⁶ Followed by the first announcement in May 2017, Prime Minister Shinzo Abe pledged that Japan "will accept up to 150 Syrian students in the coming five years starting next year, with a view toward fostering the human resources which are expected to contribute to the recovery of Syria in the future" at the Leader's Summit on Refugees held at the 71st session of the UN General Assembly in September 2016. See Prime Minister of Japan and His Cabinet. "Statement by Prime Minister Shinzo Abe at the Leader's Summit on Refugees." Tokyo: Government of Japan, 20 September, 2016), http://japan.kantei.go.jp/97_abe/statement/201609/1219204_11015.html (accessed 8 January, 2018).

⁷ UNHCR announced the needs to the burdens of sheltering Syrian refugees not only in the neighbouring states. See United Nations High Commissioner for Refugees. "Countries hosting Syrian refugees - Solidarity and Burden-Sharing: Background papers for the High Level Segment." (Geneva: UNHCR, Provisional Release, 2013), <http://www.unhcr.org/525fe3e59.pdf> (accessed 8 January, 2018). Peter H. Schuck proposed a model refugee-burden sharing system by setting the minimal protection numbers by country. See Schuck, Peter H. "Refugee Burden-Sharing: A Modest Proposal." *Yale Journal of International Law* 22, no. 2 (1997): 243-297. Eiko R. Thielemann, who clarified the mechanisms of "burden sharing" of forced migration problems mainly in the context of European migration policies, suggested that the "norm-based," in particular the quota-based, initiatives were likely to contribute to a more equitable, efficient and effective refugee burden sharing system rather than the "cost benefit" or "market based" logics. See Thielemann, Eiko R. "Between Interests and Norms: Explaining Burden-Sharing in the European Union." *Journal of Refugee Studies* 16, no. 3 (2003): 253-273; Thielemann, Eiko R. "Why Asylum Policy Harmonisation Undermines Refugee Burden-Sharing." *European Journal of Migration and Law* 6 (2004): 47-65; Thielemann, Eiko R. "Burden Sharing: The International Politics of Refugee Protection." The Center for Comparative Immigration Studies at University of California Working Paper 134, 2006; and Thielemann, Eiko R. "Immigration and International Co-operation: Public Goods Theory & Collective Refugee Management." A paper prepared for the EUSA Tenth Biennial International Conference Montreal, Canada, 17-19 May, 2007. <http://aei.pitt.edu/8047/1/thielemann-e-08g.pdf> (accessed 11 October, 2017)

⁸ In September 2015, Peter Sutherland, a special representative of the UN secretary general for migration and development, called on Japan (and other wealthy developed countries such as the US and the Gulf states) to "face their responsibilities" by receiving refugees, not just by financially supporting. See Hara, Katsuhiko. "Aid groups' lack of funds spurring refugee flight to Europe." *Nikkei Asian Review*, 10 September, 2015, <https://asia.nikkei.com/Politics-Economy/International-Relations/Aid-groups-lack-of-funds-spurring-refu>

When I move the discussion, in order to make it clear the facts surrounding the Japan's criticised refugee governance, into the asylum trends in Japan and closely look at the statistics, a couple of interesting features can be found. First, since Japan started to accept the asylum applications in 1982, their total numbers have surpassed 40,000. However, over 75 % of those applications accumulated only in the last six years, after the most recent revision of the state's refugee admission system in 2010, and then asylum applications have remarkably increased. Second, according to the statistical data released by the Ministry of Justice (MOJ), whose Immigration Bureau is mandated to make all decisions on the recognition of refugee status in Japan, between 1982 and 2015, nearly half of asylum-seekers were from 5 countries – Myanmar (6,206), Nepal (4,349), Turkey (4,341), Sri Lanka (2,407), and Pakistan (1,883).⁹ Yet, except for the recent unreasonable inflation of asylum applications; in other words, as showed in the data until 2010, only two nationals – Myanmar (3,724) and Turkey (1,255) – made up more than half of asylum populations in Japan. Third, when focusing on the top two countries of origin (until 2010) – Myanmar and Turkey – for asylum-seekers in Japan, it can be seen that people who were officially recognised as a refugee were mostly from Myanmar, but in contrast, no asylum-seeker from Turkey has ever been recognised as a refugee in law. This fact naturally causes a question: Why have Turkish asylum-seekers never been recognised as a refugee in Japan, while their asylum applications have constituted a large part of the state's accepting asylum appeals and they have still remained a boost?

On 25 October, 2015, a violent clash erupted between Turks and the ethnic Kurds, both of whom had gathered around the Embassy of Turkey in Tokyo to cast advance votes for the Turkish

[gee-flight-to-Europe](#) (accessed 8 January, 2018); and Pollmann, Mina. "Japan's Role in the Refugee Crisis: Japan has been quick to donate money, but slow to welcome refugees." *The Diplomat*, 11 September, 2015, <https://thediplomat.com/2015/09/japans-role-in-the-refugee-crisis/> (accessed 8 January, 2018).

⁹ See the tables in the Appendices.

general election scheduled on 1 November, and many people were injured.¹⁰ This riot, which made headlines and was reported by popular media among a breaking news of the day,¹¹ had lots of different meanings for considering the Turkish politics, in particular related to the Kurdish problems in Turkey.¹² However, it is more important, for the interest of this thesis, that this violent clash happened to disclose the existences of many Kurds residing in Japan in the public eyes. In fact, most of Turkish asylum-seekers in Japan are considered as the ethnic Kurds, not Turks.¹³ Arguably, this was a trigger to attract considerable attentions to the Kurdish community in Japan from the public, government officials, and also the scholarly.

¹⁰ Nihon Keizai Shimbun 日本経済新聞. “Toruko Taishikanmae de Rantou, 9 nin Kega, Tokyo/ Harajyuku, Kurudo-keira Tairitsu, Zaigaitouhyoubi, Syuhen ni 600 nin トルコ大使館前で乱闘、9人けが、東京・原宿、クルド系ら対立、在外投票日、周辺に600人” [9 people injured during violent clash of Kurds in front of Turkish Embassy at Harajyuku, Tokyo, on the day of overseas vote and 600 people were there], *Nihon Keizai Shimbun* 日本経済新聞, 26 October, 2015.

¹¹ Asahi Shimbun 朝日新聞. “Toruko Tairitsu, Harajyuku Souzen: Saisenkyo Zaigaitouhyoutyu no Taishikanmae, 60-nin Rantou トルコ対立、原宿騒然: 再選挙在外投票中の大使館前、60人乱闘” [Turkish clash made Harajuku in uproar: 60 people fought in front of the Embassy during overseas polling for reelection in Turkey], *Asahi Shimbun* 朝日新聞, 26 October, 2015; Ekurd Daily. “Turks, Kurds clash in Japan over Turkey elections.” *Ekurd Daily*, 26 October, 2015, <http://ekurd.net/turks-kurds-clash-japan-2015-10-26> (accessed 8 January, 2018); Ekurd Daily. “Japan’s ‘Warabistan’ can become a second home to Kurdish residents: Colak Vakkas.” *Ekurd Daily*, 23 February, 2016, <http://ekurd.net/japan-warabistan-kurdish-home-2016-02-23> (accessed 8 January, 2018); Mainichi Shimbun 毎日新聞. “Tokyo/ Toruko Taishikanmae Rantou: Kurudo-jin Dantai ga Syakumei 東京・トルコ大使館前乱闘: クルド人団体が釈明” [Kurdish group apologised for riot in front of Turkish Embassy in Tokyo], *Mainichi Shimbun* 毎日新聞, 29 October, 2015; Yomiuri Shimbun 読売新聞. “‘Toruko no Imeji Kizutsuku’: Taishikanmar Rantou: Kouron kara Naguriaika 「トルコのイメージ傷つく」: 大使館前乱闘: 口論から殴り合いか” [‘Disgracing images of Turkey’ at riot in front of Embassy: Violence after quarrel], *Yomiuri Shimbun* 読売新聞, 26 October, 2015.

¹² The general election in Turkey, on 1 November, 2015, was decided to be held after President Recep Tayyip Erdogan, and his party, Adalet ve Kalkınma Partisi (AKP), lost its 13 year-long majority at the election in June. At the election in June, the pro-Kurdish People’s Democratic Party (HDP) made a history by first winning enough votes to secure seats in parliament, which was a reason behind the AKP’s losing. In this regard, Kurdish problem in Turkey must have been a biggest point at issue on the November election. See Middle East Institute of Japan 中東調査会. “Toruko: Zainichi Toruko Taishikan-mae deno Rantou トルコ: 在日トルコ大使館前での乱闘” [Turkey: Violent Clash in front of the Embassy of Turkey in Japan]. *Chutou Kawaraban* 中東かわら版 No. 107, 2015. https://www.meij.or.jp/kawara/2015_107.html (accessed 8 January, 2018).

¹³ Dean noted that the asylum applicants in Japan come from over 40 countries, but the majority of them are from Myanmar and Turkey (ethnic Kurds). Moreover, the applicants from Turkey (Kurds) have consistently featured amongst those most likely to be rejected. See Dean, Meryll. “Japan: Refugees and Asylum Seekers.” (WRITENET independent analysis, 2006), 18. <http://www.refworld.org/pdfid/43f4a4b94.pdf> (accessed 8 January, 2018).

In general, the Kurds are explained as "the world's largest ethnic group without a state" mostly inhabiting a region known as "Kurdistan" ranging over the modern states of Iran, Iraq, Syria and Turkey; in similar to the other ethnic minorities, they have often experienced a lack of political representation, poor economic development, reduced social services, or sometimes denial of their ethnicity and cultural identity.¹⁴ The ongoing bloody conflicts in their homelands since the 1970s are also a root cause of the emergence of new Kurdish diaspora communities across the borders and further outside of the region.¹⁵ In particular, labour migration, political turmoil, and conflicts in Turkey have resulted in that many Kurds dispersing throughout Europe and beyond,¹⁶ and thus scholarly interests in this "Kurdish diaspora" has steadily increased.¹⁷

Since around the 1990s, Japan has been another popular destination for the Kurds. As I briefly mentioned, most of Turkish asylum-seekers, who apply for refugee status while have no prospect to be recognised, have their ethnicity of the Kurds. In other words, many of the Kurds came with their Turkish passports and applied for the refugee status in Japan, though nobody among them

¹⁴ Ahmed, Mohammed Ali. "The legal status of the Kurds in the Middle East: The twenty-first century policies of Turkey, Iran, Syria and Iraq towards the Kurds." (PhD dissertation, University of Exeter, 2010).

¹⁵ Hassanpour, Amir., and Shahrzad Mojab. "Kurdish Diaspora," in *Encyclopedia of Diasporas: Immigrant and Refugee Cultures Around the World*, ed. Melvin Ember, Carol R. Ember, and Ian Skoggard (New York: Springer, 2005), 214-224; Tas, Latif. "Stateless Kurds and their multiple diaspora." Working Papers, Paper 125. (International Migration Institute, University of Oxford, 2016).
<https://www.google.ae/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjPsIngl7XAhXBzxQKHfVUBE0QFggmMAA&url=https%3A%2F%2Fwww.imi.ox.ac.uk%2Fpublications%2Fstateless-kurds-and-their-multiple-diaspora%2F%40%40download%2Ffile&usg=AOvVaw3x73WeKA2Mkh2kgn7E37NA> (accessed 8 January, 2018).

¹⁶ Başer, Bahar. "The Kurdish Diaspora in Europe: Identity Formation and Political Activism." A Research Report for TÜSİAD Foreign Policy Forum at Boğaziçi University, 2013.
http://dispolitikaforumu.com/wp-content/uploads/2013/10/Bahar_Baser_RR_01_2013.pdf (accessed 8 January, 2018).

¹⁷ See, for example, Adamson, Fiona B. "Mobilizing for the Transformation of Home: Politicized Identities and Transnational Practices," in *New Approaches to Migration? Transnational Communities and the Transformation of Home*, ed. Nadjie Al-Ali, and Khalid Koser, (London: Routledge, 2002), 155-168; Adamson, Fiona B. "The Growing Importance of Diaspora Politics." *Current History* 115 no. 784 (2016), 291-297; and Adamson, Fiona B., and Medelein Demetriou. "Remapping the Boundaries of 'State' and 'National Identity': Incorporating Diasporas into IR Theorizing." *European Journal of International Relations* 13, no. 4 (2007), 489-526; Sawae, Fumiko 澤江史子. "Imin wo meguru Toransu-nasyonaru Seiji to Syusshinkoku: Toruko wo Chushin toshita Shiron 移民をめぐるトランスナショナル政治と出身国: トルコを中心とした試論" [Trans-national Politics of Migrants and Country of Origin: An Essay on the Case of Turkey], *Annals of the Japan Association for Comparative Politics* 日本比較政治学会年報 11 (2009), 37-68.

has been granted the decent refugee status. This is a significant contrast to the facts that many countries of the West have ever accepted so many Kurdish people as refugees, who had similar backgrounds to those who are in Japan. Although there seems to be no prospect for Turkish Kurds to be granted the official status of refugees, their appeals for asylum have recently inflated and now more than 2,000 Kurds are estimated to settle in Japan. Consequently, Kurdish migration to Japan has been increasingly illegal in nature, and most of the Kurds do never have any legal ground for their long-stay in Japan.

Compared to the accumulation of criticisms from the refugee-supportive activists, scholarly has not sufficiently touched upon the issue of Kurdish “refugees” in Japan.¹⁸ Komai has already reminded us of an imbalance of the previous studies and said that few studies have tackled Myanmar or Kurdish people seeking asylum in Japan in spite of their significance.¹⁹ As such, the existence of Kurdish asylum-seekers in Japan is still an under-researched topic, though which will surely attract many scholarly attentions. Tsuchida sociologically provided the structure of “survival strategy” of Turkish Kurds in Japan, with the argument that the current Japanese asylum system and community-based supports are the major “pull-drivers” for Turkish Kurds coming to Japan,²⁰ but this study, which places more focuses on the perspectives of Kurdish people themselves, or “bottom-up” viewing of the problems. Although this study made a great contribution to understanding some aspects of Kurdish migration to Japan, the further studies which have much more notices on the “bird’s-eye” view or “top-down” analysis, such as the international relations

¹⁸ See, for example, Ohashi, Tsuyoshi 大橋毅. “Kurudo-jin Nanmin クルド人難民” [Kurdish refugee]. *Hou to Minsyusyugi 方と民主主義* 333 (1998), 58-59; and Kurudo-Nanmin wo Shiensuru Kai クルド人を支援する会, et al. *Nanmin wo Oitsumeru Kuni: Kurudo-Nanmin Suwarikomi ga Uttaetamono 難民を追いつめる国:クルド難民座り込みが訴えたもの* [Country hunting down refugees: What the Kurdish sit-in protest claimed], (Tokyo 東京: Ryokuhu Syuppan 緑風出版, 2005).

¹⁹ Komai, Hiroshi 駒井洋. “Migration Studies in Japan: Achievements and Tasks 日本における移民政策研究の成果と課題.” *Migration Policy Review 移民政策研究* 6 (2014), 223.

²⁰ Tsuchida, Chiaki 土田千愛. “Increasing Applications in the Context of Continuing Denials of Recognition of Refugee Status: Kurdish Asylum Seekers from Turkey in Japan 難民不認定処分と肥後申請数増加のダイナミズム: 日本におけるトルコ国籍クルド人を事例として.” (MA thesis, University of Tokyo, 2014).

between the country of origin and that of destination and their political surroundings, are wanted in order to understand the entire structure of any refugee-related problems.²¹ This is because responding to refugee problems must be represent a challenge to the current global order and justice. From the legal perspectives in the contemporary world, a “refugee” is universally defined as a person “who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”²² To put it more simply and generally, a refugee is defined as a person who has fled conflict or persecution crossing borders, and refugee movements are almost always underpinned by conflicts, state failure and inequality of international political economy. Kurdish migration or diaspora must be a case caused by those background problems, and should be contextualized along with the broader understandings for such causes.

1.2. Objectives

The main objectives of this study are to better understand the entire structure of Kurdish migration and asylum situations in Japan, and to explore why they cannot be recognised as official refugees in Japan with a theoretical tool in the study of international relations (IR) – Analytical Liberalism (whose detailed explanation will be provided in the Chapter 3). Despite the political and international nature of forced migration, there has surprisingly been little work on refugees and forced migration within the realm of IR.²³ As a corollary, the issues surrounding the forced migration or refugee movement are often marginalized from the mainstream of IR, and thus existing

²¹ Komai, “Migration Studies in Japan,” 223-224.

²² 1951 Convention Relating to the Status of Refugees

²³ Betts, Alexander. *Forced Migration and Global Politics*, (Oxford: Wiley-Blackwell, 2009); Betts, Alexander., and Gil Loescher. “Refugees in International Relations,” in *Refugees in International Relations*, ed. Alexander Betts, and Gil Loescher, (Oxford: Oxford University Press, 2011), 1-27.

literature on those issues has mostly been drawn on the disciplines such as sociology, economics or law studies. Unfortunately, however, these studies tend to lack the “macro-level” viewpoints towards both of the domestic and international society.²⁴ Pioneering work bridging this divide between IR and forced migration has taken place recently,²⁵ and this study attempts to become a testimony, by explaining the structural causes behind the Kurdish migration to Japan through the theoretical lens provided by Analytical Liberalism, that conceptual and theoretical work in IR can be applicable to explaining a real-world matter. By doing so, this study will contribute to making up a part of the deficits of previous studies.

This study is an empirical case study of Kurdish migration to Japan, but also aims to present some worthwhile points for the current and future debates on refugee governance in Japan and beyond. As a note, this is not a “normative” study, and thus it is out of scope to talk about whether Japan “should” recognise and host the Kurdish or other foreign nationals as refugees. Rather, through a dialogue between a theory of IR and empirical analysis, the study will focus on describing the international and domestic “politics,” and their systematic linkage, behind the emergence of Turkish Kurd asylum-seekers in Japan. Analyses in this study will lead to several key discussions over the state policy and practice of refugee governance today, and will develop some worthwhile implications for the better understandings of those issues.

1.3. Methodology

This study is an empirical-analytical research, dependent on the case study of Kurdish migration to Japan. As repeatedly mentioned in this introductory chapter, Analytical Liberalism, which now becomes increasingly popular among the state’s foreign policy-makers and analysts, provides the key analytical framework to better understand the structural causes behind the Kurdish migration and asylum situations in Japan, and to explore why nobody among them has still been granted the

²⁴ Komai, “Migration Studies in Japan, 223.

²⁵ Betts, and Loescher. “Refugees in International Relations.”

decent refugee status there. The problems have not only “international” but “domestic” natures, and the study takes a look at both international and domestic “politics” and integrate them into an explanatory model of the formation of state preferences, which are one of the core assumptions for the positivist thoughts in IR to explain the state’s foreign policies in the world politics.

Research Question

In accordance with the study objectives, this study sets out one key research question as follows:

Research Question: Why has Japan never granted any official refugee status to the Kurdish asylum-seekers from Turkey?

This question focuses on the rationale behind the states’ commitment to refugee governance.

Theoretical Framework

This study adopt a liberal IR theory labelled Analytical Liberalism as the theoretical framework for the analyses, though more detailed explanations are given in the Chapter 3. This theory, which is often linked with Andrew Moravcsik’s liberal internationalism (or liberal intergovernmentalism), is a liberal thought of IR in line with the legacy of idealism and classical liberalism.

While most of the IR theories have a tendency of lacking in the eyesight into the domestic politics, a unique point of this theory stems from its way to allow the issues of international politics to be explored on “two levels” – international level and domestic level. On the other hand, like the other popular positivists thoughts in IR, Analytical Liberalism introduces the idea of state preferences to the analysis, and explain that the state preferences are formed by the state-society relations. This is the critical point to draw a line between the normative liberal thoughts – idealism or classical liberalism – and Analytical Liberalism. The former type of thoughts has been criticised that it is rather “ideology” than “theory,” because of their general assumptions that liberal democratic states behave in more desirable ways, which are easily coupled with normative claims about how the

democratic character of states ought to be. Abandoning these normative and ideological claims, Analytical Liberalism tries to account for the states' behaviours in world politics from rather interest-based approach. In this respect, the aggregation of a set of interests of the actors – individuals and social groups - in domestic society makes up the state preferences, which determine the state's foreign policy, because a state is embedded in a certain social context determined by both the domestic and transnational societies. It is a fundamental impact on the state's behaviours in the world politics how the state interacts with those different societies.²⁶

Analytical Liberalism has mostly been used to explain the mechanisms of regional integration, linking with the original aims of the theory's founder. Yet the theory has a great potential to be applicable to wider genre of topics in world politics, and therefore currently gains widespread popularity amongst the foreign policy analysts.²⁷ Alexander Betts remarked that, in spite of the potentials, the works applying the theory to the analyses for the state's policy or world politics issues related to forced migration have not piled up yet. Yet “when states provide asylum or refugee protection, or take humanitarian action in relation to internally displaced persons (IDPs), this behaviour is significantly influenced by the domestic politics and character of the state. Public opinion, electoral politics, interest groups, the decision-making procedures of the state, and that state's core political values all matter for how it responds to refugees and IDPs.”²⁸ In this regard, Analytical Liberalism can present the best analytical framework for this study to analyses the state's

²⁶ Moravcsik, Andrew. “Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach.” *Journal of Common Market Studies* 31, no. 4 (1993b), 473-524; Moravcsik, Andrew. *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, (Ithaca: Cornell University Press, 1998); Moravcsik, Andrew., and Frank Schimmelfenning. “Liberal Intergovernmentalism,” in *European Integration Theory*, ed. Antje Wiener, and Thomas Diez, (Oxford: Oxford University Press, 2009), 67-87; Puchala, Donald J. “Institutionalism, Intergovernmentalism and European Integration: A Review Article.” *Journal of Common Market Studies* 37, no. 2 (1999), 317-331.

²⁷ Brawley, Mark R. “Analytical Liberalism, Neoclassical Realism, and the Need for Empirical Analyses.” Oxford Research Encyclopedias: Politics, June, 2017. <http://politics.oxfordre.com/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-550> (accessed 8 January, 2018).

²⁸ Betts, *Forced Migration and Global Politics*, 28-29.

responses to the appeals from Kurdish asylum-seekers in Japan, with taking care to closely look at both international and domestic societies which the state is affixed to.

Hypotheses

Through the theoretical framework posed by Analytical Liberalism, Japan's stance towards the increasing asylum appeals from Turkish Kurds is hypothesised to be determined with all influences of domestic and international politics, nature of the state, and state-society relations in Japan. The natures of state that represent the state preferences are basically built upon the characters and interests of domestic actors, and they partially constitute the formation of the state's foreign policies. As such, in addition to the international political surroundings, domestic politics and any other kinds of factors influence it such as public opinion, lobbying of interest groups, media coverage, and the decision-making procedures of government and ministries. Following these points, the study sets out the following hypothesis vis-à-vis the key research question:

Hypothesis: The strategic calculations of the state's preferences, which stem from the state-society relations depending on the context of domestic and international politics, result in the curious consequence of Japan's never hosting any Turkish Kurd asylum-seeker as an official refugee so far. To testify this hypothesis logically and soundly, and to scrutinise the current refugee governance in Japan within the context of global refugee governance, the study places the particular focuses on the following three points, which are alongside with the core assumptions appearing on Analytical Liberalism's foundational work by Andrew Moravcsik; (1) The Nature of (Societal) Actors in Japan, (2) The Nature of the State of Japan, and (3) The Nature of the International System for Refugee Governance.

Analytical Liberalism refers to the fundamental actors in international politics as societal individuals and social groups, who are generally rational and risk-averse to pursue their own interests. They can exchange their interests with one another, and organise a collective action to promote

differentiated interests under some constraints. All of those actors' interests are subsumed into the state "preferences," and the final outcomes of the state's foreign policies are strategically formed by the combination of such preferences and systematic influences and/or other counterparts' preferences in the field of world politics. In short, the configuration of interdependence among state preferences ultimately shapes how each state acts purposively in world politics.²⁹

The first and second points are closely associated with the analysis on the domestic politics. This study aims to list up all actors who have an influence on the policy-makings regarding the state's refugee governance in Japan, and identify their interests respectively. These aims are necessary to be combined with the explorations for the state's or societal characters, political values, decision-making procedures and so on. The study thereby clarifies how the state preferences of Japan, which can become the basement of the state's policies, are shaped at the domestic level. On the other hand, the third point corresponds to the analysis on the level of the international politics. Analysis on the international arena is inevitable as the ultimate outcomes of the state's foreign policies are not only formed by the domestic politics, but also strongly affected by the factors existing at the international or intergovernmental level. As such, this study describes the entire structure of global refugee governance, in particular focusing on its representation of international refugee regime, and thus the study recast the Japan's refugee governance and its policy-making outcomes, in relation to the emergence of Kurdish "refugees" in the country, within the context of international political arena.

Methods

²⁹ Moravcsik, Andrew. "Liberalism and International Relations Theory. Harvard University." CFIA Working Paper No. 92-6 (1992); Moravcsik, Andrew. "Taking Preferences Seriously: A Liberal Theory of International Relations." *International Organization* 51, no. 4 (1997), 513-553; Moravcsik, Andrew. "Liberal International Relations Theory: A Scientific Assessment." in *Progress in International Relations Theory: Appraising the Field*, ed. Colin Elman, and Miriam Fendius Elman, (Cambridge, Massachusetts: MIT Press, 2003), 159-204; Moravcsik, Andrew. "The New Liberalism." in *The Oxford Handbook of International Relations*, ed. Christian Reus-Smit, and Duncan Snidal, (New York: Oxford University Press, 2008), 234-254.

This study, which largely relies on the empirical case study focusing on the Kurdish migration and asylum seeking in Japan, is not a normative study but has rather descriptive and qualitative nature, while some quantitative information back up the analyses in this study. In order to collect data and/or evidence for the hypothesis testing, the multi methods are used in this study.

Based on the enrich literature surveys, this study undertakes process tracings for the Kurdish migration and their asylum appeals in Japan as well as the emergence of the current refugee governance structures in Japan and also at the global level. To closely look at the influential actors who have practically played some roles in the refugee governance of Japan, the study conducts several fieldwork activities. Information collected from the interviews with the stakeholders who are engaged into the practice of refugee governance, such as the administrators working for the governmental ministries and local municipalities, UNHCR officers, non-governmental organisation (NGO) workers, and so on, highly contributes to the analyses in this study. Several interviews with academics working on refugee-related issues, or asylum and immigration policy of Japan, as well as those who specialise in Turkish politics and foreign policy, and Kurdish problems. Information collected thorough those interviews could be useful to back up the arguments in this study.

1.4. Thesis Structure

The structure of this thesis is as follows. Following this introductory chapter (Chapter 1), the thesis first provides the background information about the Kurdish problems and their migration to Japan from Turkey (Chapter 2). This chapter figures out the root causes of the study having interests in. The next chapter shifts the explanation for the theoretical framework in this study – Analytical Liberalism (Chapter 3). This chapter locates the theory amongst wide genre of theories in IR study, and explain why this theory best fits the aims and objectives of this study. The fourth chapter focuses on the analyses at the international level (Chapter 4), and the fifth chapter explores the important factors at the domestic level (Chapter 5). The main aim of these two chapters are to describe the key

elements to understand the entire structure of international refugee regime and the Japanese governance system within the international regime. The sixth chapter tries to combine the key findings in the previous chapters, and then place those in the historical context of Japan's refugee governance relating to the Turkish Kurds (Chapter 6). The seventh chapter is devoted to the discussions over the relevant topics, and tries to explore the shifting and non-shifting policy outcomes in the process of a set of key events to consider the asylum situations of Turkish Kurds in Japan. This is an example of strategic interactions of the state preferences resulting in the consequences that nobody among Kurdish asylum-seekers from Turkey have ever been granted the official refugee status in Japan (Chapter 7). Finally, this study concludes that there has been no prospect for Turkish Kurd asylum-seekers to attain the official refugee status in Japan, as a result of strategic calculations of international and domestic politics. The final chapter also makes an attempt to extrapolate wider lessons about how the policies and general approaches of states can inhibit (or contribute) to the management of global refugee problems, and then makes several suggestions for reformation of the current problems (Chapter 8).

Chapter 2: Kurdish Diaspora and A Path to Japan

2.1. What is the Kurd?

The Kurd is an ethnic and linguistic group inhabiting a region known as “Kurdistan” (the home of the Kurds) ranging over the territories of mainly four successive modern states – Iran, Iraq, Syria and Turkey. The Kurdish prehistory is poorly understood, but historians generally agree to consider that they continued to live in the mountainous regions. It seems, on the grounds of the previous archaeological findings, that their ancestors inhabited the upland region for millennia,³⁰ and we can find out several native Kurdish dynasties in the pre-modern history.³¹ However, any Kurdish national state does never exist in the modern era, and thereby the Kurds are often called “the world’s largest ethnic group without a state” in the popular narratives in the West.

The nation-state (or sovereign state) system, whose origin is dated back to the *Peace of Westphalia* in 1648, is one of the basic principles of the modern world and still maintains a dominant place today in the sphere of international relations. A modern state that hugs four essential elements – population, territory, government and sovereignty – should be sovereign both internally and externally and recognise the legitimacy of other states. Technically, a nation-state is a specific form of sovereign state guided by a nation (though today its concept is more an ideal than a reality) and so many nationalist movements have emerged around the world. The Kurdish nationalism is one of such movements. Though the definitions of the “Kurdish question” are numerous, one among many and an indispensable one is the aspiration of the only stateless people of the Middle East, the Kurds, for establishing their own nation-state.³² In this respect, it is not too much to say that the modern

³⁰ Encyclopedia Britannica. “Kurd.” Last Updated 27 September, 2017. <https://www.britannica.com/topic/Kurd> (accessed 8 January, 2018).

³¹ Jwaideh, Wadie. *Kurdish National Movement: Its Origins and Development*, (New York: Syracuse University Press, 2006), 14-16.

³² Candar, Cendiz. “On Turkey’s Kurdish Question: Its Roots, Present State, Prospects.” in *Understanding Turkey’s Kurdish Question*, ed. Fevzi Bilgin, and Ali Sarihan, (Lanham, Maryland, Lexington Books, 2013), 59.

history of the Kurds is the history of struggles for building their own nation-state. To date, many people have provided a wide variety of explanations for this most attractive case to the scholarship on nationalism.³³ The most common explanation is that the Kurds have “discovered” their national self-awareness very late in the mid 20th century, long after the First World War, which determined the current territories of Iran, Iraq, Syria and Turkey.³⁴ Yet there are still competing explanations for the Kurdish nationalism or the ethnic identity of the Kurds. Many scholars have walked inside history in search of the clue to pinpoint the origin of Kurdish national identity.

There were a lot of key historical events to understand the modern Kurdish history, but discussions over the Kurdish nationalism should begin with a mention on the imperialist history of the Middle East, involving the powerful empires, as well as the Western powers. After the rise of the Ottoman Empire in Turkey and the Safavid Empire in Iran, the Kurdistan suffered greatly from the continued contention between these two empires since 16th century. Their intermittent wars for nearly 150 years resulted in the Ottoman’s victory, and the *Treaty of Zuhab* in 1639 established a border between the two empires. As a result, the Kurdistan region was mainly divided into two zones – Ottoman Turkey (today’s Iraq, Syria and Turkey) and Persia (today’s Iran).³⁵ It means that today’s Iraqi, Syrian and Turkish Kurds all lived under one government, the Ottoman Empire, without any territorial division, and they were incorporated into the Ottoman imperial system for the following centuries.³⁶ Even though the Iranian Kurds were distinct and lived in Persia, their division was of an

³³ Fred Halliday noted that “The Kurds are a case that no theory of nationalism can or should avoid.” See Halliday, Fred. “Can We Write a Modernist History of Kurdish Nationalism?” in *The Kurds: Nationalism and Politics*, ed. Faleh A. Jabar., and Hosham Dawod, (London, San Francisco, Beirut: SAQI, 2006), 11.

³⁴ McDowall, David. *The Kurds: A Nation Denied*, (London: Minority Rights Group, 1992a), 44; Unver, H. Akin. “Turkey’s Kurdish Question, the United States, and Europe: Historical Perspective.” in *Understanding Turkey’s Kurdish Question*, ed. Fevzi Bilgin, and Ali Sarihan, Lanham, (Plymouth: Lexington Books, 2013), 197; Van Bruinessen, Martin. “Transnational Aspects of the Kurdish Question.” Working Paper, Robert Schuman Centre for Advanced Studies, European University Institute (Florence, 2000), 6. http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/transnational_Kurds.htm (accessed 8 January, 2018).

³⁵ Hassanpour, and Mojab. “Kurdish Diaspora.”; Jwaideh, *Kurdish National Movement*; Perry, John R. “Forced migration in Iran during the seventeenth and eighteenth centuries.” *Iranian Studies* 8, no. 4 (1975), 199-215.

³⁶ Jwaideh. *Kurdish National Movement*, 17.

administrative nature only, and a number of quasi-autonomous Kurdish principalities, such as Botan, Hakkari, Bendinan, Soran, and Baban (in today's Iraq, Turkey and partly Syria), and also Mukri and Erdelan (in today's Iran) survived around 150 years ago under the centralizing policies of both Ottoman and Persian governments.³⁷

However, the sustaining Western pressures on the Ottoman Empire from the 18th century onwards weakened the empire's power, and such a shifting trend provoked the idea of modernizing states and sense of nationalism amongst the Turks, Arabs, and even Iranians.³⁸ Around the same time, the Kurds gradually began to embrace an ethnic sense of identity in place of the earlier forms of solidarity within the Ottoman and Persia, and the early phase of the Kurdish nationalism awakened from the late 19th century onwards.³⁹ The Ottoman empire completely collapsed after the First World War, and the international context at that time was of a great influence for the following history of the Kurds and their nationalism. After the First World War, the Western powers (in particular Britain) promised the Kurds to be guaranteed some autonomy in the Kurdistan region by the *Treaty of Sevres* in 1920. Yet it was replaced by the *Treaty of Lausanne* in 1923, because of the opposition from the founder of new secular nation-state of Turkey, Mustafa Kemal Atatürk, and the treaty finally divided up the Kurdistan region into the British mandate of Iraq, the French mandate of Syria, Persia, and Turkey.

In front of the building processes of a modern nation-state in Iran, Iraq, Syria, and Turkey, the Kurds have successively undergone terrible pains from the denial of national identity, suppression of political and cultural manifestation, and deprivation of basic human rights. These

³⁷ Candar, "On Turkey's Kurdish Question," 61.

³⁸ McDowall, David. *A Modern History of The Kurds*, Third Edition, (London, New York: I.B. Tauris, 2004); Halliday, "Can We Write a Modernist History of Kurdish Nationalism?" 16.

³⁹ Bajalan, Djene Rhys. "Early Kurdish "Nationalists" and the Emergence of Modern Kurdish Identity Politics: 1851 to 1908." in *Understanding Turkey's Kurdish Question*, ed. Fevzi Bilgin., and Ali Sarihan, (Lanham, Maryland: Lexington Books, 2013) 3-28; Halliday, "Can We Write a Modernist History of Kurdish Nationalism?," 16; Laçiner, Bal., and Ihsan Bal. "The Ideological And Historical Roots Of Kurdist Movements In Turkey: Ethnicity Demography, Politics." *Nationalism and Ethnic Politics* 10, no. 3 (2004), 473–504.

hardships have provoked some of the Kurds into rebelling against the governments mainly in the three major powers in the Middle East – Turkey, Iraq, and Iran since the 1925 Kurdish revolt by Shaykh Sa‘id of Piran in Turkey.⁴⁰ From the 1920s onwards, Iran, Iraq, and Turkey witnessed the intermittent Kurdish revolts in varying degrees, on the one hand, and Syria served as a refuge for the Kurdish nationalists fleeing mostly from Iraq and Turkey,⁴¹ but we cannot find any nationhood of the Kurds in a series of dangerous and bloody conflicts. “Whatever the cause, every fresh outbreak seemed to fill the cup of Kurdish bitterness.”⁴² In this sense, the Kurds can be said a sacrifice produced by the modern nation-state system, or behind the legitimacy of state sovereignty. Furthermore, this is the rationale behind the massive population movements of the Kurds, as well as their tragic histories, within their homeland regions and beyond. The Kurdish problems, from the sustaining conflicts between Turkish government and Kurdish Workers Party (Partiya Karkerên Kurdistan: PKK) from the 1980s onwards, to the massive Kurdish refugee-exodus by Saddam Hussein’s genocidal chemical-attacks in the 1990s and in the recent context of Syrian refugee crisis, and to the controversial referendum for independence in the Iraqi Kurdistan, for example, have frequently threatened the peace and stability in the Middle East. “There is no doubt that the Kurdish question is one of the most vexed and dangerous problems confronting the Middle East today.”⁴³

In this section, I have tried to briefly summarise the historical overview of the Kurds and their problems relevant to the Kurdish national identity. However, the Kurds or Kurdish society are far from monotonous because, “like all other ‘ethnic’ categories, ‘Kurdishness’ is not an objectively defined and self-evident ethnic entity; rather, it is a historically and socially constructed category.”⁴⁴ In fact, the “Kurdish society is highly heterogeneous. There are not only vast cultural differences

⁴⁰ The Kurdish revolt of 1925 came at a very crucial period of modern Turkey, though this revolt was suppressed by Turkish government in a month. See Jwaideh. *Kurdish National Movement*, 203-211.

⁴¹ Candar, “On Turkey’s Kurdish Question,” 62.

⁴² Jwaideh. *Kurdish National Movement*, 293.

⁴³ Ibid, 294.

⁴⁴ Saracoglu, Cenk. *Kurds of Modern Turkey: Migration, Neoliberalism and Exclusion in Turkish Society*, (London, New York: I.B. Tauris, 2011), 25.

between one region and another, but within any single region there are populations that differ in language, religion or way of life from the and that may consider themselves – or may be considered by the majority – as less Kurdish or not Kurdish at all.”⁴⁵ These differences do not deny the existence of some kinds of unity but, more importantly, diversity actually exists amongst the Kurdish community. In particular, “The different historical process the Kurds passed and lived through in each of the four countries where they reside have not only further complicated the achievement of their basic demands, but the dictates of realpolitik limited their scope and resulted in substantial changes.”⁴⁶ The Kurds or their problems and challenges are highly concerned with their relations with the modern states to which they are subject for control of the lands they inhabit, and therefore we need to take their varieties into consideration again, though this aim is beyond the scope of this study. In terms of the study objectives here, the Kurdish problems need to be specifically discussed in the context of the relations with the new Republic of Turkey, which was born after the First World War. This is because Turkey is the single biggest cause of the Kurdish displacement due to the ongoing conflicts in the southeast between the Turkish security forces and the PKK. It is estimated that the hundreds of thousands, or even millions of people have been internally displaced, and tens of thousands of Turkish Kurds continue to seek asylum in other Kurdish areas, especially in Iraq, and in Europe.⁴⁷ Thus, at the following section, the study placed its more focuses on the Kurdish problems in the context of Turkey. Though, before moving the discussions, I succinctly mention some of the ethnic characteristics of the Kurds for the better understandings of their ethnicities.

Geography

⁴⁵ Van Bruinessen, Martin. “Kurdish Path to Nation,” in *The Kurds: Nationalism and Politics*, ed. Faleh A. Jabar., and Hosham Dawod, (London, San Francisco, Beirut: SAQI, 2006), 21.

⁴⁶ Candar, “On Turkey’s Kurdish Question,” 59.

⁴⁷ Rempel, Steven Ben. “A Natin of Refugees: An Exploratory Study of the Kurdish Problem of Protection.” (MA thesis, University of Manitoba, 1999), 37.

It is impossible to clearly designate where the Kurdistan is, and we can never find the name of Kurdistan⁴⁸ on the map. However, the term is generally acknowledged to denote the area where the Kurdish-speaking people constitute a majority of the populations. As such, when I speak of Kurdistan, it means the area that is indicated in the Map 1.



Map 1. Kurdistan

Source: Encyclopædia Britannica. “Kurd.” Last Updated 27 September, 2017. Available at <https://www.britannica.com/topic/Kurd> (accessed 8 January, 2018).

As Jwaideh pointed out, there is little geographical unity in the whole of Kurdistan,⁴⁹ but the heart of the area consists of numerous mountains. Although there are many Kurds live outside of Kurdistan today, the vast majority of the Kurds still live in the mountains and plateau regions. The Taurus mountains and the Zagros mountains, which form the backbone of Kurdistan, are roughly

⁴⁸ “Kurdistan” is relatively modern term used to denote the lands where Kurdish-speaking people have inhabited, and this term was first used in the 12th century by the Seljuk Turks, who applied this term to a province that forms only a small part of what is known as Kurdistan today. See McDowall, *A Modern History of The Kurds*, 6.

⁴⁹ Jwaideh. *Kurdish National Movement*, 4.

running from the northwest to the southeast.⁵⁰ The highland plateaus are formed in the east, while the lowland plains spread in the south. The natural boundaries of Kurdistan are mainly drawn along with mountains and highland plateaus. Yet there is no such sharp boundary in the northwest as well as in the southeast, and thereby many Kurdish groups have gradually merged with other ethnic or tribal groups, including the Turks inhabiting the southeast of Turkey.⁵¹ Due to the continental climate and high elevation, Kurdistan has hot dry summers as well as long and extremely cold winters with heavy snowfalls. In addition, large parts of Kurdistan stand on the earthquake belt, and thereby the life of Kurdistan is damaged by earthquakes striking almost every year.⁵² Because of such severe geographic and climate surroundings, communications among the Kurdish communities have frequently hampered, which has been a contributing factor to generating diversity amongst the Kurdish communities and then to making it more difficult to understand the ethnicity of the Kurds. On the other, Kurdistan can enjoy its richness in mineral resources from the geological environments. The existence of numerous mineral resources, including oil, is reported and they have sometimes become a causal effect of conflicts or political turmoil, such as the recent outbreak of movement for independence in northern Iraq.

Population

There is a consensus amongst the scholarly understandings of the Kurds that estimates of the size of the Kurdish population vary widely. Wadie Jwaideh pointed out two reasons why their accurate populations figures do not exist. One reason is resulted from the fact that no reliable population figures for the countries inhabited by the Kurds – Iran, Iraq, Syria, and Turkey – were found until the 1950s. These governments have been unwilling to disclose such information, or have tended to minimize the size of their Kurdish populations, while the Kurdish nationalist sources have tended to

⁵⁰ McDowall, *A Modern History of The Kurds*, 5-6.

⁵¹ Van Bruinessen, Martin. *Agha, Shaikh and State: The Social and Political Structures of Kurdistan*. (London, New Jersey: Zed Books, 1992a), 11-12.

⁵² *Ibid*, 12-13.

exaggerate the number of the Kurds. Another reason is related to the lack of agreement as to what the Kurd is. The Kurds have highly heterogeneous communities, and it remains controversial to define the ethnicity of the Kurds. Consequently, “Despite the fact that the Kurds are better known today than they have ever been in the past, the size of the Kurdish population continues to be a controversial issue.”⁵³

Indeed, how many of the Kurds, or who claim their Kurdish identity is highly controversial.⁵⁴ Nevertheless, judging from the previous researches and reports, it seems reasonable to consider that nearly 30 million Kurds live in the Middle East today and about half of them live in Turkey.⁵⁵ The Kurds also comprise about 23% (4.2 million) and 10% (5.7 million) of total populations of Iraq and Iran respectively, and Syria has over a million Kurds, mainly along the Turkish frontier, as well as more than another million of the Kurds are estimated to stay in other countries.⁵⁶ When focusing on the country of having the largest Kurdish population, Turkey, the high reproductive rate of the Kurds is noticeable. Van Bruinessen estimated that around 7.5 million Kurds resided in Turkey as of 1975,⁵⁷ but the percentage of Kurdish population vis-à-vis total Turkish population has increased during the past two decades as the reproductive rate of the Kurds almost doubles that of Turks, though there even exist many Kurds who have been reluctant to state their Kurdish identity as a result of the state’s assimilation policy as well as oppression in particular since the 1970s.⁵⁸

Language

Linguistic variety is important to understand the heterogeneous character of the Kurdish ethnicity. There are two major dialects of the Kurdish language – Kurmanji (spoken in Turkey, Syria and the

⁵³ Jwaideh. *Kurdish National Movement*, 9.

⁵⁴ McDowall, *A Modern History of The Kurds*, 4.

⁵⁵ Candar, “On Turkey’s Kurdish Question,” 59.

⁵⁶ McDowall, *A Modern History of The Kurds*, 3-4.

⁵⁷ Van Bruinessen. *Agha, Shaikh and State*, 14.

⁵⁸ McDowall, *A Modern History of The Kurds*, 3-4.

Caucases) and Sorani (spoken in Iraq and Iran) – while other dialects such as Hawrami, Zaza and Lori are also spoken by smaller groups of the Kurds.⁵⁹ The Kurdish language is akin to Persian and Pashto,⁶⁰ and therefore the Kurds are categorised by some into the Iranian branch of the large family of Indo-European races. However, even the major dialect groups of Kurdish languages – Kurmanji and Sorani – are not mutually understandable either, and they only imperfectly understand each other's Kurdish languages.⁶¹ This is mainly because these dialects have considerable lexical, phonological, and grammatical differences.⁶² Although I already took a note of the regional information about in which area each dialect is spoken, the divide is approximately made and no strict linguistic boundaries exist. We can actually find out some mergers between dialects, or groups speaking different dialect from the majority at many places.

Religion

Generally, religious differences and boundaries were politicised in different ways and directions, and these varieties continue to play important roles in modern politics and conflicts in the Middle East.⁶³ The vast majority of the Kurds, approximately 75 %, follow Sunni Islam of the Shafi'i rite,⁶⁴ while many of them were probably Zoroastrians before their introductions of Islam into the Kurdistan.⁶⁵ There are also many Kurdish Shi'ite communities such as Fayli Kurds of the Khanagin region in Iraq, Zaza Kurds of southern Iranian Kurdistan, and Zaza Alevis in Anatolya, as well as Jewish and Christian communities in the Kurdistan.⁶⁶ In addition to the Jewish and Christian Kurdish communities, various religious sects such as the Yazidis, Sarlis, Qizilbash (or Alevi), and Ahli Haqq

⁵⁹ Ahmed, "The legal status of the Kurds in the Middle East," 76-77.

⁶⁰ Encyclopedia Britannica. "Kurd."

⁶¹ Van Bruinessen, "Kurdish Path to Nation," 25.

⁶² Van Bruinessen. *Agha, Shaikh and State*, 21-22.

⁶³ Zubaida, Sami. "Religion and Ethnicity as Politicized Boundaries," in *The Kurds: Nationalism and Politics*, ed. Faleh A. Jabar, and Hosham Dawod, (London, San Francisco, Beirut. SAQI, 2006), 95.

⁶⁴ Jwaideh. *Kurdish National Movement*, 18; McDowall, *A Modern History of The Kurds*, 10.

⁶⁵ Sykes, Mark. *The Caliph's Last Heritage: A Short History of the Turkish Empire*, (London: Macmillan, 1915), 425.

⁶⁶ Zubaida, "Religion and Ethnicity as Politicized Boundaries," 93.

exist in Kurdistan, and different religious and social ideas have been held by important segments of the Kurdish people.⁶⁷

Society and Way of Life

The widely acknowledged image of the Kurds is associated with the nomad or tribespeople. Though some Kurdish-speaking people lived as peasantry or town dwellers and had no tribal affiliation whatsoever, these people were probably a minority and exceptional examples.⁶⁸ While only little crops can be produced in the mountains and hill villages, the Kurds can produce a surplus of cereals, some kinds of vegetables, and cash crops such as tobacco and cotton in some parts of plain areas. These products were mainly sold in the local market, which is the origin of trade and market in Kurdistan, but anyway it can be said that the traditional nomadic lifestyle highly influenced the Kurdish way of life, and most of the Kurds practiced only marginal agriculture.⁶⁹ The dominant tribal image indicated a society based on kinship ideology that is usually rooted in a myth of common ancestry, while tribes are not easy to define because their size, structure and internal organisation can vary from place to place, or epoch to epoch. In this respect, it is very difficult to discuss the Kurdish tribal culture.⁷⁰

2.2. Kurdish Question in Turkey

In the long history of the Middle East, the Kurds have constituted one of the main components of the region. How to define the Kurdish question is numerous, and different people have provided different ideas, but one among many is concerning the Kurdish aspiration of establishing an independent state of their own. “The historical circumstances and ever-changing conditions of the region and each of the respective countries that Kurds form a part of have altered the basic Kurdish

⁶⁷ Jwaideh, *Kurdish National Movement*, 19-21.

⁶⁸ McDowall, *A Modern History of The Kurds*, 13.

⁶⁹ Encyclopedia Britannica. “Kurd.”

⁷⁰ McDowall, *A Modern History of The Kurds*, 13.

demand for independence in time, yet had not removed that dream from their hearts. When and if the historical circumstances present such an opportunity, the Kurds seem ready to take it.”⁷¹

In Turkey, it started with the foundation of new republic after the First World War, which brought a painful end to the Ottoman Turkey, that the Kurdish question essentially became a troublesome problem. After the complete collapse of the Ottoman empire, Turkish nationalists, led by Mustafa Kemal Atatürk, fought off the imperialist powers, which were seeking to divide the Ottoman territory into smaller segments. To establish a single strong republic, Atatürk (which “the Father of Turks” in Turkish) adopted the “one nation, one state, one flag” approach (“Turkification”) for creating a modern homogeneous nation-state. Under this nation-state project of new republic, the separate entities of non-Turkish minorities such as the Kurds, Alevites, Christians or Jews were all denied. All of the non-Turkish minorities were needed to become Turks, or at least call themselves Turks, otherwise they were forcefully displaced from Turkey, like the Armenian deportations in 1915 and the population exchange conducted based on an agreement with Greek government in 1923, which were the most brutal practices in the modern history of Turkey. As such, amongst a set of unsympathetic treatments at the hands of the modern Turkish government, the Kurds were all identified as Turks (and Muslims) in the way to build a new republic.⁷² Young Turkish government perceived the Kurdish question as a challenge threatening the Turkish unity, and tried to deprive the Kurds of their identity, such as by designating them as “Mountain Turks,” by outlawing the Kurdish language (or representing it as a dialect of Turkish), and by prohibiting them to wear traditional Kurdish dress in public space near the important administrative cities in Turkey.⁷³ Since the denial of Kurdish existence started, periodic Kurdish rebellions has occurred in Turkey⁷⁴ and many of the

⁷¹ Candar, “On Turkey’s Kurdish Question,” 59.

⁷² Calisar, Oral. “The Kurdish Issue in Turkey: Its Social, Political, and Cultural Dimensions.” in *Understanding Turkey’s Kurdish Question*, ed. Fevzi Bilgin, and Ali Sarihan (Lanham, Maryland: Lexington Books, 2013), 29-33.

⁷³ Encyclopedia Britannica. “Kurd.”

⁷⁴ Oral Calisar states that it is very questionable whether some of the early Kurdish rebellions (e.g. the 1925 Sheik Said, 1930 Agri, and 1937 Dersim uprisings) began organically, or were the planned

Kurds have been eliminated in genocidal manners. Although Turkish government had sometimes encouraged the Kurds to migrate into the urbanized western portion of Turkey in order to weaken the political agitation amongst the Kurdish population in the eastern provinces,⁷⁵ those tragic experiences of the Kurds have often accompanied with the large-scale deportations that forcefully relocate them into the less developed areas,⁷⁶ and a lot of Kurdish families and communities dispersed into various parts of Turkish territories. “Due to all these uprisings, massacres, forced relocations to underdeveloped areas, and not having access to educational institutions, the Kurds have become among the poorest in the nation.”⁷⁷

Initially, the Kurds challenged the Turkish government, but after experiencing the brutal massacres during the Dersim rebellion in 1937 to 1938, they had buried their grievance against the republic for many years. This quiet air, though a very few and small organizations of the Kurdish youth were established in universities, lasted for the next two decades because many of the Kurds were actually asked to forget the massacres and suppressed by fear of the governmental authority or military forces. In 1960, Turkey experienced the first coup d'état and “The 1960s in Turkey mark the beginning of a new period; things were changing.”⁷⁸ After the Constitution of 1961, replacing the earlier Constitution of 1924, was introduced following the military coup, the *Trade Union Act No. 274* and the *Collective Bargaining, Strikes and Lockout No. 275*, which recognised the right to strike and to engage in collective bargaining, were enacted in 1963.⁷⁹ Thanks to these laws, it became easier for socialists who were formerly not permitted to make an organisation openly to go into the political arena. In this context, the Turkish Workers Party (Türkiye İşçi Partisi) was established in

provocative actions by the Turkish government to use those rebellions as pretexts for the murders of tens of thousands of the Kurds. See Calisar. “The Kurdish Issue in Turkey,” 31.

⁷⁵ Encyclopedia Britannica. “Kurd.”

⁷⁶ Calisar, “The Kurdish Issue in Turkey,” 31.

⁷⁷ Ibid, 31.

⁷⁸ Ibid, 33.

⁷⁹ Dinler, Demet Şahende. “Trade Unions in Turkey.” (Freidrich Ebert Stiftung, 2012), 1, https://www.igmetall.de/FES_Laenderbericht_Tuerkei_d59ec85d3b1af938695d17f0fc28f8a5cadabc63.pdf (accessed 8 January, 2018).

1962 and, as a first step, several Kurdish intellectuals joined and acted in this party. Though the Kurdish issue was still called the “Eastern issue” around this time, it gradually became a subject for the open and daring political debates.⁸⁰

Due to the lasting political instability as well as an economic recession, Turkey experienced the second military intervention in 1971. On the other, in the 1970s, there was a slight but steady growth of the Kurdish political movements, while those movements were still outlawed until 1974, when the *General Amnesty Law* declared by the Mustafa Bülent Ecevit government.⁸¹ “During the 1970s, Turkey experienced an unprecedented political polarization, hand in hand with increasing political violence. Rival organizations of the left and the right fought for control of squatter settlements in the cities and later also of rural districts. Kurds could be found both among the right- and left-wing groups, but from the middle of the decade on increasingly in separate Kurdish organizations.”⁸² Indeed, several Kurdish organisations began to emerge in the second half of the 1970s, and it was in this environment that the PKK, who has become the most significant player of Turkish Kurdish question, was formed.

Stemming from the “Revolutionary Eastern Cultural Hearths” (Derimci Dogu Kultur Ocaklari: DDKO), which was a student union that consisted of the Marxist-Leninist students, the PKK was founded under the leadership of Abdullah Öcalan in 1977. The DDKO, which first emerged in Ankara and then propagated their activities into the Kurdish provinces or districts such as Diyarbakir, Silvan, Ergani, Kozluk, and Batman, had the initial objective of assembling the Kurdish youth to protest poverty, feudalism, injustice and oppression in the eastern provinces of

⁸⁰ Calisar, “The Kurdish Issue in Turkey,” 33-34.

⁸¹ In order to authorize the Turkish military intervention into Cyprus, the Ecevit government declared an amnesty for all political prisoners, which is called the General Amnesty Law.

⁸² Van Bruinessen, Martin. “Kurdish society, ethnicity, nationalism and refugee problems,” in *The Kurds: A Contemporary Overview*, ed. Philip G. Kreyebroek, and Stefan Sperl, (London, New York: Routledge, 1992b), 45.

Turkey.⁸³ In other words, the political actions of the PKK initially began mainly as a problem in Kurdistan, which was an inner-Kurdish class struggle rather than uprising directed against the Turkish government. Nevertheless, Turkey was on the verge of a civil war towards the end of the 1970s, as the PKK decided to devote itself to creating an independent Kurdistan, not a “colony” of the Republic of Turkey. This shifting aim of the PKK, that originated as a pseudo-Marxist group, was highly related to the unstable political surroundings in Turkey.

In Turkey, the 1980s started with the 12 September 1980 coup d'état, which was the third military intervention in the history of the Republic of Turkey. “After the coup, it was clear that the civil war was provoked by the military in order to prepare the ground for a coup. The rising violence by both right- and left-wing militants prepared the necessary conditions for military interference.”⁸⁴ The military coup resulted in the creating the Constitution of 1982, which has been in force to date, but it forced very oppressive policies on the citizens during its short period, and the Kurds were the major target of the terrible atrocities by the military regime. Thereby, not only the Kurds suffered from their ethnical denial, but many Kurdish intellectuals and politicians were arrested and tortured regardless of their opinions.⁸⁵ Throughout Kurdistan, furthermore, large-scale military operations and mass arrests followed, and lots of villagers even who had never involved in any political activity greatly suffered. Consequently, those hardships in Kurdistan reminded the PKK into the armed struggles, but one important notice is that it did not mean that all or majority of the Kurds in Turkey joined or had sympathy towards the PKK's activities at first. Moreover, as the left-wing Oppositions were soon annihilated by the military coup government in the early 1980s,⁸⁶ it had seemed no

⁸³ Gunes, Cengiz. *The Kurdish National Movement in Turkey: From protest to resistance* (Abingdon, New York: Routledge, 2012); Orhan, Mehmet. *Political Violence and Kurds in Turkey: Fragmentations, mobilizations, participations and repertoires* (Abingdon, New York: Routledge, 2016).

⁸⁴ Calisar, “The Kurdish Issue in Turkey,” 35.

⁸⁵ Candar mentioned the widespread torture in Diyarbakir prison. See Candar, “On Turkey's Kurdish Question,” 66. Calisar noted that “The prisons were horrendous places. Owing to the tremendous oppression in the Diyarbakir prison, many young Kurdish people burned themselves alive and many others lost their lives to torture.” See Calisar, “The Kurdish Issue in Turkey,” 35.

⁸⁶ Yeğen, Mesut. “Turkish nationalism and the Kurdish question.” *Ethnic and Racial Studies* 30, no. 1

possibility of the PKK gathering its power. Against the successive tortures by the Turkish authority, however, “Through organizing hunger strikes, and some PKK-affiliated prisoners burning themselves in defiance of the oppression in the prison, the PKK gained an enormous moral high ground in the mind of the Kurdish public.”⁸⁷ “In 1984, by attacking a military regiment in Eruth, Siirt, the PKK gave the signal that the armed uprising had started. Since then, life in the Kurdish inhabited areas has become completely chaotic. The PKK increased the violence by attacking military establishments and city centers. State forces, especially military forces, using these attacks as an excuse, burned and/or forcefully evacuated the villages in areas of PKK influence and treated everybody there as terrorists.”⁸⁸ From the late 1980s, Turkey faced the years of “state terrorism.” In accordance to the operations mainly from eastern Anatolia, the PKK fighters engaged in a number of guerrilla attacks against the government installations, and frequently perpetrated the terrorism activities.⁸⁹ Throughout a set of those activities, in the 1990s, the PKK became the biggest and most horrible trouble-maker for the Turkish government and, in turn, the government launched reprisals against the PKK. As a result of virtual war between the Turkish security force and the PKK militants, a prominent number of Kurdish citizens were abducted and murdered in eastern Turkey between the 1980s and 1990s.⁹⁰ “This disaster lasted until the beginning of the 2000s. Thousands of Kurdish villages were forcibly evacuated, Kurds were forced migrate outside of the area and thousands were

(2007), 135.

⁸⁷ Candar, “On Turkey’s Kurdish Question,” 66.

⁸⁸ Calisar, “The Kurdish Issue in Turkey,” 35.

⁸⁹ “Öcalan had moved to Syria after the September 12 coup, and with the help of the Hafez al-Assad government, he was providing military training to young Kurds and organizing attacks within Turkey. A state of emergency was represented only by the Turkish Military Forces. The fight against the PKK was defined as a “war on terror,” and even uttering the words “Kurdish issue” was considered a crime. A terrible, oppressive atmosphere dominated the region.” See Calisar, “The Kurdish Issue in Turkey,” 36.

⁹⁰ “A hit list of Kurdish businessmen, prepared by the National Security Council, was leaked to newspapers. Many Kurdish businessman were abducted, taken to Istanbul, and tortured to death. Everyone was convinced that these assassinations were conducted by the state.” See Calisar, “The Kurdish Issue in Turkey,” 36.

arrested. In addition, forty thousand people have lost their lives, the area was totally devastated, and there was nothing left of their livelihoods of agriculture or livestock.”⁹¹

From 1979 to 1998, the leader of the PKK, Abdullah Öcalan was in exile and protected by Syrian government, but Turkey succeeded in pressuring the Arab republic into sending Öcalan away. This brought a new dimension not only for Öcalan himself, but for the Turkey-PKK war. After brief stays in Italy and Russia, Öcalan was captured by the Central Intelligence Agency (CIA) of the US operatives in Nairobi, Kenya, and brought back to Turkey in 1999. Subsequently, Öcalan was imprisoned and sentenced to death with a conviction for terrorism charges, but “After Turkey abolished the death penalty in accordance with the European Union (EU) accession process, partly in 2002 and fully in 2006, Öcalan’s sentence was converted to life in prison”⁹². After the arrest of Öcalan, the PKK’s activities were sharply curtailed for the following couple of years. While in prison, Öcalan continued to talk to the PKK through the Turkish government, more specifically the Turkish military authorities. Thanks to these talks, Öcalan could successfully negotiated a few “cease-fires” by the PKK, that lasted for five years, until the party resumed guerrilla activities in 2004.⁹³

Though, at that time, the Turkish government believed that the Kurdish problem was largely resolved, Öcalan started to signal that the “cease-fire” would be ending shortly. This was largely because the Turkish government did not take any democratizing steps, except legalizing broadcasts and education in the Kurdish language, under the pressure from the EU, in 2002.⁹⁴ Any other improvement did not happen, and the conflict between the PKK and Turkey resumed when the PKK rebels attacked Turkish security forces in June 2004. The PKK rebels have the same goals at the first period – to realise the independence or autonomy of Kurdistan from Turkey – but the conflict in the

⁹¹ Calisar, “The Kurdish Issue in Turkey,” 36.

⁹² Bilgin, Fevzi. “Introduction,” in *Understanding Turkey’s Kurdish Question*, ed. Fevzi Belgin, and Ali Sarihan, (Lanham, Maryland, Lexington Books, 2013), xiii

⁹³ Ibid, xii; Calisar, “The Kurdish Issue in Turkey,” 37.

⁹⁴ Encyclopedia Britannica. “Kurd.”

second period proved less intense than in that the first period, because the PKK employed more political strategies than militaristic warfare. The strategy of the PKK seems oriented to the pursuit of political gains with the goal of autonomy while organizing occasional and strategic attacks to support their objective.⁹⁵ In 2002, the Justice and Development Party (Adalet ve Kalkınma Partisi: AKP) came to power and followed a different path than previous governments. This AKP government's positive approach vis-à-vis the Kurdish issue has helped decrease the intensity of the PKK's conflict, and Iraq's possible division among Kurds, Shi'ites, and Sunnis after the Second Gulf War strengthened and encouraged the PKK to utilize political tactics to form agreements with Turkey, and subsequently declare the independence of Kurdistan.⁹⁶ "Notwithstanding this marked improvement, the conflict with the PKK is still ongoing and the organization can and is willing to cause large casualties, as demonstrated by the wave of new attacks since the summer of 2011."⁹⁷ After the parliamentary election on 12 June, 2011, the PKK restarted a bloody insurgency.⁹⁸

At the beginning, the Turkish Kurdish question started with a social problem, but it turned into a complex political issue with the policies of rejection, denial, and destruction.⁹⁹ To date, the armed insurrection launched by the PKK has costed the lives of forty thousand people and continued for thirty years. It should be noted that, during this time, the human rights of so many Kurdish people were violated and the state terror was at historic proportions. Though there can be seen several developments, in Turkey, the Kurdish question is still waiting for a peaceful resolution.¹⁰⁰

⁹⁵ Bilgin, "Introduction," xiii; Sarihan, Ali. "The Two Periods of the PKK Conflict: 1984-1999 and 2004-2010," in *Understanding Turkey's Kurdish Question*, ed. Fevzi Bilgin, and Ali Sarihan, (Lanham, Plymouth: Lexington Books, 2013), 91-92.

⁹⁶ Sarihan, "The Two Periods of the PKK Conflict," 91-92.

⁹⁷ Bilgin, "Introduction," xiii.

⁹⁸ The dialogue process began at the end of 2012, and already produced a cease-fire. See Bilgin, "Introduction," xiii.

⁹⁹ Calisar, "The Kurdish Issue in Turkey," 29-30.

¹⁰⁰ Calisar argued that the path of dialogue and negotiation is the only way forward, and further political and social steps need to be taken to resolve the problem, by proposing several necessary steps to resolve the Kurdish question in Turkey as follows. "The first step needs to be an indefinite ceasefire declaration by the PKK. The next step should be the disarmament of the PKK through a general amnesty to be declared by the state. At the same time, basic universal identity and human rights should be granted to the

2.3 Kurdish Migration beyond “Kurdistan”

Within the contiguous region of Kurdistan, human migration is not a new issue; on the contrary, it has frequently occurred for both voluntary and involuntary reasons. Throughout the 20th century, millions of the Kurds migrated, in particular to the western cities of Turkey, mainly for the economic or educational reasons.¹⁰¹ Focusing on the recent forced migration, for example, Turkey has a history of setting out the safe-havens to host hundreds of thousands of Kurdish refugees fleeing the genocidal chemical attacks by Saddam Hussein at the First Gulf War, on the one hand, and so many Turkish Kurds have dispersed due to the ongoing bloody conflicts in the southeast of Turkey into the other neighbour states, especially in northern Iraq, on the other. Iran is also a steady source of Kurdish refugees, and many Iranian Kurds crossed into Iraq, Syria, and Turkey. In comparison to other parts of Kurdistan, Syria has produced relatively fewer Kurdish refugees, with the smallest Kurdish population, until the recent outbreak of Syrian refugee crisis. Yet, as reported that a lot of Syrian Kurds are displaced into Iraq or Turkey, this Arab republic is now a concerning source of Kurdish refugees. However, Kurdish migration is not only an intra-regional problem of Kurdistan or the Middle East. Rather, there is a rapidly expanding Kurdish diaspora around the world, particularly in the West - Australia, Europe, and North America. The first Kurdish presence can be found in the late 19th century Europe, though it was limited to a small number of people such as aristocracy, Ottoman government officials, political dissidents or students until the first half of the 20th century.¹⁰² Aftermath of the Second World War, some activities to advocate the Kurdish national rights or self-rule in their homelands slightly emerged, but it is the latter part of the 20th century that many Western countries witnessed the major inflows of the Kurdish people.

Kurds. The ten percent election threshold should be lowered and Kurdish language should be allowed to be taught and to be used within the education system.” Calisar, “The Kurdish Issue in Turkey,” 29-30.

¹⁰¹ Kaya, Zeynep N. “Maps into Nations: Kurdistan, Kurdish Nationalism and International Society.” (PhD dissertation, London School of Economics, 2012), 156.

http://etheses.lse.ac.uk/645/1/Zeynep_Maps_into_Nations.pdf (accessed 8 January, 2018).

¹⁰² Hassanpour, and Mojab. “Kurdish Diaspora,” 217.

From the 1960s onwards, a huge number of the Kurds emigrated to different parts of the world, and there were two main factors triggering the Kurdish diaspora movements. One is concerning the economic bubble of the Western Europe starting in the 1960s. Many countries in the Western Europe – Germany, Austria, Switzerland, France and the Benelux countries – were facing the reconstruction boom, which led to the large needs to compensate for the labour force deficits after the Second World War. As such, these states decided to recruit a number of “guest workers”¹⁰³ and, around this era, Turkey was the largest source of those labour migrations into Europe, especially into Germany. Like the German-Turkish agreement in 1961, many of the Western Europe signed immigrant worker agreement with Turkey, that enabled large numbers of Turkish workers to migrate to Europe. Moreover, in fact, an overwhelming majority of those migrant labours were made up of the Kurds.¹⁰⁴ In this sense, it is not too much to say that the main beneficiaries of the foreign labour recruitment in Europe were the Kurds.¹⁰⁵ Over the next decade, hundreds of thousands of the Kurds from Turkey arrived in Europe until when some countries began to introduce restrictive measures to curb the flow of immigrants getting thorough Turkey.¹⁰⁶

The other factor pushing the Kurdish diasporas is the refugee exodus led to by the ongoing insecurity in the Kurdistan. Since around the 1960s, the Kurds have successively suffered from the intra-state armed conflicts in Iraq (intermittently from 1961 to 2003), Iran (1967 to 1968; and 1979 to present), and Turkey (1984 to present), as well as inter-state wars such as the Iran-Iraq War in 1980-1988 and the two-times Gulf Wars in 1990-1991 and 2003.¹⁰⁷ Following the above “push-factors” in the homelands, successive waves of Kurdish refugees came to Western Europe and, to a lesser extent, North America and Australia. Germany was originally the most attractive to the

¹⁰³ Ibid, 218.

¹⁰⁴ Akgunduz, Ahmet. *Labour Migration from Turkey to Western Europe, 1960-1974* (Aldershot: Ashgate, 2008); Rist, Ray C. “The Guestworkers of Germany.” *Society* 15, no. 5 (1978), 81-90.

¹⁰⁵ Unver, H. Akin. “Turkey’s Kurdish Question, the United States, and Europe,” 204.

¹⁰⁶ Institute Kurde de Paris. “The Kurdish Diaspora.” <http://www.institutkurde.org/en/kurdorama/> (accessed 8 January, 2018); Rempel, “A Natin of Refugees,” 40.

¹⁰⁷ Hassanpour, and Mojab, “Kurdish Diaspora,” 218.

Kurdish refugees on the basis of its comparatively liberal asylum policies and social services, and Switzerland and then France followed regarding the accepting number of Kurdish asylum claimants until the late 1980s,¹⁰⁸ while a portion of the Kurdish refugees (mostly from Turkey) has moved further west, for example, to the Netherlands, Belgium, and the UK.¹⁰⁹ Throughout the 20th and early 21st centuries, the Kurdish migration from Iran, Iraq, Turkey, and possibly Syria, has continued until the present.¹¹⁰ More specifically, however, nearly 85% of them have come from Turkey and, in turn, Turkish Kurds have long been one of the largest groups of asylum-seekers arriving in Europe.¹¹¹

The above two triggers can be separated, but also relate with one another. As I already mentioned, Germany has been the most popular destination for Turkish Kurds in Europe because the country actively recruited foreign workers from Turkey since the 1960s as well as because the country has attracted so many Kurdish asylum-seekers due to its liberal asylum system. Indeed, a steady influx of migrants from Turkey through illegal or personal channels, or by seeking asylum,¹¹² with a high birth rate of them, made Turkish migrants continue to be the largest group of foreigners, numbering over 1.8 million (almost 30%), in Germany.¹¹³ Similarly, many countries in Western Europe have accepted both voluntary and involuntary Kurdish migrants from Turkey, even after they stopped the foreign labour recruitments. Also, the Kurdish immigrants into Europe are allowed

¹⁰⁸ For example, 8,771 (Recognition Rate: 21%) and 654 (Recognition Rate: 51%) Turks (mainly Kurds) are recognised as refugees in Germany and Switzerland - two popular destinations in Europe – respectively in 1994. See Colville, Rupert. “Refugees Magazine Issue 101 (Asylum in Europe) – Persecution complex.” (Geneva: UNHCR, 1 September, 1995), <http://www.unhcr.org/publications/refugeemag/3b543f784/refugees-magazine-issue-101-asylum-europe-p-persecution-complex.html> (accessed 8 January, 2018).

¹⁰⁹ Rempel, “A Natin of Refugees,” 47.

¹¹⁰ Kaya, “Maps into Nations,” 158.

¹¹¹ Institute Kurde de Paris, “The Kurdish Diaspora.”; Rempel, “A Natin of Refugees,” 47.

¹¹² From the early 1980s, thousands of asylum-seekers from Turkey (and Iran) began to arrive at Germany, with over 20,000 a year applying from Turkey between 1991 and 1997. See Rempel, “A Natin of Refugees,” 47. Among a number of them are considered Turkish Kurds. By the end of the 1990s, estimates of the Kurdish population in Germany ranged from 400,000 to 450,000. See Gunter, Michael M. *The Kurds and the Future of Turkey* (New York: Palgrave Macmillan, 1997).

¹¹³ Horrocks, David., and Eva Kolinsky. *Turkish Culture in German Society Today*. (Oxford: Berghahn, 1996); Unver, “Turkey’s Kurdish Question, the United States, and Europe.”; White, Jenny B. “Turks in Germany: Overview of the Literature.” *Review of Middle East Studies* 29, no. 1 (1995), 12-15.

freedom of movement across the countries belonging to the “Schengen Agreement” system, and thus not only the countries officially accepting the Kurdish asylum-seekers like Germany, but other neighbouring countries have experienced sustaining influx of the Kurdish migrants. In this way, the Kurdish political asylum-seekers, activists, and other immigrants have gradually been mixture.¹¹⁴

This complex condition of the Kurdish migration makes it rather difficult to obtain the accurate number of the Kurdish populations outside their homelands, especially in Europe. A significant portion of the Kurdish populations in the West are composed of the forced migrants, and therefore we need to refer to the statistics about refugees or asylum-seekers in those states to acquire the information on their Kurdish populations, though some of the estimation problems exist. Indeed, however, the accurate number of the Kurds has never appeared on the official statistics of all countries. Some countries do not disclose the information about country of origin of refugees and/or asylum seekers at all, and the others, if they show the above information, do not set the category of the Kurds but submerge them into the larger categories of Iranians, Iraqis, Turkish, or Syrians. Nevertheless, previous studies have tried to make estimations over the number of Kurdish populations in the world, and provided some useful information to track the worldwide Kurdish diaspora, though it has never been clarified the accuracy of the above figures.¹¹⁵ Yet, whether the above figures can correctly reflect the actual situation of the Kurdish diaspora, a significant notice is that the root cause of their dispersal is that the Kurds have often experienced a lack of political representation, poor economic development, reduced social services, or sometimes denial of their ethnicity and cultural identity in their homelands, especially in Turkey.¹¹⁶ In summary, the ongoing bloody conflicts in their homelands since the 1970s are also a root cause of the emergence of new Kurdish diaspora communities across the borders and further outside the region.¹¹⁷ In particular,

¹¹⁴ Unver, “Turkey’s Kurdish Question, the United States, and Europe,” 204.

¹¹⁵ See, for example, Hassanpour, and Mojab, “Kurdish Diaspora.”; and Rempel, “A Nation of Refugees.”

¹¹⁶ Ahmed, “The legal status of the Kurds in the Middle East.”

¹¹⁷ Hassanpour, and Mojab, “Kurdish Diaspora.”; Tas, “Stateless Kurds and their multiple diaspora.”

labour migration, political turmoil, and conflicts in Turkey have resulted in many Kurds dispersing throughout Europe and beyond.¹¹⁸

2.4. Kurdish Migration to Japan

Since around the 1990s, Japan has been another popular destination for the Kurds, in particular Turkish Kurds. Though it is rumoured by some that the first Kurdish migration to Japan started from Iran,¹¹⁹ the vast majority of the Kurds in Japan come from Turkey. In the 1990s, Turkish government started to battle an insurgency by the Kurdish militant group, Kurdistan Workers Party, or PKK, in the Kurdish homelands. Many people were killed by the violent clashes, and sustaining threats and poorness provoked the Kurds into flee their homelands. There are a wide variety of destinations of the Kurdish migration. Some go to the traditional popular destinations for migrants in general such as Australia, Canada, and the US, and others go to the European countries such as Germany, and others go to the other industrialised countries such as Japan. To which country which individual goes depends on various factors of both push- and pull-, and is very case specific. Different people have different ideas, and thus it seems almost impossible to produce a general model to explain the destination-selection for the Kurds. It is nevertheless possible to say that Japan is simply an easy destination for Turkish Kurds because people who own Turkish passports can travel to the country without any special visa requirement,¹²⁰ and thereby an increasing number of the Kurds come with their Turkish passports. Once a person can find a way to settle in Japan, whether it is legal or not, s/he calls together more family-members, friends and acquaintances into Japan and, as years pass, the Kurdish communities have kept enlarging. There is no official data about the Kurdish population in Japan, other than we can know 4,648 Turkish nationals (as of the end of December, 2016) are registered to have any status of residence in the country, according to

¹¹⁸ Başer, “The Kurdish Diaspora in Europe.”

¹¹⁹ Personal communication with a Japanese scholar working on the Kurdish problems, 8 May, 2017.

¹²⁰ This visa requirement is applicable to the Iranians. Turkish and Iranian citizens can enter Japan on tourist visas.

the statistical data by the MOJ.¹²¹ Yet it is roughly estimated that over 2,000 Kurdish people have stayed all over the country, and they have made the biggest community around the area from Kawaguchi city and Warabi city in Saitama prefecture that is embraced within the Tokyo's sprawl. Nowadays, an estimated 1,300 to 1,400 Kurds live in the community that is nicknamed by locals "Warabistan," which comes from "Warabi" and the suffix "-stan" (which means a "place of" or "country" in Persian, and appears in the names of many regions of Central Asia). According to the media reports¹²² as well as the information collected through several interviews with the Kurdish workers in the cities of Kawaguchi and Warabi, almost all of the Kurds in this community come from villages around Gaziantep, an industrial city in southern Turkey. Though the study is still cautious of believing with assurance in if many of the Kurds in Japan really come from their ethnic home-grounds, judging from the fact that about half of the estimated Kurds nowadays live outside of their traditional Kurdish homeland in southeastern Anatolia.¹²³

Many of the Kurds come seeking asylum to Japan with their claims to be persecuted by Turkish government, or embrace their fears for such persecution, and thus have applied for the refugee status in Japan. As a signatory to the *Convention Relating to the Status of Refugees* (1951 Refugee Convention) and its *Protocol* (1967 Refugee Protocol), Japan has accepted any asylum application around the world. However, applications by the Turkish Kurds have kept turned down for the last couple of decades. That is, nobody among the Kurdish asylum-seekers has been granted the official status of refugees in Japan since their first application. The recognition system of refugee

¹²¹ The data was collected through the online statistical database of the Ministry of Internal Affairs and Communications of Japan. <http://www.e-stat.go.jp/SG1/estat/List.do?lid=000001177523> (accessed 8 January, 2018).

¹²² Townsend, Megan. "Meet the asylum seekers who are building Japan's roads, despite being banned from working." *Independent*, 15 August, 2016, <http://www.independent.co.uk/news/world/asia/japanese-kurds-working-on-construction-asylum-seekers-immigration-a7189411.html> (accessed 8 January, 2018); Wilson, Thomas. et al., "Banned from working, asylum seekers are building Japan's roads and sewers." *Reuters*, 8 August, 2016, <https://www.reuters.com/investigates/special-report/japan-kurds/> (accessed 8 January, 2018).

¹²³ The largest Kurdish city is none other than Istanbul, a city of 12 million that also boasts about two million residents of Kurdish-descent. See Bilgin, "Introduction."

status in Japan (which will be discussed more in the Chapter 5) is complex and divided into two different steps – administrative review and judicial review. Though there are several ways for applicants to stay in the country temporarily or (quasi-)permanently, besides being granted the decent refugee status, all applications are firstly screened by the Immigration Bureau of MOJ, and then sentenced to be recognised or not. To date, very few cases have gotten through at this stage, and all applicants are allowed to appeal for the second screening in case they complain of the first decision. Then, they can seek judicial review after their appeals fail, and/or recommence their applications for refugee status as many times as s/he desires under the current system.¹²⁴ At these stages, most applicants without a legal status of residence are not permitted to stay, in principle, and have a risk for deportation or detention. In practice, however, it takes long time for applicants to get the decisions and therefore many people have been granted the alternative status – provisional release and provisional permission to stay (so-called “Karihoumen 仮放免”) – if they fulfil certain criteria and get supports from their relatives, friends or NGOs. Indeed, at the end of 2015, there were unprecedented 4,701 people on the state of provisional release in Japan, and about 400 among them are estimated to be the Kurds living in the “Warabistan” area.¹²⁵ People in the provisional release need to renew their status every six months, and they cannot be eligible for the access to social welfare services such as the national health insurance. Furthermore, they are legally restricted to work in Japan, in contrast that the most recent revisions of the Immigration law (that covers the refugee recognition) permit all of whom are applying for refugee status to be employed after six months from their applications.

¹²⁴ Obi, Naoko. “A review of assistance programmes for asylum seekers and refugees in Japan.” *New Issues in Refugee Research*, Research Paper No. 259 (Geneva: UNHCR, July 2013). <http://www.unhcr.org/research/working/51f6680d9/review-assistance-programmes-refugees-asylum-seekers-japan-naoko-obi.html> (accessed 8 January, 2018); Japan Association for Refugees. “To Those Who Wish To Apply For Refugee Status.” March 2013. https://www.refugee.or.jp/for_refugees/tothose/tothose_english_1303.pdf (accessed 8 January, 2018).

¹²⁵ Wilson. et al., “Banned from working, asylum seekers are building Japan's roads and sewers.”; *EKurd Daily*. “Japan’s ‘Warabistan’ can become a second home to Kurdish residents; Townsend. “Meet the asylum seekers who are building Japan’s roads, despite being banned from working.”

Consequently, many of the Kurds work illegally and make a choice to live together in “Warabistan” to help each other. In front of these conditions, Tsuchida clarified the structure of “survival strategy” of Turkish Kurds, with the argument that the current asylum system in Japan and community-based supports are the major pull-drivers for Turkish Kurds.¹²⁶ In fact, the area around the cities of Kawaguchi and Warabi has many advantages for the Kurds, as an industrial zone near Tokyo, such as the relatively lower living and housing costs, and the growing needs for labour-forces from the employees. The history of the region accepting foreign nationals also help making easier environment for the Kurds to live in legal limbo for a long time. All of these advantages are spread through word of mouth amongst the Kurds, and the community is still enlarging though most of them do never have any legal ground for their long-stay in Japan. As a result, in contrast to the facts that other Western countries have granted the official permissions to stay for the Kurds who had similar backgrounds to those in Japan, the Kurdish migration to Japan has been increasingly illegal in nature.

¹²⁶ Tsuchida, “Increasing Applications in the Context of Continuing Denials of Recognition of Refugee Status.”

Chapter 3: Theoretical Framework

3.1. Theories of International Relations

In the study of IR, theory is a foundation in how it defines itself and views the world it aims to explain like any science. It is said that the origin of IR can be traced back to thousands of years ago,¹²⁷ and the subject became a distinct academic discipline, as a sub-field of political sciences, in the early 20th century, when the world witnessed the First World War. In relation to the history of IR, and as the century when the subject acquired its own basis is often labelled as “a century of war” due to the two-times tremendous experiences of the World Wars and the following Cold War, to study the consequences and causes of war has been almost always at the centre of the interests of IR scholars; as a corollary, many theories in the subject have also emerged from concerns to war and aims to build a peace, and they attempted to theorize why states behave as they do and seek the conditions under which conflict or cooperation takes place in world politics. In alliance with the development of the study of IR, however, the theories can provide much broader perspectives in world politics. IR is not just a sub-field of political sciences now. The discipline has grown into a much more interdisciplinary academic field beyond analysing war, peace and issues relating to (military) security, and expanded its empirical focuses to address a wide range of issues such as global economy, international trade, environment, and human rights. Simultaneously, IR theories have expanded their focuses, and they can now provide a set of useful tools to better understand and explain the behaviour of states and other actors in world politics.

Since the birth of the discipline, tremendous amounts of academic debates have evolved in IR, and there are a wide variety of theories that are useful to explore the consequences and causes of various political events around the world. A number of IR theories have attempted to clarify more than an aspect of world politics, and made great efforts to better understand the world from different

¹²⁷ See, for example, Buzan, Barry., and Richard Little. *International Systems in World History: Remaking the Study of International Relations*, (New York: Oxford University Press, 2000).

angles. In categorising or labelling the theories in IR, it would have been possible to serve more than a dozen different names in accordance with the levels or units of analysis. To put it more simply and generally, however, three dominant categories exist in IR – realism, liberalism, and constructivism.

Table 1. Realism, Liberalism and Constructivism

Competing Paradigms	Realism	Liberalism	Constructivism
Main Theoretical Proposition	Self-interested states compete constantly for power or security	Concern for power overridden by economic/political considerations (desire for prosperity, commitment to liberal values)	State behaviour shaped by elite beliefs, collective norms, and social identities
Main Units of Analysis	States	States	Individuals (especially elites)
Main Instruments	Economic and especially military power	Varies (international institutions, economic exchange, promotion of democracy)	Ideas and discourse
Modern Theorists	Hans Morgenthau, Kenneth Waltz	Michael Doyle, Robert Keohane	Alexander Wendt, John Ruggie
Representative Modern Works	Waltz, <i>Theory of International Politics</i> (1979) Mearsheimer, "Back to the Future: Instability in Europe after the Cold War" (<i>International Security</i> , 1990)	Keohane, <i>After Hegemony</i> (1984) Fukuyama, "The End of History?" (<i>National Interest</i> , 1989)	Wendt, "Anarchy IS What States Make of It" (<i>International Organization</i> , 1992); Koslowsky & Kotochwil, "Understanding Changes in International Politics" (<i>International Organization</i> , 1994)
Post-Cold War Predictions	Resurgence of overt great power	Increased cooperation as liberal values, free markets, and international institutions spread	Agnostic because it cannot predict the content of ideas
Main Limitations	Does not account for international change	Tends to ignore the role of power	Better at describing the past than anticipating the future

Source: Walt, Stephen M. "International Relations: One World, Many Theories." *Foreign Policy* 110 (1998): 29-32, 34-46.

Realism tradition has almost always represented the most dominant place in IR theoretical debates since the so-called “First Debate” between realists and idealists. In the orthodox view, realism look at the world as how it actually is rather than how it ought to be. Realists of all strands consider states as the principal actors in the world politics and the world is characterised by anarchy – Hobbesian “Leviathan” – because of the absence of a single sovereign authority that can control the states at the international level. Therefore, theories in realism tradition are often pessimistic and emphasise the recurrent patterns of power-politics as manifested by reoccurring conflicts, rivalries and wars between states.¹²⁸ In these gloomy conditions, concepts such as “balance of power” and “security dilemma” are the main analytical tools,¹²⁹ and the outcomes of international political events are largely determined by the distribution of power or capability through the lenses of realists.¹³⁰

Liberalism is historically the main challenger to realism. Even though liberalism is criticised by some as utopianism or idealism, and it is a discussible point whether liberal thought in general politics is totally identical with liberalism in IR, it is still a powerful concept as one of the traditions of thought about IR. It is often begun with a mention as a root of liberal thought to an English philosopher, John Locke, who proposed a different account of the state of nature from Thomas Hobbes, and Immanuel Kant’s essay *Perpetual Peace* in 1795¹³¹ is a legacy for the modern liberal IR theory in the university textbooks in IR.¹³² Now Liberalism is full of variety¹³³ and the theories

¹²⁸ Jackson, Robert., and Georg Sorensen. *Introduction to International Relations: Theories and Approaches*, Sixth Edition, (New York: Oxford University Press, 2016).

¹²⁹ Buzan, Barry. “The Timeless Wisdom of Realism?” in *International Theory: Positivism and Beyond*, ed. Steve Smith, Ken Booth, and Marysia Zalewski, (Cambridge: Cambridge University Press, 1997), 47-65.

¹³⁰ Frankel, Benjamin. “Restating the Realist Case: An Introduction.” *Security Studies* 5, no. 3 (1996), 9-20.

¹³¹ Kant, Immanuel. *Perpetual Peace: A Philosophical Essay*, translated with Introduction and Notes by M. Campbell Smith, with a Preface by L. Latta. in 1917, (London: George Allen and Unwin, 1795).

¹³² See, for example, Dunne, Tim. “Liberalism,” in *The Globalisation of World Politics*, Third Edition, ed. John Baylis, and Steve Smith, (Oxford: Oxford University Press, 2005), 186-203; Richardson, James L. “Liberalism,” in *An introduction to international relations*, Second Edition, ed. Richard Devetak, Anthony Burke, and Jim George, (Cambridge: Cambridge University Press, 2012), 48-61.

¹³³ Doyle classified liberalism into liberal pacifism, liberal imperialism, and liberal internationalism. See Doyle, Michael W. “Liberalism and World Politics.” *The American Political Science Review* 80, no. 4 (1986), 1151-1169. Dunne summarised the core ideas of the liberalism theories in IR as peace between

are divided among several traditions such as utilitarianism, pragmatism, Kantianism, and John Rawls' philosophy, but a strength of liberalism is that it takes the realist constraints seriously, while denying that it is the final imperative.¹³⁴ Many of the modern IR theories in line with the tradition of liberalism even incorporate realist understandings of power, and provide useful insights towards new trends in world politics.

Compared to the two already explained categories, constructivism has a quite new tradition. Constructivism is originally a concept that emerged into the different disciplines such as Sociology and then imported into IR, and thus it was since the late 1980s that constructivism has become one of the major theoretical categories in IR. As constructivism is marked with being distinct from the "rationalist" approaches (both realism and liberalism), it is important for constructivists how actors are understood to exist and they primarily seek to demonstrate how important aspects of world politics are historically and socially constructed, and such core concepts as "discourse," "norm," "identity" and "socialization" are frequently used in constructivist arguments.¹³⁵ Constructivism understands that states' identities are constituted and changed through their interactions with one another, and Alexander Wendt, who is an influential constructivist in IR, suggests that anarchy is a kind of the inevitable for world politics because it is the result of accumulation of the structures and the identities of the actors including states.¹³⁶

democratic states; the positive relation between free-trade and peace; the existence of a harmony of interests between people; the importance of creating international institutions; the peaceful effects of international integration and interdependence; or the interconnectedness between states and other international actors. See Dunne, "Liberalism." On the other hand, Walt stated three strands existing in liberalism as follows. "One strand argued that economic interdependence would discourage states from using force against each other because welfare would threaten each side's prosperity. A second strand, often associated with Woodrow Wilson, saw the spread of democracy as the key to world peace, based on the claim that democratic states were inherently more peaceful than authoritarian states. A third, more recently theory argued that international institutions could help overcome selfish state behavior, mainly by encouraging states to forego immediate gains for the greater benefits of enduring cooperation." Walt, Stephen M. "International Relations: One World, Many Theories." *Foreign Policy* 110 (1998), 32.

¹³⁴ Richardson, "Liberalism."

¹³⁵ Checkel, Jeffrey T. "Constructivism and Foreign Policy," in *Foreign Policy: Theories, Actors, Cases*, ed. Steve Smith, Amelia Hadfield, and Tim Dunne, (Oxford: Oxford University Press, 2008), 71-82.

¹³⁶ Wendt, Alexander. *Social Theory of International Relations*, (Cambridge: Cambridge University Press, 1999).

The above three are now the main strands of IR theories, though I would repeat that there exist much wider variety of “-isms” or “schools” in IR because there exist lots of “hybrid” theories such as the International Society (so-called “English School”), which can be situated between (classical) realism and constructivism, and the division could be done in a variety of ways. An important notice here is that no one theory is universally “better” than the others or can be privileged for analysing all aspects of world politics as Alexander Betts took a note in his textbook on IR and forced migration. “Many IR theorists claim to “belong to” or to “be part of” a given school of IR theory. This is to miss the point.” “They simply serve different purposes and one may be better than another in a particular context and for explaining a particular problem.”¹³⁷ Indeed, each of the theories has been developed to shed light on some aspects of world politics but to be blind to others. Not all of the theories can be used simultaneously because different theories methodologically, ontologically, or epistemologically have different assumptions and they are often incompatible with one another. To select an appropriate theory among a lot of genres is a task of scholars because which theory is most relevant is dependent on what questions one is asking and what aspect of a certain problem or event one is looking at. A different theoretical or conceptual framework will be needed against different questions and different problems.

Concerning the objective of this thesis, there is a theory that can best grasp the tendencies of the states’ policy-making – Analytical Liberalism. This theory has never been applied to analysis for the international politics of forced migration,¹³⁸ but I can believe that Analytical Liberalism is the best theoretical framework for several reasons (which will be explained in the following sections) in particular to provide an answer vis-à-vis the research question proposed in this thesis. As such, the rest of chapter will focus on introducing and exploring Analytical Liberalism and it will argue why Analytical Liberalism is the most appropriate theoretical tool to analyse the structural causes behind

¹³⁷ Betts, Alexander. *Forced Migration and Global Politics*, 19.

¹³⁸ Ibid.

the Turkish Kurd asylum situations in Japan, the main objective of this thesis. Finally, Analytical Liberalism will provide the necessary framework that will serve as the theoretical backbone for the following chapters of this thesis.

3.2. Analytical Liberalism

Analytical Liberalism, which currently enjoys widespread popularity amongst the foreign policy analysts,¹³⁹ is a liberal theory of IR in line with the legacy of idealism and classical liberalism¹⁴⁰ and this is most commonly associated with the works of Andrew Moravcsik, who is generally known for his works on EU politics. In his great achievement to theorise the integration of European countries, Moravcsik claimed that state-society relations – the relationships of the states to the domestic and transnational social context in which they are embedded – have a fundamental impact on the states' behaviours in world politics.¹⁴¹ This argument is usually labelled as “Liberal Intergovernmentalism” and has had crucial impacts on the studies on the regional integration in Europe and beyond. Yet his achievements in IR are not only limited to explaining the topics of regional integration or EU politics. His Liberal Intergovernmentalism has much broader applicability into the analyses of the states' foreign policy in general. This is the theory called “Analytical Liberalism” or “Liberal Internationalism.”¹⁴²

¹³⁹ Brawley, Mark R. “Liberalism, Neo-Classical Realism, and the Hamiltonian Solution: The Domestic Sources of British Foreign Policy 1900-1914.” A paper presented to the Annual meeting of American Political Science Association in Toronto, 3-6 September, 2009.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1451538 (accessed 8 January, 2018).

¹⁴⁰ See, for example, Angell, Norman. *The Great Illusion: A Study of Relation of Military Power in Nations to their Economic and Social Advantage*, (New York, London: G. P. Putnam's & Sons, 1910); or Kant, *Perpetual Peace*.

¹⁴¹ Moravcsik, “Preferences and Power in the European Community,” 473-524; Moravcsik, *The Choice for Europe*; Moravcsik, and Schimmelfenning, “Liberal Intergovernmentalism,” 67-87; Puchala, “Institutionalism, Intergovernmentalism and European Integration,” 317-331.

¹⁴² Andrew Moravcsik has never clearly given the name or label of “Analytical Liberalism” for his proposing liberal IR theory, because he has not perceived the necessity to do so. When Moravcsik proposed the theory, he separated his position from that of realists and institutionalists (or neo-liberalists), and then tried at the theory synthesis of what people have thought as “liberalism” (ideational, commercial, and republican liberalism, in his terminology) with importing some implications from realism and institutionalism. In this sense, his proposing theory, which has the liberal nature, is the only reasonable “theory of IR,” and he has thought his theory is the “liberalism”. Actually, the names or labels do not matter here. In order to avoid a confusion with what people generally thought as “liberalism” (e.g.

In the previous section, we succinctly did window shopping for theories in IR and found three major strands in the discipline – realism, liberalism, and constructivism. As I already explained, realism family has been dominant and one of them – neo-realism – is still most commonly adopted by academics and policy-makers in the US, for example, to understand the world politics. However, most theories whether they are in realism or others have a similarity in putting their main focus on the analyses of a system at international or inter-state level. As a corollary, many theories are likely to forget to look inside a state. In contrast, the work by Andrew Moravcsik has attempted to develop an analytical theory based on the legacy of classical liberalism, with the biggest aim to conceptualise the domestic politics into international or inter-state politics, or to integrate theories on international and domestic politics.

“Classical liberals argued, against classical realism, that international cooperation and enduring peace in international relations could be possible. They further argued that one of the main factors that determines how a state behaves in its foreign policy is the character and domestic politics of that state.”¹⁴³ Such ideas condense into the so-called “democratic peace theory,” which is a conceptual product of classical liberalism as well as formed the basis of much of liberal IR theories in the second half of the 20th century.¹⁴⁴ In this sense, classical liberalism has played an important role, especially as a counterargument against realist thoughts, in the studies of IR. Unfortunately, however, these classical liberal thoughts have frequently received sever critiques from the dominant theoretical group, realists, that liberal thought was rather normative or, even utopian, ideology than

neo-liberalism), however, this thesis nonetheless designates “Analytical Liberalism” as what Moravcsik argues as the liberal theory of IR, by borrowing the terminology from Alexander Betts (See Betts, *Forced Migration and Global Politics*). While Moravcsik had used the term “Liberal Internationalism” (or “Liberal Intergovernmentalism”) in his works on European integration, I prefer using “Analytical Liberalism” rather than “Liberal Internationalism” because it seems that the former term can better represent the idea of Moravcsik.

¹⁴³ Betts, *Forced Migration and Global Politics*, 28.

¹⁴⁴ Classical liberal thought argued that liberal democratic states are less likely to go to war with one another than non-liberal democratic states. See, for example, Doyle, Michael W. “Liberalism and World Politics.”; and Oneal, John R., and Bruce Russett. “The Classical Liberals Were Right: Democracy, Interdependence, and Conflict, 1950–1985.” *International Studies Quarterly* 41, no. 2 (1997), 267-294.

theory,¹⁴⁵ and they have failed in successfully addressing those critiques. Consequently, many realist critics attack the liberalism approaches for its tendency to lead to strongly normative claims about how the domestic character of states “should” be, and think liberalism had less to offer in terms of being a generalizable and analytical theory of world politics. As such, how to reduce the normative or ideological characters, while sustaining the core and advantageous arguments of liberal thoughts including their eyesight on the intra-state level issues, is one of the biggest challenges for development of the theories in liberalism strands.

While abandoning many of the normative and ideological claims of classical liberalism, Moravcsik tried to develop an account of the way in which domestic politics matters for a state’s foreign policy. This is what this thesis refers to as Analytical Liberalism. A key and fundamental thought of Analytical Liberalism is that state preferences derived from the domestic and transnational (or international) social pressures critically influence the behaviour of states because it places the state-society relationship at the centre of world politics.¹⁴⁶ This thought is premised on the following three core assumptions set out as the foundations comprising the liberal claims “about the essential social actors and their motivations, the relationship between state and civil society, and the circumstances under which state development strategies and make choices in the international system.”¹⁴⁷

¹⁴⁵ See, for example, Morgenthau, Hans J. *Politics Among Nations*, (New York: Alfred A. Knopf, 1956); Morgenthau, Hans J. *Truth and Power: Essays of a Decade, 1960-1970*, (New York: Praeger, 1970); Keohane, Robert O. *International Institutions and State Power: Essays in International Relations Theory*, (Boulder, Colombia: Westview Press, 1989), 68; and Howard, Michael. *War and the Liberal Conscience*, (New Brunswick, New Jersey: Rutgers University Press, 1978), 134.

¹⁴⁶ Moravcsik, “Liberal International Relations Theory.”

¹⁴⁷ Moravcsik, “Liberalism and International Relations Theory,” 6.

Table 2. Fundamental Assumptions of Analytical Liberalism

Assumption 1: The Nature of (Societal) Actors in International Politics

The fundamental actors in international politics (particularly in the globalised world) are societal individuals and social groups, who are on the average rational and risk-averse and who organise exchange and collective action to promote differentiated interests under constraints imposed by material scarcity, conflicting values, and variations in societal influence.

Assumption 2: The Nature of the State

States (or other political institutions) represent the demands of a subset of societal individuals and social groups, on the basis of whose interests state officials define “state preferences” and act purposively in world politics.

Assumption 3: The Nature of the International System

The configuration of interdependence among state preferences shapes state behaviour.

Source: Moravcsik, Andrew. “Liberalism and International Relations Theory. Harvard University.” (CFIA Working Paper No. 92-6), 1992; Moravcsik, Andrew. “Taking Preferences Seriously: A Liberal Theory of International Relations.” *International Organization* 51, no. 4 (1997): 513-553; Moravcsik, Andrew. “Liberal International Relations Theory: A Scientific Assessment.” In *Progress in International Relations Theory: Appraising the Field*, edited by Colin Elman, and Miriam Fendius Elman, 159-204, Cambridge, Massachusetts: MIT Press, 2003; Moravcsik, Andrew. “The New Liberalism.” In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit, and Duncan Snidal, 234-254, New York: Oxford University Press, 2008.

The first assumption is that members of domestic society, understood as societal individuals and social groups, are the fundamental actors in international politics (in other words, society is analytically prior to the state) and they are “rational” in terms of seeking to promote their independent interests. Analytical Liberalism “rests on a “bottom-up” view of politics in which the demands of individuals and societal groups are treated” as exogenous causes of the interests

underlying state behaviour.¹⁴⁸ Politics is embedded in a social context of domestic and transnational civil society, in accordance with the premise in this theory, because society is comprised of individual human agents with autonomous interests and identities, who seek to form social groups, organisations, and arrangements to pursue their social or political goals. The aggregate interactions of such individuals and social groups result in determining social and political order whether the society is liberal or non-liberal. In this respect, Analytical Liberalism rejects the “utopian” notion of an automatic harmonious pattern of interest among individuals and groups in society;¹⁴⁹ rather, it renders some competitions or conflictual societal demands almost inevitable because of a number of causal influences such as divergent fundamental or authoritative beliefs, conflicts over scarce material resources, and inequalities in political power.¹⁵⁰ Therefore, it is crucially important to specify more concrete nature or primacy of societal actors and conditions under which their interests converge.

The second assumption is concerning the state-society relations and make it clear that political institutions represent some segments of the demands from its constituent actors, whose interests are reflected in the institutions’ policies. In the thought of Analytical Liberalism, the state is not an actor but a representative institution, and such an institution is analysed as a mechanism for the representation of actors’ interests that appear through the state preferences. In this view, the state preference is distinct from the state strategies such as the specific policy goals, bargaining demands, institutional arrangements, tactical stances, military or diplomatic doctrines that states adopt, advocate, or accept in everyday world politics. This is just because the states act instrumentally in world politics on behalf of its societal individuals and social groups, and therefore the willingness of states to expend resources or make concessions in bargaining, for instance, is a function of

¹⁴⁸ Moravcsik, “Taking Preferences Seriously,” 517; Moravcsik, “The New Liberalism,” 253.

¹⁴⁹ Moravcsik, “Taking Preferences Seriously.”; Moravcsik, “Liberal International Relations Theory.”

¹⁵⁰ Moravcsik, “Taking Preferences Seriously.”; Moravcsik, “The New Liberalism.”

preferences (the configuration of actors' interests), not capabilities. As such, the principal-agent relation between the state and its populations is an important variable when exploring state policy.¹⁵¹

The third assumption is that the aggregation of state preferences determines the state behaviour in the international system, and this link between state preferences and the behaviour of one or more states is provisioned by policy interdependence defined as the set of costs and benefits created for foreign societies (the pattern of transnational externalities) that arise when dominant social groups in a given society seek to realise their own preferences internationally. "This is not to assert that each state simply pursues its ideal policy, oblivious of others; instead, each state seeks to realise its distinctive preferences under varying constraints imposed by the preferences of other states."¹⁵² Analytical Liberalism is thus "not, in Waltz's terminology, a "reductionist" theory that ignores the international context of state behaviour. Instead, it is a "systemic" theory, but one in which foreign policy results from the convergence and divergence of state preferences or "purposes", not relative capabilities,"¹⁵³ and the liberal theory refers to the patterns of interdependence among state preferences as among the most fundamental structures that influence the behaviour of a state.¹⁵⁴

After introducing the three core assumptions, Moravcsik maintains there are three separate variants of liberal IR theory – ideational, commercial, and republican liberalism, in his terminology. However, each liberal theory commonly rests on a distinctive specification of "social demands, the causal mechanisms whereby they are transformed into state preferences, and the resulting patterns of national preferences in world politics,"¹⁵⁵ and it does thereby make sense to make up a clearer and

¹⁵¹ Burton, John W. *World Society*, (Cambridge: Cambridge University Press, 1972); Moravcsik, "Preferences and Power in the European Community," 481.

¹⁵² Moravcsik, "Taking Preferences Seriously," 520; Moravcsik, "Liberal International Relations Theory," 6-7.

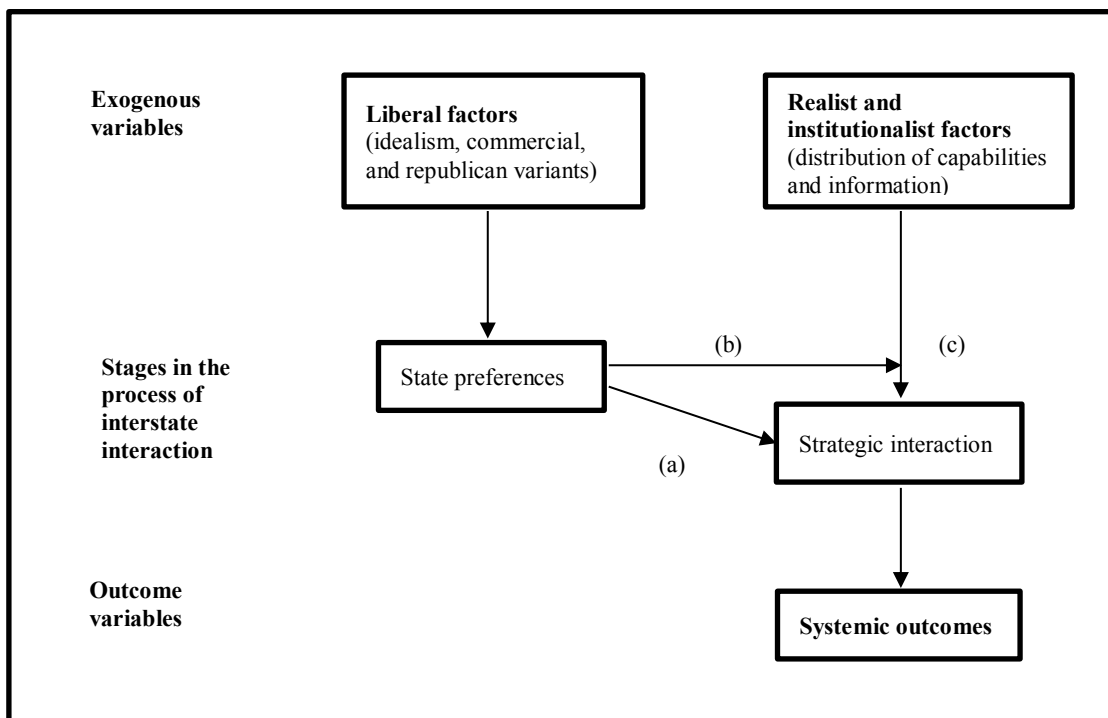
¹⁵³ Moravcsik, "Liberal International Relations Theory," 12.

¹⁵⁴ Moravcsik noted that "Ideational liberalism focuses on the compatibility of social preferences across fundamental collective goods like national unity, legitimate political institutions, and socio-economic regulation. Commercial liberalism focuses on incentives created by opportunities for transborder economic transactions. Republican liberalism focuses on the nature of domestic representation and the resulting possibilities for rent-seeking behavior." See Moravcsik, "Taking Preferences Seriously," 524.

¹⁵⁵ Moravcsik, "Taking Preferences Seriously," 524.

more internally consistent liberal theory as a general structure for research design and theoretical explanation in IR. “The priority of liberalism in multicausal models of state behaviour implies, furthermore, that collective state behaviour should analysed as a two-stage process of constrained social choice,”¹⁵⁶ and therefore the explanatory theory, representing the essence of Analytical Liberalism, is the following two-stage model to analyse the collective state behaviour.

Table 3. A Two-Stage Model of State Behaviour



Source: Moravcsik, Andrew. “Taking Preferences Seriously: A Liberal Theory of International Relations.” *International Organization* 51, no. 4 (1997), 545.

In this two-stage model, a state defines its preferences at the first stage which corresponds with a stage explained by liberal theories of state-society relations. Then, states “debate, bargain, or fight to particular agreements” at the second stage corresponding to the systemic or strategic level explained “by realist and institutionalist (as well as liberal) theories of strategic interaction.” In this respect,

¹⁵⁶ Ibid, 544.

this theory is compatible with neo-realism and neo-liberalism (or institutionalism). More specifically, Moravcsik explains “where liberal factors only influence strategic outcomes directly, through preferences and preference intensities (a in Figure 1), liberalism can be tested as a monocausal hypothesis against alternative realist or institutionalist factors (c in Figure 1). Liberal factors may also influence outcomes indirectly, because the nature of preferences helps determine (b in Figure 1) the nature and strength of the causal relationship between strategic circumstances and actions (c in Figure 1).”¹⁵⁷

The main contribution of Analytical Liberalism is to reintroduce the domestic politics, while not undermining the possibility of retaining a theory of inter-state relations, into IR. Also, state behaviour is modelled as a multi-stage process of constrained social choices, though the states nonetheless first define the preferences. According to the arguments by Moravcsik, the “national interest” (or state preference) emerges from the aggregation of domestic preferences, and more importantly, “explaining (or at least controlling for) variation in state preferences is analytically prior to an analysis of strategic interaction” because we cannot test the multi-causal mechanism of the state foreign policy-making, other than understanding the mono-causal formulations explained by realist or institutionalist, without a prior analysis of state preferences.¹⁵⁸ As usual, the states’ foreign policies are formed with a variety of influences, and domestic factors such interest-group formation and lobbying within the state highly affected the results. Meanwhile, political events at the international or inter-state level also matter, but they do so only insofar as they feedback into domestic preferences. “Where Moravcsik diverges from classical liberalism is that the specifically “liberal” character of a state no longer matters; what is important is the domestic character of the

¹⁵⁷ Ibid, 544.

¹⁵⁸ Ibid, 544.

state and domestic politics, irrespective of whether the state is liberal, authoritarian, capitalist, or socialist.”¹⁵⁹

Because of the way that Analytical Liberalism allows international politics to be explored on “two levels” and, for domestic politics and preferences, to be reintroduced to the analysis, the liberal theory can generate several predictions not only related to “war and peace, trade liberalization and protection, and other important phenomena in world politics,” but “about broad political phenomena for which other IR theories generate few, if any, plausible explanations” such as “variation in the substantive content of foreign policy across issues, regions, or hegemonic orders,” and long-term historical change in the nature of world politics.¹⁶⁰ “This is not to say, of course, that liberal theory is more powerful or that it explains more” in comparison with other theories, but we can nevertheless say that Analytical Liberalism has great potentials for both theoretical and empirical development of IR studies, in that the theory can closely look at the domestic politics as well as the international politics.¹⁶¹

3.3. Why Analytical Liberalism?

Why can Analytical Liberalism be thought to provide the best theoretical framework in this study?

To get an answer towards this question, I start with a discussion over one of the biggest challenges

lying in the study of IR. This challenge is how to conceptualize the relationship between

international politics and domestic politics, or, how to conceptualise the domestic politics into the

international or inter-state level analyses. James D. Fearon suggests that these thoughts start to be

formulated by the “two-level game” literature initiated by Robert D. Putnam,¹⁶² and scholarship on

IR has gradually sought to explore how domestic factors shape the state’s position in particular at the

¹⁵⁹ Betts, *Forced Migration and Global Politics*, 28.

¹⁶⁰ Moravcsik, “The New Liberalism,” 246.

¹⁶¹ *Ibid*, 250.

¹⁶² Fearon, James D. “Domestic Politics, Foreign Policy, and Theories of International Relations.” *Annual Review of Political Science* 1 (1998), 289-313.

international negotiation since the late 1980s.¹⁶³ Although Neo-realists, holding the dominant position in the study of IR, have a tendency to avoid touching the “black-box” of explaining the states’ foreign policy-makings and domestic-political determinants, “There are both methodological and theoretical reasons to open the black-box” and “the neglect of the domestic political and economic realm has had deeper costs.”¹⁶⁴ This is because domestic political issues spill over into international politics, and foreign policy has domestic roots and consequences. In fact, “A significant amount of recent research in the IR field advances the proposition that domestic politics is typically a crucial part of the explanation for state’s foreign policies.”¹⁶⁵ As Haggard and Simmons noted from their institutionalist perspectives, “The next step is to develop interactive models that link domestic and international politics more closely.”¹⁶⁶

According to the central insight of Robert Putnam’s metaphor of two-level games, international negotiations are undertaken at the following two stages – bargaining between the negotiators, leading to a tentative agreement [Level I] and negotiations with domestic players needed for ratification [Level II].¹⁶⁷ Then, those two different levels are connected by the concept of a “win-set,” which is a “set of all possible Level I agreements that would ‘win’ – that is, gain the necessary majority among the constituents – when simply voted up or down.”¹⁶⁸ Accordingly, larger win-sets make Level I agreements more likely, while smaller win-sets reduce the range of agreements for which the Level I negotiator can expect to receive backing. The concept of win-set is also considered to exist in the Level II game, and the ultimate results of international negotiations are determined by the relations between the win-sets of Level I and those of Level II. This two-level

¹⁶³ Ziegler, Oliver. *EU Regulatory Decision Making and the Role of the United States: Transatlantic Regulatory Cooperation as a Gateway for U.S. Economic Interests?*, (Wiesbaden: Springer, 2013), 44.

¹⁶⁴ Haggard, Stephan., and Beth A. Simmons. “Theories of international regimes.” *International Organization* 41, no. 3 (1987), 513.

¹⁶⁵ Fearon, “Domestic Politics, Foreign Policy, and Theories of International Relations,” 290.

¹⁶⁶ Haggard, and Simmons, “Theories of international regimes,” 516.

¹⁶⁷ Putnam, Robert D. “Diplomacy and Domestic Politics: The Logic of Two-Level Games.” *International Organization* 42, no. 3 (1988), 436.

¹⁶⁸ *Ibid*, 437.

framework has a great impact on the following studies, but Moravcsik emphasized the two-level framework is a metaphor rather than a full-fledge theory, as Putnam introduced the concept as “a metaphor for domestic-international interactions.”¹⁶⁹ “In order to generate empirical hypotheses about state behaviour, Putnam’s two-level games metaphor requires more restrictive definition. It is essential to specify the preferences of and constraints on the major actors.”¹⁷⁰ Analytical Liberalism is a theory invented on account of the above considerations and challenges, and its three core assumptions (introduced in the previous section) are strongly associated with the essential theoretical building blocks Moravcsik found out from the implications of the two-level games.¹⁷¹

Here, let me repeat the main question in this section. Why can Analytical Liberalism be thought to provide the best theoretical framework in this study? Tomas S. Mowle notes that IR studies are unable to determine whether realist or liberal (or constructivist) theories better fit state behaviour in various situations¹⁷² and “no one theory is universally “better” than the others. They simply serve different purposes and one may be better than another in a particular context and for explaining a particular problem.”¹⁷³ It does mean that we need to select a theory in accordance with what kind of objective the study has. As already mentioned in the Chapter 1, the main objectives of

¹⁶⁹ Ibid, 433.

¹⁷⁰ Moravcsik, Andrew. “Introduction: Integrating International and Domestic Theories of International Bargaining,” in *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, ed. Peter Evans., Harold K. Jacobson., and Robert D. Putnam, (Barkeley, Los Angeles, London: University of California Press, 1993a), 23.

¹⁷¹ After introducing the Putnam’s two-level game metaphor, Moravcsik argued “Three essential theoretical building blocks are needed: specification of domestic politics (the nature of the “win-sets”), of the international negotiating environment (the determinants of interstate bargaining outcomes), and the statesman’s preferences.” See Moravcsik, “Introduction: Integrating International and Domestic Theories of International Bargaining,” 23.

¹⁷² Mowle, Thomas S. “Worldviews in Foreign Policy: Realism, Liberalism, and External Conflict.” *Political Psychology* 24, no. 3 (2003), 561-592.

¹⁷³ Alexander Betts noted that “IR theories represent a set of tools, which can be used in order to explain and understand particular problems and issues from different angles. Theory can be considered to be analogous to a set of torches. Rather like a set of torches, the theories can be used to illuminate different parts of a darkened room. However, it will not be possible to use all of the torches simultaneously or to view all of the room at once. Rather, different torches can be used to shed light on different parts of the room. All of the torches have their uses; which one a person picks up depends upon which part of the room he or she is most interested in viewing. In other words, no one theory is all-explanatory or should be privileged for analyzing all aspects of world politics. Different theories can shed light on some aspects of world politics and are blind to others.” See Betts, *Forced Migration and Global Politics*, 19.

this study are to better understand the structural cases of Kurdish migration and asylum appeals in Japan, and to explore the reasons why they cannot be recognised as official refugees in the islands states. Accordingly, this study set out the dependent variable as the outcome subsumed into the state's decision of having never recognising the Kurdish asylum-seekers as official refugees in Japan. In other words, it can be said that this study is an attempt to examining Japan's refugee admission policy with a case-study of Kurdish asylum situations inside the country. Undoubtedly, the refugee admission policy is a kind of the states' (foreign) policies, as Gil Loescher noted that foreign-policy considerations can strongly influence the state's refugee admission decisions, in particular determining which persons should be granted or denied refugee status in the state.¹⁷⁴ As such, this study requires depending on a theory that can best grasp the character of Japan's refugee admission policy, or much broader foreign policies, in order to set a hypothesis vis-à-vis the research question as well as to explore the existing independent and/or interdependent variables. The previous explanations of Analytical Liberalism can certify the theory itself as the best analytical framework in this study. This is highly relevant to the policy character of refugee admission of Japan, and also to the current structure of international refugee regime. While all human beings universally have a right to access refuge when they have a fear of being persecuted for the reasons prescribed on the international laws, every state administratively holds the ultimate decisions to offer a ticket to refuge (i.e. refugee status) for whom but not to do so for whom. As such, refugee admission decision or policy is highly influenced by both international and domestic political factors but, more specifically, allows domestic factors to work more powerful than other types of foreign policy or general international negotiations. In this sense, a theory that can explain the foreign policy-makings with

¹⁷⁴ Loescher, Gil. "Refugees and Foreign Policy," in *Human Rights and Foreign Policy: Principles and Practice*, ed. Dilys M. Hill, (New York: Palgrave Macmillan, 1989); Loescher, Gil. *Beyond Charity: International Cooperation and the Global Refugee Crisis*, First Edition, (Oxford: Oxford University Press, 1993).

focuses not only on international level, but also on domestic level is needed, and the one is Analytical Liberalism.

Neo-realism, which is most commonly associated with the work of Kenneth Waltz and John Mearsheimer,¹⁷⁵ is still the most powerful theory in IR, but this theory is totally lacking in respect to domestic factors. This is because neo-realists strongly focus on the unit-level or systemic analysis; in other words, political events at the international or inter-state level. From their viewpoints, a state is just a unitary actor at international politics and, moreover, neo-realists do not have an interest in explaining the state's foreign policy. As a state's policy is determined by hundreds of highly variable and idiosyncratic factors, for example, Waltz argues that neo-realism (or, systemic IR theory in his terminology) is not a theory of foreign policy with a metaphor that systemic theory "does not tell us why state X made a certain move last Tuesday."¹⁷⁶

Traditionally, theories in the strands of liberalism has advantages over looking inside a state and then incorporating the findings into international political analyses. Those liberal thoughts have often received severe critics from realists but, rightly or wrongly, nobody cannot deny a certain achievement of liberal theories in the study of IR, as well as the study of forced migration. Neo-liberalism or institutionalism, as the representative of those liberal thoughts, has made great contributions to those previous studies. International refugee regime, which must be a product of neo-liberal institutionalism, is a good example to show their achievements because the regime has provided the bases of international politics and governance on forced migration. However, neo-liberalists or institutionalists are the same as realists in that they have not paid much attentions to the domestic politics. In spite of the alarms that "Starting with the "unit" level is risky, since the interactive effects of international structures, bargaining, and rules on domestic politics can get

¹⁷⁵ Waltz's argument is often labelled "defensive realism" while Mearsheimer's argument is called "offensive realist."

¹⁷⁶ Waltz, Kenneth N. *Theory of International Politics*, (Reading, Massachusetts: Addison-Wesley Publishing, 1979), 121.

lost,”¹⁷⁷ many IR theories are likely to forget to look inside a state, while they analyse the world politics as a system at international or inter-state level.

The most recent theoretical tradition of IR, constructivism, has highly contributed to the study on politics of forced migration in various ways. Indeed, the UNHCR and many other non-state actors have significant parts of refugee governance in today’s world, and it is one of the biggest advantages of constructivism to easily incorporate these non-state actors into the explanation of world politics.¹⁷⁸ Nevertheless, it is insufficient to select the theory for the analyses in this study because the mainstream of constructivist approaches stemming from Wendt¹⁷⁹ “has in common with neo-realism and liberal institutionalism that it is a system-level theory of international politics. In other words, it does not open up the “black box” of the state to include an account of domestic politics or incorporate analysis on non-state actors.”¹⁸⁰

In any science, a theory of X means a theory that explains the existence, occurrence, or variation in X. Therefore, “A theory of foreign policy is any theory in which some aspects of foreign policies, or their direct results, are the things being explained.”¹⁸¹ In other words, “a theory of foreign policy is a theory of why particular states make particular foreign policy moves at particular time.”¹⁸² The two-level game model initiated by Putnam,¹⁸³ a theoretical ancestor of Analytical Liberalism, is now one of the most popular and powerful theoretical tools in the study of foreign

¹⁷⁷ Haggard, and Simmons, “Theories of international regimes,” 516.

¹⁷⁸ Laura Barnett argues, in front of the evolution of an international regime and a network of states, international organizations and non-governmental organizations to govern forced migration around the world, “These political, legal, and institutional developments are a reflection not simply of the objective reality of the existence of displaced peoples but rather of the evolving category of ‘refugee’ to construct and a new social reality.” See Barnett, Laura. “Global governance and the evolution of the international refugee regime.” *New Issues in Refugee Research*, Working Paper No. 54 (Geneva: UNHCR, February 2002), 106.

<http://www.unhcr.org/research/working/3c7529495/global-governance-evolution-international-refugee-regime-laura-barnett.html> (accessed 8 January, 2018).

¹⁷⁹ As slightly mentioned in the first section of chapter 3, Alexander Wendt is one of the most influential constructivists in the study of IR.

¹⁸⁰ Betts, *Forced Migration and Global Politics*, 32.

¹⁸¹ Fearon, “Domestic Politics, Foreign Policy, and Theories of International Relations,” 293.

¹⁸² *Ibid*, 295.

¹⁸³ Putnam, “Diplomacy and Domestic Politics.”

policy. However, this study still prefers making use of Analytical Liberalism. This is because the two-level game is usually used in the context of international negotiation, while refugee admission policy is not merely determined in such a situation. In addition, Analytical Liberalism is better at clearly tracing the process of how a particular foreign policy is shaped than the two-level game, in that the previous theory emphasise the pattern of state preferences is a primarily determinant not just of individual foreign policies, but of systemic outcomes.¹⁸⁴ The two-level game is still insufficient to demonstrate how a particular state's policy is shaped through the interchanges between the two different games other than assuming those two games proceed simultaneously. This is why the study assumes Analytical Liberalism to be able to propose a better theoretical framework, at least in the context of this study, in order to closely look into both international and domestic politics.

In fact, the realism family has a theory that is good at caring about the domestic politics – neo-classical realism – like the way of Analytical Liberalism. Neo-classical realists “believe, understanding the links between power and policy requires close examination of the contexts within which foreign policies are formulated and implemented”¹⁸⁵ and therefore they argue that internal and local factors are intervening variables (e.g. interests of domestic politics, interests of states, or attitudes of elites) that works for connecting independent variable (relative power) and dependent variable (foreign policy outcomes).¹⁸⁶ Accordingly, the approach of neo-classical realism is similar to that of Analytical Liberalism in that both approaches look to domestic variables when explaining the state's foreign policy choices. Yet these two “rare” theories diverge from one another on several points, though neither approach is decidedly better than the other. Their trade-offs are determined

¹⁸⁴ Illustrating a well-known metaphor by Stephen D. Krasner, Moravcsik stated that “If institutionalism determines whether governments reach the Pareto-frontier, and realism determines which point on the Pareto-frontier governments select, liberalism defines the shape of the Pareto-frontier itself.” See Moravcsik, Andrew. “Taking Preferences Seriously,” 543.

¹⁸⁵ Rose, Giden. “Neoclassical Realism and Theories of Foreign Policy.” *World Politics* 51, no. 1 (1998), 147.

¹⁸⁶ Firoozabadi, Jalal Dehghani., and Mojtaba Zare Ashkezan. “Neo-classical Realism in International Relations.” *Asian Social Science* 12, no. 6 (2016), 96.

only by the fitness for answering particular sorts of questions.¹⁸⁷ A significant difference is related to their fundamentally different conceptions of the “state.” A state consists of various actors – individuals and their societal groups – in the perceptions of Analytical Liberalism, while almost all neo-classical realists treat a state as relatively autonomous, or substantially unitary actor.¹⁸⁸ As a corollary, a state represents rather independent actor in neo-classical realists’ thoughts, and how the state assesses its position vis-à-vis other actors in the domestic and international arenas respectively, highly mediates the political or its foreign policy outcomes. This is quite different from the thoughts of Analytical Liberalism that state preference formation is prior to any other political process in both domestic and international fields. In those respects, neo-classical realism is still realism. Furthermore, the relatively autonomous nature of the state is led by the neo-classical realists’ focus on a few political elites and decision-makers, who are thought to hold strong influences on the domestic political process. Neo-classical realists believe that “Foreign policy choices are made by actual political leaders and elites, and so it is their perceptions of relative power that matter, not simply relative quantities of physical resources or force in being.”¹⁸⁹

When considering a linkage with the objectives of this study, however, Analytical Liberalism still holds its position as the best theoretical framework rather than neo-classical realism, because the latter can incompletely grasp the detailed characters or interests of actors existing at the domestic society. Japan’s refugee recognition or admission process is highly political, but it is also proceeded alongside with legal considerations, as Japan is a member state of international refugee regime and has domestic laws regulate the state’s refugee policy. The existence of non-state actors, from individuals to social groups such as the NGOs, and to international organisations such as the UNHCR, is also unforgettable. Analytical Liberalism has advantages in taking care of those points.

¹⁸⁷ Brawley, Mark R. “Analytical Liberalism, Neoclassical Realism, and the Need for Empirical Analyses.”

¹⁸⁸ As international system is composed of rather autonomous states, it remains a kind of anarchy and Rose describes the system as “murky.” See Rose, “Neoclassical Realism and Theories of Foreign Policy.”

¹⁸⁹ Rose, “Neoclassical Realism and Theories of Foreign Policy,” 147.

Needless to say, it is not to say that other theoretical tools, including neo-classical realism, are not worthwhile, and I acknowledge that there are several limitations to totally figure out the causes rooted under the subject of this study even if Analytical Liberalism were the best. Various factors affect the Japan's policy decision of not recognising the Kurds as refugees, and it might be almost impossible to provide a "total" explanation. To study a particular state's policy or policy-making is always difficult not only because, as usual, scholars do not take part in its formation process, but because policy-making process is often under the veil and the accessibility to its relevant information is very limited. Nevertheless, this study tries to tackle a kind of difficult task, with a theoretical tool – Analytical Liberalism – to complement a significant lacuna of previous studies between the discipline of IR and forced migration studies.

3.4. Applying Analytical Liberalism to this Study

Analytical Liberalism refers to the fundamental actors in international politics as societal individuals and social groups, who are generally rational and risk-averse to pursue their own interests. They can exchange their interests with one another, and organise a collective action to promote differentiated interests under some constraints. All of those actors' interests are subsumed into the state "preferences," and the final outcomes of the state's foreign policies are strategically formed by the combination of such preferences and systematic influences and/or other counterparts' preferences in the field of world politics. In short, the configuration of interdependence among state preferences ultimately shapes how each state acts purposively in world politics,¹⁹⁰ and state behaviour can reflect the rational actions of the governments constrained by domestic social pressures and by their international strategic environment.¹⁹¹ Betts noted "Analytical liberalism has not been applied to analyse the international politics of forced migration. However, it has great potential because of the

¹⁹⁰ Moravcsik, "Liberalism and International Relations Theory."; Moravcsik, "Taking Preferences Seriously."; Moravcsik, "Liberal International Relations Theory."; Moravcsik, "The New Liberalism."

¹⁹¹ Moravcsik, "Preferences and Power in the European Community," 481.

way it allows international politics to be explored on “two levels” and for domestic politics and preferences to be reintroduced to the analysis.”¹⁹²

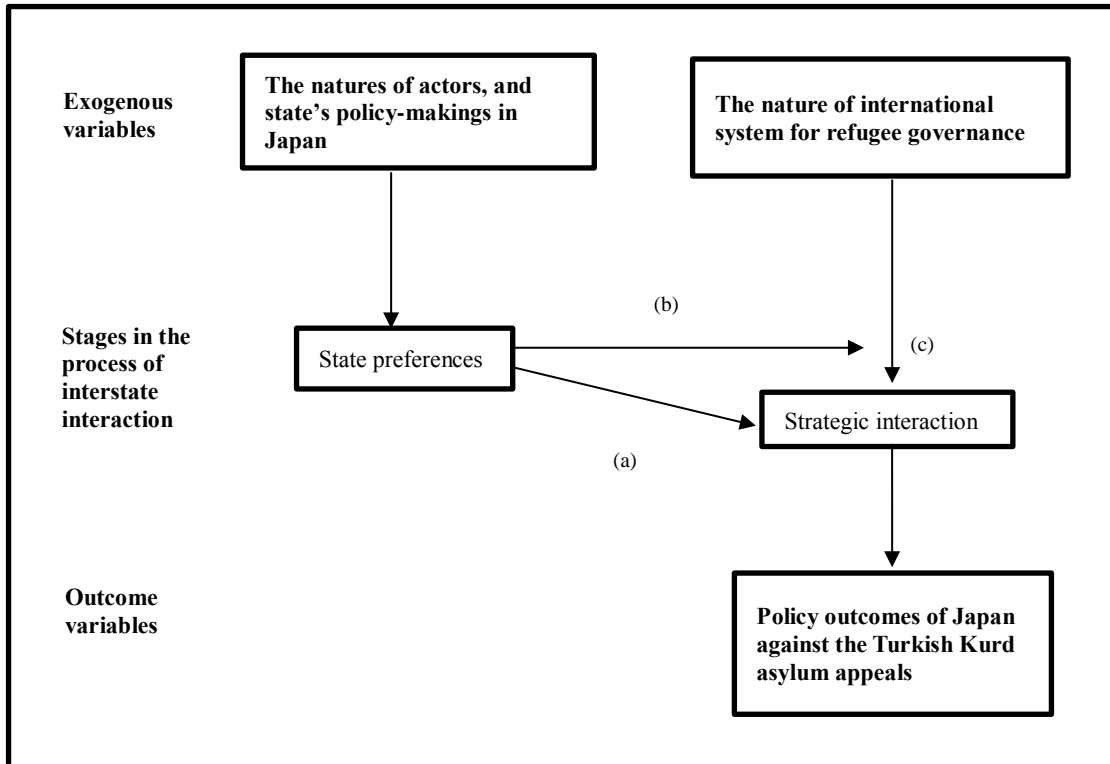
As already shown in the Chapter 1, thereby this study can get the following hypothesis through the theoretical framework of Analytical Liberalism:

Hypothesis: The strategic calculations of the state’s preferences, which stem from the state-society relations depending on the context of domestic and international politics, result in the curious consequence of Japan’s never hosting any Kurdish asylum-seeker as an official refugee so far.

Judging from the three core assumptions appearing on the foundational work by Moravcsik, it is necessary to clearly demonstrate the nature of (societal) actors in Japan, the nature of the state’s (foreign) policy of Japan, and the nature of international system in the context of refugee governance. Then, the study necessarily explores how the above points, interacting with one another, shape the Japan’s policy outcome of not recognising the Kurdish asylum-seekers as refugees. The first and second points are closely associated with the analysis on the domestic society, while the third point corresponds to the analysis on the international society, on the other. Accordingly, I remake the two-stage model for the analyses in this study as follows.

¹⁹² Betts, *Forced Migration and Global Politics*, 28.

Table 4. A Two-Stage Model in this Study



According to the above model, this study tries to closely describe the state-society relations of both international and domestic contexts regarding the refugee governance vis-à-vis Turkish Kurd asylum appeals in Japan. Looking into both international and domestic contexts is an advantageous point of Analytical Liberalism and, according to this framework, the study makes explorations of international context and of domestic context respectively. Yet the study not only the separated analyses, but also combines the above insights together in the broader historical context (in the Chapter 6). The “state preferences” is a keyword to understand the policy-making process explained by the Analytical Liberalism, and therefore the study attempts to clarify how the state preferences of Japan, which can become the basement of the state’s policies, are shaped and then how the preferences work in the international politics relating to the refugee governance and Turkish Kurd asylum in Japan.

Chapter 4: Exterior Dimension

4.1. Structure of International Refugee Regime

While a lot of scholars in both disciplines of law and political science have long sought to explore the existence of a certain network of formal and/or informal institutions that allow states to achieve a sense of stability in an otherwise anarchic environment, the ideas of “international regime” have emerged as a large focus of both empirical and theoretical works since around the 1970s.¹⁹³ To date, international regime or regime theory can grow into a subject of the study of international law and international politics, that specifically focuses on international cooperation and the provision of global public goods, and explores how international institutions realise or facilitate international cooperation with overcoming coordination and collaboration problems. There are several differentiations between the disciplines of international law and international politics, and lots of scholars in both disciplines have provided a variety of explanations about what international regime is. However, Stephen D. Krasner's influential definition of international regime as “implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations”¹⁹⁴ attracts the biggest popularity from the scholars in these fields, which almost becomes a consensus on the matter today.

When focusing more on the empirical studies concerning international regime, we can find out that scholarship has attempted to bring their interests in international regime into various issues of contemporary significance in the world, such as security, trade, finance, and environmental challenges. Compared to these topics, the accumulations of the previous studies looking into the international regime in the context of forced migration issues remain relatively low, but it has recently come to the line as Alexander Betts has argued convincingly that such a regime exists for

¹⁹³ Haggard, and Simmons, “Theories of international regimes.”

¹⁹⁴ Krasner, Stephen D. "Structural Causes and Regime Consequences: Regimes as Intervening Variables," in *International Regimes*, ed. Stephen D. Krasner, (Ithaca, New York: Cornell University Press, 1983), 1-21.

refugee governance in the international arena. In accordance with the widely shared definition of international regime that Stephen D. Krasner earlier provided,¹⁹⁵ international refugee regime represents for a set of norms, rules, principles, and decision-making procedures to regulate states' responses to refugees.¹⁹⁶ Given that international solidarity and cooperation is indispensable to address the global agendas including refugee migration, it is worthwhile to try to apply ideas, concepts, and findings that are derived from the debates on the general international regime to the refugee study or refugee protection practice.

The international refugee regime is assumed to be an international structure or standard to take care of refugees founded on the core legal documents such as the 1951 Refugee Convention and the 1967 Refugee Protocol, and formal international organization for refugees such as the UNHCR and International Organization for Migration (IOM), as well as other informal organisations such as the several prominent NGOs.¹⁹⁷ It is a common understanding that sovereignty is an indispensable respect to consider the modern state system originating in the *Peace of Westphalia* of 1648 and, when looking back into the history, some pieces of international refugee regime has gradually evolved along with the emergence of this modern state system.¹⁹⁸ However, the first signs of a comprehensive refugee regime have emerged only after the First World War, under the League of Nations, which went through several dramatic changes during and immediate after the Second World War. Accordingly, it can be said to be rational to consider that the current international refugee

¹⁹⁵ Ibid.

¹⁹⁶ Betts, *Forced Migration and Global Politics*; Betts, Alexander. "International Cooperation in the Refugee Regime," in *Refugees in International Relations*, ed. Alexander Betts, and Gil Loescher, (Oxford: Oxford University Press, 2011), 53-84,

¹⁹⁷ Benz, Sophia., and Andreans Hasenclever. "'Global' Governance of Forced Migration," in *Refugees in International Relations*, ed. Alexander Betts, and Gil Loescher, (Oxford: Oxford University Press, 2011), 185-211; Canefe, Nergis. "The fragmented nature of the international refugee regime and its consequences: a comparative analysis of the applications of the 1951 convention," in *Critical Issues in International Refugee Law: Strategies Toward Interpretative Harmony*, ed. James C. Simeon, (New York: Cambridge University Press, 2010), 175-176.

¹⁹⁸ Barnett, "Global governance and the evolution of the international refugee regime.," Loescher, Gil. "The International Refugee Regime: Stretched to the Limit?" *Journal of International Affairs* 47, no. 2 (1994), 351-377.

regime began to be produced after the Second World War.¹⁹⁹ Indeed, all of the core constituents of the international refugee regime, that were mentioned at the first sentence of this paragraph, took shape during the post-Second World War era. Furthermore, the post-Second World War era can be roughly divided into three – the Cold War (the end of the Second World War - 1980s); post-Cold War (1990s); and post-9/11 (2000s) – in the general explanations of the modern history, and therefore the international refugee regime has gradually changed its nature (which will be explained in the next section).

As already explained, derived from the basic definition of international regime, the international refugee regime can be considered to be representing a set of principles, norms, rules, and decision-making procedures to regulate states' responses to the refugee protection. To put it rather simply, this regime is almost equivalent to the today's framework for the organised international community's collective response to refugees,²⁰⁰ whose legal basis is the 1951 Refugee Convention and the 1967 Refugee Protocol and in which the UNHCR has responsibility and a significant role to oversee the regime for the protection of refugees.²⁰¹ Given that membership of the international refugee regime depends upon states signing these international laws, it has grown into embracing rather "global" nature in terms of membership, as a result of increasing number of states signing the laws.²⁰² This must be a positive development of international refugee regime. However,

¹⁹⁹ Canefe, "The fragmented nature of the international refugee regime and its consequences," 180; McAdam, James. *Complementary Protection in International Refugee Law*, (New York: Oxford University Press, 2007); Nanda, Ved P. "History and Foundations for Refugee Security, Health, and Well-Being under International Law," in *Fear of Persecution: Global Human Rights, International Law, and Human Well-Being*, ed. James D. White, and Anthony J. Marsella, (Lanham, Plymouth: Lexington Books, 2007), 151-152.

²⁰⁰ Frelick, Bill. "Paradigm Shifts in the International Responses to Refugees," in *Fear of Persecution: Global Human Rights, International Law, and Human Well-Being*, ed. James D. White., and Anthony J. Marsella, (Lanham, Plymouth: Lexington: 2007), 33-74.

²⁰¹ Betts, *Forced Migration and Global Politics*; Betts, "International Cooperation in the Refugee Regime."; Newman, Edward. "Refugees, international security, and human vulnerability: Introduction and survey," in *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, ed. Edward Newman, and Joanne Van Selm, (Tokyo, New York: United Nations University Press, 2003), 3-30; Ullah, AKM. Ahsan. *Refugee politics in the Middle East and North Africa: Human Rights, Safety, and Identity*, (London: Palgrave Macmillan, 2014).

²⁰² Benz, and Hasenclever, "'Global' Governance of Forced Migration."

the other side of the coin is that we cannot have witnessed any development as to the basic constituents of international refugee regime since its birth. In other words, while the surroundings of the world's refugees have experienced the day-to-day changes, little has legally changed. The 1951 Refugee Convention, modified by the 1967 Refugee Protocol, is still the legal foundation for international refugee protection.

The current international refugee regime is designed to be built upon the premise of universal jurisprudence “that supposedly overrides private norms and domestic legal practices” to protect all of those who have lost the protection of the government of the state of their nationalities or permanent residences and have fled seeking refuge in another country.²⁰³ Fundamentally, the international refugee law, as a body of laws composed of legal documents such as the 1951 Refugee Convention and the 1967 Refugee Protocol “consists of the international legal instruments that define who should benefit from international protection and the content of that status,”²⁰⁴ and a refugee is universally defined as a person who is outside his/her country of origin and who is unable or unwilling to return there because of a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political opinion.²⁰⁵ Though the line and scope of international regime and international law seem to remain several debatable points,

²⁰³ Canefe, “The fragmented nature of the international refugee regime and its consequences.”

²⁰⁴ McAdam, *Complementary Protection in International Refugee Law*, 7.

²⁰⁵ Article 1 of the 1951 Refugee Convention contains the relevant standards, and reads as follows. “A. For the purpose of the present Convention, the term refugee shall apply to any person who:
(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the Refugee Organisation; Decisions of non-eligibility taken by the International Refugee Organisation during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;
(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term 'the country of his nationality' shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.”

it can be said that the international refugee regime contains the instruments of international refugee law as a part of its constituents. Moreover, as a general rule, refugees are entitled to the enjoyment of their internationally recognised human rights.²⁰⁶

Related to the above point, in addition to providing a universal definition of refugees, the international refugee regime has another basic and important principle for the international protection of refugees. This is the principle of “non-refoulement.” As Weissbrodt and Hortreiter claimed, the definition of refugee is closely linked to applying the principle of non-refoulement, which is a notion that every person may not be returned to a territory in which s/he would be in danger of persecution.²⁰⁷ Although every state has a right to expel aliens who have illegally entered into the territory, on the grounds of state sovereignty, such a procedure for those who can be potentially applicable to the definition of refugees must be prohibited. Therefore, the states’ decisions to expel aliens must be reached in accordance with due process of law.²⁰⁸ Although, in principle, non-refoulement is only prescribed as a right of “refugees” and it by no means guaranteed for any person including those who have not attained the decent status of refugees within the spectrum of international refugee law. At least for the provision of non-refoulement, however, it would be even possible to say that the provision is recently considered as a kind of customary international laws covering broader legal spectrums,²⁰⁹ which is actually the position of the UNHCR and many other authorities.²¹⁰

²⁰⁶ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International Law,” 154.

²⁰⁷ Weissbrodt, David., and Isabel Hortreiter. “The Principle of Non-Refoulement: Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Comparison with the Non-Refoulement Provisions of Other International Human Rights Treaties.” *Buffalo Human Rights Law Review* 5 (1999), 1-73.

²⁰⁸ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International Law,” 167.

²⁰⁹ Foster, Michelle. *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation*, (New York: Cambridge University Press, 2007), 350; Grahl-Madsen, Atle. “Refugees and refugee law in a world in transition.” *Michigan Yearbook of International Legal Studies* 3 (1982), 65-88; Weis, Paul. “The Development of Refugee Law.” *Michigan Yearbook of International Legal Studies* 27 (1982), 27-42.

²¹⁰ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International

The above explanations have tried to shedding more lights on the lofty aim of international refugee regime to establish the universal standards for protection of refugees. Over time, the international refugee regime has experienced a gradual improvement of standards of treatment of refugees by elaborating a series of principles. Since the Second World War, the international refugee regime has actually contributed to providing protection for millions of refugees, which can be highly lauded.²¹¹ In reality, however, it is also true that the international refugee regime has continuously been confronted with several critical challenges, that mostly stem from the architecture of the regime itself. One is concerning the definitional problems of provisions in their basic legal documents. As I already explained, the international refugee regime has provided a universal definition of who is a refugee, and the “refugeehood” is assessed by two basic criteria – whether s/he crossed the international border and whether s/he was persecuted (or has such a well-founded fear) for the reasons prescribed in the international refugee law. The former criterion can be easily found, except a few cases, but the latter is still controversial as there is no clear provision of how to interpret the term of “persecution.” The discrepancies between refugees recognised under the international laws and the others have arisen in part from the way in which the term is interpreted by the respective states.²¹² As a corollary, the international understandings of who is a refugee have not remained fixed. Furthermore, the international refugee regime has no singular concept of “protection,”²¹³ which means that the refugee status and its relevant rights provided by the current regime are just the general principles rather than specific status. Even though state parties to the 1951 Refugee Convention and the 1967 Refugee Protocol are obliged to implement their legal instruments alongside with the context of the respective national legislation, the precise method and manner of

Law,” 167-168; United Nations General Assembly. “Declaration on the human rights of individuals who are not nationals of the country in which they live.” United Nations General Assembly Resolution 40/144, 1985.

²¹¹ Canefe, “The fragmented nature of the international refugee regime and its consequences,” 186.

²¹² Foster, *International Refugee Law and Socio-Economic Rights*, 348.

²¹³ McAdam, *Complementary Protection in International Refugee Law*, 19.

this implementation depend on each state.²¹⁴ Every state has not been legally bound by any regulation, that has resulted in the fragmented nature of international refugee regime and many practices, or applications, of international refugee regime are determined by the national decision-making bodies of each state parties. In short, the current international refugee regime rests a larger discretionary power on each state party, and in turn each state has been permitted to arbitrarily implement the respective refugee governance. The ultimate decisions on how and to what extent each state party commits to the global refugee governance are placed on the respective states.

Historically, we can find out many examples in which refugees or people in refugee-like situations have been protected either by law or simply on ad hoc basis, and nowadays many states are required to and attempt to highly respect the universal human rights. As such, the problem is often not that states have not signed the international refugee law, nor that they have not embedded refugee rights in their domestic jurisprudence.²¹⁵ This is largely related to the trade-off between the internationally recognised norms and state sovereignty, and thereby “while the international community has on the one hand endeavored to protect the basic human rights of refugees, on the other it has been unable to prevent gross violations and deprivations of those rights in any instances.”²¹⁶ In the absence of a binding regulation, states are likely to free-ride on other states’ contributions, and actual protection offer is less than what is desirable;²¹⁷ accordingly, states’ reactions to refugee crises remained entirely ad hoc.²¹⁸ By picturing the entire structure, we can figure out that the current international refugee regime takes the multilayer structure, and each sovereign state has its own refugee regime under the umbrella of international regime. The

²¹⁴ Canefe, “The fragmented nature of the international refugee regime and its consequences,” 186-187.

²¹⁵ Ibid, 207.

²¹⁶ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International Law,” 159.

²¹⁷ Betts, Alexander. “Public Goods Theory and the Provision of Refugee Protection: The role of the Joint-Product Model in Burden-Sharing Theory.” *Journal of Refugee Studies* 16, no. 3 (2003), 274-296; Betts, *Forced Migration and Global Politics*; Suhrke, Astri. “Burden-Sharing During Refugee Emergencies: The Logic of Collective Action Versus National Action.” *Journal of Refugee Studies* 11, no. 4 (1998): 396-415.

²¹⁸ Benz, and Hasenclever, “‘Global’ Governance of Forced Migration.”

international refugee regime, in this sense, must be a product reflecting the reality of contemporary world politics.

4.2. Paradigm Shifts of International Refugee Regime

The current international refugee regime is a product of the post-Second World War era, and its history began with the drafting of the 1951 Refugee Convention and the creation of the UNHCR in the aftermath of the Second World War. More specifically, however, we can find out three major paradigms having existed in the history of global refugee governance – exilic model, source-country model and security model – according to the categorisations of Frelick.²¹⁹

The first paradigm of global refugee governance is the exilic model for the duration of the Cold War from approximately 1948 to 1991. At that time, most of refugees were assumed to flee from the East to the West. In short, refugees were displaced from the communist or communist-dominated countries, and therefore the international refugee regime and its main pillars were designed with assumptions that there was no hope of refugees repatriating their home countries in any foreseeable future. The global refugee governance was largely preoccupied with the attempts to establish their rights in exile, to find durable solutions outside their home countries.²²⁰

The end of the Cold War in the early 1990s shifted the global refugee governance into the second fundamental paradigm – source country model. After the collapse of the Soviet government, the international community was mainly led by a single super power, the US. This meant a period of static political or ideological bloc ended, and therefore enabled most of refugees to return to their home countries after the removal of causal events of their flight.²²¹ In addition, around the same time, what is known as globalisation emerged and brought an increase in border-crossing movements of goods, capital, people, services, technology, information, ideas, etc. Besides these movements,

²¹⁹ Frelick, “Paradigm Shifts in the International Responses to Refugees.”

²²⁰ Ibid, 33.

²²¹ Ibid, 33-34.

many people moved from one country to another both for voluntary and involuntary reasons, and this movement of people remarkably grew up in scale and scope, which made rather difficult for the international community to find a place to accommodate the refugees. As such, the international community thought of the voluntary repatriation as the most preferable solution for refugees, and many refugees were required to return to their country from they came rather than settled elsewhere, whenever it is possible.

The third paradigm – security model – began with the terrorist attacks on 11 September, 2001. Since then, the international community’s responses to refugees have become rather complex than ever. Fear of terrorism has made it more difficult to attain to the international solidarity to address humanitarian emergencies, whereas the necessity of such a cooperation among the international communities has never disappeared. The modern state system, or international political system has been structured around three central tenets – the notion of equal sovereignty of states, internal competence for domestic jurisdiction, and territorial preservation of existing boundaries.²²² Aside from the philosophical discussions, the role of the modern state has been gradually expanding as time has gone on, while new types of challenges have emerged. Yet it is still not too much to say that protecting the territory and citizens has still been one of the most important roles of a state whether the state has enlarged its roles and responsibilities, or whether new types of problems have emerged. Therefore, state policies on immigration and border control are usually structured in very strict ways in order to ensure the domestic security. In particular after the 9/11, the world has been getting more cautious vis-à-vis immigration and border control than ever for the security reasons. From this view, refugees often came to be regarded with deep suspicion, sometimes seen as being

²²² Elden, Stuart. “Contingent Sovereignty, Territorial Integrity and the Sanctity of Borders.” *SAIS Review* 26, no. 1 (2006), 11-24.

terrorists, and consequently a desire of closing borders and denying asylum has gradually but increasingly appeared.²²³

Nowadays, the term of global agenda is often used when referring to a problem that wants collaborative or collective actions of many states around the world such as poverty and less-development; HIV/AIDS, malaria, and other diseases; climate change and environmental degradation; and international crime, terrorism and insurgency movements. Refugee mobility can be seen to be a kind of global agendas, and it is one of the biggest challenges for sovereignty and territory of the states today. To date, the above paradigm shifts have inclined many states to maintenance of sovereignty rather than lofty aim of international refugee regime. Though the prior two paradigms had never totally disappeared, the third paradigm has been in the central of the current global refugee governance. While the concerns relevant to state sovereignty have inflated, how to strengthen the efficacy of international refugee regime as well as the other internationally recognised norms is a biggest challenge of the international community. One important implication here is that the international refugee regime does never have the solid components other than basic legal documents such as the 1951 Refugee Convention and the 1967 Refugee Protocol; on the contrary, a significant amount of governance is informal and based on unwritten norms or commonly accepted practices. By making use of this fluidity, the international refugee regime has changed itself in accordance with the shifting trends of the world.

4.3. State Responsibility and “Burden-Sharing”

The previous sections covered the general overview of international refugee regime, and then figured out the paradigm shifts of international refugee regime over the last six decades. An overall rise in number of refugees, particularly since the late 1970s, has been a driving force to bring remodelling into the spectrum of international refugee regime, and also pushed the issue of forced migration

²²³ Frelick, “Paradigm Shifts in the International Responses to Refugees,” 34.

forward as an important political agenda in many industrialised countries. Historically, the concept of refugees is emerged as a “problem” in the international context.²²⁴ According to the results of joint-product model, there is no inevitability of the perception of refugees as a “burden,”²²⁵ and thus discourses related to refugees include the negative terms such as “crisis,” “problem” and “burden,” and frame a refugee as a “problem.” Those arguments assume refugees as miserable people who cannot but giving negative effects and influences on host country and community, because most countries hosting large number of refugee populations are amongst the least developed countries in the world; accordingly, the presence of refugee populations has severely strained the protection capacity of those countries with a long-term socio-economic impact. Featuring these facts and inequalities, how to fairly and effectively distribute or share the costs for protecting refugees among the international community has become an important challenge embraced by the current international refugee regime. This is because the international refugee regime aims not only to provide a framework for addressing protection needs of refugees, but also to facilitate international cooperation to ensure the access to protection and a durable solution for refugees.²²⁶

The idea of cooperation or sharing responsibility for refugee protection among the international community has a long history since a part of such an idea was first documented in the 1951 Refugee Convention.²²⁷ In relation to the global public goods theory, “burden-sharing” is an important pillar of the refugee regime to facilitate international cooperation for the purpose of ensuring a fairer distribution of the costs and disadvantage, as well as the potential benefits, to host

²²⁴ Haddad, Emma. *The Refugee in International Society Between Sovereigns*, (Cambridge: Cambridge University Press, 2008).

²²⁵ Betts, “Public Goods Theory and the Provision of Refugee Protection.”

²²⁶ Betts, “International Cooperation in the Refugee Regime.”

²²⁷ Barichello, Stefania Eugenia. “Refugee protection and responsibility sharing in Latin America: solidarity programmes and the Mexico Plan of Action,” in *Comparative Regional Protection Frameworks for Refugees*, ed. Susan Kneebone, (London: Routledge, 2017), 42; O’Sullivan, Maria., and Dallal Stevens., ed. *States, the Law and Access to Refugee Protection: Fortresses and Fairness*, (Portland: Hart Publishing, 2017), 18.

refugees on their territory.²²⁸ The basic logic of burden-sharing is motivated by the idea that an equitable distribution of costs and responsibilities in protection of refugees will lead to both maximum fairness among states and the greatest openness towards asylum-seekers.²²⁹ In reality, however, not all states can be involved in refugee protection in the same way; rather, many states are reluctant to shoulder a heavy burden of taking refugee inside their territories. To explain this point, Alexander Betts tried to compare two main normative components of the current international refugee regime – “asylum” and “burden-sharing.” According to his comparison, the notion of asylum is considered to relate to the provision of protecting refugees who reach the territory of that state, while the burden-sharing is considered to be the provision to protect refugees who are on the territory of another state through resettlement or financial contributions.²³⁰ Arguably, the notion of asylum emerged from a strong normative and legal framework, underpinned by the principle of non-refoulement, while burden-sharing depends on a weak normative and legal framework.²³¹ Many people working for protection of refugees, as well as the UNHCR, have repeatedly referred to the necessity of “burden-sharing.” Under the consideration of human rights, it cannot be difficult to convince states of owning a moral duty to protect foreign nationals who have the emergent threats of violation of human rights. Nevertheless, it remains controversial whether every country has such a moral duty and, if so, to what extent they are required to contribute to the burden-sharing. As such, states’ responses or contributions to burden-sharing of refugees are almost entirely ad hoc,²³² and the degree of refugee burdens that the states actually shoulder is almost always lesser than the

²²⁸ Türk, Volker., and Madeline Garlick. “From Burdens and Responsibilities to Opportunities: The Comprehensive Refugee Response Framework and a Global Compact on Refugees.” *International Journal of Refugee Law* 28, no. 4 (2016), 663-664; Betts, *Forced Migration and Global Politics*.

²²⁹ Barichello, “Refugee protection and responsibility sharing in Latin America,” 42.

²³⁰ Betts, “International Cooperation in the Refugee Regime.”

²³¹ Milner, James. *Refugees, the State and the Politics of Asylum in Africa*, (Basingstoke: Palgrave Macmillan, 2009); Thielemann, “Between Interests and Norms: Explaining Burden-Sharing in the European Union.”

²³² Betts, “International Cooperation in the Refugee Regime,” 57.

required or desired levels as many states have a reluctance on hosting large number of refugees in particular after the 9/11 accident.

Furthermore, in the recent few decades, people are on the move for a variety of different reasons. Some people decide to migrate for the voluntary reasons, such as to find a better job and improvement of their living standards, to seek better educational opportunities, and to meet or join their family; others migrate not only for involuntary reasons such as a result of war between countries, civil conflicts, political persecutions, natural hazards, environmental degradation, and mankind development projects, but also increasing number of people on the move have complex reasons for their migration ranging both voluntary and involuntary reasons. The line drawn between voluntary and involuntary migration is getting more obscure and refugee notion has been broadened to encompass a wider group of people who have fled the indiscriminate effects of generalized violence or serious public disorder. In reality, people who are categorised in forced migrants (including refugees) and people who cannot be recognised as forced migrants travel alongside each other, as the UNHCR began to take a notice on the above facts since releasing the “Refugee Protection and Mixed Migration: A 10-Point Plan of Action” in 2007.²³³

As explained in the previous section, the current international refugee regime follows the security model as the central paradigm, and therefore many countries incline to pay much attention to the domestic security and sovereignty. There is an increasing tendency of those states to deflect refugee inflows in today’s world. In addition, the problem conceptualized in the terms of “mixed migration” or “asylum migration nexus” is still a big challenge for the current mechanism for international refugee protection, and these complex surroundings make it harder to build a consensus among states regarding their commitments to the burden-sharing scheme. Nevertheless, it does not

²³³ United Nations High Commissioner for Refugees. “Refugee Protection and Mixed Migration: A 10-Point Plan of Action.” (Geneva: UNHCR, 1 January, 2007). <http://www.unhcr.org/4742a30b4.pdf> (accessed 8 January, 2018).

necessarily mean that the international refugee regime or the hope of international solidarity for protecting refugees have disappeared. Despite the lack of clear prescriptions, every country, in particular industrialised country, is often required to work harder for international refugee protection. This is an important notice when exploring the reasons when exemplifying a certain country's commitment to the international refugee protection, as well as when considering the possibility of improving the better mechanism of protecting anybody who needs asylum around the world.

Chapter 5: Interior Dimension

5.1. Context of Refugee Governance in Japan

As the previous chapter argued, every country is assumed to set out its own refugee governance structure within the current mechanism of international refugee regime. Japan has been a member of international refugee regime at least for over the last three decades, and the country has developed its own refugee governance structure with a wide range of good and bad experiences vis-à-vis refugee-related, or broader migration-related issues both inside and outside the territory. As such, it is useful to put the relevant state's policies in a wider historical, political, and social context in order to understand the overall structure of refugee governance in Japan.

Aside from the mentions that it might be a remnant of the national isolation policy by Tokugawa military government, Japan is often said to be less developed in taking migrants including refugees within the country. It is widely known that Japan is not a multi-ethnic country due to the figures showing ethnic Japanese²³⁴ still makes up 98 % of the total population in Japan, while the population of people from abroad recently made the record-high every year.²³⁵ Related to those figures, it is even said by some that, though it might be a kind of rumours or groundless opinions, Japanese people are not so hospitable to foreigners, especially from Asian or African countries, because the society is highly urbanized and organised, and there is strong pressure for conformity.²³⁶

²³⁴ Ethnicity in Japan is a controversial topic necessary to be discussed more than in this thesis, but the term is used here with a conflation with “nationality” in line with the way of Ministry of Justice (MOJ). In other words, the “ethnic Japanese” means people who appear as Japanese nationals on the statistics of ministries in Japan.

²³⁵ 2,382,822 foreign residents settled in Japan as of the end of December in 2016 (Ministry of Justice 法務省. “Heisei 28 nen-matsu ni okeru Zairyu Gaikokujin suu ni tsuite (Kakuteichi) 平成 28 年末現在における在留外国人数について (確定値)” [About the Number of Foreign Residents as of the end of 2016 (Definitive Value)] (Tokyo 東京: Government of Japan, 17 March, 2017a). http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri04_00065.html (accessed 8 January, 2018)), while the total population was roughly estimated at 127 million (Ministry of Internal Affairs and Communications 総務省. “Jinkou Suikei (Heisei 28 nen 10 gatsu 1 nichi genzai) 人口推計 (平成 28 年 10 月 1 日現在)” [Demographic Estimation (as of 1 October, 2017)] (Tokyo 東京: Government of Japan, 14 April, 2017). <http://www.stat.go.jp/data/jinsui/2016np/index.htm> (accessed 8 January, 2018)).

²³⁶ See, for example, Abe, Kouki 阿部浩己. “Gaikokujin no Teijyu Ukeire: Anzenhosyouka to

It has been over 30 years since Japan became a state party of the 1951 Refugee Convention and the 1967 Refugee Protocol and started to be engaged in the international protection for refugees. Yet the total number of people who have been granted a refugee status or permitted to stay in the country for some humanitarian reasons is not more than 15,000,²³⁷ which has been frequently criticised for its small scale, with the relatively low recognition rate of refugee status determination (RSD),²³⁸ by humanitarian groups in and out of the country. There exist several reasons behind those figures relevant to refugee governance in Japan (which will be discussed in more details in this chapter), but one important notice here is that refugee admission is treated as a part of the state's immigration policy in Japan. From the perspectives on the domestic laws in Japan, the regulations on the recognition of refugees are incorporated within the laws of immigration control.²³⁹ In this sense,

Jinkenhosyou no Kousaku 外国人の定住受け入れ: 安全保障化と人権保障の交錯” [Resettlement of Foreigners: Complication of Securitisation and Human Rights Protection]. *The Horistu Jiho* 法律時報 84, no. 12 (2012), 28-33.

²³⁷ Japan granted the refugee status for 11,424 people (through the special legislative procedure of resettlement for Indochinese and Myanmar refugees) and for 660 people (through the ordinal scheme of refugee status determination (RSD)) as well as permitted 2,446 foreigners to stay in the country for the humanitarian reasons as of 2015. See Ministry of Justice 法務省. “Heisei 27 nen ni okeru Nanmin Ninteisha suu nado ni tsuite 平成 27 年における難民認定者数等について” [About the Number of the Recognised Refugees, etc. in FY2015] (Tokyo 東京: Government of Japan, 26 March, 2016).

http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00112.html (accessed 8 January, 2018).

²³⁸ 28 people is recognised as refugees among 10,901 people who is seeking asylum in Japan in FY 2016, and thereby the recognition rate in this year is 0.26 %. See Ministry of Justice 法務省. “Heisei 28 nen ni okeru Nanmin Ninteisha suu nado ni tsuite 平成 28 年における難民認定者数等について” [About the Number of the Recognised Refugees, etc. in FY2016] (Tokyo 東京: Government of Japan, 24 March, 2017b). http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00122.html (accessed 8 January, 2018).

²³⁹ Akashi, Junichi 明石純一. “Evaluation on Japan’s Immigration Policies Today: Analysis on the Effect of the Immigration Policies in the 1990s 現代日本における「外国人受け入れ」の政策評価: 1990 年改正入管法および 90 年代の関連政策の効果についての分析,” *International Political Economy* 国際政治経済学研究 (Repository of Graduate School of International Political Economy, University of Tsukuba) 8 (2001), 85-101; Akashi, Junichi 明石純一. “‘Nyukan Gyousei’ kara ‘Imin Seisaku’ heno Tenkan: Gendai Nihon ni okeru Gaikokujin Roudousya Seisaku no Bunseki 「入管行政」から「移民政策」への転換: 現代日本における外国人労働者政策の分析” [Transition from ‘Immigration Control Governance’ to ‘Immigration Policy’: Evaluation on Policies for Foreign Labours in Contemporary Japan], *Annals of the Japan Association for Comparative Politics* 日本比較政治学会年報 11 (2009), 217-245; Akashi, Junichi 明石純一. “Nihon no ‘Imin Seisaku’ no Hensen ni okeru 2009-nen Nyukanhou Kaisei 日本の「移民政策」の変遷における 2009 年入管法改正” [Transition of Japanese ‘Immigration Policy’ and the 2009 Revision of ICRRA]. *The Horistu Jiho* 法律時報 84, no. 12 (2012), 10-15; Ishikawa, Eri 石川えり. “Nihon ni okeru Nanmin Teijyu Ukeire no Genjyou to Mondaiten 日本における難民定住受け入れの現状と問題点” [Current Status and Problems of

even though there is a strong necessity to distinguish refugees from migrants in general, it may be reasonable that, in Japan, the discourse on refugee admissions is almost always coupled with that on immigration. Furthermore, when people talk about immigration, it seems inevitable to avoid mentioning the relation with the ageing and shrinking populations in Japan. Today, many of the industrialized countries are in the midst of demographic changes as their populations are generally ageing and shrinking, and Japan is among the fastest ageing societies in the world.²⁴⁰ This alarming situation leads to many commentaries that try to rush the government into shifting its immigration policy,²⁴¹ though it seems not so easy to make the doors open to immigrants for the complex reasons relevant to the concerns for national security, domestic economy, and society, etc. On the political sides, immigration issues have been discussed among political elites and policy-makers in a variety of contexts, situations and levels. The issues over immigration, with a concern for rapidly ageing and shrinking populations, have been treated as one of the most significant but very sensitive agenda in Japan.

Refugee Resettlement in Japan]. *The Horistu Jiho* 法律時報 84, no. 12 (2012), 22-27.

²⁴⁰ National Institute of Population and Social Security Research 国立社会保障・人口問題研究所. “Kokuritsu Shakaihosyou・Jinkou Mondai Kenkyuujo 国立社会保障・人口問題研究所” [National Institute of Population and Social Security Research], 2014.

http://203.181.211.2/pr-ad/j/soshiki/ipss_j2014.pdf (accessed 8 January, 2018); Vogt, Gabriele. 2007. “Closed Doors, Open Doors, Doors Wide Shut? Migration Politics in Japan.” *Japan Aktuell* 5 (2007), 3-30.

²⁴¹ For example, Yamawaki, Kondo, and Kashiwazaki proposed the necessity to advance the immigration into Japan with a consideration for several required conditions. See Yamawaki, Keizo 山脇啓造., Atsushi Kondo 近藤敦., and Chikako Kashiwazaki 柏崎千佳子. “Imin Kokka Nihon no Jyouken 移民国家日本の条件” [Conditions required for the Immigration Country of Japan]. Discussion Paper of Institute of Social Sciences at Meiji University 明治大学社会科学研究所ディスカッション・ペーパー・シリーズ, No. J-2000-6, 2000. <http://intercultural.c.ooco.jp/data/migration.pdf> (accessed 8 January, 2018).

Murai summarized the debates and made an opinion over immigration in Japan. See Murai, Tadamasu 村井忠政. <Research Note> The Debate over immigration in Japan <研究ノート> 外国人労働者受け入れをめぐる諸問題: 「日本型」モデルの構築をめざして. *Kenkyu Kiyou* 研究紀要 (Repository of School of Humanities & Social Sciences at Nagoya City University 名古屋市立大学人文社会学部研究紀要) 13 (2002), 117-142. Vogt alarmed that, if other demographic factors such as retirement age or fertility rate remain unchanged, Japan will need large scale labour migration to keep its workforce at a level that ensures the functionality of the state (national social services and economic power). See Vogt, “Closed Doors, Open Doors, Doors Wide Shut?”

As I took a note in this chapter-introductory section, the existing structure of refugee governance has been shaped with affected by a set of historical, social, economic and political factors. Even it can be said that the governance structure is still in the midst of development in front of new challenges that, unfortunately, have repeatedly appeared in the unstable situations of today's globalised world. Therefore, in order to understand the overall nature of politics and practice of refugee governance in Japan, it needs the reconstruction in a wider context.

5.2. Current System of Refugee Governance in Japan

Today, there are mainly two ways for people who seek asylum in Japan to potentially get an official letter to permit them to legally settle down – RSD or resettlement schemes – as many countries hold these two options. In Japan, refugee resettlement has always proceeded under the governmental special schemes, and Japan has never provided these possibilities for all refugees, other than those who are from Indochina (Vietnam, Laos, and Cambodia) and Myanmar. Japan's acceptance of Indochinese refugee resettlement was totally over by the early 2000s, and therefore the prospects for refugee resettlement are only limited to a few Myanmar refugees staying in camps at the Southeast Asian countries. Moreover, the resettlement programme for Myanmar refugees initially started as a pilot project with a three-year duration, though now developing into a longer project, and it cannot provide more than 30 seats for them every year.²⁴² It means that the RSD is almost only pathway for most refugees or asylum-seekers to potentially get access to the protection in Japan.

In Japan, it is ruled by the *Immigration Control and Refugee Recognition Act (ICRRA)* that Justice Minister may ultimately recognise a foreign national (who applies for refugee status in Japan) as a refugee, and normally all of the RSD procedures are undertaken by the Immigration Bureau of the MOJ in accordance with the provisions of the Ordinance of the MOJ as well as the ICRRA. The

²⁴² Though the initiation of the programme was a turning point for Japan's refugee policy, it is faced with lots of challenges. Due to its very small numbers as well as the reports about its poorly organised support scheme, the resettlement programme has recently attracted so many attentions and criticisms from the public, policy-makers, and scholars.

RSD procedures begin when a foreign national submits an application for refugee status in Japan (ICRRA: Article 61-2). As to where (and when) asylum-seekers submit applications, several varieties may exist, but the majority of applications are made after their entry into Japan and there have only been a handful of asylum claims at the port of entry in Japan.²⁴³ Under the pre-2004 ICRRA, all asylum applications had to be conducted within 60 days of an applicant's arrival, which is so-called "60 days rule," and thereby around half of applications were rejected.²⁴⁴ Yet, today, there is no provision in law that limits the duration within which a person must apply for refugee status, because the "60 days rule" was abolished by the 2004 revision.²⁴⁵ Once an application is processed, applicants will be called for interviews with Refugee Inquirers (Nanmin Chousa-kan 難民調査官)²⁴⁶ more than once, and then their first instance decisions, as to whether an applicant is recognised as a refugee or not, were made. After the MOJ established the six-month timeframe to speed up the release of first instance decisions, the processing time dropped down, but it still takes a lot of time until applicants can receive their decisions with the number of asylum-seekers increasing.²⁴⁷

It is obvious from the recent statistical data that most of applications are turned down at this first stage, but the RSD process does not become final here. All applicants, if their first applications are rejected, can make an appeal (Igi Moushitate 異議申し立て) to the MOJ within seven days since the date when applicants were notified of the results of refusal (ICRRA Article 61-2-9), and

²⁴³ Iwata, Yoko 岩田陽子. "Waga-kuni no Nanmin Nintei Seido on Genjyou to Ronten 我が国の難民認定制度の現状と論点 [Current Status and Problems of Japan's refugee status determination]." *Issue Brief 調査と情報* No. 710 (Tokyo 東京: National Diet Library 国立国会図書館, 2011), 2. <http://www.ndl.go.jp/jp/diet/publication/issue/pdf/0710.pdf> (accessed 8 January, 2018); Dean, "Japan: Refugees and Asylum Seekers," 8.

²⁴⁴ Dean, "Japan: Refugees and Asylum Seekers," 8.

²⁴⁵ Japan Association for Refugees. "To Those Who Wish To Apply For Refugee Status." (March 2013), 5-6. https://www.refugee.or.jp/for_refugees/tothose/tothose_english_1303.pdf (accessed 8 January, 2018); Wolman, Andrew. "Japan and international refugee protection norms: Explaining non-compliance." *Asia and Pacific Migration Journal* 24, no. 4 (2015), 411.

²⁴⁶ Refugee Inquirers are the Immigration Inspectors, designated by the MOJ, to deal with refugee recognition for a short-term period (about two or three years), which means that most of the Refugee Inquirers have little expertise in refugee matters. See Dean, "Japan: Refugees and Asylum Seekers," 9.

²⁴⁷ Obi, "A review of assistance programmes for asylum seekers and refugees in Japan."

around 60% to 70% of failed applicants appeal against the refusal.²⁴⁸ The revision of the ICRRA in 2004 introduced a number of changes, including the abolishment of the “60 days rule,” in Japan’s refugee policy, and another important reform is setting up the Refugee Adjudication Counsellors in the review process after appeals from asylum-seekers.²⁴⁹ At this stage, applicants can request for an oral pleading and hearing with a counselling team that is composed of three Refugee Adjudication Counsellors (ICRRA 61-2-9 and 61-2-10), and the applicants’ lawyers as well as their acquaintances or other interested third parties are allowed to attend. Usually, after the single two hours interview, a counselling team tells the Immigration Bureau the interview results and the decisions after appeal procedure are made.²⁵⁰

Even in case in which the appeal results in failure, the rejected asylum-seekers can still find mainly two pathways, though a round of administrative procedures of RSD is final here. One is to seek for judicial review (or administrative litigation) within six months since the administrative process is over, in accordance with the provisions of the general *Administrative Litigation Act*. There are a few cases in which asylum-seekers succeeded in this judicial review, but this process usually needs several years until asylum-seekers can reach out to a decision. The other is to restart the asylum appeal in the first place,²⁵¹ because reapplication is not prohibited in the current Japan’s refugee system built upon the ICRRA. There is no domestic law that limits the number of applications by any one person, and every asylum-seeker may recommence the RSD application process as many times as s/he desires, while “Following the introduction of a criteria for assistance

²⁴⁸ Dean, “Japan: Refugees and Asylum Seekers,” 12.

²⁴⁹ Iwasaki, Atsuko. “Open the door: Japan’s policy of exclusion of refugees (Part 2).” *The Asia-Pacific Journal: Japan Focus* 4, no. 2 (2006b): 1-6. <http://apjif.org/-Iwasaki-Atsuko/1788/article.pdf> (accessed 8 January, 2018).

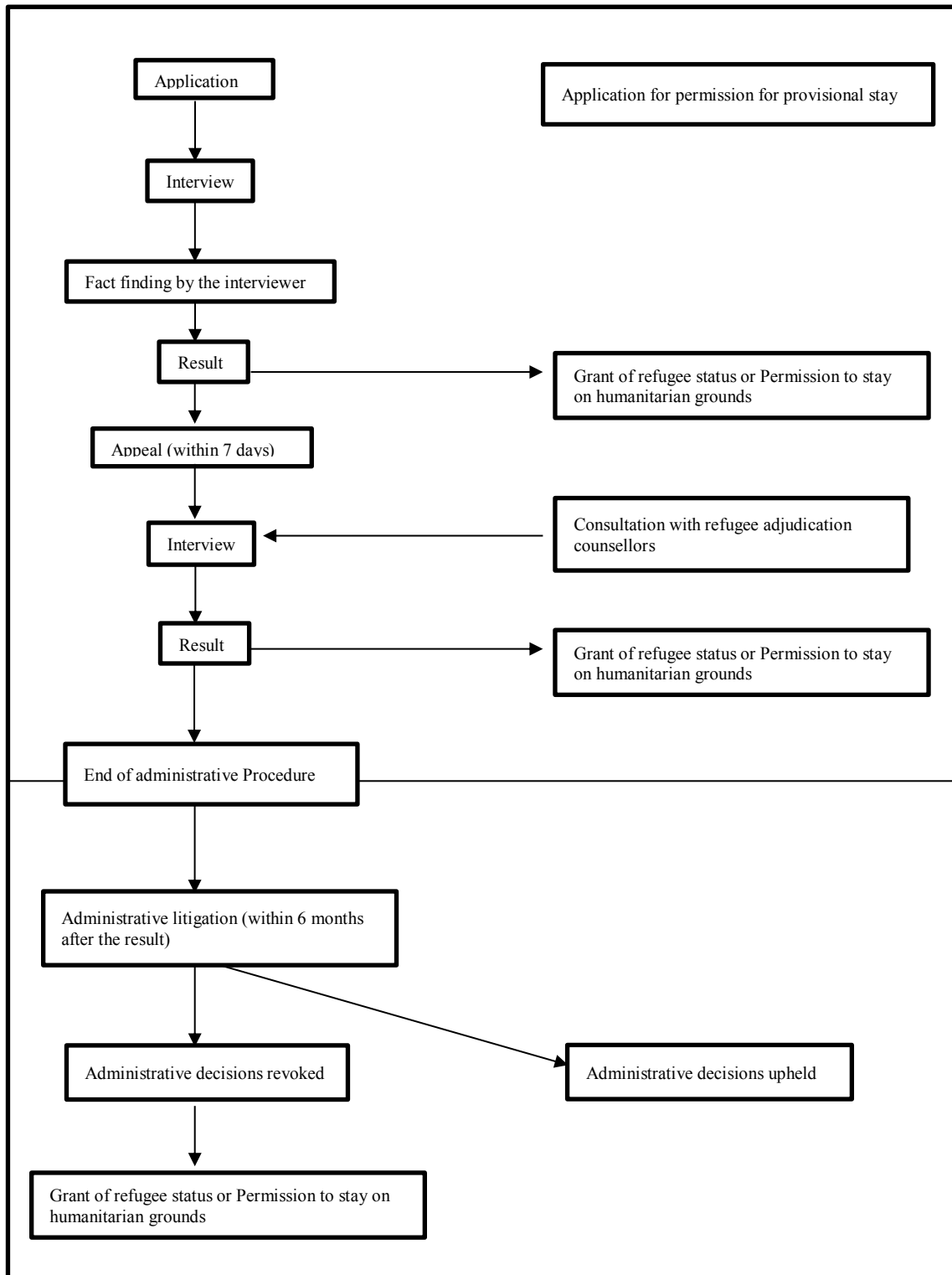
²⁵⁰ Japan Association for Refugees, “To Those Who Wish To Apply For Refugee Status,” 6.

²⁵¹ In 2011, 29% of total RSD applicants were the “repeat applicants.” See Obi, “A review of assistance programmes for asylum seekers and refugees in Japan,” 4.

in 2010, so-called ‘repeat applicants’ are not, in principle, eligible for assistance, unless their cases are under judicial review.”²⁵²

²⁵² Obi, “A review of assistance programmes for asylum seekers and refugees in Japan,” 3-4.

Table 5. Overview of the Refugee Status Determination Process in Japan



Source: Japan Association for Refugees. "To Those Who Wish To Apply For Refugee Status." (March 2013), 4. Available at https://www.refugee.or.jp/for_refugees/tothose/tothose_english_1303.pdf (accessed 8 January, 2018).

If an applicant is successfully recognised as a refugee through the RSD procedures, the person can be entitled to several rights and benefits attached to a refugee status. First, it is needless to say that all of those who have a refugee status can be totally protected against refoulement, and they will not be sent back to their home countries where their life or freedom would be at risk. Second, they can be entitled to the status of residence (Zairyu-shikaku 在留資格), which would permit them to stay and work in Japan for a long-term, and the requirements for their permanent residency would also be relaxed. Third, they can get the Refugee Travel Document, which is equivalent to the passports, and travel to other countries. Fourth, they can receive the equivalent benefits that all of the Japanese citizens can enjoy, such as social welfare, employment and educational services.²⁵³

Even when the applications for refugee status is not accepted, some applicants may be granted a special permission to stay on humanitarian grounds (Tokubetsu Zairyu Kyoka 特別在留許可),²⁵⁴ which is not equal but entitles them to receive several rights similar to rights attached to the refugee status. According to the ICRRA, the MOJ can exercise its discretionary powers and grant a “special permission to stay” for some of applicants who failed in getting a refugee status but have certain humanitarian reasons necessary to stay in Japan (ICRRA Article 62-2-2).²⁵⁵ To grant this status is a discretion act of the MOJ, and therefore the exact criteria of “special reasons” are not disclosed, while it is generally considered that the MOJ generally takes into consideration the elements such as the applicants’ past records, family links, and situations in their countries of origin.²⁵⁶

²⁵³ Japan Association for Refugees, “To Those Who Wish To Apply For Refugee Status,” 4-5.

²⁵⁴ If an applicant has been with a status of residence during the RSD procedure, the status of residence will be either extended or changed. Otherwise, s/he will be granted a special permission to stay.

²⁵⁵ See Immigration Bureau, Ministry of Justice. “Guidelines on Special Permission to Stay in Japan,” (Tokyo: Government of Japan, July 2009). <http://www.moj.go.jp/content/000048156.pdf> (accessed 8 January, 2018).

²⁵⁶ Dean, “Japan: Refugees and Asylum Seekers,” 15-16; Japan Association for Refugees, “To Those Who Wish To Apply For Refugee Status,” 11.

In case that asylum-seekers cannot be permitted to access either a refugee status or a special permission to stay on humanitarian grounds, it is illegal for them to stay in Japan after their legal statuses expire. In principle, such persons are illegal residents and normally subject to detention, and then deportation. In practice, however, it does not necessarily mean that all of the failed applicants are in detention; rather, a significant portion of such persons can be permitted for provisional stay by the current Japan's RSD system. The amendment of the ICRR in 2004 introduced the alternatives of detention, which is the provisional release and permission for provisional stay (Karitaizai 仮滞在).²⁵⁷ The permission for provisional stay provides the limited legal status to someone who has applied for a refugee status, and also complied with several requirements. The access to the permission for provisional stay is limited to asylum-seekers who have applied for refugee status within six months of their arrivals in Japan as well as come directly from a territory where his or her life, physical security or physical freedom was threatened due to reasons defined in Article 1A (2) of the 1951 Refugee Convention. It is needless to say that there is no hope for the applicants who has been convicted of a violation of laws and regulations, except for convictions for political offences, or who has been sentenced for one year or more to be permitted provisional release.²⁵⁸ In accordance with the above criteria, people under the provisional release in Japan need to comply with the following couple of conditions while they remain in Japan. First, they must appear at the Immigration Bureau regularly (as usual once a month to three months). Second, they must not go out of the prefecture where they reside, unless they are permitted to do so after obtaining proper travel authorization. Third, they must report any change of residence to the office of the Immigration Bureau.²⁵⁹ In front of the increasing number of asylum applications in Japan, the number of those who stay in Japan with a permission for provisional stay is growing too. However, this permission is

²⁵⁷ Iwasaki, "Open the door: Japan's policy of exclusion of refugees (Part 2)."; Obi, "A review of assistance programmes for asylum seekers and refugees in Japan," 4.

²⁵⁸ Iwasaki, "Open the door: Japan's policy of exclusion of refugees (Part 2)."; Dean, "Japan: Refugees and Asylum Seekers," 25.

²⁵⁹ Japan Association for Refugees, "To Those Who Wish To Apply For Refugee Status," 12-13.

by no means a guarantee against detention nor deportation, and many people under the provisional release are always at the risk of being subject to detention or deportation.

5.3. Key Actors of Refugee Governance in Japan

As to the RSD procedures in Japan, the ICRRA, which is the legal backbone of Japan's refugee governance, prescribes almost all procedures to be under the control of Immigration Bureau of the MOJ in Japan. In other words, the Immigration Bureau and its parent authority, the MOJ, are permitted to have the authority to flexibly make judgments as far as following the laws and regulations. Under the current system, to make judgements concerning the RSD process, including to determine whether an asylum-seeker is proper to be granted refugee status, is a mandate for the administrative agencies. In this sense, it is reasonable to consider that the character, value or culture of the MOJ and Immigration Bureau can be strongly reflected on the ultimate decision whether an asylum-seeker can be granted a refugee status or not. Yet it does not necessarily mean that the Immigration Bureau or the MOJ has acted as the single strongest authority to arbitrarily and unlimitedly make all judgments regarding the RSD procedures in Japan.

From a broader view, Japan is a constitutional monarchy and the government runs under the framework of the *Constitution* of Japan, which came into force in 1947. A lot of school textbooks generally explain, as in many other states, the Japanese government is divided into three branches – the Legislative Branch (Diet), the Judicial Branch (Courts), and the Executive Branch (Cabinet) – and exercise their respective authority with the primary respects for the three constitutional principles – sovereignty of the people, respect for the fundamental human rights, and renunciation of war. The Diet (or Japan's national parliament) – the House of Representatives (the lower house) and the House of Councillors (the upper house) – is the highest organ of state power and works for rule-makings in the country as the sole national law-making organ. The Courts – the Supreme Court and other lower courts – look after the supervision over constitutionality or legality of the other

governmental branches. The Cabinet – the Prime Minister and the other Ministers of State – is the source of the executive power and, under its umbrella, the administrative agencies and public administrators are in charge of implementing the state’s policies. In the context of Japan’s refugee governance, the Legislative Branch makes and reforms the basement rules such as the ICRRA, the Judicial Branch keeps a watch on the legitimacy of the procedures, and then the Executive Branch implements refugee-related policies and looks after the whole RSD process. Within this context, the refugee governance in Japan can be mainly situated in a kind of executive procedures, but also affected by the legislative or judicial ones.

In general, administrative agencies are given broad discretionary powers to exercise their executive or administrative authority over their decision-makings and day-to-day activities, which is applicable to Japan’s refugee governance. Referring to the widely shared Principal-Agent theory, the rationale for granting discretionary powers to administrative agencies is because those agencies possess some special experiences or professional expertise in a particular area and, in this way, the public can see the administrators as “moral agents” and expect them to be the exemplary role models of society. The public permit the administrative agencies to exercise their authority flexibly and arbitrary, and in turn, the administrative agencies are expected to reflect the public values, benefits and interests on their decision-makings or day-to-day activities. Any discretionary power must be used reasonably, impartially, and avoiding corruption, oppression, or unnecessary injury. In reality, however, the administrative agencies are sometimes not completely honest, secretly keeping some hidden agendas, or withholding information from the public eyes. The public may know little to nothing about the administration or their responsibilities. When the administrative agencies abuse or make the destruction of laws and regulations, however, the public will never tolerate such abuses, and a big public debate will occur. This has been reflected in Japan’s refugee governance and, in particular, RSD procedure so far. We cannot well figure out Japan’s refugee governance without

taking a notice on the existence of key actors both inside and outside the executive. Even though the MOJ and Immigration Bureau have still held the ultimate right to determine refugee status, their decisions can be largely affected and reflect some key exterior actors' values and interests. There exist several key players other than the Immigration Bureau, or the MOJ, in Japan's refugee governance. As such, in the following paragraphs, I mention some influential actors for the refugee governance in Japan including their interests or preferences.

Bureaucrats

In Japan's system of general public policy-making, a wide variety of political entities constitute an important part, though which may play only minimal roles in the whole policy-making processes. While their influences vary across policy stages and policy areas, the bureaucracy has worked among a most influential actor. Formally, the Cabinet and its head, the Prime Minister, work as the supreme decision-making organs in the Executive Branch and, under their control and supervision, various administrative agencies are mandated to undertake their own day-to-day activities for the public. Practically, on the other, a lot of administrative procedures have been autonomously undertaken inside the bureaucracy. Indeed, ministries are permitted to make administrative rules having the force of law, such as the ministry regulation (Shorei 省令), communications (Tsutastu 通達), and interpretations (Kaisyaku 解釈) as well as to enforce their policies by informal administrative guidance (Gyosei-shidou 行政指導), when exercising their administrative authority.²⁶⁰ Furthermore, administrators can exercise most enormous influences over the state's policy-making as a majority of Cabinet-sponsored bills are tailored by their efforts.²⁶¹

Since Max Weber first noted, the relationships, or struggles, between politicians and bureaucrats are an important featured topic in all economically developed and democratised

²⁶⁰ Bochorodycz, Beata. *The Changing Patterns of Policy Making in Japan: Local Policy Initiative of Okinawa Prefecture in the 1990s*, (Poznań: Adam Mickiewicz University Press, 2010), 40.

²⁶¹ Ibid, 39.

countries, but “bureaucrats have enormous power in Japan – arguably more so in Japan than in any other modern democratic country.”²⁶² As such, it has been frequently said, under the so-called *1955 regime*,²⁶³ such a bottom-up policy-making pattern derived from the quasi-independent character of the bureaucracy has led to relatively weak leadership of the Prime Minister and the Cabinet in comparison with the other countries adopting the parliamentary system such as the UK, that has been the role model for the Japanese political system.²⁶⁴ These stronger influences of the bureaucracy have not merely been strengthened during the evolution of the 1955 regime, but well matched with the Japanese political culture of being fond of taking wide-ranging consultations prior to the decision-making. Until the present, the top-down policy-making process has not been sufficiently realised in Japan, even after the country having experienced several institutional reforms such as the “structural reforms” by the popular government of former Prime Minister Koizumi, or the Democratic Party-led government’s reforms for pursuing “politician-led” policy-making, not bureaucratic-led one.

It has been a general and widely shared assumption that Japanese political elites have been hesitant to take steps towards opening its doors to migrants, which include refugees, as Vogt stated the ongoing debate over the immigration issue in Japan suggested the country would keep its stricter immigration policies, not an open-door policy to migrants.²⁶⁵ Even if they continue to discuss the immigration issues and make revisions, there exists no prospect for the country to make a comprehensive shift from the current visa regulations and the work permit system because “the government has been most eager to avoid making immigration a political issue. Rather than

²⁶² Curtis, Gerald L. “Politicians and Bureaucrats: What’s Wrong and What’s to Be Done,” in *Policymaking in Japan: Defining the Role of Politicians*, ed. Gerald L. Curtis (Tokyo: Japan Center for International Exchange, 2002), 6-7. http://www.jcie.org/researchpdfs/PolicyMaking/policy_curtis.pdf (accessed 8 January, 2018).

²⁶³ During the *1955 regime*, the conservative Liberal Democratic Party (LDP) had maintained its position as the ruling-party from 1955 to 2009 only with short breaks.

²⁶⁴ Uchiyama, Yu 内山融. “Actors and policymaking patterns in Japanese politics 日本政治のアクターと政策決定パターン.” *Quarterly Journal of Public Policy & Management* 3 (2010): 1-18. http://www.murc.jp/english/think_tank/quarterly_journal/qj1003_01.pdf (accessed 8 January, 2018).

²⁶⁵ Vogt, “Closed Doors, Open Doors, Doors Wide Shut?”

fundamental reform, the status quo has been left largely unchanged, some small-scale revisions notwithstanding.”²⁶⁶ However, these analyses might be too hasty to reach to conclusion, at least placing a focus on Japan’s “refugee” governance. Though it is still difficult to build a consensus on how to proceed Japan’s refugee governance even amongst the bureaucracy. This is because “The “bureaucracy” is in reality a complex of largely independent, often competing ministries and departments, each with its own policy preferences and goals and none with the ability to establish overarching policy.”²⁶⁷ Each ministry and agencies attempts to exclude other ministries or agencies.²⁶⁸ Difficulties in consensus building is actually reflected in the divided stances between the two Ministries being of central importance on refugee governance in Japan – the MOJ and the Ministry of Foreign Affairs (MOFA).

In Japan, as already explained, the Immigration Bureau of the MOJ has the primary responsibility for the state’s refugee admission policy, or the RSD procedures, but Japan’s refugee governance does not merely designate such policies. While Japan has been widely known as one of the biggest donors for the UNHCR’s activities, more specifically, the MOFA is mandated to take care of the state’s commitment towards international refugee protection through foreign aid schemes or financial contributions to international organisations. As a corollary, “The main concern of MOJ is a proper refugee status determination process, while MOFA is concerned about the international image of Japan abroad. The two ministries do not coordinate respective refugee-related policies with a view to designing an integrated Japanese refugee policy.”²⁶⁹ The bureaucratic sectionalism has frequently attracted to the public, media and scholarly attentions, and Japan’s refugee governance has embraced such a problem on how to make a policy coordination among the Executive Branch, in

²⁶⁶ Akashi, Junichi. “New aspects of Japan’s immigration policies: is population decline opening the doors?” *Contemporary Japan* 26, no. 2 (2014), 192.

²⁶⁷ Curtis, “Politicians and Bureaucrats,” 6.

²⁶⁸ Inoguchi, Takashi. “The Nature and Functioning of Japanese Politics.” *Government and Opposition* 26, no. 2 (1991), 185-198.

²⁶⁹ Takizawa, Saburo. “The Japanese pilot resettlement programme: Identifying constraints to domestic integration of refugees from Burma,” in *Urban Refugees: Challenges in Protection, Services and Policy*, ed. Koichi Koizumi, and Gerhard Hoffstaedter, (London: Routledge, 2015), 212.

particular between the MOJ and the MOFA. As to the refugee-related problems, the MOFA has tended to aggressively make contributions against the exterior problems because the ministry always cares for international norms and reputations, while the MOJ has been tried to strictly pursue its mandates on interior problems because the ministry primarily cares for legitimacy, legal stability and accountability inside the country. This divide largely stems from their different objectives and mandates, but both of the ministries have been the central to Japan's refugee governance.

Politicians and Political Parties

Although some observers state that bureaucrats are traditionally rather powerful than the other political elites, politicians, in the formation of state policy of Japan,²⁷⁰ the politicians nonetheless have a great role in designing policy, as popularly elected politicians are accountable to the public for the government's policy. In November 2011, both the House of Representatives and the House of Councillors unanimously passed a resolution to commemorate the 30th anniversary of Japan's accession to the 1951 Refugee Convention and the 60th anniversary of the UNHCR, in order to reconfirm what the country has done for the international protection of refugees and then what the country will do from now on.²⁷¹ Surprisingly, however, this was the first time of the national parliaments passing such a resolution to pledge the country's commitments towards the international protection of refugees in Japan. Doubtlessly, this resolution was much welcomed by international society, but this precisely showed the fact that the politics of Japan had never earnestly tackled the refugee problems. Rightly or wrongly, we cannot find out a time of the refugee-related issues coming to the headlines in mind of Japanese politicians and political parties, with a few exceptional circumstances such as the emergency of Indochina crisis.

²⁷⁰ Curtis, "Politicians and Bureaucrats.," Ikuta, Tadahide 生田忠秀. *Dokumento: Kanryo no Shinsou* ドキュメント: 官僚の深層 [Document: The Depth of Bureaucracy] (Tokyo 東京: Diamond ダイヤモンド社, 1996); Ikuta, Tadahide. *Kanryo: Japan's Hidden Government*, translated by Hideo Yanai (New York: ICG Muse, 2000).

²⁷¹ See the minuets of the 179th House of Representatives, Plenary Session, Issue 9, 17 November, 2011; and the 179th House of Councillors, Plenary Session, Issue 7, 21 November, 2011.

Such a long silence over refugee problems is largely caused by the political system and culture in Japan. In terms of the electoral politics, the ultimate purpose of politicians is to ensure their seats, and therefore the rational choice of many politicians is to focus on the topics that can attract more popularity from the public, or to avoid controversial or sensitive issues for the public. As already mentioned about the 1955 regime, overall, a political party – Liberal Democratic Party (LDP) – has remained the ruling-party in the history of politics of Japan, only with short breaks. As Hrebenar and Itoh noted, factionalism is an important part of almost all Japanese political parties. As for the LDP, the party is a single, normally referred to as conservative party, but is quite large organisation, which has generated intra-party politics within the LDP.²⁷² In such a fractional nature inside a political party, many politicians cannot anticipate gaining a lot of supports from the party they belong to. An effective way for many politicians is to mobilise votes in regular elections by themselves, and thus “politicians rely more on their personal political machines than on the party to ensure reelection,”²⁷³ which leads to interests of politicians to become experts on particular topics and attract particular groups. While the big electoral reforms in 1994 had numerous impacts on the Japanese politics, the above traditional behaviours among the politicians have still continued. Under the current electoral system of Japan, general elections to the House of Representatives are held, unless the lower house is dissolved, every four years, and the elections to the House of Councillors are held every three years to choose a half of its members who can hold a six-year term. Though the Japanese parliament system is bicameral, local popularity would still be a key for most candidates of both elections to the legislative chambers to ensure their seats, as most parliamentarians of the lower house are elected in small, single-seat constituencies, as well as most of the upper house are elected in single- or multi-seat constituencies (prefectures) by single non-transferable vote. These electoral

²⁷² Hrebenar, Ronald., and Mayumi Itoh. “Japan’s Changing Party System: An Introduction,” in *Party Politics in Japan: Political Chaos and Stalemate in the 21st Century*, ed. Ronald J. Hrebenar., and Akira Nakamura, (London, New York: Routeledge, 2015), 1-21.

²⁷³ Estévez-Abe, Margarita. “Negotiating Welfare Reforms: Actors and Institutions in the Japanese Welfare State,” in *Restructuring the Welfare State: Political Institutions and Policy Change*, ed. Bo Rothstein., and Sven Steinmo, (Basingstoke: Palgrave Macmillan, 2002), 169.

designs have produced many “politicians who focus on locality-specific, pork-barrel type activities”²⁷⁴ because political success of politicians rather relies on their personal supporters than the organisational powers of political parties to which they belong.

After the admirable achievements of Sadako Ogata in the 1990s, some pieces of refugee issues began to be more publicly debated and reported as a global challenge. Since around the same time, some politicians who have personal interests in refugee issues have slightly appeared on the political arena in Japan. Today, some politicians who have an interest in refugee issues organise an inter-party parliamentary group (UNHCR Giin Renmei UNHCR 議員連盟). Some members of this group, largely from the small Opposition parties, have earnestly studied and worked for establishing a better refugee policy in Japan, but it has not been sufficient.²⁷⁵ To sum up, from the view of the politicians and political parties, aside from the truth, the Japanese society is perceived hesitant to refugees especially in the context of immigration, or does not have an interest in such a topic unless a politician personally has a special interest in such an issue. As such, the vast majority of Japanese politicians have kept blind to the option of the country treating refugees within its boundary.

The Public, Civil Society and Media

Analytical Liberalism assumes the individuals to be the fundamental actors of politics, and thus it is important to figure out what kinds of interests and preferences the individuals have in society. However, this aim is not easy at times. This is, of course, because wide range of factors can influence the public opinions, ranging from the personal experiences and circumstances to the specific values and views of a politician, for example. Different individuals have different opinions, interests and preferences, and there would be no unanimous opinion in society. When an opinion comes to the mind of the public, it would be reasonably based on the considerations of some pieces of relevant information, and moreover it would always make a shift or reform along the changing

²⁷⁴ Curtis, “Politicians and Bureaucrats,” 14.

²⁷⁵ Personal communication with the UNHCR official, 17 April, 2017.

political surroundings, personal circumstances and other factors. Democracy is generally designed to require that the public opinion can play an important role in the state's policy-making process, and literature on the relations between the public opinion and policy-making, in particular on foreign policy, has recently made a great progress, while no consensus has still existed among the scholarly debates.²⁷⁶

In the general policy-making process, the interest groups, which are usually organised on the basis of one or more shared concerns and interests, attempt to influence the public policy-making. All interest groups hold a desire to affect the governmental policies to benefit themselves; in other words, their goals are to reflect their opinions, interests, and preferences into the policy outcomes through lobbying activities.²⁷⁷ In Japan, there have existed a variety of interest groups such as business, labour, agriculture, and fisher groups in the business sector. In the *1955 regime*, the existence of ruling triad – politicians, bureaucrats, and big business – was frequently mentioned, and this feature has been weakened through several political reforms as well as electoral politics, but the interest groups has still acted as an influential actor of domestic politics in Japan. In the area of Japan's refugee governance, such an interest groups have not emerged from the business sector. Instead, the civil society groups, or NGOs have worked as a similar function to that of the interest groups in the other spectrums of politics. In 1979, a quasi-governmental organization the Refugee Assistance Headquarters (RHQ) was created following the refugee crisis in the Indochina, to manage the assistance programmes for the resettlement of refugees administered by the Humanitarian Assistance Division of the MOFA. Since then, a number of other organizations were established amongst the civil society in Japan and assisted with the refugee relief programme.²⁷⁸ The roles and

²⁷⁶ Baum, Matthew A., and Philip B.K. Potter. "The Relationships Between Mass Media, Public Opinion, and Foreign Policy: Toward a Theoretical Synthesis." *Annual Review of Political Science* 11 (2008), 39-65.

²⁷⁷ Thomas, Clive S. "Interest group." *Encyclopedia Britannica*, 6 July, 2017. <https://www.britannica.com/topic/interest-group> (accessed 8 January, 2018).

²⁷⁸ Dean, Meryll., and Miki Nagashima "Sharing the Burden: The Role of Government and NGOs in Protecting and Providing for Asylum Seekers and Refugees in Japan." *Journal of Refugee Studies* 20, no.

supports of NGOs vary from relief supports, to social welfare services, and to advocacy,²⁷⁹ and not all organizations have a political power. Overall, however, they have a certain influence on the policy-making process. In particular since the Refugee Council Japan (RCJ) was set up as an umbrella organisation for the eight NGOs undertaking refugee assistance in Japan in 2004, the political power and influences of the NGOs have gradually increased, and some of NGO workers have taken part in several advisory councils inside the government.

The UNHCR is mandated as an intergovernmental organization to work for pursuing international protection of refugees within the UN family, most activities of them are undertaken at the international or intergovernmental arena. However, it has placed a liaison office in Tokyo, which has acted as an influential entity of Japan's refugee governance, and has worked closely together with the NGOs. In fact, the UNHCR representative office in Japan has played an important role behind the setting a direction and parameters for the Japanese government in the formulation and implementation of refugee policies. In addition, the UNHCR has provided a part of necessary information for the Immigration Bureau to proceed the RSD process, which has in practice been of large significance on the decisions of the Immigration Bureau.²⁸⁰

Besides the above organisations of civil society, the media – newspapers, radio, television, and the recently emerging online resources (including blogs and social-networking-service) – can throw a significant light on the state-society relation. Though there exists a complex relationship with the public, the media plays an import role in policy-making process of any society, at least in democratised countries including Japan, by focusing the public attentions on certain issues and

3 (2007), 500.

²⁷⁹ United Nations High Commissioner for Refugees Japan 国連難民高等弁務官駐日事務所. “Nihon no Nanmin Hogo • Shien 日本の難民保護・支援” [Japan's Protection and Support for Refugees] (Tokyo 東京: UNHCR Japan, August, 2016). <http://www.unhcr.org/jp/wp-content/uploads/sites/34/2017/04/photobook-2016.pdf> (accessed 8 January, 2018).

²⁸⁰ Personal communication with an ex-Immigration Bureau official, 18 May, 2017.

leading many people to forming their opinions.²⁸¹ The primary task of the media is to report a certain event for the public understandings, and therefore the media has been assumed to function as a linkage between the public and politicians or policy-makers rather than as an independent and strategic actor in policy-making process from the traditional view of political scientists.²⁸² Because the media draw a story in its favour through the selection of on what piece of news, and moreover in what way, they write an article, however, it has also been suggested that the media has more proactive roles.²⁸³ The media convey some pieces of political events to the public, but at the same time the public opinions on a certain policy take shape through the influences of the media reports. Therefore, Baum and Potter argued that “the media influence nearly every aspect of the relationship between public opinion and foreign policy.”²⁸⁴ As a corollary, for example, it sounds that, before an election, voters who earlier had only a mild preference for one party or candidate may be inspired by media coverage.²⁸⁵

On the above considerations, even though it is highly controversial to explore the public opinion vis-à-vis refugee-related problems and refugee governance in Japan, it is worthwhile to refer to in what ways the media has reported the relevant issues. In the context of the recent initiation of Japan’s commitment to the third country resettlement for Myanmar refugees, Takizawa stated that the Japanese media generally positively and supportively responded to this news “with a proviso that the Government has to provide resettled refugees with sufficient language and skills training as well

²⁸¹ Davidson, W. Phillips. “Public opinion.” Encyclopedia Britannica, 17 March, 2017.

<https://www.britannica.com/topic/public-opinion/The-mass-media> (accessed 8 January, 2018).

²⁸² Auerbach, Yehudith., and Yaeli Bloch-Elkon. “Media Framing and Foreign Policy: The Elite Press vis-à-vis US Policy in Bosnia, 1992-95.” *Journal of Peace Research* 42, no. 1 (2005), 83-99; Bloch-Elkon, Yaeli. “Studying the Media, Public Opinion, and Foreign Policy in International Crises: The United States and the Bosnian Crisis, 1992-1995.” *The International Journal of Press/Politics* 12, no. 4 (2007), 20-51; Brody, Richard A. *Assessing the President: The Media, Elite Opinion, and Public Support*, (Stanford: Stanford University Press, 1991).

²⁸³ Gunther, Richard, and Anthony Mughan., ed. *Democracy and the Media: A Comparative Perspective*, Cambridge: Cambridge University Press, 2000; Patterson, Thomas E. *Out of Order*, (New York: Alfred A. Knopf Incorporated, 1993).

²⁸⁴ Baum, and Potter. “The Relationships Between Mass Media, Public Opinion, and Foreign Policy,” 40.

²⁸⁵ Davidson, “Public opinion.”

as social integration support so that they can become members of Japanese society as soon as possible, avoiding the repetition of the difficulties the Indochinese refugees experienced.”²⁸⁶ Yet we need to be much more careful about their reporting stances than the above commentary, because the different stances can be found among the different media agencies, at least for newspapers and television networks – two influential media sources – in Japan. Among the hundreds of daily newspaper companies in Japan, the following five newspapers – Yomiuri Shimbun, Asahi Shimbun, Mainichi Shimbun, Sankei Shimbun, and Nihon Keizai Shimbun – are referred to as the nationwide newspaper, which have stronger influences on the nationwide debates, and they are usually categorised alongside with their respective political stances. As usual, the Asahi is perceived the most liberal, and the Mainichi is the second; the Nihon Keizai Shimbun is usually neutral but sometimes slightly conservative; and the Yomiuri is conservative and the Sankei is the most conservative. Similarly, six nationwide television networks are categorized as follows: the TV Asahi (affiliated with the Asahi Shimbun) and the TBS (Tokyo Hoso; Tokyo Broadcasting; affiliated with the Mainichi Shimbun) are liberal; the TV Tokyo and the NHK (Nippon Hoso Kyokai; Japan Broadcasting Association), which is the Japanese public service broadcaster and financed through fees collected from viewers and with a budget approved by the Diet, are neutral; and the Fuji Television is relatively conservative. Though divided stances of television networks are not as clearly reflected as those of newspapers, these divided stances seem to be reflected on in what way each newspaper or TV news programme gives a report over refugee-related issues, in particular about the country’s refugee admission.²⁸⁷ To put it simply, liberal or relatively liberal media

²⁸⁶ Takizawa, “The Japanese pilot resettlement programme,” 216.

²⁸⁷ The evaluation of the political stances of the respective media agencies here is based on the personal communications and discussions with a Japanese scholars and students studying on politics. Though such an evaluation has still lacked the well-established grounds, it seems to correspond to a wide-spread popular discourse in Japan, and it is argued that there exist differences among the reporting-stances of each media agency regarding the immigration-related issues in Japan. This argument is based on the personal communication with Mr. Saburo Takizawa on 25 May, 2017. See also Kaneko, Motoki 金子元希. “Nanmin Houdou ni okeru Nihon no Medhia no Yakuwari ha? 難民報道における日本のメディアの役割は?” *Gendaishi Kenkyu* 現代史研究 (Repository of Toyo Eiwa University 東洋英和女学院大

agencies place much more focus on how few Japan has accepted refugees, with a criticism against the current governmental stance or a suggestion for accepting more refugees; on the other, the conservative or relatively conservative shed more lights on the illegal nature of the recent asylum-seekers with a necessity to strictly exercise the current policy or keep the current governmental stance.²⁸⁸

It remains controversial if the media can be really obedient to the public opinion; in other words, if we can accurately capture the public opinion from the media reports. Yet, one of the most significant notes is that politicians and policy-makers often consider that the media reports would reflect popular thinking amongst the public.²⁸⁹ Whether it is the truth or not, such a perception has strongly propagated among the politicians and policy-makers.²⁹⁰ Given that the public opinion is reflected into the media reports, it is reasonable to assume the public opinion to be mainly divided like the above. Some people are in favour of immigration, while the others are against or reluctant. According to the popular discourse, particularly in the West, the Japanese opposition to immigration is often taken for granted with a reference to “homogeneous” society.²⁹¹ Yet, in contrast to many suggestions from the Western discourse for increasing immigration as a solution towards the demographic challenges, research analyses of examining the Japanese public opinion on immigration is surprisingly rare not only English discourse, but in Japanese discourse.²⁹² It means that

学現代史研究所紀要) 13 (2016), 179-193.

²⁸⁸ Kaneko, “Nanmin Houdou ni okeru Nihon no Medhia no Yakuwari ha?”

²⁸⁹ Takizawa, “The Japanese pilot resettlement programme,” 216.

²⁹⁰ A former MOJ official, Hidenori Sakanaka, told anonymously “Japan has kept a mindset of closing doors to foreigners as it is an island nation that until recently had ample population” in an interview with L’Agence France-Presse. See Worley, Will. “Japan rejects more than 99% of refugee applicants: Country reluctance to take migrants despite ageing population.” *Independent*, 4 May, 2017.

<http://www.independent.co.uk/news/world/asia/japan-refugee-applications-rejected-a7718111.html> (accessed 8 January, 2018).

²⁹¹ See, for example, Reynolds, Isabel. “Why Immigrant-Shy Japan Is Luring Foreign Workers: Quick Take Q&A.” *Bloomberg*, 24 February, 2017.

<https://www.bloomberg.com/news/articles/2017-02-23/why-immigrant-shy-japan-is-luring-foreign-workers-quicktake-q-a> (accessed 8 January, 2018); Worley, “Japan rejects more than 99% of refugee applicants.”

²⁹² Green, David., and Yoshihiko Kadoya. “English As A Gateway?: Immigration and Public Opinion in Japan.” The Institute of Social and Economic Research at Osaka University Discussion Paper No. 883,

immigration of Japan remains a somewhat elusive and under-researched topic. As a result of a quantitative analysis, it can be shown that public perception of increasing foreign population is overall negative, as nearly 60% of respondents were against every year according to the survey data between 2000 and 2010.²⁹³ Yet, does it really mean that the popular discourse of the Japanese opposing to immigration is right? In fact, similar reluctances also appear in the public opinions of other countries. For example, a survey showed that 69 % of UK citizens thought that immigration should be decreased in 2013;²⁹⁴ over half of surveyed persons thought there were too many immigrants in Germany in 2008, though such a percentage has been decreasing since the 1980s;²⁹⁵ and even in the US, a major country of immigration, around 40-50% of citizens considered the size of immigration should be decreased from 2001 to 2008.²⁹⁶ Judging from those analyses, it is too hasty to determine the Japanese reluctance to immigration.

Arguably, refugee admission may be a kind of problems of “Not In My Back Yard (NIMBY),” though this argument is not backed up with any quantitative analysis. After the terrorist attacks of 9/11 in 2001, securitization of immigration was actually found not only in Japan, but in many industrialized countries. In alliance with the concerns over domestic security, many people thought the peace in the country had gotten worse because of the increasing populations of foreigners,²⁹⁷ in spite of the lack of any sound grounds.²⁹⁸ The majority of Japanese public seem to

September 2013. <http://www.iser.osaka-u.ac.jp/library/dp/2013/DP0883.pdf> (accessed 8 January, 2018).

²⁹³ Ibid.

²⁹⁴ Blinder, Scott., and William L. Allen. “Briefing: UK Public Opinion toward Immigration: Overall Attitudes and Level of Concern.” Fourth Revision. The Migration Observatory, 28 November, 2016. <http://www.migrationobservatory.ox.ac.uk/resources/briefings/uk-public-opinion-toward-immigration-overall-attitudes-and-level-of-concern/> (accessed 8 January, 2018).

²⁹⁵ Abali, Oya S. “German Public Opinion on Immigration and Integration.” Migration Policy Institute Report, 2009. <https://www.migrationpolicy.org/sites/default/files/publications/TCM-GermanPublicOpinion.pdf> (accessed 8 January, 2018).

²⁹⁶ Suro, Roberto. “America’s Views of Immigration: The Evidence from Public Opinion Surveys.” Migration Policy Institute Report, 2009. <https://www.migrationpolicy.org/sites/default/files/publications/TCM-USPublicOpinion.pdf> (accessed 8 January, 2018).

²⁹⁷ Okada, Kaoru 岡田薫. “Gaikokujin to Hanzai 外国人と犯罪” [Foreigners and Crime]. *Reference レファレンス*, National Diet Library, 2007.

agree that the government takes a leading role for international protection of refugees; on the contrary, not all, but many among such people may be reluctant to physically accepting refugees as their neighbourhood. In addition, generally, among the three areas attracting major public interests – domestic politics, foreign affairs, and economy – the last one, economy, is almost always ranked as the highest interest for the public. Due to the two-decade recession from the 1990s to the 2000s, the unemployment and poverty rate rose and finding a job was difficult even for young Japanese. An increasing number of populations live by social welfare services in the rapidly ageing society. In such a domestic climate, though a number of Japanese citizens would not doubt the importance of Japan’s commitment towards international problems, it is natural for many people to place their more interests into the interior issues than exterior issues, and such an idea would either directly or indirectly have an influence on the societal characters, political values, decision-making procedures and other key aspects of refugee governance in Japan.

http://www.ndl.go.jp/jp/diet/publication/refer/200707_678/067801.pdf (accessed 8 January, 2018).

²⁹⁸ Ueda, Hiroshi 上田寛. “Wagakuni ni okeru “Gaikokujin Hanzai” no Mondai わが国における「外国人犯罪」の問題” [The problem of “Crimes committed by Foreigners” in Japan]. *Ritsumeikan Hougaku* 立命館法学 6, no. 304 (2005), 2323-2344. <http://www.ritsumei.ac.jp/acd/cg/law/lex/05-6/ueda.pdf> (accessed 8 January, 2018).

Chapter 6. History of Japan's Refugee Governance and Turkish Kurd Asylum

6.1. Emergence of Japan's Refugee Governance

The Chapter 4 attempts to describe the whole structure and constituents of international refugee regime, and then the Chapter 5 aims to identify the nature of some kinds of actors who have an influential power in Japan's domestic politics as well as to figure out how the current refugee governance system in Japan can be placed in the international refugee regime. In terms of the fundamental assumptions proposed by Andrew Moravcsik, the previous chapters can be said to correspond with the fundamental assumptions of Analytical Liberalism. From this chapter, the study will more closely look at the case of Turkish Kurd asylum migration into Japan with an attempt to integrate the findings of the previous chapters. As explained in the Chapter 3, the "state preferences" are the key idea of the explanatory model proposed by the Analytical Liberalism. As such, with a notice on the "state preferences," the study attempts to explain in what ways those preferences emerge and affect the policy outcome of refugee governance vis-à-vis the case of Turkish Kurd asylum-seekers in Japan. For such a purpose, the study closely looks back into the history of refugee governance in Japan, situates the case of Turkish Kurds within the history, and then tries to find out how the "state preferences" have an influence on the policy outcomes.

Compared to the long history of the global refugee governance (and its basis of international refugee regime), given that its origin can date back to the end of the Second World War or the earlier, Japan's history of refugee governance is relatively short. Japan did not be a party to the 1951 Refugee Convention nor 1967 Refugee Protocol until 1981. Japan was quite busy in being engaged in the post-war reconstruction for many years after the Second World War and was not a destination country chosen from many asylum-seekers and refugees.²⁹⁹ As such, in Japan, "refugee" and the

²⁹⁹ Dean, Meryll., and Miki Nagashima "Sharing the Burden: The Role of Government and NGOs in Protecting and Providing for Asylum Seekers and Refugees in Japan." *Journal of Refugee Studies* 20, no. 3 (2007), 481-508.

needs for the country to commit to the international protection for refugees did never appear in the mind of political elites and policy-makers, until when the country had to be faced with the urgent needs to take an action for the Indochinese refugee crisis. The Indochinese refugee crisis, from the late 1970s to 1980s, must be the first turning point on the history of Japan's refugee governance.

The political upheavals following the communist victories after the “Fall of Saigon” in April 1975 caused the major outflows of people from the former French colonies of Indochina – Vietnam, Laos, and Cambodia – and more than three million people risked making the dangerous journey to seek asylum in other countries. While some portions of Indochinese refugees chose to flee by land, a large number of people staked their life on small fishing boats and flowed into the islands and coastal areas in neighbouring countries such as Indonesia, Malaysia and Hong Kong.³⁰⁰ Japan also became a harbour for Indochinese “Boat People,” since nine people arrived at the Chiba port on 12 May 1975 and, by the end of 1995, total 13,768 people flowed into Japan by sea.³⁰¹ Though there was a certain need to help those “Boat People” from the humanitarian perspectives, Japan had no legal framework to deal with the arrivals of asylum-seekers within its national boundaries at that time. In other words, both internally and internationally, Japan did have no procedure for refugee governance. Therefore, the Japanese government decided to introduce special procedures to permit the Indochinese refugees who arrived at the country's territory to temporarily stay in the country.

³⁰⁰ Based on the figures available at the end of August 1979, Osborne estimated that around 675,000 people fled Vietnam and among the 40,000 became “Land People” and crossed the Thai-Lao border. See Osborne, Milton. “The Indochinese Refugees: Cause and Effects.” *International Affairs* 56, no. 1 (1980), 38. A large number of people became “Boat People” and 200,000 to 400,000 people among them lost their life at sea, other than nearly 62,000 were encamped throughout Southeast Asian countries by the end of 1978. See United Nations High Commissioner for Refugees. “State of the World's Refugees, 2000: Fifty Years of Humanitarian Action.” (Geneva: UNHCR, January, 2000), 79-103. <http://www.unhcr.org/afr/publications/sowr/4a4c754a9/state-worlds-refugees-2000-fifty-years-humanitarian-action.html> (accessed 8 January, 2018); and Vo, Nghia M. *The Vietnamese Boat People, 1954 and 1975-1992*, (Jefferson: McFarland), 2006.

³⁰¹ Ministry of Foreign Affairs 外務省, “Kokunai ni okeru Nanmin no ukeire 国内における難民の受け入れ” [Acceptance of Refugees in Japan] (Tokyo 東京: Government of Japan, 19 October, 2016). <http://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html> (accessed 8 January, 2018); Refugee Assistance Headquarters 難民事業本部. “Indoshina Nanmin towa インドシナ難民とは” [What is the Indochinese Refugees?]. <http://www.rhq.gr.jp/japanese/know/i-nanmin.htm> (accessed 8 January, 2018).

Around that time, Japan had still been reluctant to accept more Indochinese refugees because of no legal framework in the country, and therefore the country had tried to address the Indochinese crisis only by granting large sum of foreign aids and donations for the Southeast Asian neighbours of Indochina and the international organisations such as the UNHCR. In fact, Japan provided half of the funding for the UNHCR's Indochina refugee programme at that time,³⁰² but such a way cannot have been accepted by international society.

As a result of the pressures international community put on Japan, the government was persuaded to take its share of the burdens of taking refugees, and permitted some of asylum-seekers who were in Japan or in Southeast Asia and also willing to settle in the country. This was the first time for Japan to commit to refugee admission, but the pressures from abroad continued, and thus Japan finally signed the 1951 Refugee Convention in 1981 and the 1967 Refugee Protocol in 1982, to show international solidarity by sharing the burden and responsibilities associated with the global issue of Indochinese refugee crisis.³⁰³ Until that time, in Japan, neither legal framework nor social welfare structure to take care of refugees or asylum-seekers did exist. Therefore, Japan needed to legislate on refugee admission in association with becoming a state party to the 1951 Refugee Convention and 1967 Refugee Protocol. This is the ICRRRA, which was made by amending the *Immigration Control Law* in 1951³⁰⁴ and has been the legal basement of refugee governance in Japan to date. In other words, in Japan, refugee governance began from the enforcement of the ICRRRA onwards.

6.2. Reformations of Japan's Refugee Governance

³⁰² Matsumoto, Motoko 松本基子. "Resettlement of the India-Chinese Refugee in Japan インドシナ難民の我が国での受け入れ体制 (国際社会福祉の動き<特集>)." *Shakai Fukushi* 社会福祉 (Repository of Department of Social Welfare, Japan Women's University 日本女子大学社会福祉学科) 27 (1986), 55-63; United Nations High Commissioner for Refugees. *REFUGEES* (Geneva: UNHCR, July 1986).

³⁰³ Dean, and Nagashima, "Sharing the Burden," 482.

³⁰⁴ Ministry of Foreign Affairs, "Kokunai ni okeru Nanmin no ukeire."

Although the ICRRA has been a legal basement of Japan's refugee governance since its initial time, the act has often been referred to insufficient to meet the international norms, standards and obligations prescribed in the international law instruments to which Japan is a signatory. One reason concerns the fact that the act is not a single refugee law but a law regulating refugee issues in the state's immigration control, as the ICRRA was formed by amending the former immigration law rather than inventing a new refugee law, and the government made the distinction between national control of immigration and Japan's obligations under international law blurred.³⁰⁵ Judging from the legal mechanism of placing more emphasis on the immigration "control," the Japanese government has kept its reluctance to step forward into taking more foreign nationals including refugees in the country. Such a governmental stance is said to appear in the statistical figures showing its narrow offers for refugee protection, in marked contrast to Japan's willingness to donate huge amount of money towards the protection and support for refugees outside of its territory,³⁰⁶ and those policies and practices have resulted in founding the wide spread image of Japan virtually closing its door to refugees.³⁰⁷ Though Japan has consistently been listed up as one of the most unhelpful countries for international refugee protection due to the very few refugee populations in the country,³⁰⁸ it is said that the Japanese government had historically maintained its negative attitude towards accepting a large amount of refugees,³⁰⁹ and such a character would be mainly for the following two reasons.

³⁰⁵ Dean, and Nagashima, "Sharing the Burden," 482.

³⁰⁶ For many years, Japan was the second largest donor of the UNHCR as well as a major donor to the other international organizations, including the International Office of Migration (IOM). Since the 1980s, Japan has had extensive programmes for overseas aid and assistance (ODA) and has made substantial contributions to various UNHCR programmes.

³⁰⁷ Dean, and Nagashima, "Sharing the Burden," 484.

³⁰⁸ From 2001 to 2005, it was ranked 49 out of 50 industrialized countries in relation to the number of refugees accepted per 1,000 of population. See United Nations High Commissioner for Refugees.

"Asylum Levels and Trends in Industrialized Countries, 2005." (Geneva: UNHCR, 2006).

<http://www.unhcr.org/statistics/STATISTICS/44153f592.pdf> (accessed 8 January, 2018).

The UNHCR released an updated ranking in 2010, and Japan was ranked in 42nd between 2006 and 2010. See United Nations High Commissioner for Refugees. "Asylum Levels and Trends in Industrialized Countries 2010." (Geneva: UNHCR, 2011a). <http://www.unhcr.org/4d8c5b109.pdf> (accessed 8 January, 2018).

³⁰⁹ Kawakami, Ikuo 川上郁雄. "Indo-shina Nanmin' Ukeire 30-nen wo Furikaeru: Watashitachi ha Nani wo Mananda noka 「インドシナ難民」受け入れ 30 年を振り返る: 私たちは何を学んだのか" [Looking back into the 30-years of Admission of "Indochinese Refugees": What have we learnt?].

First, compared to the duration of Indochinese refugee crisis, global attentions to Japan's refugee governance as well as refugee problems in general had gradually weakened since the majority of Indochinese refugee had fortunately resettled to the third countries,³¹⁰ and at least it would disappear from the headlines of global leaders until the recent Syrian refugee crisis started. Second, a contributing factor to very few refugees in Japan was attributed to the low number of asylum applications that the country received, and thus the Japanese government had kept reasoning that the criticised asylum trends in the country are both respectable and acceptable.³¹¹

Nevertheless, it did not mean that Japan was able to hold all criticisms against its refugee policy off; on the contrary, concerns as to how far international obligations were embedded in Japan's refugee governance have grown little by little. While the importance of international solidarity and burden-sharing towards refugee problems is widely recognised, the UNHCR, its partner organizations, and other humanitarian groups have worked in various fields to promote the international protection of refugees, and their activities have brought some prospects for positive reforms of Japan's refugee governance. In Japan, actually, refugee issues began to appear in the public debate and media reports from the 1990s, with a biggest influence of Sadako Ogata, who worked as the United Nations High Commissioner for Refugees between 1991 and 2000. As a result of the lobbying activities of the humanitarian groups, as well as the public awareness generated by media, the political aims to address the refugee and immigration issues became more positive than in the past. Some political parties started to recognise the necessity to examine the ICRRA and policies associated with the law, and established working groups to deal with those issues.³¹² Consequently, in 2004, a revised ICRRA (which was in force since 2005) was passed.

Lecture at the assembly at Kobe, on 26 November, 2005. <http://www.gsjal.jp/kawakami/dat/051126.pdf> (accessed 8 January, 2018).

³¹⁰ Ibid.

³¹¹ Personal communication with an ex-Immigration Bureau official and with Mr. Saburo Takizawa, 18 May, 2017.

³¹² Dean, and Nagashima, "Sharing the Burden," 497.

In the same way of legislating the ICRRA in 1981, the 2004 revision was undertaken by amending the previous law. Compared to the old version, there were several notable progresses to get closer to the international requirements as for refugee admission governance. The first and most important reform is the abolition of the so-called “60-days rule.” Thanks to this abolition, every asylum-seeker can apply for refugee status even after more than 60 days have passed since their entry into Japan. Another important and positive reform is the introduction of the “Refugee Adjudication Counsellors” (Nanmin Sanyo-in 難民参与員) in the review process for the failed applicants at the first determinant stage. Under the 1981 ICRRA, both of the first and second decisions were undertaken by the Immigration Bureau, which had been highly questionable about the same administrative agency being in charge, in terms of transparency and effectiveness of the review process. The Refugee Adjudication Counsellors have come from various backgrounds, such as “former judges, prosecutors, attorneys, university professors, diplomats, journalists, and personnel from non-governmental and international organizations.”³¹³ Though it was unable to completely resolve the problems of transparency and independence as the counsellors were appointed and managed by the Immigration Bureau, it was nonetheless meaningful to incorporate a quasi-independent element before the second decision is made by Immigration Bureau. Third, the recognised refugees in case of being subject to certain condition can access to the long-term residency rights after the revision. Fourth, the introduction of provisional release and permission for provisional stay benefitted for some asylum-seekers.

Each of the above reforms contributed to the positive shifts of Japan’s refugee governance, but it was more meaningful to be clarified that the Japanese government had a will to response to the critics from the public, media and scholarly debates. That is, it was not merely the first revision for the provisions regarding refugee admission in ICRRA since 1981, but noteworthy signal to show a

³¹³ Arima, Miki. “Asylum in Japan: An Overview of Government Comments and Asylum Statistics.” *CDR Quarterly* 5 (2012), 77; Personal communication with a Refugee Adjudication Counsellor from academia, 4 July, 2017.

possibility of Japanese government or policy-makers having preparedness to listen to the reasoned criticism. Indeed, as for the ICRRA provisions related to the refugee admission, another important revision was introduced in 2009, which came to effect in 2010. These revisions combined the information collection (previously conducted by the Immigration Bureau) and the alien registration (previously conducted by local municipalities) for the better residence management of foreigner residents by the MOJ. In addition, the maximum period of stay was extended from 3 years to 5 years, and the re-entry permission system was relaxed. In alliance with the above revisions, an IC residence card (“Zairyu Card 在留カード”) is issued for all foreign residents (except for those who are less than 16 years old) and they are required for carrying the card at any times.

In summary, we can find out two major revisions for the ICRRA provisions regulating refugee admission, and the revised ICRRA still maintains the unitary legislative framework for immigration control and refugee recognition.³¹⁴ As Japan has not disengaged the law on immigration control from that on asylum and refugee admission, it is said by some that those revisions are still insufficient to make an open and fair refugee policy in Japan. Yet, though there still remain many obstacles, it is also necessary to be noted that we can find a couple of slight but positive progresses in the ICRRA and Japan’s refugee governance. In 2015, it is reported that the MOJ started to work on another reform of the RSD procedures, with a recent sub-committee report focusing on the importance of ensuring due process, while it is unclear whether new reforms will lead to any meaningful procedural improvements.³¹⁵ In addition to the legislative reforms, it was determined, in 2008, by the Cabinet Understanding that Japan is going to launch on the pilot project

³¹⁴ Dean, and Nagashima, “Sharing the Burden,” 482.

³¹⁵ Asia Pacific Refugee Rights Network. “APRRN Statement: Japan’s Review of their Refugee Status Determination System Raises New Concerns.” Asia Pacific Refugee Rights Network, 2015. http://www.aprrn.info/1/images/PDF/APRRN_Japan_Statement_29052015.pdf (accessed 8 January, 2018).

of the third country resettlement for Myanmar refugees.³¹⁶ The pilot project actually kicked off in 2010, and has sustained to date.

6.3. International Responses to Japan's Refugee Governance

While the study has described the history of the refugee governance in Japan mainly focusing on the domestic context, this section moves the focus into the interaction with the international society. In short, how the refugee governance system in Japan has been evaluated by the international community is a focus in this section.

As explained in the Chapter 4, the 1951 Refugee Convention, 1967 Refugee Protocol, and other international legal documents have not specified any obligations on the part of states towards refugees. The lack of any specific regulations that bind states to share a clear set of burdens or responsibilities has practically encouraged the tendency of many states being reluctant to admit the inflows of refugees to larger extents. Under the current international refugee regime, states are regularly allowed to determine their own policies regarding the protection of refugees, and therefore the degree of commitments of each state – whether or not being signatory to the international refugee law – diverges. Duties of each state towards refugees are undertaken through the international laws, or voluntarily for a certain reason of such as politics, humanitarianism, or international solidarity.³¹⁷ Due to the lack of any obligations specified in the international law, how and to what extent each state takes part in the international protection for refugees is likely to be ad hoc. In line with this general tendency, Japan has kept its hesitation in accepting a larger number of refugees. As many commentaries mention, instead, the country has placed its emphasis upon the financial contributions. Therefore, “One can say that Japan’s refugee policy from the viewpoint of contributing to the Global

³¹⁶ Takazawa, Aya. “Japan’s Refugee Policies: Perspectives of Vietnamese refugees on inclusion and exclusion.” (Research Paper, International Institute of Social Studies, 2010).

³¹⁷ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International Law,” 157-158.

Refugee Regime is characterized by a strong focus on financial burden sharing and less emphasis on asylum.”³¹⁸

Though there is nothing faulty for stressing the state’s contributions towards the global refugee challenges mostly financial or donation schemes, it is highly questionable whether the Japanese financial contribution and donor status can fully discharge the international requirements. Rather, it seems that pursuing the only financial solution is sometimes unable to persuade the international community to consent such Japan’s way, as it “has been criticised as “cheque book diplomacy.”³¹⁹ The international debates over the desirable and required degree and way of each state to struggle for the international solidarity and burden-sharing of refugees have swelled up, in particular when the world witnesses an emergency situation of refugee movements. For example, when hundreds of thousands of people fled from Vietnam beginning in the late 1970s, most neighbouring countries in Southeast Asia were unwilling to accept those people in the longer-run; on the other hands, many Western countries, in particular the US, were strongly willing to seek for better solutions for the Vietnamese refugees, due to their confessions of the failed choice of Vietnam War. A number of factors, of course, prompted each government to decide on participating in the resettlement of refugees, but the pressure from the neighbouring hosts and the US forced many countries to accept responsibility for resettlement of Indochinese refugees.³²⁰ Until starting this crisis, Japan had not participated in the international legal scheme for refugee protection. Due to the alliance with the US, however, it became quite difficult for the Japanese government not to respond to the accumulating strong pressures from the US and other allied countries. Japan had a strong interest in maintaining the alliance with the US and in demonstrating its commitments in front of both domestic and international audience;³²¹ consequently, Japan decided to sign the international

³¹⁸ Takizawa, “The Japanese pilot resettlement programme,” 211.

³¹⁹ Ibid, 211.

³²⁰ Loescher, *Beyond Charit*, 22.

³²¹ Arakaki, Osamu. *Refugee Law and Practice in Japan*, (Aldershot: Ashgate, 2008), 18.

refugee law as well as to accept some portions of Indochinese refugee populations through special governmental resettlement scheme.

The first and biggest revision of the ICRRRA provisions regarding the state refugee governance in 2004 is another good example to show how the international responses had an impact on the policy shift. Around the 1990s, several media and prominent human rights groups started to report and criticise the status of Japan's negative, stringent policies against refugee admission. At that time, in particular during the First Gulf War, the Japanese diplomacy faced severe criticisms called "chequebook diplomacy" from the international society, and to ensure the international reputation had priority to the government. In alliance with an eminent figure – Sadako Ogata – the MOFA, which is responsible for the state's foreign affairs, helped create momentum to discuss the necessity of reform of the ICRRRA provisions inside the government.³²² As such, the motivation of the MOFA hoping to revise the ICRRRA to appeal to the international society would have existed behind the revision of the ICRRRA in 2004. Like these examples, the demands from the international community have sometimes become an influential factor for the government to refine its own policy and governance.

6.4. "Refoulement" of Kurdish Asylum-Seekers in Japan

The study has explored several influential factors, both inside and outside the country, affecting the Japanese responses to the Turkish Kurd asylum-seekers, and then the study moves to the discussion of how those factors interact with one another in the former history of the refugee governance in Japan alongside with the view of Analytical Liberalism. While the Analytical Liberalism currently enjoys wide range of popularity from the policy-makers and analysts, there has still not been a single unified way to explain how a certain policy outcome has taken shape. Furthermore, the RSD procedure in Japan, as well as in many other countries, is undertaken by individual-based assessment

³²² Dean, and Nagashima, "Sharing the Burden."

and large parts of this procedure are not disclosed in public. This insufficient access to information has made it rather difficult to clarify the practice of refugee governance in Japan, in contrast to the accumulations of criticisms from the public, media, and academics.³²³ It would be nonetheless worthwhile to pile the empirical understandings to complement the deficits of the theoretical achievements. In order to overcome several limitations mentioned above, the study tries to tackle the process tracing of a set of key events focusing on the asylum situations of Turkish Kurds in Japan in this section. In particular, even though the official stance of the Japanese government towards the Kurdish asylum-seekers from Turkey has never changed to date, we can find out a slight but significant policy shift of Japan's refugee governance from a set of remarkable events in the context of asylum situations of Turkish Kurds, between around before and after the deportation of two Turkish Kurds in 2005. Beyond the stubborn explanations of the MOJ officials,³²⁴ the study tries to explain how the Japanese government slightly shifted its policy vis-à-vis the asylum appeals from Turkish Kurds.

The story started with the emergence of Kurdish asylum-seekers in Japan since around the 1990s. Some of Turkish Kurds began to come and seek asylum in Japan in the early 1990s, but the applications by them had not reached out to the adequate amount to attract attentions from the public, media, and political elites in the country until beginning the 21st century. On the other hand, a few individuals and civil society groups, in particular outside the country, already started to criticise the Japanese asylum and immigration policy around the same time, and such voices became more vocal when Sadako Ogata, former UN High Commissioner for Refugees posed a severe criticism against

³²³ Over the last couple of decades, the Japanese refugee governance has continuously been criticised in the international community with a feature on the quite few number of refugees hosted by the country or the comparatively low rate of refugee recognition in spite of Japan having ratified the 1951 Refugee Convention and the 1967 Refugee Protocol, but the MOJ officials have kept the same stance against these criticisms.

³²⁴ In the aftermath of the implementation of the deportation of two Kurdish asylum-seekers to Turkey in 2005, the Japanese government received widespread condemnation from the public, media, and international community. However, the MOJ officials repeated their explanations of that this deportation decision was the result of properly undertaking the RSD procedure alongside with laws, while they failed in calming the percussion of criticisms down.

the Japan's refugee policy in 2002.³²⁵ A set of critical comments following with Ogata's critics from the media and several civil society groups provoked a number of people into having an interest in the situation of refugee governance in Japan, and mounting criticism prompted the political elites to consider the necessity of reform of the Japan's refugee governance. Around the same time, some politicians actually began to bring the discussions over the Japanese refugee admission policy into the Diet councils, which led to the amendment of ICRRA two years later. At that time, most of asylum-seekers in Japan were Myanmar or Turkish Kurds, and attentions towards the Kurdish asylum-seekers from Turkey steadily increased in the Japanese society. Among the changing climate surrounding asylum situations of Turkish Kurds in Japan, an unprecedented act of the Immigration Bureau added fuel to the flames.

In July 2004, the MOJ unprecedentedly sent an investigative team of some Immigration Bureau officials to Turkey, in particular the towns where a number of Kurdish asylum-seekers and their families originated, despite the long inaction of such a type of investigation in the homelands of asylum-seekers.³²⁶ "The aims of the mission were three-fold. The first aim was to confirm the recent improvement of the human rights situation in Turkey. The second was to enquire whether documents, including arrest warrants, submitted by the applicants as part of their refugee applications were genuine or not. The third was to visit the towns where a number of Kurdish applicants and their

³²⁵ At the symposium of the Japan Federation of Bar Associations on 16 November, 2002, Sadako Ogata pointed out that Japan had accepted fewer than 300 refugees under the 1951 Refugee Convention over the past two decades, and posed a strong doubt against the Japanese refugee policy with a comment of that "The fact poses a serious question; Has the nation truly understood and embodied the spirit and valuable supporting the international convention on refugees?" See Asakura, Takuya. "Reluctance to accept refugees draws fire." *The Japan Times*, 29 November, 2002. https://www.japantimes.co.jp/news/2002/11/29/national/reluctance-to-accept-refugees-draws-fire/#.Wg_xm7ZAO8U (accessed 8 January, 2018).

³²⁶ *Asahi Shimbun* 朝日新聞. "Kurudo-jin, Soukan muke Syuyou クルド人、送還向け収容: 難民申請で法務省が現地調査" [Kurdish man detained for deportation: Ministry of Justice undertook a field investigation for his asylum application], *Asahi Shimbun* 朝日新聞, 24 February 2005; *Nihon Keizai Shimbun* 日本経済新聞. "Nanmin Shinsei Kurudo-jin, Houmusyyou, Genchi de Mimoto Chousa: 'Mikkoku Douzen' Genkokura Hanpatsu 難民申請クルド人、法務省、現地で身元調査: 「密告同然」原告ら反発" [Ministry of Justice conducted field investigation for identification of Kurdish asylum-seekers: the plaintiff protesting, saying 'betrayal'], *Nihon Keizai Shimbun* 日本経済新聞, 5 August, 2004.

families originated, take photos there and investigate the conditions that caused the inhabitants of the town to go overseas for work.”³²⁷ It is believed that a series of court cases that overturned the original decisions of rejecting the asylum applications from Turkish Kurds³²⁸ motivated the MOJ to conduct the investigation.³²⁹ Indeed, the report of this delegation was submitted in the proceedings before the Tokyo District Court in August 2004. Though, in the judgements of turning down some of Kurdish asylum pleas in 2005, the Court admitted the evidence collected by the mission and stated that the investigative activities of the Japanese authorities during the delegation visit to Turkey had no serious damage on the applicant’s interests, these activities provoked large concerns and protests from both inside and outside of the country, as the Japanese officers not only leaked some pieces of the personal information of the Kurdish asylum-seeker staying in Japan to Turkish authorities, but also visited their homes and their remaining family members in Turkey with Turkish police and military officers.³³⁰ As Dean noted,³³¹ in consideration of the international human rights law,³³² there is a general rule against sharing information of refugees or asylum seekers with their countries of origin, and therefore the legitimacy of the disclosure of information about asylum-seekers to their country of origin is highly questionable. Because it is reasonably considered that the risk of persecution when they return to their homes for any reasons would increase, the UNHCR

³²⁷ Arakaki, *Refugee Law and Practice in Japan*, 97.

³²⁸ See, for example, Nagoya District Court Decision on 15 April 2004, and Tokyo District Court Decisions on 20 April 2004 and on 14 May 2004.

³²⁹ Arakaki, *Refugee Law and Practice in Japan*, 97; Dean, “Japan: Refugees and Asylum Seekers,” 29-30.

³³⁰ According to a Japanese lawyer, Takeshi Ohashi, the names of at least nine Turkish Kurd asylum-seekers were leaked, and seven people’s family homes were visited. See Ozawa, Harumi. “Kurd asylum-seekers protest official leaks, Tokyo.” *Daily Yomiuri On-Line*, 6 August, 2004. <http://ekurd.net/mismas/articles/misc/tokyokurdasylumseekers.htm> (accessed 8 January, 2018). Iwasaki modified the number of Kurdish asylum-seekers having the family who were visited by the Japanese authorities for 14. See Iwasaki, Atsuko. “Open the door: Japan’s policy of exclusion of refugees (Part 1).” *The Asia-Pacific Journal: Japan Focus* 4, no. 2 (2006a), 3. <http://apjif.org/-Iwasaki-Atsuko/1856/article.pdf> (accessed 8 January, 2018).

³³¹ Dean, “Japan: Refugees and Asylum Seekers,” 30.

³³² The Article 12 of the 1948 Universal Declaration of Human Rights pledges that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his reputation. Everyone has the right to the protection of the law against such interference or attacks,” which is further guaranteed by the Article 17 of the International Convent on Civil and Political Rights.

Representation in Japan announced its deep concerns³³³ and, in response to the controversy about confidentiality of asylum pleas, an advisory opinion regarding the rules of confidentiality of information of asylum-seekers later.³³⁴ Some civil society groups condemned this delegation trip of the Immigration Bureau,³³⁵ as well as the attorneys representing the Turkish Kurd asylum-seekers and an organization of Japanese lawyers also posited severe critics, and this triggered the further discussions of asylum situations of Turkish Kurds in Japan.

On 13 July 2004, aftermath of this Immigration Bureau's visit, two Turkish Kurd families – Kazankiran and Dogan – staged a sit-in protest in front of the United Nations University housing the regional office of the UNHCR in Tokyo to claim that they had been suffering persecution by Japanese government.³³⁶ During the 72-days sit-in protest, they demanded the refugee status in Japan (or opportunity for the third country resettlement) and increasing number of people participated in the supportive campaigns for them, but their efforts failed in turning the attitudes of the MOJ; on the other hand, the UNHCR eventually designated the Kazankiran's family as having mandated refugee status because of the well-founded fears of persecution if they return home in Turkey. Around the same time, Japanese lawyers and other supporters for the Kurdish asylum-seekers collected 7,500 signatures on a petition to ask the MOJ to either recognise them as

³³³ Nathalie Karsenty, a senior legal officer of the UNHCR Japan stated that the investigations allegedly undertaken by the Immigration Bureau would never in line with the standards of the UNHCR proposing or those of the international community. See Ozawa, "Kurd asylum-seekers protest official leaks, Tokyo."

³³⁴ United Nations High Commissioner for Refugees Japan. "Advisory opinion on the rules of confidentiality regarding asylum information." (Tokyo, UNHCR Japan, 31 March, 2005). <http://www.refworld.org/docid/42b9190e4.html> (accessed 8 January, 2018).

³³⁵ The Amnesty International said that "By providing information regarding the applications of the asylum-seekers to the Turkish authorities, the Japanese government has increased the risk of serious human rights violations including arbitrary detention, torture and ill treatment if the asylum seekers are forcibly returned." See McNeill, David. "Eight-year ordeal nears end for Kurdish family: Refugees' treatment by government an embarrassment for Japan, say supporters." *The Japan Times*, 3 July, 2007. https://www.japantimes.co.jp/community/2007/07/03/issues/eight-year-ordeal-nears-end-for-kurdish-family/#.WhAIZrZAM_U (accessed 8 January, 2018).

³³⁶ The Japanese authorities visited some family members of Erdal Dogan during the investigative visit in Turkey, and Dogan claimed that "My family members have scattered to escape the authorities, and I can't contact them any longer." See Ozawa, "Kurd asylum-seekers protest official leaks, Tokyo."

refugees or issue them special residential permits.³³⁷ Amongst such a positive atmosphere, however, on 17 January 2005, two Kurdish refugees – Ahmet Kazankiran and his oldest son, Ramazan Kazankiran – were detained when they reported to the immigration office at Shinagawa, Tokyo to renew their provisional release permits. In contradistinction to their statuses as “mandate refugee” recognised by the UNHCR, as well as despite the pending condition of Kazankirans’ appeal to have their deportation orders nullified before the Supreme Court, the Immigration Bureau deported them to Turkey at the following day, which was an unprecedented inhuman treatment.³³⁸

On the grounds of the court judgements, the MOJ concluded that the two Turkish Kurd asylum-seekers were not in any danger of persecution in Turkey if deporting them to their home country,³³⁹ and the MOJ also claimed that the decision of the UNHCR granting the status of their mandate refugee for two Turkish Kurd asylum-seekers was not legally binding on the state parties to the international refugee law, including Japan, by stating that the conditions under which the UNHCR recognises an asylum-seeker as the mandate refugee were different from the conditions prescribed in the 1951 Refugee Convention.³⁴⁰ It is needless to say that the UNHCR voiced its deep concern for the deportation decision against these two asylum-seekers despite the fact of their

³³⁷ Ito, Masami. “Japan: Compromised Turkey Kurds file again for safe haven.” *The Japan Times*, 13 January, 2006. <http://ekurd.net/mismas/articles/misc2006/1/japanrefugee10.htm> (accessed 8 January, 2018).

³³⁸ Asahi Shimbun 朝日新聞. “Toruko Kokuseki no Kurudo-jin Oyako wo Kyouseisoukan: Houmsyou トルコ国籍のクルド人親子を強制送還: 法務省” [Ministry of Justice deported Turkish Kurd father and son], *Asahi Shimbun* 朝日新聞, 19 January 2005; Nihon Keizai Shimbun 日本経済新聞. “Kurudo-jin Oyako, Toruko Soukan: Kokuren Nanmin Nintei Hatsu no Jirei クルド人親子、トルコ送還: 国連難民認定初の事例” [Kurdish father and son deported to Turkey, unprecedented case for refugees recognised by UN], *Nihon Keizai Shimbun* 日本経済新聞, 19 January, 2005.

³³⁹ Regarding this deportation procedure, a senior officer of the MOJ commented that Japan made the decision to send the two Turkish Kurd asylum-seekers back to Turkey after reaching a decision that there was no fear for them to be persecuted in their homeland was reported. See Ito, Masami. “Tokyo under fire for deporting refugees.” *The Japan Times*, 21 January, 2005a. https://www.japantimes.co.jp/news/2005/01/21/national/tokyo-under-fire-for-deporting-refugees/#.Wg_3cbZAQqB (accessed 8 January, 2018).

³⁴⁰ Arakaki, *Refugee Law and Practice in Japan*, 217; Mainichi Shimbun 毎日新聞. “Kyouseisoukan: Nintei Nanmin, Toruko he: Houmsyou ‘Kokuren to Kenkai Kotonaru’ 強制送還: 認定難民、トルコへ: 法務省「国連と見解異なる」” [Ministry of Justice explained deportation of refugees recognised by UN for Turkey, saying ‘having different stance from UN’], *Mainichi Shimbun* 毎日新聞, 19 January, 2005.

admitting the accessibility of these two Kurds to the status of refugees on the grounds of the UNHCR's mandate.³⁴¹ Vis-à-vis the stubborn response of the MOJ, a senior legal officer of the UNHCR, Nathalie Karsenty explained that there was basically no difference between the UNHCR's mandate and the 1951 Refugee Convention in the definition of a refugee, and also stated that it was not the question of definition, but how they were dealt with.³⁴² Furthermore, the UNHCR Representation in Japan has described the deportation as "contrary to Japan's obligations under international law" and said in a letter sent to the MOJ that such a move was an act of "refoulement," or the forcible return of a person to a territory where their life and/or freedom is threatened, which is prohibited under the international refugee law.³⁴³

The criticisms against the deportation decision of the Japanese government were never limited to the UNHCR. The Dorgan's attorney, Takeshi Ohashi posited a severe criticism that, internationally speaking, the deportation was an embarrassing incident as the MOJ not only ignored the UN but challenged and insulted it, which stained the Japan's position in the international community.³⁴⁴ Following these critics, the human rights groups became more vocal while some of such groups already started to speak for the Kurdish asylum-seekers before the 2005 deportation incident.³⁴⁵ Lobbying by NGOs and other civil society groups as well as professional organizations

³⁴¹ Mainichi Shimbun 毎日新聞. "Kurudo-jin Nanmin Kyouseisoukan: UNHCR ga Kenen wo Hyoumei Kurudo 人難民強制送還 : UNHCR が懸念を表明" [UNHCR expressing deep concern over deportation of Kurdish refugees], *Mainichi Shimbun* 毎日新聞, 19 January, 2005; United Nations High Commissioner for Refugees. "UNHCR: Deep concern over refugee deportation from Japan." (Geneva: UNHCR. 18 January, 2005b) <http://www.unhcr.org/news/press/2005/1/41ed2b804/unhcr-deep-concern-refugee-deportation-japan.html> (accessed 8 January, 2018).

³⁴² Ito, "Tokyo under fire for deporting refugees."

³⁴³ Ibid; United Nations News Centre. "UN refugee agency voices concern over Japan's deportation of Turkish Kurds." 19 January, 2005. <http://www.un.org/apps/news/story.asp?NewsID=13080&Cr=refugee&Cr1#.Wg8cSLZAPfY> (accessed 8 January, 2018).

³⁴⁴ Ito, "Tokyo under fire for deporting refugees."

³⁴⁵ In 2001, the Amnesty International, a prominent international human rights group, wrote an open letter to the Japanese Justice Minister to express their deep concerns about the deportation of the Kurds. See Amnesty International. "JAPAN: Open Letter to the Minister of Justice, Komura Masahiko: Kurdish asylum seekers face deportation to Turkey where they are at risk of being detained and tortured." Amnesty International Asia 22/003/2001, 2001.

like the Japan Federation of Bar Association (JFBA) helped bring attentions to the problematic points of the RSD procedure in Japan.³⁴⁶ A lot of media, that were not only the national media of Japan but the Western media,³⁴⁷ had intermittently written reports related to the Turkish Kurd asylum situations since the sit-in protest of two Turkish Kurd families began, and thereby this Kurdish asylum question increasingly attracted a large amount of attentions from the public, politicians, and academics beyond the country.³⁴⁸

In front of the mounting criticisms against the Japanese government, some politicians, mostly from Opposition parties, had intently brought this deportation incident into the Diet.³⁴⁹ In

https://www.google.ae/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewjGqvDQoL3XAhVVSJ-wKHQr5BUQQFggmMAA&url=https%3A%2F%2Fwww.amnesty.org%2Fdownload%2FDocuments%2F128000%2Fasa220032001en.pdf&usg=AOvVaw2Wt6spjSyc_iCl9gT7Suj6 (accessed 8 January, 2018).

³⁴⁶ Asahi Shimbun 朝日新聞. “Nyukanhou Kaiseian, ‘Nanmin Hakugai mo’: Bengoshi ra Ikensyo 入管法改正案「難民迫害も」: 弁護士ら意見書” [Lawyers sent an open letter about draft of ICRR revision, saying ‘concerns over persecuting refugees’], *Asahi Shimbun* 朝日新聞, 12 June, 2005; Asahi Shimbun 朝日新聞. “Kurudo-jin Mondai de Houmussyou ni Keikokubun: Nichibenren クルド人問題で法務省に警告文: 日弁連” [Japan Federation of Bar Associations sent warning towards Ministry of Justice regarding Kurdish problem], *Asahi Shimbun* 朝日新聞, 27 December, 2005; Mainichi Shimbun 毎日新聞. “UNHCR Nanmin Nintei no Kurudo-jin, Kyouseisoukan: Bengodan ‘Ijyou’ to Nyukan Hinan UNHCR 難民認定のクルド人、強制送還: 弁護士「異常」と入管非難” [Attorney lawyers criticising Immigration Bureau about deportation of Kurds recognised by UNHCR, saying ‘abnormal’], *Mainichi Shimbun* 毎日新聞, 19 January, 2005; Mainichi Shimbun 毎日新聞. “Kurudo-jin Nanmin Mondai: Nichibenren ga Nyukan ni Keikokusyo クルド人難民問題: 日弁連が入管に警告書” [Japan Federation of Bar Associations sent alarming against Immigration Bureau regarding Kurdish refugee problem], *Mainichi Shimbun* 毎日新聞, 27 December, 2005.

³⁴⁷ See, for example, Associated Press. “Japan detains another Turkish Kurd recognised by U.N. as refugee.” *Associated Press*, 8 February, 2005. <http://www.institutkurde.org/info/japan-detains-another-turkish-kurd-recognized-by-un-as-refugee-1107857788.html> (accessed 8 January, 2018); McCurry, Justin. “Humanitarian ‘stain’.” *The Guardian*, 26 January, 2005. <https://www.theguardian.com/world/2005/jan/26/worlddispatch.japan> (accessed 8 January, 2018); UPI. “Japan deports Kurd father, son to Turkey.” *UPI*, 19 January, 2005. https://www.upi.com/Top_News/2005/01/19/Japan-deports-Kurd-father-son-to-Turkey/67851106129862/ (accessed 8 January, 2018).

³⁴⁸ An institute at the Yale University introduced the Guardian’s report about the Kurdish deportation from Japan with the following comments: “Strict immigration policies in Japan have changed the lives of one Kurdish family - and may have a lasting effect on Japan’s relations with the international humanitarian and diplomatic communities. For a decade, the family of seven has been subject to countless obstacles from the Japanese government. After separation, multiple refusals, and deportations, their story became a rallying point for human rights supporters, and the ultimately UN intervened, officially recognizing them as refugees. Japan’s leaders are moving quickly to handle this humanitarian embarrassment - a potential roadblock to a permanent Security Council seat; changes may be ahead for both this family and the island nation.” See YaleGLObal Online. “Humanitarian Stain.” <https://yaleglobal.yale.edu/content/humanitarian-stain> (accessed 8 January, 2018).

³⁴⁹ Asahi Shimbun 朝日新聞. “Yatou/NGO, Houmussyou ni Kougi: Kurudo-jin Fushi no Kyouseisoukan

Japan, refugee admission is subsumed into the whole immigration control agendas, and the ICRRA has been the basis in terms of legal mechanism. Accordingly, almost all political debates over refugee admission have been undertaken at the Committee of Judicial Affairs of the National Diet. A few politicians had earlier raised questions about the stringent refugee admission conditions in Japan,³⁵⁰ but the committee of the 151st House of Councillors in May 2001 was the first time of Japanese politicians touched on the existence of Turkish Kurd asylum-seekers in Japan, though neither immigration or refugee admission was a main agenda of the committee. At the committee, Mizuho Fukushima, Social Democratic Party, made a strict criticism against the Japanese refugee admission situations, especially with the issues of Turkish Kurds as well as their human rights. She started with a concern about the hunger strike of Turkish Kurd asylum-seekers in the immigration detention centre, and then pointed directly to the lack of transparency of RSD in Japan. After the Kurdish deportation attracted massive attentions, more and more Japanese political elites became aware of refugee governance being a noticeable policy or political agenda. At the same year, 2005, parliamentarians of the Opposition parties earnestly threw questions against the deportation of asylum-seekers recognised as refugees by the UNHCR, at the Committee of Judicial Affairs of the House of Councillors.³⁵¹ Against these ongoing critical opinions, nevertheless, the MOJ officials as

Mondai 野党・NGO、法務省に抗議: クルド人父子の強制送還問題” [Opposition parties and NGO protesting against Ministry of Justice regarding deportation of Kurdish father and son], *Asahi Shimbun* 朝日新聞, 21 January, 2005; *Mainichi Shimbun* 毎日新聞. “Kurudo-jin Nanmin Kyouseisoukan: Syamin, Minsyu Ryoutou ga Henkou Motomeru クルド人難民強制送還: 社民、民主両党が変更求める” [Social Democratic Party and Democratic Party of Japan demanding for modification of decision about deportation to Kurdish refugees], *Mainichi Shimbun* 毎日新聞, 21 January, 2005; *Nihon Keizai Shimbun* 日本経済新聞, “Kurudo-jin Soukan de Yatou Kougai クルド人送還で野党抗議” [Opposition parties objecting to deporting Kurds], *Nihon Keizai Shimbun* 日本経済新聞, 21 January, 2005.

³⁵⁰ In April 1991, Manae Kubota of the Social Democratic Party of Japan first raised a question about the relatively strict RSD procedure in Japan compared to other countries at the Committee of Judicial Affairs of the 120th House of Councillors, and in April 1998, Tetsuo Kitamura of the “Minyu-ren” (forerunner of the Democratic Party of Japan) questioned the several limitations of the pre-2004 ICRRA provisions as well as the whole RSD process at the Committee of Judicial Affairs of the 142nd House of Representatives.

³⁵¹ In March, Satoshi Inoue of Japanese Communist Party briefly asked about the deportation at the Committee of Judicial Affairs of the 162nd House of Councillors. Then, other committee members from the Democratic Party of Japan intermittently posed questions and critiques against the MOJ officials as well as the Justice Minister. Osamu Yamauchi of the Democratic Party of Japan also brought the same

well as the Justice Minister were reluctant to listen to those criticisms by highlighting the legitimacy of their authorities on the RSD in accordance with the law.³⁵² Facing the seemingly lasting critiques against the Japan's refugee governance, the Press Secretary of MOFA, Hatsuhsa Takashima tried to carefully explain the legitimacy of the Japanese government of deciding to deport the two Turkish Kurd asylum-seekers to their home country to back up the position of the MOJ.³⁵³ In Japan, all of the decisions on refugee admission is under the jurisdiction of the MOJ, and it is very unusual for other ministries to clarify its position in public. Arguably, it can be considered that this MOFA's explanation attempted to back the MOJ up by highlighting the legality and legitimacy of its determination.

issue into the committee of the House of Representatives in June. See Issue 2, 5, 7, 9 of the minute of the Committee of the House of Councillors, and Issue 23 of the minute of the Committee of the House of Representatives.

³⁵² Asahi Shimbun 朝日新聞. Kurudo-jin Kyouseisoukan 'Nanra Ihan ha nai': Houmsyou, Kokurenkikan ni Kaitou クルド人強制送還「何ら違反はない」: 法務省、国連機関に回答” [Deportation of the Kurds is ‘no problem’: Ministry of Justice responding to UN Refugee Agency], *Asahi Shimbun* 朝日新聞, 26 January, 2005; Mainichi Shimbun 毎日新聞. “Kurudo-jin Nanmin Kyouseisoukan: Houmsyou, ‘Tekisetsu’ to Hanron クルド人難民強制送還: 法務省、「適切」と反論” [Ministry of Justice made a counter argument saying ‘due procedure’ against criticisms about deportation of Kurdish refugees], *Mainichi Shimbun* 毎日新聞, 26 January, 2005; Nihon Keizai Shimbun 日本経済新聞. “Housyou ga Setsumei, Kurudo-jin Soukan ‘Hou Jyunshu shita’ 法相が説明、クルド人送還「法順守した」” [Justice Minister explained deportation of Kurds, saying ‘complied with law’], *Nihon Keizai Shimbun* 日本経済新聞, 21 January, 2005; Nihon Keizai Shimbun 日本経済新聞. “Kurudo-jin Soukan, Houmsyou ga Hanron: Nnamin Koutou Benmukan Jimusyo ni クルド人送還、法務省が反論: 難民弁務官事務所に” [Ministry of Justice made a counter argument against UNHCR about deportation of Kurds], *Nihon Keizai Shimbun* 日本経済新聞, 26 January, 2005; Yomiuri Shimbun 読売新聞. “Kurudo-jin Kyouseisoukan Mondai de Houmsyou ga UNHCR ni Bunsyo Souhu クルド人強制送還問題で法務省が UNHCR に文書送付” [Ministry of Justice sent a letter for UNHCR regarding deportation of Kurds], *Yomiuri Shimbun* 読売新聞, 26 January, 2005.

³⁵³ Against the questions about the deportation of Kurdish asylum-seekers, Mr. Takashima said “The Government of Japan decided to take this action after carefully studying the situation. It was established that the Kurdish persons were not in any way in danger of being executed or harmed by the Government of the Republic of Turkey, if and when they go to Turkey. This decision was based upon Japanese law. We are aware that the UNHCR does not have the same view as us. Since this is strictly a decision to be made by the Government of Japan, we believe we did what had to do and that it was right.” Mr. Takashima also explained that We have decided independently based upon the facts and evidence we have gathered. For example, the person did not incur any sort of incident while he was in Turkey but returned to Japan and started claiming refugee status. We do not believe that his claim is substantiated by any facts or evidence.” During this press conference, Mr. Takashima repeated the same argument of the deportation was decided in accordance with law, while he refrained from clearly getting into the jurisdiction of the MOJ. See Ministry of Foreign Affairs. “Press Conference 21 January 2005.” (Tokyo: Government of Japan, 21 January, 2005). <http://www.mofa.go.jp/announce/press/2005/1/0121.html> (accessed 8 January, 2018).

At the other side of political reality, the deportation split the Kazankiran family as Kazankiran's wife and the second son and three daughters were permitted to stay in Japan even after the deportation incident. The UNHCR hurried to find a resettlement place and finally reached an agreement with New Zealand. After the deportation to Turkey, Ahmet Kazankiran was released after hours of interrogation, and stayed with his relatives in Turkey. Yet, as a result of his sustaining fear towards Turkish authority and the strong suggestions of his family members and supporting human rights groups, he moved to the Philippines in March 2005, and then resettled into New Zealand in January 2006, which enabled the Kazankiran's family members except Ramazan, who was forced to remain in Turkey to serve out his military duty, to reunite with each other.³⁵⁴ Another Turkish Kurd family father undertaking 72-days sit-in protest, Erdal Dogan, had repeatedly applied for refugee status in Japan, but all of their efforts ended in failure. Even after his receiving a good deal of media and public attentions, in March 2005, he was unexpectedly detained when he visited the immigration centre to renew his monthly provisional release.³⁵⁵ At that time, Keiko Chiba, an Opposition politician eager to work on refugee issues, quickly responded to this detention order in her questions at the Committee of Judicial Affairs of the 162nd House of Councillors. Erdal Dogan was released later, but he had already given up staying in Japan and applied for resettlement opportunity to Canada. In 2007, two years later from his application, their resettlement request was finally accepted by the Canadian government, and they emigrated to Canada.³⁵⁶

³⁵⁴ After completing the term of military service, Ramazan was able to go to New Zealand, and the entire family could reunite in March 2007. See Ito, Masami. "Kurdish refugee returns to Tokyo to thank supporters." *The Japan Times*, 21 September, 2012.

<http://ekurd.net/mismas/articles/misc2012/9/kurdsworld602.htm> (accessed 8 January, 2018).

³⁵⁵ Ito, Masami. "Japan: Immigration detains Kurdish asylum-seeker." *The Japan Times*, 19 March, 2005b. <http://ekurd.net/mismas/articles/misc2005/3/japanrefugee6.htm> (accessed 8 January, 2018).

³⁵⁶ Ito, Masami. "Sit-ins win new home, in Canada!" *The Japan Times*, 8 July, 2007.

<https://www.japantimes.co.jp/life/2007/07/08/general/sit-ins-win-new-home-in-canada/#.Wha3jrZAPfY> (accessed 8 January, 2018); McNeill, "Eight-year ordeal nears end for Kurdish family."

A reckless attempt of two Turkish Kurd families failed in changing the fixed stance of the Japanese government after all.³⁵⁷ However, the fire of the controversy over the continuous asylum claims from the Turkish Kurds and their situations in Japan did not vanish at this stage. Around the same time, another family seeking asylum – Taskin of Turkish Kurd and his Filipino wife, Beltran and their daughter, Zilan – had attracted lots of attentions in Japan. The Kurdish man came to Japan in 1991 and then started his applications for refugee status, but his efforts were rejected by the MOJ. In 2004, because of their overstaying visa, Taskin and his wife, Beltran, received a deportation order, which meant that the family would be split as the Kurdish asylum-seeker would be sent back to Turkey while his wife and daughter would be sent to the Philippines.³⁵⁸ By that time, the Kurdish asylum question had already grown large enough to attract many attentions in society, and a lot of people watched a series of their process.³⁵⁹ A large number of criticisms and pities gathered from many people,³⁶⁰ which became disorder for the government and political elites in Japan. Among the confusing surroundings, some politicians scaled up their critical arguments against the Japanese

³⁵⁷ The Dorgan’s attorney, Takeshi Ohashi claimed that “While I am relieved that the Dogans are no longer in fear of being deported (back to Turkey) and have been recognised as refugees in Canada, this result is an embarrassment for our country,” while the MOJ officials have continuously rejected such a criticism by saying “We made our decision on the Dogans according to our own laws and standards and believe we did nothing wrong.” See McNeill, “Eight-year ordeal nears end for Kurdish family.”

³⁵⁸ Yomiuri Shimbun 読売新聞. “Nanmin Shinsei kara 7 nen: Kurudo-jin Ikka, Zairyu Kyoka ‘Nagakatta’ 難民申請から7年: クルド人一家、在留許可「長かった」” [7 years since first applying for refugee status: Kurdish family said ‘too long’ until getting permission to stay], *Yomiuri Shimbun* 読売新聞, 26 March, 2008.

³⁵⁹ See, for example, Asahi Shimbun 朝日新聞. “‘Nanmin Nintai wo’ to Ningen no Wa: Houmussyou mae ni Shiminra Yaku 600 nin 「難民認定を」と人間の輪: 法務省前に市民ら約600人” [600 people gathered in front of Ministry of Justice to claim the ministry to grant ‘refugee status’ for asylum-seekers], *Asahi Shimbun* 朝日新聞, 14 October, 2004; Asahi Shimbun 朝日新聞. “Nanmin Nintai senu Houmussyou ni Gimon (Voice) 難民認定せぬ法務省に疑問 (声)” [Questioning why not Ministry of Justice granting refugee status (opinion)], *Asahi Shimbun* 朝日新聞, 21 January 2005; Asahi Shimbun 朝日新聞. “Nanmin ni Semaki Mon, Nihon no Sugata Saikou: Kyouseisoukan kini NGO Kouen 難民に狭き門、日本の姿再考: 強制送還を機に NGO 講演” [Reconsidering the current status of Japan offering narrower door for refugees: NGO made a lecture after deportation], *Asahi Shimbun* 朝日新聞, 27 February, 2005; and Yomiuri Shimbun 読売新聞. “Kokuren Nintai Nanmin no Kyousei Soukan, Shiensya ga Kougi 国連認定難民の強制送還、支援者が抗議” [Supporters protesting against deportation of refugees recognised by UN], *Yomiuri Shimbun* 読売新聞, 20 January, 2005.

³⁶⁰ See, for example, the Japan Times. “Suit seeks to nix deportation order that will split up family.” *The Japan Times*, 17 March, 2004. <https://www.japantimes.co.jp/news/2004/03/17/national/suit-seeks-to-nix-deportation-order-that-will-split-up-family/#.WhJUsrZAPfY> (accessed 8 January, 2018).

government's attitudes towards Turkish Kurds. During the 168th and 169th House of Councillors, Azuma Konno of Democratic Party of Japan, posed the problems concerning Turkish Kurds in Japan at the deliberations of Committee of Judicial Affairs in total three times. He posed a strong doubt against the RSD decisions of the Japanese government vis-à-vis Kurdish asylum-seekers, and repeatedly asked the perceptions of the then Justice Minister Kunio Hatoyama as well as the MOJ officials about the asylum situations and backgrounds of Turkish Kurds. As a result of repetitive debates as well as mounting harsh criticisms in both domestic and international society, it became more and more difficult for the MOJ to maintain their claims for legitimacy.

At last, the MOJ reversed a deportation and granted the special residential permits for a Kurdish asylum-seeker with Turkish citizenship, Taskin and Beltran and their daughter, Zilan in 2008.³⁶¹ In a press conference following a Cabinet meeting, the then Justice Minister Kunio Hatoyama said "After the high court proposed a settlement, we determined that this would be the best way to grant them special residence permission from a humanitarian perspective."³⁶² This novel decision of the MOJ must be worthy to note as the case was a trigger for the MOJ slightly moving into a compromise on permitting humanitarian stay. Indeed, the large number of reports of both national and international media has told us that the impacts of this decision having on the Japanese asylum settings vis-à-vis Turkish Kurds and beyond.³⁶³ In addition, a set of the public concerns,

³⁶¹ Nihon Keizai Shimbun 日本経済新聞. "Kurudo-jin Kazoku, Zairyu Tokubetsu Kyoka, Housyou, Jindouteki Hairyo クルド人家族、在留特別許可、法相、人道的配慮" [Justice Minister granting special permission to stay for Kurdish family for humanitarian reason], *Nihon Keizai Shimbun* 日本経済新聞, 25 March, 2008; Yomiuri Shimbun 読売新聞. "Kurudo-jin Ikka 3 nin ni Zairyu Kyoka he: Houmuyou ga Houshin Tenkan クルド人一家3人に在留許可へ: 法務省が方針転換" [3 members of Kurdish family getting permission to stay: Ministry of Justice modified its decision], *Yomiuri Shimbun* 読売新聞, 25 March, 2008.

³⁶² GMA News Online. "Japan allows Pinay, daughter to stay with Kurdish man." *GMA News Online*, 26 March, 2008. <http://www.gmanetwork.com/news/news/content/86247/japan-allows-pinay-daughter-to-stay-with-kurdish-man/story/> (accessed 8 January, 2018).

³⁶³ L'Agence France-Press promptly reported the Japanese government's decision to grant the special residential status towards the Kurdish asylum family, and other media and academics followed up these reports. See, for example, L'Agence France-Presse. "Japan says giving residency to Turkish Kurd's family." *L'Agence France-Presse*, 25 March, 2008a. <http://www.institutkurde.org/en/info/latest/japan-says-giving-residency-to-turkish-kurd-s-family-1330.ht>

both inside and outside the country, have made it rather difficult for the MOJ to exercise its authority to deport Kurdish asylum-seekers to Turkey. The MOJ has never totally separated from their past performance, but seems to cling to tacit understandings for asylum situations of Turkish Kurds in Japan.

[ml](#) (accessed 8 January, 2018); L'Agence France-Presse. "Japan grants rare residency rights to Turkish Kurd." *L'Agence France-Presse*, 26 March, 2008b. <http://www.dailystar.com.lb/News/Middle-East/2008/Mar-26/75411-japan-grants-rare-residency-rights-to-turkish-kurd.ashx> (accessed 8 January, 2018); and Shimizu, Kaho. "Court upholds family's deportation order: Kurd dad must return to Turkey; mom and Japan-born girl go to Philippines." *The Japan Times*, 24 March, 2007. <https://www.japantimes.co.jp/news/2007/03/24/national/court-upholds-familys-deportation-order/#.WhJU rLZAPfY> (accessed 8 January, 2018).

Table 6. Chronology: Japan's Refugee Governance and Turkish Kurd Asylum

Year	Key Events of the World	Year	Key Events of Japan
1975 ~ 78	- End of Vietnam War → Indochinese Refugee Crisis (~ 90s)		
1980	- Coup d'état in Turkey	1981	- Signature to 1951 Refugee Convention
	- Start of 1st Turkey-PKK Conflict	1982	- Signature to 1967 Refugee Protocol
1984	(~ 99)		- Enactment of ICRRA
1989	- End of Cold War	1990s	- Start of Turkish Kurd Migration into Japan
1990	- 1st Gulf War (~ 91)		
2001	- 9/11 Terrorist Attack	2004	- Field-Investigation of MOJ in Turkey
2002	- AKP Government in Turkey (~ Present)		- Turkish Kurd 72 days sit-in Protest
2003	- 2nd Gulf War (Iraq War)		- Revision of ICRRA (Abolishment of 60-days rule, Refugee Adjudication Counsellors, etc.)
2004	- Start of 2nd Turkey-PKK Conflict (~ 10)	2005	- Deportation of Turkish Kurd asylum-seekers
		2007	- Resettlement of Kurdish asylum-seekers into Canada & New Zealand
		2008	- Grant Humanitarian Residency Permit to Turkish Kurd-Filipino family
		2009	- Revision of ICRRA (New Residency-Register System, etc.)
		2010	- Third Country Resettlement for Myanmar refugees (~ Present)
2011	- Syrian Refugee Crisis (~ Present)		
		2015	- Violent Clash before Turkish Embassy

Chapter 7: Discussions

7.1. Analysing the Strategic Interaction of Interior and Exterior Dimensions

As already explained in the Chapter 3, the theoretical reliance of this study – Analytical Liberalism – reintroduces the idea of state preferences to the analysis in order to account for the states' behaviours in world politics from the rational interest-based approach. On the grounds of some sets of assumptions, the state preferences are explained to take shape depending on the state-society relations; more specifically, the aggregation of a set of interests of the fundamental political actors – individuals and social groups – in domestic society is subsumed into the state preferences, which determine the state's overall foreign policy – how each state behaves purposively in world politics at one time – because a state is embedded in a certain social context determined by both domestic and international societies. The formation of state preferences is always prior to the strategic interaction with external preferences and, at this interior dimension, the fundamental actors of world politics, who are overall rational and risk-averse, pursue their own interests not only by exchanging with each other, but by organising at some time a collective action to promote differentiated interests. The configuration of interdependence among state preferences finally determines how each state acts purposively in world politics, which Analytical Liberalism reckons as the outcomes of the state's foreign policies. In contrast to the major approaches provided by dozens of IR theories having looked only at the international dimension, this approach is largely advantageous to explore both of the causal effects and its consequences inside of each state.

However, it does not mean that Analytical Liberalism can provide a clear set of explanatory tools to trace the detailed process of a political event. While the Analytical Liberalism posits that the policy outcomes are produced by the strategic interaction between domestic politics and international politics, it has not shown a guide to specifically explain the process of “strategic interaction.” It is still uncertain how the state preferences of one state are interwoven with those of

other states. In this regard, the process in which a policy outcome does take shape cannot totally go out of the “black-box,” which may suggest that the thoughts of Analytical Liberalism still have ample space for further improvement. Yet it is not a challenge only for this theory, but the similar difficulties would be generally distributed to every kind of (case) study in social science. The case studies can help us better understand a particular case, but also have plenty of useful implications for theoretical debates. The accumulation of empirical findings can escort us to theoretical developments. Refugee or asylum conditions, of course, differ in country of origin and destination, personal identity or character, social, economic and political contexts. It can be easily assumed that some case-specific factors exist and have an influence on the outcome. It would be nevertheless impossible to deny that the role of case studies is of great significance. Exploring why and how a state has reached out to an outcome can help shed light on the explanatory relevance of competing theoretical frameworks and provide a better foundation for speculating about how such a treatment may evolve in the future. Within the context of this study, it would be possible and meaningful to presume the causal process behind the governmental decisions vis-à-vis the Turkish Kurd asylum pleas in Japan.

The strict management of refugee governance has turned down an increasing number of asylum applications from Turkish Kurds in Japan, which has lasting impacts on both national and international societies. It is a very sound idea for the Japanese government to faithfully operate the refugee governance in accordance with its own jurisprudence; on the other, it has led to the controversial condition under which the lives of many asylum-seekers have been influenced and threatened as a result of such strict procedures. After asylum rejections, multiple refusals, family divides, detentions and deportations of Turkish Kurds, the uncertainties provoked large debates controversies inside the country. An increasing number of people have gotten interested in the Kurdish problem, and the strict and veiled attitude of the Japanese government has been

continuously targeted by criticisms, doubts, and requests for reform from the public, media, academics, humanitarian activists, and political elites. Until this stage, the state preferences, or their order, must have shifted. The asylum situation of Turkish Kurds in Japan was not just a social problem, but it had already become a highlighting political agenda beyond the country. Following the intervention of the UNHCR, some prominent human rights groups and Western media posed deep concerns against the Japanese government. While the negative image of Japanese refugee governance has been widely shared across the international community, the government has been strongly spoken to for the reconsideration of its refugee governance. As some commentaries mentioned, arguably, the government has been slightly distracted with a possibility of having negative impacts on the Japan's position in the international community and its foreign relations.³⁶⁴ Amongst these confusing surroundings, the Japanese government seems to have chosen to opening the pathway for some Turkish Kurd asylum-seekers to the special residency permits, not the proper refugee status. The general foreign policy goals are viewed as varying in response to the shifting pressures from domestic social groups,³⁶⁵ and it can be found out that the attitude of the Japanese government reflects its rational actions constrained by domestic societal pressures and by international environment where the preferences of states strategically interact with each other. Aside from the effect of the government's choice, its slight shift vis-à-vis mounting critiques can be supposed to result from the strategic interaction between interior and exterior factors based on the influence of the shifting state preferences. "A number of factors have influenced this process of implementation and the nature of Japan's approach toward its refugee protection obligations. These include, for example, international pressure, domestic public opinion, patterns of regional refugee flows and local, regional and international advocacy by lawyers, the UNHCR and the NGOs."³⁶⁶

³⁶⁴ To secure the permanent seat at the UN Security Council has been referred to as a long-time and large aim of Japanese government when implementing its foreign policies. As such, some commentaries claim that the Japanese strict refugee admission policy would harm its feasibility.

³⁶⁵ Moravcsik, "Preferences and Power in the European Community," 481.

³⁶⁶ Loper, Kelley. "The Protection of Asylum Seekers in East Asian State Parties to the 1951 Convention

The above explanation can best grasp the analytical explanation of how the Japanese government has responded to the asylum claims of Turkish Kurds, in accordance with the framework proposed by Analytical Liberalism, and an understanding of state preferences that take shape reflecting on the interests of individuals and social groups in the domestic society can be situated in a logical starting point for analysis.

7.2. Ideal and Reality of Refugee Governance

Arakaki states that the deportation of the two Kurdish asylum-seekers in January 2005 highlighted the instability of the legal situation of the UNHCR's mandate refugees in Japan,³⁶⁷ but the causality did shed light on broader perspectives. Related to the explanations in the Chapter 4, the current international refugee regime is designed to contain the premise of universal jurisprudence to protect every person who has lost the protection of the state of their nationalities or permanent residences. Any person who has well-founded grounds prescribed into the international refugee law has rights to be protected as refugees regardless of their race, religion, nationality, political or ideological opinion. From the legal perspectives, therefore, refugee is critically distinguished from the other people on the move. If a person seeking asylum is entitled to be granted refugee status, the person can be universally protected as a refugee, who have a unique legal status. Moreover, as a general rule, refugees are entitled to the enjoyment of their internationally recognised human rights. Based on these principles, the international refugee regime has a lofty aim of protecting refugees, who are produced by a structural flaw of the modern sovereign-state system, beyond the darkened side of reality of world politics. While the modern world has on the one hand endeavoured to enable every person to enjoy protection of a government, on the other it has been unable to ensure such a protection for a certain number of persons – refugees. On the grounds of this refugee regime,

Relating to the Status of Refugees and its 1967 Protocol,” in *Regional Approaches to the Protection of Asylum Seekers: An International Legal Perspective*, ed. Ademola Abass., and Francesca Ippolito, (London, New York: Routledge, 2014), 351.

³⁶⁷ Arakaki, *Refugee Law and Practice in Japan*, 217.

international community tries to complement the limitations of state sovereignty, and seeks for the international solidarity to protect all of refugees across the world.

In reality, however, this laudable aim is dismissed due to the fragmented structure of international refugee regime itself. To construct a single, universal legal mechanism for protecting refugees across the world, the international refugee regime prescribes a clear, stringent definition of refugees; at present, the definition of refugees prescribed in the international refugee law is technically adhered to by most states, even non-signatories to the 1951 Refugee Convention and the 1967 Refugee Protocol.³⁶⁸ Given that the ultimate purpose of international refugee regime is to provide a protection for any person in need overcoming the reality of world politics, every person who may be threatened by persecution in their home countries can be entitled to be protected regardless of any political reality. In principle, it must refrain bringing “politics” into the context of refugee protection. Yet that definition is narrowly constructed, and thus many people who actually need a certain protection fall outside of its scope.³⁶⁹ As the backgrounds of contemporary refugees, political instability, violent conflicts, weak governance, and economic privation in their homelands are often entwined with one another, which has made it rather obscure the distinction between refugee movements and general international migration. This categorical divide between refugees and others has, in practice, provoked controversy because it is the key to understand how to treat them respectively. Within the ongoing practices of applications for refugee status, asylum-seekers are generally required to satisfy an excessively stringent standard of proof, and inability to demonstrate the sound reasons for their applications leads to lots of failed results. While the states, on the one hand, can judge whether a person is fit to be recognised as a refugee depending on the circumstances of the person’s country of origin, on the other hand, conditions in the receiving country

³⁶⁸ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International Law,” 155.

³⁶⁹ El-Enany, Nadine. “Asylum in the Context of Immigration Control: Exclusion by Default or Design?” in *States, the Law and Access to Refugee Protection: Fortress and Fairness*, ed. Maria O’sullivan., and Dallal Stevens, (Portland: Hart Publishing, 2017), 30-35.

largely influence on the judgment – whether a person can be welcomed as a refugee in that country. This is because the “international refugee regime sorely lacks the critical component of national or domestic jurisprudence, as well as local and regional realities that determine the outcome of the applications.”³⁷⁰ As such, the international refugee regime has faced multiple challenges in terms of its perception by national or domestic legal orders. The discrepancies in implementation and application of international refugee law exist between states. When a government assesses the motivations behind the asylum appeals, everything can potentially matter such as the human rights and humanitarian concerns, state foreign policy, and domestic political factors; in turn, these factors by and large determine the way in which a country interprets the provisions and rules of international refugee regime. Even the interpretation of the universal definition of refugees differs from state to state. Furthermore, while many states may be willing to assist refugees, they are actually unwilling to accept the obligations to do so; consequently, each state discretionally determines its own policies regarding the admission of refugees and other displaced people.³⁷¹ In particular after the international refugee regime moved to the second paradigm – source-country model – many countries became more reluctant to provide a permanent place for refugees admitted to entry. Since then, temporary protection has been central to the international protection for refugees, and lots of states have followed up. After further moving to the third paradigm – security model – many countries became more stringent towards immigration control, and thereby it became more difficult for asylum-seekers to find a place where they can permanently settle outside of their home countries. A lot of fragments of international “politics” have unexpectedly reflected into the current state of global refugee governance, in contradictory to the initial attempts of international refugee regime. The protection shields for refugees provided by the international refugee regime is hurt by the regime itself.

³⁷⁰ Canefe, “The fragmented nature of the international refugee regime and its consequences,” 180.

³⁷¹ Nanda, “History and Foundations for Refugee Security, Health, and Well-Being under International Law,” 157-158.

7.3. Consequence of Denial: Kurdish Legal Limbo in Japan

Overall, the structure of global refugee governance has been contingently modified among the continuously shifting trends of world politics. Coupled with these shifts, every country has necessarily faced intermittent needs to modify its own governance towards refugees. Taking care of international requirements, preserving domestic security, and maintaining its own order in accordance to both exterior and interior dimensions are always important determinants of states' refugee governance. In the case of Japan, how to display its allegiance to the international solidarity for protection of the world's refugees has been central to the discussions of the states' refugee governance since the country became a signatory to the international refugee law in the early 1980s. There are a lot of changes worthy to note, and a number of factors prompted the government and citizens to consider the more desirable ways. Among such climate, the Japan's refugee governance has slowly but steadily developed for over the last three decades; moreover, these modifications are largely produced by the influences of both international and domestic politics. Strategically counting the pros and cons of the respective scenarios to address the conditions of Turkish Kurd asylum-seekers in Japan, the government has resolved to provide the special treatments – humanitarian residency permit – or to grant the virtual tacit permission – provisional release – for Turkish Kurd asylum-seekers. A lot of incidents in international and domestic politics have pulled these alternative resolutions from the government.

When moving a focus into the consequences of Japanese government's treatment of Turkish Kurd asylum-seekers, however, the current state may be an unexpected result. Though nobody among Turkish Kurd asylum-seekers has ever been recognised as refugees, their migration has still continued for over the last two decades. Since the Japanese government became more liberal to seek alternative resolutions for Turkish Kurds, who failed in attaining proper refugee status, around the latter half of 2000s, their immigrations and applications for refugee status have been increasingly

scaled up. A number of factors are affiliated with the immigration and asylum trends in Japan, and the connection between the government's responses and the increase of Turkish Kurd asylum applications is, of course, unclear; however, it may nevertheless be possible to presume their linkage to some extents.

The analyses, furthermore, point to the following three variables – not necessarily in order of importance – that reinforce the Japan's reluctance to grant the proper refugee status for Turkish Kurd asylum-seekers. A lot of commentaries, in particular from the Japanese refugee supporters, have earlier explained that Japan-Turkey friendly relations harming the possibility of Turkish Kurd asylum-seekers accessing to refugee status in Japan, and such a claim has become popular; yet, it is just “a” factor, not the only factor. Including this kind of groundless argument, the study tries to provide broader perspectives.

National Self-Interest

A popular explanation behind the fact of zero Turkish Kurds having been recognised as refugees in Japan is dependent on the character of bilateral relation between country of origin – Turkey – and destination – Japan – in spite of the lack of any proof. It is strongly argued by some that the government is afraid of accepting refugees from certain countries for fear of relationships of Japan and those countries being deteriorated, and this is the reason why the Kurds from Turkey have never been admitted, despite the fact that many Turkish Kurds have demanded refugee status in Japan.³⁷² Though Japan and Turkey have historically maintained their good relationship, it is largely based on norms and perceptions of state leaders rather than their mutual, actual interests.³⁷³ Apart from the counter-insurgency activities against the PKK militants, a couple of small refinements can be seen in

³⁷² Sakamoto, Kantaro. “Japan's Refugee Policy: Its Problems and Solutions.” *Japan Sociology*, 3 June, 2013. <https://japansociology.com/2013/06/03/japans-refugee-policy-its-problems-and-solutions/> (accessed 8 January, 2018).

³⁷³ Personal communication with a Japanese scholar studying on Turkish politics, 24 April, 8 May, 19 June, 24 July, 2017.

the Turkish government's treatments vis-à-vis Kurdish residents in Turkey, particularly after the AKP gained its ruling power, in relation to the Turkish aims of improving domestic human rights situations for the Turkish EU-accession talks, and the Japanese government is aware of the above slightly improving situations through information from its own investigations, court cases, and the UNHCR. Furthermore, the Japanese government has actually referred to the above improvements in Turkey as a main reason to turn down the asylum applications from the Turkish Kurds. As such, it is rather difficult to depend only on the Japan-Turkey relations to exemplify the reason behind the failed asylum of Turkish Kurds in Japan. Instead, considerations for national interests can provide a better explanation including the notice on the bilateral relation between Japan and Turkey.

National interest is a key term to understand the world politics and states' foreign policy-makings. Given that refugee admission is a kind of foreign policy, the relevant decisions must be determined with a consideration for the impacts on the foreign affairs. Like in many other states, national interests or state preferences rooted under the formation of the Japan's foreign policy-making. While seeking for the international solidarity is one of the basement principles of Japanese government to make its own foreign policies because such prescription clearly appears in the post-Second World War Constitution, politicians and policy-makers are also accountable for the impacts of a particular policy on the domestic society. As such, many politicians, in particular LDP politicians, have repeatedly exaggerated the importance of state's contributions to international community for the reasons of bearing benefits for the state itself with a reference to national interest. In this sense, the term of "national self-interest" may better capture the point than national interest. Under the current structure of international refugee regime, each state can discretionally determine its own policies towards refugees, and therefore when a government assesses whether an asylum-seeker is fit to be recognised as a refugee – whether a person can be welcomed as a refugee in that country – how much national self-interests the government can gain by admitting such a

people is naturally central to the RSD. As Loescher noted that “Foreign-policy considerations can also strongly influence refugee admission decisions, in particular determining which persons should be granted or denied refugee status,”³⁷⁴ everything such as domestic politics and economy, foreign policy considerations, and security concerns can potentially matter. Regarding this point, though the MOJ strongly denies that the difference of nationality of asylum-seekers becomes a factor influencing the outcomes of RSD, it nevertheless recognises that national (self-)interests exist as a key factor when exercising its authority on RSD procedure.³⁷⁵ Accordingly, the character of bilateral relation between Japan and Turkey would not totally irrelevant to the failed outcomes of asylum appeals of Turkish Kurds in Japan, though the scale of such an influence remains dubious.

Though it is still obscure about what kinds of factors exist as a constituent of national self-interests, the constituents and characters of national self-interests of Japan would be possibly separated from those of other countries such as the EU member-states.³⁷⁶ Arguably, the RSD procedures in Japan may be influenced to a greater degree by security concerns of decision-makers towards domestic society. A number of observations clarify that, in particular after the 9/11, the Japanese government has been more reluctant and sensitive to immigration of foreigners regardless of their backgrounds and purpose of visits for security reasons. This feature already appeared in the remarks of the then Prime Minister Junichiro Koizumi at the Diet in May 2002.³⁷⁷ Security has traditionally been defined in terms of power relations between states, mostly related to the

³⁷⁴ Loescher, “Refugees and Foreign Policy,” 135.

³⁷⁵ Personal communication with an ex-Immigration Bureau official, 18 May, 2017.

³⁷⁶ At least for the asylum appeals of Turkish Kurds, for example, the EU members have repeatedly cared for the human rights situations in Turkey in relation to the Turkey’s EU accession talks, and therefore they would not have to hesitate to accept asylum appeals from the Turkish Kurds. These considerations can be clearly different from the attitudes of Japanese government.

³⁷⁷ Prime Minister Junichiro Koizumi represented the government’s reluctance to accept asylum seekers in the Diet of May 2002. He stated that “We take it for granted to respect human rights,” but it is difficult “to draw a line between refugees and suspicious persons” and “If we say Japan will accept (more) refugees, it would bring with it a new domestic problem.” See Asakura, “Reluctance to accept refugees draws fire”; and McCurry, “Humanitarian ‘stain’.” See, also, the minutes of the 154th House of Representatives, Plenary Session, Issue 32, 14 May, 2002, and the 154th House of Councillors, Plenary Session, Issue 23, 15 May, 2002.

political-military issues, but it has recently acquired more complex significance ranging from traditional national security to economic, social and cultural, for example, factors. Accordingly, the MOJ officials comprehensively take all of the above factors into considerations when making decisions for RSD.³⁷⁸ In Japan, the whole RSD process is accommodated into the immigration control; as a corollary, the spectre of refugee influxes is often invoked as a threat to the national security,³⁷⁹ as the influxes of refugees can endanger domestic security from a variety of viewpoints.³⁸⁰

Culture of Denial

According to the explanations by the decision-makers of RSD process, the existence of widespread abuse of the applications for refugee status permeates through their perceptions on the grounds that the vast majority of applicants for refugee status come to Japan from countries that do not currently have conditions to generate refugee exodus.³⁸¹ While the Immigration Bureau and MOJ officials have kept their stances on that most of RSD applicants are economic migrants rather than refugees fleeing persecution, it has frequently argued that the Japanese government practices a very restrictive policy towards asylum-seekers, which results in a very low recognition rate of refugee status as well as strong doubt as to the reasons of the submitted proof being rejected by the government.³⁸²

Regarding the existence of these comparative positions, Saburo Takizawa pointed that both

³⁷⁸ Personal communication with an ex-Immigration Bureau official, 18 May, 2017.

³⁷⁹ The similar feature can be found out in any country to some extents, but it can be more likely to be reflected into the RSD decisions in Japan than in other countries in Europe and North America. This is because the government-run organisation (Immigration Bureau of the MOJ) holds its single strongest authority of RSD in Japan, while many other countries set out the independent RSD agencies outside the governments. See, for example, Iwata, “Waga-kuni no Nanmin Nintei Seido on Genjyou to Ronten,” 8-9; and Japan Federation of Bar Associations 日本弁護士連合会. “Atarashii Nanmin Nintei Tetsuduki ni kansuru Ikensyo 新しい難民認定手続に関する意見書” [Opinion about the new System of Refugee Status Determination]. 17 October, 2016.

http://www.nichibenren.or.jp/library/ja/opinion/report/data/061017_000.pdf (accessed 8 January, 2018).

³⁸⁰ Loescher, *Beyond Charity*, 23-24.

³⁸¹ Personal communication with an ex-Immigration Bureau official, 18 May, 2017.

³⁸² Takazawa, “Japan’s Refugee Policies.”

arguments would be partly true.³⁸³ Actually, however, “Several cases have been reported of procedural malpractices and negligence by the authorities within the procedure of recognition. There are several cases that procedure carries on without satisfactory communication as often precise translation is at difficulty.”³⁸⁴

Similar concerns may also emerge in the RSD process of other countries. In the UK, for example, the Home Office is responsible for all first-instance decisions of the entire RSD process, and unfortunately has a strong propensity to disbelieve most testimonies of asylum claims.³⁸⁵ These disbeliefs help lead to many refusal of asylum claims, and Souter recaptures this condition as the “culture of denial,” not “culture of disbelief,” because such a tendency is not merely confined to isolated individuals but permeating the entire decision-making authority.³⁸⁶ Aside from the divide, connotation of the above propensity can be closely coupled with the voices of several NGOs and refugee supportive individuals in Japan. On the grounds of their experiences of day-to-day activities, they reported about the prejudiced assumptions of the RSD decision-makers that most asylum-seekers are disguised economic migrants.³⁸⁷ The culture of disbelief or denial has generally been strengthened by the widespread assumptions that large numbers of asylum claims are unfounded,³⁸⁸ which can also be seen in the Japanese RSD process. With the arrival of increasing numbers of the failed applicants from Turkey as well as other countries, the existence of culture of denial makes it more and more difficult for asylum-seekers to successfully convince the decision-makers of RSD of validity of their claims.

Path-Dependency

³⁸³ Personal communication with Mr. Saburo Takizawa, 18 May, 25 May, 2017.

³⁸⁴ Takazawa, “Japan’s Refugee Policies,” 20.

³⁸⁵ Souter, James. “A Culture of Disbelief or Denial?: Critiquing Refugee Status Determination in the United Kingdom.” *Oxford Monitor of Forced Migration* 1, no. 1 (2011), 48-59.

³⁸⁶ Ibid.

³⁸⁷ See, for example, Iwata, “Waga-kuni no Nanmin Nintei Seido on Genjyou to Ronten,” 30-33.

³⁸⁸ Souter, “A Culture of Disbelief or Denial?”

Over the past few decades, political scientists' attention to the role of path dependency and the politics associated with the notion has steadily grown up.³⁸⁹ Sewell defined path dependency as “what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point.”³⁹⁰ In other words, “history matters”³⁹¹ and such a situation – for states and organisations – can be established through two mechanisms: “lock-in”, when certain options are rendered wholly unattainable by original choices; and “disincentive effects”, when original choices make future options not impossible but deeply unattractive.³⁹² As a result, “Path dependence has to mean... that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice.”³⁹³ Such a path dependent character has strongly rooted under the Japanese governmental attitudes towards refugee governance.

Though, going through the several key incidents of international and domestic politics, the Japan's refugee governance has slowly but steadily developed, the government has, overall, kept its stringent attitudes towards refugee admission for over the last three decades. The swift implementation of deportation of quasi-refugees to their home country, Turkey, in 2005 was a turning point for the Japan's refugee governance, especially in the context of asylum situations of Turkish Kurds. With complexly mixed influences of various factors – for example, international

³⁸⁹ Fioretos, Orfeo. “Historical Institutionalism in International Relations.” *International Organization* 65, no. 2 (2011), 367-399; Hansen, Randall. “Globalization, Embedded Realism, and Path Dependence: The Other Immigrants to Europe.” *Comparative Political Studies* 35, no. 3 (2002), 259-283; Peters, B. Guy., Jon Pierre., and Desmond S. King. “The politics of path dependency: Political conflict in historical institutionalism.” *The Journal of Politics* 67, no. 4 (2005), 1275-1300.

³⁹⁰ Sewell, William Jr. “Three Temporalities: Toward an Eventful Sociology,” in *The Historic Turn in the Human Sciences*, ed. Terrence J. McDonald, (Ann Arbor: University of Michigan Press, 1996), 262-263.

³⁹¹ Ibid, 262-263; Pierson, Paul. “Increasing returns, path dependence, and the study of politics.” *American Political Science Review* 94, no. 2 (2000), 252.

³⁹² Arthur, W. Brian. “Competing technologies, increasing returns, and lock-in by historical events.” *Economic Journal* 99 (1989), 116-131; David, Paul. “Clio and the economics of QWERTY.” *American Economic Review* 75, no. 2 (1985), 332-337; Fioretos, “Historical Institutionalism in International Relations.”; Hansen, “Globalization, Embedded Realism, and Path Dependence.

³⁹³ Levi, Margaret. “A model, a method, and a map: Rational choice in comparative and historical analysis,” in *Comparative Politics: Rationality, Culture and Structure*, ed. Mark Irving Lichbach, and Alan S. Zuckerman, (Cambridge: Cambridge University Press, 1997), 28.

pressure, domestic public opinion, patterns of regional refugee flows and local, regional and international advocacy by lawyers, the UNHCR and the NGOs – the government chose to make it look like a shift from its past ways to open the possibility for Turkish Kurd asylum-seekers to access to the recognised asylum in Japan by granting humanitarian-based special permission to stay in Japan. After this shift, however, the Japanese government has kept its stronger reluctance to go further because it became possible for the government to strategically make use of the trump card of granting humanitarian visa for a few number of asylum-seekers at times. In other words, the Japanese government has avoided reaching out to the fundamental solution of Turkish Kurd asylum situations in Japan by granting the special humanitarian visa just as an ad hoc approach. This is related to the general understanding that, in practice, granting special humanitarian visa almost corresponds with the Complementary Protection prescribed in the European asylum system.³⁹⁴ In recent years, actually, the Japanese government has positively taken a similar position about special permission to stay, and justified its own refugee admission policies vis-à-vis critical comments.³⁹⁵

In addition, it is a prescribed rule of refugee governance in Japan to deport any asylum-seeker who cannot have well-founded reasons to be recognised as a refugee according to the international refugee laws; however, severe critiques from the public, media, and several civil society groups at the 2005 deportation reminded the government of how much costs it may take to deport the failed applicants for refugee status to their home countries not merely in terms of money but various meaning. Complex process of RSD in Japan – in which all of asylum-seekers can unlimitedly repeat their applications and/or request for judicial review after their first-instance

³⁹⁴ To put it simply, Complementary Protection is the protection mechanism for people seeking asylum but unable to access to the protection of international refugee law. Personal communication with Saburo Takizawa, 18 May, 25 May, 2017.

³⁹⁵ See, for example, Immigration Bureau, Ministry of Justice 法務省入国管理局. “Zairyu-tokubetsukyoka sareta jirei oyobi Zairyu-tokubetsukyoka sarenakatta jirei ni tsuite 在留特別許可された事例及び在留特別許可されなかった事例について,” (Tokyo 東京: Government of Japan, April 2010). http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan25.html (accessed 8 January, 2018); and Immigration Bureau, Ministry of Justice 法務省入国管理局. “Nanmin Nintei Seido 難民認定制度,” (Tokyo 東京: Government of Japan). <http://www.immi-moj.go.jp/tetuduki/nanmin/nanmin.html> (accessed 8 January, 2018).

rejection – also demotivates the government to step into the implementation of deportation of asylum-seekers, as the line between those who are ordered to be deported and those who are not is very obscure; alternatively, the government has given tacit permissions of provisional release for the vast majority of Turkish Kurd asylum-seekers staying in Japan. These confusing conditions and strategies have enabled the Japanese government to maintain the “status-quo” of the asylum situations of many Turkish Kurds. Consequently, without recognition of refugee status nor without deportation order, a number of Turkish Kurd asylum-seekers have resided in the legal limbo in Japan.

Chapter 8: Conclusions

The international refugee regime, in accordance with the widely shared definition of international regime that Krasner earlier provided³⁹⁶ represents a set of norms, rules, principles, and decision-making procedures to regulate states' responses to refugees.³⁹⁷ While the modern world has in theory been designed to enable every person to enjoy protection of a government, it has been unable to ensure such a protection for a certain number of persons called refugees. Therefore, the international community has tried to complement the limitations of state sovereignty, and seeks for the international solidarity to protect all of refugees across the world. In short, the international refugee regime is assumed to be an international structure or standards to protect refugees, who is the most vulnerable people in the modern world that is composed of sovereign states. To construct a single, universal legal mechanism for protecting refugees across the world, the international refugee regime prescribes a clear, stringent definition of refugees into its legal foundation, the 1951 Refugee Convention. On the grounds of this basic principles, the international refugee regime set out its lofty aim of protecting refugees, who are produced by a structural flaw of the modern sovereign-state system, beyond the darkened side of reality of world politics as well as territorial divides of sovereignty. In other words, the ultimate purpose of international refugee regime is to provide a protection for any person in need overcoming the reality of world politics, and every person who may be threatened by persecution in their home countries can be entitled to be protected regardless of any political reality; accordingly, in principle, we must refrain from bringing "politics" into the context of refugee protection across the world.

In reality, however, this laudable aim is dismissed due to the fragmented structure of international refugee regime itself. The basic definition of refugee is narrowly constructed, and thus

³⁹⁶ Krasner, "Structural Causes and Regime Consequences."

³⁹⁷ Betts, *Forced Migration and Global Politics*; Betts, "International Cooperation in the Refugee Regime."

many people who actually need a certain protection fall outside of its scope. In addition, the “international refugee regime sorely lacks the critical component of national or domestic jurisprudence, as well as local and regional realities that determine the outcome of the applications”;³⁹⁸ as a corollary, it has faced multiple challenges in terms of its perception by national or domestic legal orders. Under the current structure of international refugee regime, each state can discretionally determine its own policies towards refugees, and the discrepancies in implementation and application of international refugee law exist from state to state. When a government assesses whether a person seeking asylum can be suitable to being recognised as a refugee – whether a person can be welcomed as a refugee in that country – a number of factors such as international pressure, domestic public opinion, patterns of regional refugee flows and local, regional and international advocacy by the international organisations and civil society, in practice, affect the ultimate outcome. While, over time, the international refugee regime has experienced a gradual improvement of standards of treatment of refugees by elaborating a series of principles, many countries have been reluctant to accept refugees in particular since the security concerns was significantly scaled up after the 9/11 terrorist attacks in 2001. The Japanese refugee governance may best grasp the above points. Japan’s refugee governance started over thirty years ago, when the government decided to sign the 1951 Refugee Convention and the 1967 Refugee Protocol in the early 1980s in the context of Indochinese refugee crisis. Since then, the state’s refugee governance has slightly developed, but also mounting criticisms against the stringent refugee admission situations have been posed by the other countries, public, media, academics, international organisations, civil society, and so on.

In contrast to the reluctance of Japanese government to accept a number of refugees as well as other types of immigrants, increasing number of people has come and sought asylum in that

³⁹⁸ Canefe, “The fragmented nature of the international refugee regime and its consequences,” 180.

country. Turkish Kurds have remained making up of the significant portions of populations of asylum-seekers in Japan, though nobody of them have ever been successfully recognised as refugees. With the increasing numbers of Turkish Kurd migration into Japan, now more than 2,000 Kurds are estimated to settle in Japan. Some of them have reside in Japan with valid visas, including the special humanitarian residency permissions, but the vast majority of them have stayed without any legal status in Japan. There seems to be still no prospect for Turkish Kurd asylum-seekers to be entitled to attain the official status of refugees in Japan, and a large portion of them are in the status of provisional release; as a corollary, the Turkish Kurd migration to Japan has been increasingly illegal in nature. Many of them has remained in legal limbo without proper refugee status nor without deportation order in Japan. This is a destiny of the world's largest nation who are denied their nationhood in the modern nation-state system of the world. Wide range of factors exist behind this outcome, but it can be said that both international and domestic politics are of significance to greater extents.

Due to the lack of any legal grounds, they cannot access to public supports and social welfare services and thus, as Tsuchida clarified the “survival strategy,”³⁹⁹ many Turkish Kurds live by their own community-based supports. The biggest Kurdish community has emerged around the area from Kawaguchi city and Warabi city in Saitama prefecture, “Warabistan,” and an estimated 1,300 to 1,400 Kurds inhabit that area. Though the study lacks any reliable data, but many of them claims that they came from southeastern region of Turkey and have sought asylum in Japan as well as embracing the ethnic identity as the Kurds.⁴⁰⁰ A significant portion of them are in the status of provisional release and banned from working in Japan; on the contrary, most people work illegally in informal sector, in practice. In Japan, it is the tasks of local governments to provide lots of social

³⁹⁹ Tsuchida, “Increasing Applications in the Context of Continuing Denials of Recognition of Refugee Status.”

⁴⁰⁰ Personal communication with some Turkish Kurd asylum-seekers residing in Kawaguch city, 25 April, 20 May, 2017.

services for the daily lives of citizens and, in theory, local governments can exercise their authorities in accordance to the basement laws. As a corollary, local governments cannot provide any service for the non-citizens out of their jurisdictions unless there are any special legal grounds. It means that most of the Turkish Kurds in Japan fall outside of these public supports because they do not own any legal status, nor cannot become citizens. In other words, many of Turkish Kurds in Japan are not entitled to the enjoyment of social welfare or other public services. In reality, however, judging the divide between citizens and non-citizens is sometimes difficult, which may bring a series of challenges into the practices of local governance. Takizawa discussed the three gaps – jurisdictional gap, participation gap, and incentive gap – existing in the current system of hosting refugees in Japan, mainly focusing on the third country resettlement of Myanmar refugees into Japan,⁴⁰¹ but the idea of paying attentions to the gaps between the national government and local government seems applicable to the case of Turkish Kurds in Japan, too.

In terms of the jurisdiction, all decisions regarding RSD process are conducted by the Immigration Bureau of the MOJ, while observation and providing several supports for asylum-seekers and refugees such as education for their children are managed by local governance. Yet the coordination between national government authorities – the Immigration Bureau and MOJ – and local municipalities is poorly established and, while many Turkish Kurd asylum-seekers actually inhabit the region, the local municipalities have not well captured the actual situation of Kurdish asylum-seekers.⁴⁰² While local governments set up the policies to promote multiculturalism among citizens and enhance both quality and quantity of public supports for foreigner citizens,⁴⁰³ it is still

⁴⁰¹ Takizawa, “The Japanese pilot resettlement programme.”

⁴⁰² Personal communication with the International Division, at the Department of Public Services, Saitama Prefectural Government, 25 April, 2017; Personal communication with the Multicultural Coexistence Section of the Promotion of Civic Cooperation Division, at the Department of Public Services, Kawaguchi City Government, 20 May, 2017.

⁴⁰³ See, for example, Kawaguchi City Government 川口市. “Kawaguchi shi Tabunka Kyousei Shishin 川口市多文化共生指針” [Guidelines for Multicultural Coexistence, Kawaguchi City] (Saitama 埼玉: Kawaguchi City Government, February 2012). http://www.city.kawaguchi.lg.jp/ctg/Files/1/16570140/attach/tabunnka_1.pdf (accessed 8 January, 2018);

controversial and virtually impossible to set themselves out to expand their administrative authorities into non-citizens, even if they have actually inhabited; alternatively, local governments have promoted their coordination with civil society, in particular individual volunteers, NGOs and other private sectors, which is actually done to address the issues stemming from the Kurdish community in Japan.⁴⁰⁴ To sum up, several partial inadequacies of both international and domestic refugee governance have unconsciously produced the legally unstable conditions of Turkish Kurds in Japan, which has pushed the unbalanced structures of international, domestic and local governance to a greater extent.

The existing challenges derived from the legal limbo of Kurdish asylum-seekers from Turkey into Japan have conveyed wide range of debatable points to us, and it is rather difficult to totally figure out the entire structure of problems and point out the right direction for the future resolution and improvement of asylum situations of Turkish Kurds in Japan. The study, nonetheless, tries to point to several challenges related to the legally unstable conditions of Turkish Kurds in Japan and then pose a couple of suggestion for the resolution from broader perspectives.

As for the international level analysis, the current international refugee regime is structured within the context of modern world system consisting of sovereign states, despite its original

Kawaguchi City Government 川口市. “Kawaguchi shi Tabunka Kyousei Shishin Kaiteiban (Heisei 26 nendo~28nendo) 川口市多文化共生指針改訂版(平成 26 年度~28 年度)” [Revised Guidelines for Multicultural Coexistence, Kawaguchi City (FY2014~2016)] (Saitama 埼玉: Kawaguchi City Government, June 2014). http://www.city.kawaguchi.lg.jp/kbn/Files/1/16570140/attach/shishinn_kaitei.pdf (accessed 8 January, 2018); Kawaguchi City Government 川口市. “Dai 2 ji Kawaguchi shi Tabunka Kyousei Shishin (Heisei 30 nendo~34nendo) (Soan) 第 2 次川口市多文化共生指針(平成 30 年度~34 年度)(素案)” [Second Guidelines for Multicultural Coexistence, Kawaguchi City (FY2018~2023) (Draft)] (Saitama 埼玉: Kawaguchi City Government, November, 2017). <http://www.city.kawaguchi.lg.jp/kbn/Files/1/16570061/attach/soan.pdf> (accessed 8 January, 2018); and Saitama Prefectural Government 埼玉県. “Saitamaken Tabunka Kyousei Suishin Pran (Heisei 29 nendo~Heisei 33 nendo) 埼玉県多文化共生推進プラン(平成 29 年度~平成 33 年度)” [Plans for Promotion of Multicultural Coexistence, Saitama Prefecture (FY2017~FY2022)] (Saitama 埼玉: Saitama Prefectural Government, April 2017). <http://www.pref.saitama.lg.jp/a0306/keikakutoukei/documents/zentaiban2.pdf> (accessed 8 January, 2018).

⁴⁰⁴ Personal communication with the Saitama International Association, 25 April, 2017.

laudable aim to protect all of those who need asylum. Under the current international refugee, in short, each state is permitted to discretionary set out its own refugee regime, and each one holds its ultimate decision on immigration and border control; consequently, states' responses to refugees always tend to remain ad hoc. This is one of the fundamental causes of generating legal limbo of Turkish Kurds in Japan, which is produced by the structure of international refugee regime. In contrast to its lofty aim of protecting all of the world's refugees beyond the limits of world politics and state sovereignty, the opposite results have been reproduced. It would need to use incredibly long time and overcome huge numbers of hurdles, but the current and future leaders of world politics must keep pushing the international solidarity for protecting all of refugee populations forward until attaining the ultimate purpose of international refugee regime, given that the basements of international refugee regime are derived from or coupled with the principles of universal human rights.

On the domestic level, in Japan, the government has been required to reconsider the current status of its refugee governance. A lot of social, economic, and political realities have reflected in the state's refugee admission surroundings, and the government has kept reluctant to accept a large number of refugees for various reasons, which is reinforced by the three variables – national self-interest, culture of denial, and path dependency – as the study insistently argues. With the increasing numbers of asylum-seekers, in particular Turkish Kurds, the voices for requesting the government to reform its policies have never stopped. A number of suggestions are raised by the public, media, academics and humanitarian activists as well as the other states and international organisations. The introduction of a more transparent RSD procedure, establishment of the independent decision-making body to handle the whole RSD process, design of more transparent RSD process, and improvement of access to public support and social welfare, for example, would all become key to proceed a refinement of Japan's refugee governance for all asylum-seekers and

refugees. It is also suggested by some to establish the full-fledged refugee policy and decouple refugee admission from the general immigration control. One important note, here, is that a change in legislation would be ultimately required to fully discharge the government from the ongoing criticisms against the state's stringent and unbalanced structure of refugee governance from both international and domestic society; consequently, the further accumulations of debates concerning the refugee and asylum surroundings within the country would be necessary. The unexpected emergence of legal limbo of Turkish Kurd in Japan can be a textbook case to represent the structural failure of international refugee regime, and also sheds light on the existing deficits of international, domestic and local governance for people seeking asylum.

Before concluding this thesis, I briefly mention the limitations of this study and indicate the required direction for future researches. As already explained in the Chapter 1, the main objectives of this study are to better understand the structural causes rooted under the Turkish Kurd-migration and asylum situations in Japan, and to explore the reasons why they cannot be recognised as official refugees in Japan with a theoretical tool in the study of IR – Analytical Liberalism. Comparing with the other theories in IR, Analytical Liberalism has strong advantages in bringing considerations on domestic politics into the analyses of international politics, which is a main reason why this theory currently enjoys widespread popularity amongst the foreign policy analysts. In accordance with the study objectives, I have described the causes and consequences of Turkish Kurd asylum-seekers never being recognised as refugees in Japan depending on the theoretical framework proposed by Analytical Liberalism. Even if the theory could be best fit to this study, I also acknowledge that there are still several limitations to totally figure out the causal effects rooted under the subject of this study. Needless to say, a number of factors affect the Japan's policy decision of not recognising the Turkish Kurds as refugees, and therefore it would not mean that this study can totally explain all of influential variables behind the subject. Studying a particular state's policy or policy-making is

always difficult not only because, as usual, scholars do not take part in its formation process, but because policy-making process is often under the veil and the accessibility to its relevant information is very limited. Nevertheless, this study tries to tackle a kind of difficult task, with a theoretical tool – Analytical Liberalism – to complement a deficit of previous studies. Surprisingly, it is reported by some that the issues surrounding the forced migration or refugee movement are often marginalized from the mainstream of IR, and thus existing literature on those issues has mostly been drawn on the disciplines such as sociology, economics or law studies, but these studies tend to lack the “macro-level” viewpoints towards both of the domestic and international society.⁴⁰⁵ Although there has surprisingly been little work on refugees and forced migration within the realm of IR, despite the political and international nature of forced migration,⁴⁰⁶ bridging the disciplines of IR and forced migration would be useful to complement the “macro-level” viewpoints, which has been likely to drop out of previous studies on refugees and forced migration. As I have tried in this study, to accumulate the empirical findings can contribute to the better understandings not only for academia, but for development of practical refugee governance in society.

⁴⁰⁵ Komai, “Migration Studies in Japan.”

⁴⁰⁶ Betts, *Forced Migration and Global Politics*; Betts, and Loescher. “Refugees in International Relations,” 1-27.

Bibliography

Book and Academic Writing

- Abe, Kouki 阿部浩己. "Gaikokujin no Teijyu Ukeire: Anzenhosyouka to Jinkenhosyou no Kousaku 外国人の定住受け入れ: 安全保障化と人権保障の交錯" [Resettlement of Foreigners: Complication of Securitisation and Human Rights Protection]. *The Horitsu Jiho* 法律時報 84, no. 12 (2012): 28-33.
- Adamson, Fiona B. "Mobilizing for the Transformation of Home: Politicized Identities and Transnational Practices." In *New Approaches to Migration? Transnational Communities and the Transformation of Home*, edited by Nadjie Al-Ali, and Khalid Koser, 155-168. London: Routledge, 2002.
- Adamson, Fiona B. "Crossing Borders: International Migration and National Security." *International Security* 31, no. 1 (2006): 165-199.
- Adamson, Fiona B. "The Growing Importance of Diaspora Politics." *Current History* 115 no. 784 (2016): 291-297.
- Adamson, Fiona B., and Medelein Demetriou. "Remapping the Boundaries of 'State' and 'National Identity': Incorporating Diasporas into IR Theorizing." *European Journal of International Relations* 13, no. 4 (2007): 489-526.
- Ahmed, Mohammed Ali. "The legal status of the Kurds in the Middle East: The twenty-first century policies of Turkey, Iran, Syria and Iraq towards the Kurds." PhD dissertation, University of Exeter, 2010.
- Akashi, Junichi 明石純一. "Evaluation on Japan's Immigration Policies Today: Analysis on the Effect of the Immigration Policies in the 1990s 現代日本における「外国人受け入れ」の政策評価: 1990年改正入管法および90年代の関連政策の効果についての分析,"

International Political Economy 国際政治経済学研究 (Repository of Graduate School of International Political Economy, University of Tsukuba) 8 (2001): 85-101.

Akashi, Junichi 明石純一. “‘Nyukan Gyousei’ kara ‘Imin Seisaku’ heno Tenkan: Gendai Nihon ni okeru Gaikokujin Roudousya Seisaku no Bunseki 「入管行政」から「移民政策」への転換: 現代日本における外国人労働者政策の分析” [Transition from ‘Immigration Control Governance’ to ‘Immigration Policy’: Evaluation on Policies for Foreign Labours in Contemporary Japan], *Annals of the Japan Association for Comparative Politics* 日本比較政治学会年報 11 (2009): 217-245.

Akashi, Junichi 明石純一. “Nihon no ‘Imin Seisaku’ no Hensen ni okeru 2009-nen Nyukanhou Kaisei 日本の「移民政策」の変遷における 2009 年入管法改正” [Transition of Japanese ‘Immigration Policy’ and the 2009 Revision of ICRRA]. *The Horitsu Jiho* 法律時報 84, no. 12 (2012): 10-15

Akashi, Junichi. “New aspects of Japan’s immigration policies: is population decline opening the doors?” *Contemporary Japan* 26, no. 2 (2014): 175-196.

Akgunduz, Ahmet. *Labour Migration from Turkey to Western Europe, 1960-1974*. Aldershot: Ashgate, 2008.

Alter, Karen J., and Sophie Meunier. “The Politics of International Regime Complexity.” *Perspectives on Politics* 7, no. 1 (2009): 13-24.

Angell, Norman. *The Great Illusion: A Study of Relation of Military Power in Nations to their Economic and Social Advantage*. New York, London: G. P. Putnam’s & Sons, 1910.

Arthur, W. Brian. “Competing technologies, increasing returns, and lock-in by historical events.” *Economic Journal* 99 (1989): 116-131.

Arakaki, Osamu. *Refugee Law and Practice in Japan*. Aldershot: Ashgate, 2008.

- Arima, Miki. "Asylum in Japan: An Overview of Government Comments and Asylum Statistics." *CDR Quarterly* 5 (2012): 74-89.
- Auerbach, Yehudith., and Yaeli Bloch-Elkon. "Media Framing and Foreign Policy: The Elite Press vis-à-vis US Policy in Bosnia, 1992-95." *Journal of Peace Research* 42, no. 1 (2005): 83-99.
- Bajalan, Djene Rhys. "Early Kurdish "Nationalists" and the Emergence of Modern Kurdish Identity Politics: 1851 to 1908." In *Understanding Turkey's Kurdish Question*, edited by Fevzi Bilgin., and Ali Sarihan, 3-28, Lanham, Maryland: Lexington Books, 2013.
- Barichello, Stefania Eugenia. "Refugee protection and responsibility sharing in Latin America: solidarity programmes and the Mexico Plan of Action." In *Comparative Regional Protection Frameworks for Refugees*, edited by Susan Kneebone, 39-55, London: Routledge, 2017.
- Baum, Matthew A., and Philip B.K. Potter. "The Relationships Between Mass Media, Public Opinion, and Foreign Policy: Toward a Theoretical Synthesis." *Annual Review of Political Science* 11 (2008): 39-65.
- Benz, Sophia., and Andreans Hasenclever. "'Global' Governance of Forced Migration." In *Refugees in International Relations*, edited by Alexander Betts, and Gil Loescher, 185-211, Oxford: Oxford University Press, 2011.
- Betts, Alexander. "Public Goods Theory and the Provision of Refugee Protection: The role of the Joint-Product Model in Burden-Sharing Theory." *Journal of Refugee Studies* 16, no. 3 (2003): 274-296.
- Betts, Alexander. *Forced Migration and Global Politics*. Oxford: Wiley-Blackwell, 2009.

- Betts, Alexander. "International Cooperation in the Refugee Regime." In *Refugees in International Relations*, edited by Alexander Betts, and Gil Loescher, 53-84, Oxford: Oxford University Press, 2011.
- Betts, Alexander., and Gil Loescher. "Refugees in International Relations." In *Refugees in International Relations*, edited by Alexander Betts, and Gil Loescher, 1-27, Oxford: Oxford University Press, 2011.
- Betts, Alexander., Gil Loescher, and James Milner. *UNHCR: The politics and Practice of Refugee Protection*, Second edition. London, New York: Routledge, 2012.
- Bilgin, Fevzi. "Introduction." In *Understanding Turkey's Kurdish Question*, edited by Fevzi Belgin, and Ali Sarihan, vii-xxi, Lanham, Maryland, Lexington Books, 2013.
- Bloch-Elkon, Yaeli. "Studying the Media, Public Opinion, and Foreign Policy in International Crises: The United States and the Bosnian Crisis, 1992-1995." *The International Journal of Press/Politics* 12, no. 4 (2007): 20-51.
- Bochorodycz, Beata. *The Changing Patterns of Policy Making in Japan: Local Policy Initiative of Okinawa Prefecture in the 1990s*. Poznań: Adam Mickiewicz University Press, 2010.
- Brawley, Mark R. "Liberalism, Neo-Classical Realism, and the Hamiltonian Solution: The Domestic Sources of British Foreign Policy 1900-1914." A paper presented to the Annual meeting of the American Political Science Association in Toronto, 3-6 September, 2009. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1451538 (accessed 8 January, 2018).
- Brody, Richard A. *Assessing the President: The Media, Elite Opinion, and Public Support*. Stanford: Stanford University Press, 1991.
- Burton, John W. *World Society*. Cambridge: Cambridge University Press, 1972.

- Buzan, Barry. "The Timeless Wisdom of Realism?" In *International Theory: Positivism and Beyond*, edited by Steve Smith, Ken Booth, and Marysia Zalewski. 47-65, Cambridge: Cambridge University Press, 1997.
- Buzan, Barry., and Richard Little. *International Systems in World History: Remaking the Study of International Relations*. New York: Oxford University Press, 2000.
- Calisar, Oral. "The Kurdish Issue in Turkey: Its Social, Political, and Cultural Dimensions." In *Understanding Turkey's Kurdish Question*, edited by Fevzi Bilgin, and Ali Sarihan, 29-56, Lanham, Maryland: Lexington Books, 2013.
- Candar, Cendiz. "On Turkey's Kurdish Question: Its Roots, Present State, Prospects." In *Understanding Turkey's Kurdish Question*, edited by Fevzi Bilgin, and Ali Sarihan, 59-72, Lanham, Maryland, Lexington Books. 2013.
- Canefe, Nergis. "The fragmented nature of the international refugee regime and its consequences: a comparative analysis of the applications of the 1951 convention." In *Critical Issues in International Refugee Law: Strategies Toward Interpretative Harmony*, edited by James C. Simeon, 174-210, New York: Cambridge University Press, 2010.
- Checkel, Jeffrey T. "Constructivism and Foreign Policy." In *Foreign Policy: Theories. Actors. Cases*, edited by Steve Smith, Amelia Hadfield, and Tim Dunne, 71-82, Oxford: Oxford University Press, 2008.
- Dahi, Omar. "The refugee crisis in Lebanon and Jordan: the need for economic development spending." *Forced Migration Review* 47 (2014): 11-13. Available at <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/syria/dahi.pdf> (accessed 8 January, 2018).

David, Paul. "Clio and the economics of QWERTY." *American Economic Review* 75, no. 2 (1985): 332-337.

Dean, Meryll., and Miki Nagashima "Sharing the Burden: The Role of Government and NGOs in Protecting and Providing for Asylum Seekers and Refugees in Japan." *Journal of Refugee Studies* 20, no. 3 (2007): 481-508.

Doyle, Michael W. "Liberalism and World Politics." *The American Political Science Review* 80, no. 4 (1986): 1151-1169.

Dunne, Tim. "Liberalism." In *The Globalisation of World Politics, Third Edition*, edited by John Baylis, and Steve Smith, 186-203, Oxford: Oxford University Press, 2005.

Elden, Stuart. "Contingent Sovereignty, Territorial Integrity and the Sanctity of Borders." *SAIS Review* 26, no. 1 (2006): 11-24.

El-Enany, Nadine. "Asylum in the Context of Immigration Control: Exclusion by Default or Design?" In *States, the Law and Access to Refugee Protection: Fortress and Fairness*, edited by Maria O'sullivan., and Dallal Stevens, 29-44, Portland: Hart Publishing, 2017.

Estévez-Abe, Margarita. "Negotiating Welfare Reforms: Actors and Institutions in the Japanese Welfare State." In *Restructuring the Welfare State: Political Institutions and Policy Change*, edited by Bo Rothstein., and Sven Steinmo, 157-183, Basingstoke: Palgrave Macmillan, 2002.

Fearon, James D. "Domestic Politics, Foreign Policy, and Theories of International Relations." *Annual Review of Political Science* 1 (1998): 289-313.

Feller, Erika. "The Evolution of the International Refugee Protection Regime." *Journal of Law & Policy* 5 (2001): 129-139. Available at <https://www.google.ae/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&>

[ved=0ahUKEwj33OurxsLWAhXnA8AKHQGqAacQFgg3MAI&url=https%3A%2F%2Fwww.wustl.edu%2Ffharris%2Fdocuments%2Fp129_Feller.pdf&usg=AFQjCNFAC4eWcog9pX](https://www.wustl.edu/fharris/documents/Fp129_Feller.pdf)
[XA5Bz2wddu2m_AgA](#) (accessed 8 January, 2018).

Fioretos, Orfeo. "Historical Institutionalism in International Relations." *International Organization* 65, no. 2 (2011): 367-399.

Firoozabadi, Jalal Dehghani., and Mojtaba Zare Ashkezan. "Neo-classical Realism in International Relations." *Asian Social Science* 12, no. 6 (2016): 95-99.

Foster, Michelle. *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation*. New York: Cambridge University Press, 2007.

Frankel, Benjamin. "Restating the Realist Case: An Introduction." *Security Studies* 5, no. 3 (1996): 9-20.

Frelick, Bill. "Paradigm Shifts in the International Responses to Refugees." In *Fear of Persecution: Global Human Rights, International Law, and Human Well-Being*, edited by James D. White., and Anthony J. Marsella, 33-74, Lanham, Plymouth: Lexington, 2007.

Fukuyama, Francis. "The End of History." *The National Interest* 16 (1989): 3-18.

Grahl-Madsen, Atle. "Refugees and refugee law in a world in transition." *Michigan Yearbook of International Legal Studies* 3 (1982): 65-88.

Gunes, Cengiz. *The Kurdish National Movement in Turkey: From protest to resistance*. Abingdon, New York: Routledge, 2012.

Gunter, Michael M. *The Kurds and the Future of Turkey*. New York: Palgrave Macmillan. 1997.

Gunther, Richard, and Anthony Mughan., ed. *Democracy and the Media: A Comparative Perspective*. Cambridge: Cambridge University Press, 2000.

- Haddad, Emma. *The Refugee in International Society Between Sovereigns*. Cambridge: Cambridge University Press, 2008.
- Haggard, Stephan., and Beth A. Simmons. "Theories of international regimes." *International Organization* 41, no. 3 (1987): 491-517.
- Haig, Ken. "Japanese immigration policy." In *The Routledge Handbook of Japanese Politics*, edited by Alisa Gaunder, 223-235, Abingdon: Routledge: 2011.
- Halliday, Fred. "Can We Write a Modernist History of Kurdish Nationalism?" In *The Kurds: Nationalism and Politics*, edited by Faleh A. Jabar., and Hosham Dawod, 11-20, London, San Francisco, Beirut: SAQI, 2006.
- Hansen, Randall. "Globalization, Embedded Realism, and Path Dependence: The Other Immigrants to Europe." *Comparative Political Studies* 35, no. 3 (2002): 259-283.
- Hassanpashaei, Hossein., Aydin Khaje, and Mortaza Firuzi. "Politicization of Kurdish identity and culture: A Scrutiny of Kurdish issue in Turkey." *International Journal of Humanities and Cultural Studies* 3, no. 1 (2016): 523-539.
- Hassanpour, Amir., and Shahrzad Mojab. "Kurdish Diaspora." In *Encyclopedia of Diasporas: Immigrant and Refugee Cultures Around the World*, edited by Melvin Ember, Carol R. Ember, and Ian Skoggard, 214-224, New York: Springer, 2005.
- Horrocks, David., and Eva Kolinsky. *Turkish Culture in German Society Today*. Oxford: Berghahn, 1996.
- Howard, Michael. *War and the Liberal Conscience*. New Brunswick, New Jersey: Rutgers University Press, 1978.

- Hrebendar, Ronald., and Mayumi Itoh. "Japan's Changing Party System: An Introduction." In *Party Politics in Japan: Political Chaos and Stalemate in the 21st Century*, edited by Ronald J. Hrebendar., and Akira Nakamura, 1-21, London, New York: Routledge, 2015.
- Ibrahim, Ferhad., and Gulistan Gurbey., ed. *The Kurdish Conflict in Turkey: Obstacles and Chances for Peace and Democracy*. New York: Palgrave Macmillan, 2001.
- Ikuta, Tadahide 生田忠秀. *Dokuyumento: Kanryo no Shinsou* ドキュメント: 官僚の深層 [Document: The Depth of Bureaucracy]. Tokyo 東京: Diamond ダイヤモンド社, 1996.
- Ikuta, Tadahiro. *Kanryo: Japan's Hidden Government*, translated by Hideo Yanai. New York: ICG Muse, 2000.
- Inoguchi, Takashi. "The Nature and Functioning of Japanese Politics." *Government and Opposition* 26, no. 2 (1991), 185-198.
- Ishikawa, Eri 石川えり. "Nihon ni okeru Nanmin Teijyu Ukeire no Genjyou to Mondaiten 日本における難民定住受け入れの現状と問題点" [Current Status and Problems of Refugee Resettlement in Japan]. *The Horitsu Jiho* 法律時報 84, no. 12 (2012): 22-27.
- Iwasaki, Atsuko. "Open the door: Japan's policy of exclusion of refugees (Part 1)." *The Asia-Pacific Journal: Japan Focus* 4, no. 2 (2006a): 1-6. Available at <http://apjjf.org/-Iwasaki-Atsuko/1856/article.pdf> (accessed 8 January, 2018).
- Iwasaki, Atsuko. "Open the door: Japan's policy of exclusion of refugees (Part 2)." *The Asia-Pacific Journal: Japan Focus* 4, no. 2 (2006b): 1-6. Available at <http://apjjf.org/-Iwasaki-Atsuko/1788/article.pdf> (accessed 8 January, 2018).
- Iwata, Yoko 岩田陽子. "Waga-kuni no Nanmin Nintei Seido on Genjyou to Ronten 我が国の難民認定制度の現状と論点 [Current Status and Problems of Japan's refugee status determination]." *Issue Brief* 調査と情報 No. 710, Tokyo 東京: National Diet Library 国

- 立国会図書館, 2011. Available at <http://www.ndl.go.jp/jp/diet/publication/issue/pdf/0710.pdf> (accessed 8 January, 2018).
- Jackson, Robert., and Georg Sorensen. *Introduction to International Relations: Theories and Approaches*, Sixth Edition. New York: Oxford University Press, 2016.
- Jarosz, Adam., ed. *Good Governance and Civil Society: Selected Issues on the Relations between State, Economy and Society*. Cambridge: Cambridge Scholars Publishing, 2014.
- Joppke, Christian. *Selecting by Origin: Ethnic Migration in the Liberal State*. Cambridge, Massachusetts: Harvard University Press, 2005.
- Jwaideh, Wadie. *Kurdish National Movement: Its Origins and Development*. New York: Syracuse University Press, 2006.
- Kaneko, Motoki 金子元希. “Nanmin Houdou ni okeru Nihon no Medhia no Yakuwari ha? 難民報道における日本のメディアの役割は?” *Gendaishi Kenkyu* 現代史研究 (Repository of Toyo Eiwa University 東洋英和女学院大学現代史研究所紀要) 13 (2016): 179-193.
- Kant, Immanuel. *Perpetual Peace: A Philosophical Essay*, translated with Introduction and Notes by M. Campbell Smith, with a Preface by L. Latta. in 1917, London: George Allen and Unwin, 1795.
- Kaya, Zeynep N. “Maps into Nations: Kurdistan, Kurdish Nationalism and International Society.” PhD dissertation, London School of Economics, 2012. Available at http://etheses.lse.ac.uk/645/1/Zeynep_Maps_into_Nations.pdf (accessed 8 January, 2018).
- Keohane, Robert O. *After the Hegemony: Cooperation and Discord in the World Political Economy*. New Jersey: Princeton University Press, 1984.
- Keohane, Robert O. *International Institutions and State Power: Essays in International Relations Theory*. Boulder, Colombia: Westview Press, 1989.

- Kleinschmidt, Harald., ed. *Migration, Regional Integration and Human Security: The Formation and Maintenance of Transnational Spaces*. Hampshire, England: Ashgate Publishing, 2006.
- Komai, Hiroshi 駒井洋. "Migration Studies in Japan: Achievements and Tasks 日本における移民政策研究の成果と課題." *Migration Policy Review* 移民政策研究 6 (2014): 219-233.
- Kondo, Atsushi 近藤敦. "Kokusai Hikaku no naka no Nihon no Imin Housei 国際比較の中の日本の移民法制" [Immigration Legislation of Japan in the International Comparison]. *The Horitsu Jiho* 法律時報 84, no. 12 (2012): 16-21.
- Koslowsky, Rey., and Friedrich V. Kratochwil. "Understanding Change in International Politics: The Soviet Empire's Demise and the International System." *International Organization* 48, no. 2 (1994): 215-247.
- Krasner, Stephen D. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." In *International Regimes*, edited by Stephen D. Krasner, 1-21, Ithaca, New York: Cornell University Press, 1983.
- Kurudo-Nanmin wo Shiensuru Kai クルド難民を支援する会, et al. *Nanmin wo Oitsumeru Kuni: Kurudo-Nanmin Suwarikomi ga Uttaetamono* 難民を追いつめる国:クルド難民座り込みが訴えたもの [Country hunting down refugees: What the Kurdish sit-in protest claimed], Tokyo 東京: Ryokuhu Syuppan 緑風出版, 2005.
- Laçiner, Bal., and Ihsan Bal. "The Ideological And Historical Roots Of Kurdist Movements In Turkey: Ethnicity Demography, Politics." *Nationalism and Ethnic Politics* 10, no. 3 (2004): 473-504.
- Levi, Margaret. "A model, a method, and a map: Rational choice in comparative and historical analysis." In *Comparative Politics: Rationality, Culture and Structure*, edited by Mark

- Irving Lichbach, and Alan S. Zuckerman, 19-41, Cambridge: Cambridge University Press, 1997.
- Levine, Daniel J. *Recovering International Relations: The Promise of Sustainable Critique*. New York: Oxford University Press, 2012.
- Loescher, Gil. "Refugees and Foreign Policy." In *Human Rights and Foreign Policy: Principles and Practice*, edited by Dilys M. Hill, 130-139, New York: Palgrave Macmillan, 1989.
- Loescher, Gil. *Beyond Charity: International Cooperation and the Global Refugee Crisis*, First Edition. Oxford: Oxford University Press, 1993.
- Loescher, Gil. "The International Refugee Regime: Stretched to the Limit?" *Journal of International Affairs* 47, no. 2 (1994): 351-377.
- Loper, Kelley. "The Protection of Asylum Seekers in East Asian State Parties to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol." In *Regional Approaches to the Protection of Asylum Seekers: An International Legal Perspective*, edited by Ademola Abass., and Francesca Ippolito, 347-376, London, New York: Routledge, 2014.
- Matsumoto, Motoko 松本基子. "Resettlement of the India-Chinese Refugee in Japan インドシナ難民の我が国での受け入れ体制 (国際社会福祉の動き <特集>)." *Shakai Fukushi* 社会福祉 (Repository of Department of Social Welfare, Japan Women's University 日本女子大学社会福祉学科) 27 (1986): 55-63.
- McAdam, James. *Complementary Protection in International Refugee Law*. New York: Oxford University Press, 2007.
- McDowall, David. *The Kurds: A Nation Denied*. London: Minority Rights Group, 1992a.

- McDowall, David. "The Kurdish question: a historical review." In *The Kurds: A Contemporary Overview*, edited by Philip G. Kreyebroek., and Stefan Sperl, 8-25, London, New York: Routledge, 1992b.
- McDowall, David. *A Modern History of The Kurds*, Third Edition. London, New York: I.B. Tauris, 2004.
- Mearsheimer, John J. "Back to the Future: Instability in Europe after the Cold War." *International Security* 15, no. 1 (1990): 5-56
- Mearsheimer, John J. "A Realist Reply." *International Security* 20, no. 1 (1995): 82-93.
- Mearsheimer, John J. *The Tragedy of Great Power Politics*. New York: W. W. Norton & Company, 2001.
- Milner, James. *Refugees, the State and the Politics of Asylum in Africa*. Basingstoke: Palgrave Macmillan, 2009.
- Miura, Junko., and Shikiko Masutomi. "Third Country Resettlement Programme In Japan." *CDR Quarterly* 2 (2011): 94-110.
- Moravcsik, Andrew. "Introduction: Integrating International and Domestic Theories of International Bargaining." In *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, edited by Peter Evans., Harold K. Jacobson., and Robert D. Putnam, 3-42, Barkeley, Los Angeles, London: University of California Press, 1993a.
- Moravcsik, Andrew. "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach." *Journal of Common Market Studies* 31, no. 4 (1993b): 473-524.
- Moravcsik, Andrew. "Liberal Intergovernmentalism and Integration: A Rejoinder." *Journal of Common Market Studies* 33, no. 4 (1995): 611-628.

- Moravcsik, Andrew. "Taking Preferences Seriously: A Liberal Theory of International Relations." *International Organization* 51, no. 4 (1997): 513-553.
- Moravcsik, Andrew. *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press, 1998.
- Moravcsik, Andrew. "Liberal International Relations Theory: A Scientific Assessment." In *Progress in International Relations Theory: Appraising the Field*, edited by Colin Elman, and Miriam Fendius Elman, 159-204, Cambridge, Massachusetts: MIT Press, 2003.
- Moravcsik, Andrew. "The New Liberalism." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit, and Duncan Snidal, 234-254, New York: Oxford University Press, 2008.
- Moravcsik, Andrew., and Frank Schimmelfenning. "Liberal Intergovernmentalism." In *European Integration Theory*, edited by Antje Wiener, and Thomas Diez, 67-87, Oxford: Oxford University Press, 2009.
- Morgenthau, Hans J. *Politics Among Nations*. New York: Alfred A. Knopf, 1956.
- Morgenthau, Hans J. *Truth and Power: Essays of a Decade, 1960-1970*. New York: Praeger, 1970.
- Mowle, Thomas S. "Worldviews in Foreign Policy: Realism, Liberalism, and External Conflict." *Political Psychology* 24, no. 3 (2003): 561-592.
- Murai, Tadamasa 村井忠政. <Research Note> The Debate over immigration in Japan <研究ノート> 外国人労働者受け入れをめぐる諸問題: 「日本型」モデルの構築をめざして. *Kenkyu Kiyou* 研究紀要 (Repository of School of Humanities & Social Sciences at Nagoya City University 名古屋市立大学人文社会学部研究紀要) 13 (2002): 117-142.
- Nanda, Ved P. "History and Foundations for Refugee Security, Health, and Well-Being under International Law." In *Fear of Persecution: Global Human Rights, International Law, and*

- Human Well-Being*, edited by James D. White, and Anthony J. Marsella, 151-175, Lanham, Plymouth: Lexington Books, 2007.
- Newman, Edward. "Refugees, international security, and human vulnerability: Introduction and survey." In *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, edited by Edward Newman, and Joanne Van Selm, 3-30, Tokyo, New York: United Nations University Press, 2003.
- Ohashi, Tsuyoshi 大橋毅. "Kurudo-jin Nanmin クルド人難民" [Kurdish refugee]. *Hou to Minsyusyugi 方と民主主義* 333 (1998): 58-59.
- Oneal, John R., and Bruce Russett. "The Classical Liberals Were Right: Democracy, Interdependence, and Conflict, 1950–1985." *International Studies Quarterly* 41, no. 2 (1997): 267-294.
- Orhan, Mehmet. *Political Violence and Kurds in Turkey: Fragmentations, mobilizations, participations and repertoires*. Abingdon, New York: Routledge, 2016.
- Osborne, Milton. "The Indochinese Refugees: Cause and Effects." *International Affairs* 56, no. 1 (1980), 37-53.
- O'Sullivan, Maria., and Dallah Stevens., ed. *States, the Law and Access to Refugee Protection: Fortresses and Fairness*. Portland: Hart Publishing, 2017.
- Patterson, Thomas E. *Out of Order*. New York: Alfred A. Knopf Incorporated, 1993.
- Perry, John R. "Forced migration in Iran during the seventeenth and eighteenth centuries." *Iranian Studies* 8, no. 4 (1975): 199-215.
- Peters, B. Guy., Jon Pierre., and Desmond S. King. "The politics of path dependency: Political conflict in historical institutionalism." *The Journal of Politics* 67, no. 4 (2005): 1275-1300.

- Pierson, Paul. "Increasing returns, path dependence, and the study of politics." *American Political Science Review* 94, no. 2 (2000): 251-267.
- Puchala, Donald J. "Institutionalism, Intergovernmentalism and European Integration: A Review Article." *Journal of Common Market Studies* 37, no. 2 (1999): 317-331.
- Putnam, Robert D. "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42, no. 3 (1988): 427-460.
- Rempel, Steven Ben. "A Nation of Refugees: An Exploratory Study of the Kurdish Problem of Protection." MA thesis, University of Manitoba, 1999.
- Richardson, James L. "Contending Liberalism: Past and Present." *European Journal of International Relations* 3, no. 1 (1997): 5-33.
- Richardson, James L. "Liberalism." In *An introduction to international relations*, Second Edition, edited by Richard Devetak, Anthony Burke, and Jim George, 48-61, Cambridge: Cambridge University Press, 2012.
- Rist, Ray C. "The Guestworkers of Germany." *Society* 15, no. 5 (1978): 81-90.
- Rose, Gideon. "Neoclassical Realism and Theories of Foreign Policy." *World Politics* 51, no. 1 (1998): 144-172.
- Saracoglu, Cenk. *Kurds of Modern Turkey: Migration, Neoliberalism and Exclusion in Turkish Society*. London, New York: I.B. Tauris, 2011.
- Sarihan, Ali. "The Two Periods of the PKK Conflict: 1984-1999 and 2004-2010." In *Understanding Turkey's Kurdish Question*, edited by Fevzi Bilgin, and Ali Sarihan, 89-102, Lanham, Plymouth: Lexington Books, 2013.

Sawae, Fumiko 澤江史子. “Imin wo meguru Toransu-nasyonaru Seiji to Syusshinkoku: Toruko wo Chushin toshita Shiron 移民をめぐるトランスナショナル政治と出身国: トルコを中心とした試論” [Trans-national Politics of Migrants and Country of Origin: An Essay on the Case of Turkey], *Annals of the Japan Association for Comparative Politics* 日本比較政治学会年報 11 (2009): 37-68.

Schuck, Peter H. “Refugee Burden-Sharing: A Modest Proposal.” *Yale Journal of International Law* 22, no. 2 (1997): 243-297.

Sewell, William Jr. “Three Temporalities: Toward an Eventful Sociology.” In *The Historic Turn in the Human Sciences*, edited by Terrence J. McDonald, 245-280, Ann Arbor: University of Michigan Press, 1996.

Souter, James. “A Culture of Disbelief or Denial?: Critiquing Refugee Status Determination in the United Kingdom.” *Oxford Monitor of Forced Migration* 1, no. 1 (2011): 48-59.

Suhrke, Astri. “Burden-Sharing During Refugee Emergencies: The Logic of Collective Action Versus National Action.” *Journal of Refugee Studies* 11, no. 4 (1998): 396-415.

Sykes, Mark. *The Caliph's Last Heritage: A Short History of the Turkish Empire*. London: Macmillan, 1915.

Takazawa, Aya. “Japan’s Refugee Policies: Perspectives of Vietnamese refugees on inclusion and exclusion.” Research Paper, International Institute of Social Studies, 2010.

Takizawa, Saburo. “The Japanese pilot resettlement programme: Identifying constraints to domestic integration of refugees from Burma.” In *Urban Refugees: Challenges in Protection, Services and Policy*, edited by Koichi Koizumi, and Gerhard Hoffstaedter, London: Routledge, 2015.

- Tanaka, Shinya 田中信也. “Nihon no nanmin ukeire 日本の難民受け入れ” [Acceptance of Refugees in Japan] In *Nanmin* 難民 [Refugees], edited by Takashi Kato 加藤節 et al., 141-166, Tokyo 東京: University of Tokyo Press 東京大学出版会, 1994.
- Thielemann, Eiko R. “Between Interests and Norms: Explaining Burden-Sharing in the European Union.” *Journal of Refugee Studies* 16, no. 3 (2003): 253–273.
- Thielemann, Eiko R. “Why Asylum Policy Harmonisation Undermines Refugee Burden-Sharing.” *European Journal of Migration and Law* 6 (2004): 47–65.
- Thielemann, Eiko R. “Immigration and International Co-operation: Public Goods Theory & Collective Refugee Management.” A paper prepared for the EUSA Tenth Biennial International Conference Montreal, Canada, 17-19 May, 2007. Available at <http://aei.pitt.edu/8047/1/thielemann-e-08g.pdf> (accessed 11 October, 2017).
- Triola, Nicole. “The International Refugee Regime: A Failing System.” *Ramapo Journal of Law and Society* (2014): 1-20. Available at <https://www.ramapo.edu/law-journal/files/2015/01/Nicole-RJOLAS-12.9.14-clean.pdf> (accessed 8 January, 2018).
- Tsuchida, Chiaki 土田千愛. “Increasing Applications in the Context of Continuing Denials of Recognition of Refugee Status: Kurdish Asylum Seekers from Turkey in Japan 難民不認定処分と肥後申請数増加のダイナミズム: 日本におけるトルコ国籍クルド人を事例として.” MA thesis, University of Tokyo, 2014.
- Türk, Volker., and Madeline Garlick. “From Burdens and Responsibilities to Opportunities: The Comprehensive Refugee Response Framework and a Global Compact on Refugees.” *International Journal of Refugee Law* 28, no. 4 (2016): 656-678.

Uchiyama, Yu 内山融. “Actors and policymaking patterns in Japanese politics 日本政治のアクターと政策決定パターン.” *Quarterly Journal of Public Policy & Management* 3 (2010): 1-18. Available at http://www.murc.jp/english/think_tank/quarterly_journal/qj1003_01.pdf (accessed 8 January, 2018).

Ueda, Hiroshi 上田寛. “Wagakuni ni okeru “Gaikokujin Hanzai” no Mondai わが国における「外国人犯罪」の問題” [The problem of “Crimes committed by Foreigners” in Japan]. *Ritsumeikan Hougaku 立命館法学* 6, no. 304 (2005): 2323-2344. Available at <http://www.ritsumei.ac.jp/acd/cg/law/lex/05-6/ueda.pdf> (accessed 8 January, 2018).

Ullah, AKM. Ahsan. *Refugee politics in the Middle East and North Africa: Human Rights, Safety, and Identity*. London: Palgrave Macmillan, 2014.

United Nations High Commissioner for Refugees. *REFUGEES*. Geneva: UNHCR, July 1986.

Unver, H. Akin. “Turkey’s Kurdish Question, the United States, and Europe: Historical Perspective.” In *Understanding Turkey’s Kurdish Question*, edited by Fevzi Bilgin, and Ali Sarihan, 197-222, Lanham, Plymouth: Lexington Books, 2013.

Van Bruinessen, Martin. *Agha, Shaikh and State: The Social and Political Structures of Kurdistan*. London, New Jersey: Zed Books, 1992a.

Van Bruinessen, Martin. “Kurdish society, ethnicity, nationalism and refugee problems.” In *The Kurds: A Contemporary Overview*, edited by Philip G. Kreyebroek, and Stefan Sperl, 26-52, London, New York: Routledge, 1992b.

Van Bruinessen, Martin. “Kurdish Path to Nation.” In *The Kurds: Nationalism and Politics*, edited by Faleh A. Jabar., and Hosham Dawod, 21-48, London, San Francisco, Beirut: SAQI, 2006.

- Van De Haar, Edwin. *Classical Liberalism and International Relations Theory: Hume, Smith, Mises, and Hayek*. New York, Houndmills: Palgrave Macmillan, 2009.
- Vo, Nghia M. *The Vietnamese Boat People, 1954 and 1975-1992*. Jefferson: McFarland, 2006.
- Vogt, Gabriele. "Closed Doors, Open Doors, Doors Wide Shut? Migration Politics in Japan." *Japan Aktuell* 5 (2007): 3-30.
- Walt, Stephen M. "International Relations: One World, Many Theories." *Foreign Policy* 110 (1998): 29-32, 34-46.
- Waltz, Kenneth N. *Man, the State, and War: A Theoretical Analysis*, New York: Columbia University Press. 1959.
- Waltz, Kenneth N. *Theory of International Politics*. Reading, Massachusetts: Addison-Wesley Publishing, 1979.
- Weis, Paul. "The Development of Refugee Law." *Michigan Yearbook of International Legal Studies* 27 (1982): 27-42.
- Weissbrodt, David., and Isabel Hortreiter. "The Principle of Non-Refoulement: Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Comparison with the Non-Refoulement Provisions of Other International Human Rights Treaties." *Buffalo Human Rights Law Review* 5 (1999): 1-73.
- Wendt, Alexander. "Anarchy is what States Make of it: The Social Construction of Power Politics." *International Organization* 46, no. 2 (1992): 391-425.
- Wendt, Alexander. *Social Theory of International Relations*. Cambridge: Cambridge University Press, 1999.

White, Jenny B. "Turks in Germany: Overview of the Literature." *Review of Middle East Studies* 29, no. 1 (1995): 12-15.

Williams, Michael C. *Realism Reconsidered: The Legacy of Hans Morgenthau in International Relations*. New York: Oxford University Press, 2007.

Wolman, Andrew. "Japan and international refugee protection norms: Explaining non-compliance." *Asia and Pacific Migration Journal* 24, no. 4 (2015): 409-431.

Yeğen, Mesut. "Turkish nationalism and the Kurdish question." *Ethnic and Racial Studies* 30, no. 1 (2007): 119-151.

Ziegler, Oliver. *EU Regulatory Decision Making and the Role of the United States: Transatlantic Regulatory Cooperation as a Gateway for U.S. Economic Interests?*, Wiesbaden: Springer, 2013.

Zubaida, Sami. "Religion and Ethnicity as Politicized Boundaries." In *The Kurds: Nationalism and Politics*, edited by Faleh A. Jabar, and Hosham Dawod, 93-102, London, San Francisco, Beirut. SAQI, 2006.

Discussion/ Working/ Policy Paper

Abalı, Oya S. "German Public Opinion on Immigration and Integration." Migration Policy Institute Report, 2009. Available at <https://www.migrationpolicy.org/sites/default/files/publications/TCM-GermanPublicOpinion.pdf> (accessed 8 January, 2018).

Amnesty International. "JAPAN: Open Letter to the Minister of Justice, Komura Masahiko: Kurdish asylum seekers face deportation to Turkey where they are at risk of being detained and tortured." Amnesty International Asia 22/003/2001, 2001. Available at <https://www.google.ae/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjG>

[qvDQoL3XAhVSJ-wKHQr5BUQQFggmMAA&url=https%3A%2F%2Fwww.amnesty.org%2Fdownload%2FDocuments%2F128000%2Fasa220032001en.pdf&usg=AOvVaw2Wt6spjSyc_iCl9gT7Suj6](https://www.amnesty.org/download/Documents/128000/Asa220032001en.pdf&usg=AOvVaw2Wt6spjSyc_iCl9gT7Suj6) (accessed 8 January, 2018).

Asia Pacific Refugee Rights Network. “APRRN Statement: Japan’s Review of their Refugee Status Determination System Raises New Concerns.” Asia Pacific Refugee Rights Network, 2015. Available at http://www.aprrn.info/1/images/PDF/APRRN_Japan_Statement_29052015.pdf (accessed 8 January, 2018).

Banulescu-Bogdan, Natalia., and Elizabeth Collett. “Top 10 of 2015 – Issue #6: Refugee Crisis Deepens Political Polarization in the West.” Migration Information Source, 11 December, 2015. Available at <https://www.migrationpolicy.org/article/top-10-2015--issue-6-refugee-crisis-deepens-political-polarization-west> (accessed 8 January, 2018).

Barnett, Laura. “Global governance and the evolution of the international refugee regime.” Geneva: UNHCR, New Issues in Refugee Research, Working Paper No. 54, February 2002. Available at <http://www.unhcr.org/research/working/3c7529495/global-governance-evolution-international-refugee-regime-laura-barnett.html> (accessed 8 January, 2018).

Başer, Bahar. “The Kurdish Diaspora in Europe: Identity Formation and Political Activism.” A Research Report for TÜSIAD Foreign Policy Forum at Boğaziçi University, 2013. Available at http://dispolitikaforumu.com/wp-content/uploads/2013/10/Bahar_Baser_RR_01_2013.pdf (accessed 8 January, 2018).

Betts, Alexander. “The Normative Terrain of the Global Refugee Regime.” Ethics & International Affairs, 7 October, 2015. Available at

<https://www.ethicsandinternationalaffairs.org/2015/the-normative-terrain-of-the-global-refugee-regime/> (accessed 8 January, 2018).

Betts, Alexander., Louise Bloom, Josiah Kaplan, and Naohiko Omata. “Refugee Economies: Rethinking Popular Assumptions.” 2014. Available at <https://www.rsc.ox.ac.uk/files/publications/other/refugee-economies-2014.pdf> (accessed 8 January, 2018).

Blinder, Scott., and William L. Allen. “Briefing: UK Public Opinion toward Immigration: Overall Attitudes and Level of Concern.” Fourth Revision. The Migration Observatory, 28 November, 2016. Available at <http://www.migrationobservatory.ox.ac.uk/resources/briefings/uk-public-opinion-toward-immigration-overall-attitudes-and-level-of-concern/> (accessed 8 January, 2018).

Buckmaster, Luke. “Australian Government assistance to refugees: fact versus fiction.” Background Note for the Department of Parliamentary Services, Parliament of Australia, 28 September, 2012. Available at http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustGovAssistRefugees#_Toc336609240 (accessed 8 January, 2018).

Cagaptay, Soner., Oya Aktas, and Cagatay Ozdemir. “The Impact of Syrian Refugees on Turkey.” Policy Watch 2681, The Washington Institute for Near East Policy, 25 August, 2016. Available at <http://www.washingtoninstitute.org/policy-analysis/view/the-impact-of-syrian-refugees-on-turkey> (accessed 8 January, 2018).

Colville, Rupert. “Refugees Magazine Issue 101 (Asylum in Europe) – Persecution complex.” Geneva: UNHCR, 1 September, 1995. Available at

<http://www.unhcr.org/publications/refugeemag/3b543f784/refugees-magazine-issue-101-asylum-europe-persecution-complex.html> (accessed 8 January, 2018).

Crisis Group. “Turkey’s Refugee Crisis: The Politics of Permanence.” Report No. 241, 30 November, 2016. Available at

<https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkey-s-refugee-crisis-politics-permanence> (accessed 8 January, 2018).

Curtis, Gerald L. “Politicians and Bureaucrats: What’s Wrong and What’s to Be Done.” In *Policymaking in Japan: Defining the Role of Politicians*, edited by Gerald L. Curtis, 1-17, Tokyo: Japan Center for International Exchange, 2002. Available at http://www.jcie.org/researchpdfs/PolicyMaking/policy_curtis.pdf (accessed 8 January, 2018).

Dean, Meryll. “Japan: Refugees and Asylum Seekers.” WRITENET independent analysis, 2006. Available at <http://www.refworld.org/pdfid/43f4a4b94.pdf> (accessed 8 January, 2018).

Dinler, Demet Şahende. “Trade Unions in Turkey.” Freidrich Ebert Stiftung, 2012. Available at https://www.igmetall.de/FES_Laenderbericht_Tuerkei_d59ec85d3b1af938695d17f0fc28f8a5cadabc63.pdf (accessed 8 January, 2018).

Green, David., and Yoshihiko Kadoya. “English As A Gateway?: Immigration and Public Opinion in Japan.” The Institute of Social and Economic Research at Osaka University Discussion Paper No. 883, September 2013. Available at <http://www.iser.osaka-u.ac.jp/library/dp/2013/DP0883.pdf> (accessed 8 January, 2018).

Immigration Bureau, Ministry of Justice. “Guidelines on Special Permission to Stay in Japan.” Tokyo: Government of Japan, July 2009, Available at <http://www.moj.go.jp/content/000048156.pdf> (accessed 8 January, 2018).

Immigration Bureau, Ministry of Justice 法務省入国管理局. “Zairyu-tokubetsukyoka sareta jirei oyobi Zairyu-tokubetsukyoka sarenakatta jirei ni tsuite 在留特別許可された事例及び在留特別許可されなかった事例について.” Tokyo 東京: Government of Japan, April 2010. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan25.html (accessed 8 January, 2018).

Iwata, Kenji. “Racial Discrimination within the Refugee Recognition System.” In *NGO Report Regarding the Rights of Non-Japanese Nationals, Minorities of Foreign Origins, and Refugees in Japan*, edited by Solidarity Network with Migrants Japan, 30-33, Prepared for the 76th United Nations Committee on the Elimination of Racial Discrimination Session, 2010. Available at http://c-faculty.chuo-u.ac.jp/~andyb/GM/GMJapan/SNMJ_Japan_76-1.pdf (accessed 8 January, 2018).

Japan Association for Refugees. “To Those Who Wish To Apply For Refugee Status.” March 2013. Available at https://www.refugee.or.jp/for_refugees/tothose/tothose_english_1303.pdf (accessed 8 January, 2018).

Japan Federation of Bar Associations 日本弁護士連合会. “Atarashii Nanmin Nintei Tetsuduki ni kansuru Ikensyo 新しい難民認定手続に関する意見書” [Opinion about the new System of Refugee Status Determination]. 17 October, 2016. Available at http://www.nichibenren.or.jp/library/ja/opinion/report/data/061017_000.pdf (accessed 8 January, 2018).

Kawaguchi City Government 川口市. “Kawaguchi shi Tabunka Kyousei Shishin 川口市多文化共生指針” [Guidelines for Multicultural Coexistence, Kawaguchi City], Saitama 埼玉: Kawaguchi City Government, February 2012. Available at

http://www.city.kawaguchi.lg.jp/ctg/Files/1/16570140/attach/tabunka_1.pdf (accessed 8 January, 2018).

Kawaguchi City Government 川口市. “Kawaguchi shi Tabunka Kyousei Shishin Kaiteiban (Heisei 26 nendo~28nendo) 川口市多文化共生指針改訂版(平成 26 年度~28 年度)” [Revised Guidelines for Multicultural Coexistence, Kawaguchi City (FY2014~2016)]. Saitama 埼玉: Kawaguchi City Government, June 2014. Available at http://www.city.kawaguchi.lg.jp/kbn/Files/1/16570140/attach/shishinn_kaitei.pdf (accessed 8 January, 2018).

Kawaguchi City Government 川口市. “Dai 2 ji Kawaguchi shi Tabunka Kyousei Shishin (Heisei 30 nendo~34nendo) (Soan) 第 2 次川口市多文化共生指針(平成 30 年度~34 年度)(素案)” [Second Guidelines for Multicultural Coexistence, Kawaguchi City (FY2018~2023) (Draft)]. Saitama 埼玉: Kawaguchi City Government, November, 2017. Available at <http://www.city.kawaguchi.lg.jp/kbn/Files/1/16570061/attach/soan.pdf> (accessed 8 January, 2018).

Kawakami, Ikuo 川上郁雄. “‘Indo-shina Nanmin’ Ukeire 30-nen wo Furikaeru: Watashitachi ha Nani wo Mananda noka 「インドシナ難民」受け入れ 30 年を振り返る: 私たちは何を学んだのか” [Looking back the 30-years of Admission of “Indochinese Refugees”: What have we learnt?]. Lecture at the assembly at Kobe, on 26 November, 2005. Available at <http://www.gsjal.jp/kawakami/dat/051126.pdf> (accessed 8 January, 2018).

Koser, Khalid. “Time to reform the international refugee regime.” Oxford University Press’s blog, 12 September, 2015. Available at <http://blog.oup.com/2015/09/international-refugee-regime-reform/> (accessed 8 January, 2018).

Middle East Institute of Japan 中東調査会. “Toruko: Zainichi Toruko Taishikan-mae deno Rantou トルコ: 在日トルコ大使館前での乱闘” [Turkey: Violent Clash in front of the Embassy of Turkey in Japan]. *Chutou Kawaraban* 中東かわら版 No. 107, 2015. Available at https://www.meij.or.jp/kawara/2015_107.html (accessed 8 January, 2018).

Ministry of Foreign Affairs. “Press Conference 21 January 2005.” Tokyo 東京: Government of Japan, 21 January, 2005. Available at <http://www.mofa.go.jp/announce/press/2005/1/0121.html> (accessed 8 January, 2018).

Ministry of Foreign Affairs 外務省. “Kokunai ni okeru Nanmin no ukeire 国内における難民の受け入れ” [Acceptance of Refugees in Japan]. Tokyo 東京: Government of Japan, 19 October, 2016. Available at <http://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html> (accessed 8 January, 2018).

Ministry of Justice 法務省. “Heisei 27 nen ni okeru Nanmin Ninteisha suu nado ni tsuite 平成 27 年における難民認定者数等について” [About the Number of the Recognised Refugees, etc. in FY2015], Tokyo 東京: Government of Japan, 26 March, 2016. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00112.html (accessed 8 January, 2018).

Ministry of Justice 法務省. “Heisei 28 nen-matsu ni okeru Zairyu Gaikokujin suu ni tsuite (Kakuteichi) 平成 28 年末現在における在留外国人数について (確定値)” [About the Number of Foreign Residents as of the end of 2016 (Definitive Value)], Tokyo 東京: Government of Japan, 17 March, 2017a. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri04_00065.html (accessed 8 January, 2018).

Ministry of Justice 法務省. “Heisei 28 nen ni okeru Nanmin Ninteisha suu nado nit suite 平成 28 年における難民認定者数等について” [About the Number of the Recognised Refugees,

etc. in FY2016], Tokyo 東京: Government of Japan, 24 March, 2017b. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00122.html (accessed 8 January, 2018).

Ministry of Internal Affairs and Communications 総務省. “Jinkou Suikei (Heisei 28 nen 10 gatsu 1 nichi genzai) 人口推計 (平成 28 年 10 月 1 日現在)” [Demographic Estimation (as of 1 October, 2017)], Tokyo 東京: Government of Japan, 14 April, 2017. Available at <http://www.stat.go.jp/data/jinsui/2016np/index.htm> (accessed 8 January, 2018).

Moravcsik, Andrew. “Liberalism and International Relations Theory. Harvard University.” (CFIA Working Paper No. 92-6), 1992.

Obi, Naoko. “A review of assistance programmes for asylum seekers and refugees in Japan.” Geneva: UNHCR, New Issues in Refugee Research, Research Paper No. 259, July 2013. Available at <http://www.unhcr.org/research/working/51f6680d9/review-assistance-programmes-refugees-asylum-seekers-japan-naoko-obi.html> (accessed 8 January, 2018).

Okada, Kaoru 岡田薫. “Gaikokujin to Hanzai 外国人と犯罪” [Foreigners and Crime]. *Reference* レファレンス, National Diet Library, 2007. Available at http://www.ndl.go.jp/jp/diet/publication/refer/200707_678/067801.pdf (accessed 8 January, 2018).

National Institute of Population and Social Security Research 国立社会保障・人口問題研究所. “Kokuritsu Shakaihosyou・Jinkou Mondai Kenkyuujo 国立社会保障・人口問題研究所” [National Institute of Population and Social Security Research], 2014. Available at http://203.181.211.2/pr-ad/j/soshiki/ipss_j2014.pdf (accessed 8 January, 2018).

Papademetriou, Demetrios G. “Top 10 of 2015 – Issue #1: Migration Crisis Tests European Consensus and Governance.” Migration Information Source, 18 December, 2015. Available at <https://www.migrationpolicy.org/article/top-10-2015--issue-1-migration-crisis-tests-european-consensus-and-governance> (accessed 8 January, 2018).

Prime Minister of Japan and His Cabinet. “Statement by Prime Minister Shinzo Abe at the Leader’s Summit on Refugees.” Tokyo: Government of Japan, 20 September, 2016. Available at http://japan.kantei.go.jp/97_abe/statement/201609/1219204_11015.html (accessed 8 January, 2018).

Saitama Prefectural Government 埼玉県. “Saitamaken Tabunka Kyousei Suishin Pran (Heisei 29 nendo~Heisei 33 nendo) 埼玉県多文化共生推進プラン(平成 29 年度~平成 33 年度)” [Plans for Promotion of Multicultural Coexistence, Saitama Prefecture (FY2017~FY2022)]. Saitama 埼玉: Saitama Prefectural Government, April 2017. Available at <http://www.pref.saitama.lg.jp/a0306/keikakutoukei/documents/zentaiban2.pdf> (accessed 8 January, 2018).

Suro, Roberto. “America’s Views of Immigration: The Evidence from Public Opinion Surveys.” Migration Policy Institute Report, 2009. Available at <https://www.migrationpolicy.org/sites/default/files/publications/TCM-USPublicOpinion.pdf> (accessed 8 January, 2018).

Tas, Latif. “Stateless Kurds and their multiple diaspora.” Working Papers, Paper 125. International Migration Institute, University of Oxford, January, 2016. Available at https://www.google.ae/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjP_sIngl7XAhXBzxQKHfvUBE0QFggmMAA&url=https%3A%2F%2Fwww.imi.ox.ac.uk%2

[Fpublications%2Fstateless-kurds-and-their-multiple-diaspora%2F%40%40download%2Ffile&usg=AOvVaw3x73WeKA2Mkh2kgn7E37NA](#) (accessed 8 January, 2018).

Thielemann, Eiko R. "Burden Sharing: The International Politics of Refugee Protection." The Center for Comparative Immigration Studies at University of California Working Paper 134, 2006. Available at <https://ccis.ucsd.edu/files/wp134.pdf> (accessed 8 January, 2018).

United Nations General Assembly. "Declaration on the human rights of individuals who are not nationals of the country in which they live." United Nations General Assembly Resolution 40/144, 1985.

United Nations High Commissioner for Refugees. "State of the World's Refugees, 2000: Fifty Years of Humanitarian Action." Geneva: UNHCR. January, 2000. Available at <http://www.unhcr.org/afr/publications/sowr/4a4c754a9/state-worlds-refugees-2000-fifty-years-humanitarian-action.html> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "An Introduction to International Protection: Protecting persons of concern to UNHCR Self- study module 1." Geneva: UNHCR, 2005a. Available at <http://www.unhcr.org/3ae6bd5a0.pdf> (accessed 8 January, 2018)

United Nations High Commissioner for Refugees. "UNHCR: Deep concern over refugee deportation from Japan." Geneva: UNHCR. 18 January, 2005b. Available at <http://www.unhcr.org/news/press/2005/1/41ed2b804/unhcr-deep-concern-refugee-deportation-japan.html> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "Asylum Levels and Trends in Industrialized Countries, 2005." Geneva: UNHCR, 2006. Available at <http://www.unhcr.org/statistics/STATISTICS/44153f592.pdf> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "Refugee Protection and Mixed Migration: A 10-Point Plan of Action." Geneva: UNHCR, 1 January, 2007. Available at <http://www.unhcr.org/4742a30b4.pdf> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "UNHCR Position Paper on the Strategic Use of Resettlement." Annual Tripartite Consultations on Resettlement Geneva, UNHCR, 6-8 July, 2010. Available at <http://www.unhcr.org/4fbcfd739.pdf> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "Asylum Levels and Trends in Industrialized Countries 2010." Geneva: UNHCR, 2011a. Available at <http://www.unhcr.org/4d8c5b109.pdf> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "Resettlement Handbook, 2011." Geneva: UNHCR. 2011b. Available at https://www.google.co.jp/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiFle6SqObUAhVHNbwKHx7TC7cQFggoMAA&url=http%3A%2F%2Fwww.unhcr.org%2F46f7c0ee2.pdf&usg=AFQjCNEBpkXQtI5K8sJpaHNM_57-dVdy7g (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "Countries hosting Syrian refugees - Solidarity and Burden-Sharing: Background papers for the High Level Segment." Geneva: UNHCR, Provisional Release, 2013. Available at <http://www.unhcr.org/525fe3e59.pdf> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. "Contributions to UNHCR for the budget year 2016 (as at 27 January 2017, in US dollars)." Geneva: UNHCR, 2017a. Available at http://reporting.unhcr.org/sites/default/files//donor_ranking/2016%20-%20UNHCR%20Donor%20Ranking.pdf (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. “Global Trends: Forced Displacement in 2016.” Geneva: UNHCR, 2017b. Available at <http://www.unhcr.org/5943e8a34.pdf> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees Japan. “Advisory opinion on the rules of confidentiality regarding asylum information.” Tokyo, UNHCR Japan, 31 March, 2005. Available at <http://www.refworld.org/docid/42b9190e4.html> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees Japan 国連難民高等弁務官駐日事務所. “Nihon no Nanmin Hogo • Shien 日本の難民保護・支援” [Japan’s Protection and Support for Refugees]. UNHCR Japan, August, 2016. Available at <http://www.unhcr.org/jp/wp-content/uploads/sites/34/2017/04/photobook-2016.pdf> (accessed 8 January, 2018).

United Nations News Centre. “UN refugee agency voices concern over Japan’s deportation of Turkish Kurds.” 19 January, 2005. Available at <http://www.un.org/apps/news/story.asp?NewsID=13080&Cr=refugee&Cr1#.Wg8cSLZAPf> (accessed 8 January, 2018).

Van Bruinessen, Martin. “Transnational Aspects of the Kurdish Question.” Working Paper, Robert Schuman Centre for Advanced Studies, European University Institute. Florence, 2000. Available at http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/transnational_Kurds.htm (accessed 8 January, 2018).

Yamawaki, Keizo 山脇啓造., Atsushi Kondo 近藤敦., and Chikako Kashiwazaki 柏崎千佳子. “Imin Kokka Nihon no Jyouken 移民国家日本の条件” [Conditions required for the Immigration Country of Japan]. Discussion Paper of Institute of Social Sciences at Meiji University 明治大学社会科学研究所ディスカッション・ペーパー・シリーズ, No.

J-2000-6, 2000. Available at <http://intercultural.c.ooco.jp/data/migration.pdf> (accessed 8 January, 2018).

Newspaper Article

Arudou, Debito. "Census blind to Japan's true diversity." *The Japan Times*, 5 October, 2010.

Available at

<https://www.japantimes.co.jp/community/2010/10/05/issues/census-blind-to-japans-true-diversity/#.Wdm890xAOqC> (accessed 8 January, 2018).

Asahi Shimbun 朝日新聞. "'Nanimn Nintei wo' to Ningen no Wa: Houmasyou mae ni Shiminra Yaku 600 nin 「難民認定を」と人間の輪: 法務省前に市民ら約600人」 [600 people gathered in front of Ministry of Justice to claim the ministry to grant 'refugee status' for asylum-seekers], *Asahi Shimbun* 朝日新聞, 14 October, 2004.

Asahi Shimbun 朝日新聞. "Toruko Kokuseki no Kurudo-jin Oyako wo Kyouseisoukan: Houmsyou トルコ国籍のクルド人親子を強制送還: 法務省" [Ministry of Justice deported Turkish Kurd father and son], *Asahi Shimbun* 朝日新聞, 19 January 2005.

Asahi Shimbun 朝日新聞. "Nanmin Nintei senu Houmasyou ni Gimon (Voice) 難民認定せぬ法務省に疑問 (声)" [Questioning why not Ministry of Justice granting refugee status (opinion)], *Asahi Shimbun* 朝日新聞, 21 January 2005.

Asahi Shimbun 朝日新聞. "Yatou/NGO, Houmasyou ni Kougi: Kurudo-jin Fushi no Kyouseisoukan Mondai 野党・NGO、法務省に抗議: クルド人父子の強制送還問題" [Opposition parties and NGO protesting against Ministry of Justice regarding deportation of Kurdish father and son], *Asahi Shimbun* 朝日新聞, 21 January, 2005.

Asahi Shimbun 朝日新聞. Kurudo-jin Kyouseisoukan 'Nanra Ihan ha nai': Houmsyou, Kokurenkikan ni Kaitou クルド人強制送還「何ら違反はない」: 法務省、国連機関に

回答” [Deportation of the Kurds is ‘no problem’: Ministry of Justice responding to UN Refugee Agency], *Asahi Shimbun* 朝日新聞, 26 January, 2005.

Asahi Shimbun 朝日新聞. “Kurudo-jin, Soukan muke Syuyou クルド人、送還向け収容: 難民申請で法務省が現地調査” [Kurdish man detained for deportation: Ministry of Justice undertook a field investigation for his asylum application], *Asahi Shimbun* 朝日新聞, 24 February 2005.

Asahi Shimbun 朝日新聞. “Nanmin ni Semaki Mon, Nihon no Sugata Saikou: Kyouseisoukan kini NGO Kouen 難民に狭き門、日本の姿再考: 強制送還を機に NGO 講演” [Reconsidering the current status of Japan offering narrower door for refugees: NGO made a lecture after deportation], *Asahi Shimbun* 朝日新聞, 27 February, 2005.

Asahi Shimbun 朝日新聞. “Nyukanhou Kaiseian, ‘Nanmin Hakugai mo’: Bengoshi ra Ikensyo 入管法改正案「難民迫害も」: 弁護士ら意見書” [Lawyers sent an open letter about draft of ICRR revision, saying ‘concerns over persecuting refugees’], *Asahi Shimbun* 朝日新聞, 12 June, 2005.

Asahi Shimbun 朝日新聞. “Kurudo-jin Mondai de Houmusyou ni Keikokubun: Nichibenren クルド人問題で法務省に警告文: 日弁連” [Japan Federation of Bar Associations sent warning towards Ministry of Justice regarding Kurdish problem], *Asahi Shimbun* 朝日新聞, 27 December, 2005.

Asahi Shimbun 朝日新聞. “Toruko Tairitsu, Harajuku Souzen: Saisenkyo Zaigaitouhyoutyu no Taishikanmae, 60-nin Rantou トルコ対立、原宿騒然: 再選挙在外投票中の大使館前、60人乱闘” [Turkish clash made Harajuku in uproar: 60 people fought in front of the Embassy during overseas polling for reelection in Turkey], *Asahi Shimbun* 朝日新聞, 26 October, 2015.

Asakura, Takuya. "Reluctance to accept refugees draws fire." *The Japan Times*, 29 November, 2002.

Available at

https://www.japantimes.co.jp/news/2002/11/29/national/reluctance-to-accept-refugees-draw-s-fire/#.Wg_xm7ZAO8U (accessed 8 January, 2018).

Associated Press. "Japan detains another Turkish Kurd recognised by U.N. as refugee." *Associated Press*, 8 February, 2005. Available at

<http://www.institutkurde.org/info/japan-detains-another-turkish-kurd-recognized-by-un-as-refugee-1107857788.html> (accessed 8 January, 2018).

Ekurd Daily. "Turks, Kurds clash in Japan over Turkey elections." *Ekurd Daily*, 26 October, 2015.

Available at <http://ekurd.net/turks-kurds-clash-japan-2015-10-26> (accessed 8 January, 2018).

Ekurd Daily. "Japan's 'Warabistan' can become a second home to Kurdish residents: Colak Vakkas." *Ekurd Daily*, 23 February, 2016. Available at

<http://ekurd.net/japan-warabistan-kurdish-home-2016-02-23> (accessed 8 January, 2018).

GMA News Online. "Japan allows Pinay, daughter to stay with Kurdish man." *GMA News Online*, 26 March, 2008. Available at

<http://www.gmanetwork.com/news/news/content/86247/japan-allows-pinay-daughter-to-stay-with-kurdish-man/story/> (accessed 8 January, 2018).

Hara, Katsuhiko. "Aid groups' lack of funds spurring refugee flight to Europe." *Nikkei Asian Review*, 10 September, 2015. Available at

<https://asia.nikkei.com/Politics-Economy/International-Relations/Aid-groups-lack-of-funds-spurring-refugee-flight-to-Europe> (accessed 8 January, 2018).

Ito, Masami. "Tokyo under fire for deporting refugees." *The Japan Times*, 21 January, 2005a.

Available at

https://www.japantimes.co.jp/news/2005/01/21/national/tokyo-under-fire-for-deporting-refugees/#.Wg_3cbZAOqB (accessed 8 January, 2018).

Ito, Masami. "Japan: Immigration detains Kurdish asylum-seeker." *The Japan Times*, 19 March,

2005b. Available at <http://ekurd.net/mismas/articles/misc2005/3/japanrefugee6.htm>

(accessed 8 January, 2018).

Ito, Masami. "Japan: Compromised Turkey Kurds file again for safe haven." *The Japan Times*, 13

January, 2006. Available at

<http://ekurd.net/mismas/articles/misc2006/1/japanrefugee10.htm> (accessed 8 January,

2018).

Ito, Masami. "Sit-ins win new home, in Canada!" *The Japan Times*, 8 July, 2007. Available at

<https://www.japantimes.co.jp/life/2007/07/08/general/sit-ins-win-new-home-in-canada/#.Wha3jrZAPfY> (accessed 8 January, 2018).

Ito, Masami. "Kurdish refugee returns to Tokyo to thank supporters." *The Japan Times*, 21

September, 2012. Available at

<http://ekurd.net/mismas/articles/misc2012/9/kurdsworld602.htm> (accessed 8 January, 2018).

L'Agence France-Presse. "Japan says giving residency to Turkish Kurd's family." *L'Agence*

France-Presse, 25 March, 2008a. Available at

<http://www.institutkurde.org/en/info/latest/japan-says-giving-residency-to-turkish-kurd-s-family-1330.html> (accessed 8 January, 2018).

L'Agence France-Presse. "Japan grants rare residency rights to Turkish Kurd." *L'Agence*

France-Presse, 26 March, 2008b. Available at

<http://www.dailystar.com.lb/News/Middle-East/2008/Mar-26/75411-japan-grants-rare-residency-rights-to-turkish-kurd.ashx> (accessed 8 January, 2018).

Mainichi Shimbun 毎日新聞. “UNHCR Nanmin Nintei no Kurudo-jin, Kyouseisoukan: Bengodan ‘Ijyou’ to Nyukan Hinan UNHCR 難民認定のクルド人、強制送還: 弁護団「異常」と入管非難” [Attorney lawyers criticising Immigration Bureau about deportation of Kurds recognised by UNHCR, saying ‘abnormal’], *Mainichi Shimbun* 毎日新聞, 19 January, 2005.

Mainichi Shimbun 毎日新聞. “Kyouseisoukan: Nintei Nanmin, Toruko he: Houmusyou ‘Kokuren to Kenkai Kotonaru’ 強制送還: 認定難民、トルコへ: 法務省「国連と見解異なる」” [Ministry of Justice explained deportation of refugees recognised by UN for Turkey, saying ‘having different stance from UN’], *Mainichi Shimbun* 毎日新聞, 19 January, 2005.

Mainichi Shimbun 毎日新聞. “Kurudo-jin Nanmin Kyouseisoukan: UNHCR ga Kenen wo Hyoumei クルド人難民強制送還: UNHCR が懸念を表明” [UNHCR expressing deep concern over deportation of Kurdish refugees], *Mainichi Shimbun* 毎日新聞, 19 January, 2005.

Mainichi Shimbun 毎日新聞. “Kurudo-jin Nanmin Kyouseisoukan: Syamin, Minsyu Ryoutou ga Henkou Motomeru クルド人難民強制送還: 社民、民主両党が変更求める” [Social Democratic Party and Democratic Party of Japan demanding for modification of decision about deportation to Kurdish refugees], *Mainichi Shimbun* 毎日新聞, 21 January, 2005.

Mainichi Shimbun 毎日新聞. “Kurudo-jin Nanmin Kyouseisoukan: Houmusyou, ‘Tekisetsu’ to Hanron クルド人難民強制送還: 法務省、「適切」と反論” [Ministry of Justice made a counter argument saying ‘due procedure’ against criticisms about deportation of Kurdish refugees], *Mainichi Shimbun* 毎日新聞, 26 January, 2005.

Mainichi Shimbun 毎日新聞. “Kurudo-jin Nanmin Mondai: Nichibenren ga Nyukan ni Keikokusyo クルド人難民問題：日弁連が入管に警告書” [Japan Federation of Bar Associations sent alarming against Immigration Bureau regarding Kurdish refugee problem], *Mainichi Shimbun* 毎日新聞, 27 December, 2005.

Mainichi Shimbun 毎日新聞. “Tokyo/ Toruko Taishikanmae Rantou: Kurudo-jin Dantai ga Syakumei 東京・トルコ大使館前乱闘：クルド人団体が釈明” [Kurdish group apologised for riot in front of Turkish Embassy in Tokyo], *Mainichi Shimbun* 毎日新聞, 29 October, 2015.

McCurry, Justin. “Humanitarian ‘stain’.” *The Guardian*, 26 January, 2005. Available at <https://www.theguardian.com/world/2005/jan/26/worlddispatch.japan> (accessed 8 January, 2018).

McNeill, David. “Eight-year ordeal nears end for Kurdish family: Refugees’ treatment by government an embarrassment for Japan, say supporters.” *The Japan Times*, 3 July, 2007. Available at https://www.japantimes.co.jp/community/2007/07/03/issues/eight-year-ordeal-nears-end-for-kurdish-family/#.WhAIZrZAM_U (accessed 8 January, 2018).

Nihon Keizai Shimbun 日本経済新聞. “Nanmin Shinsei Kurudo-jin, Houmusyou, Genchi de Mimoto Chousa: ‘Mikkoku Douzen’ Genkokura Hanpatsu 難民申請クルド人、法務省、現地で身元調査：「密告同然」原告ら反発” [Ministry of Justice conducted field investigation for identification of Kurdish asylum-seekers: the plaintiff protesting , saying ‘betrayal’], *Nihon Keizai Shimbun* 日本経済新聞, 5 August, 2004.

Nihon Keizai Shimbun 日本経済新聞. “Kurudo-jin Oyako, Toruko Soukan: Kokuren Nanmin Nintei Hatsu no Jirei クルド人親子、トルコ送還：国連難民認定初の事例” [Kurdish

father and son deported to Turkey, unprecedented case for refugees recognised by UN],
Nihon Keizai Shimbun 日本経済新聞, 19 January, 2005.

Nihon Keizai Shimbun 日本経済新聞. “Housyou ga Setsumei, Kurudo-jin Soukan ‘Hou Jyunsyu shita’ 法相が説明、クルド人送還「法順守した」” [Justice Minister explained deportation of Kurds, saying ‘complied with law’], *Nihon Keizai Shimbun* 日本経済新聞, 21 January, 2005.

Nihon Keizai Shimbun 日本経済新聞, “Kurudo-jin Soukan de Yatou Kougi クルド人送還で野党抗議” [Opposition parties objecting to deporting Kurds], *Nihon Keizai Shimbun* 日本経済新聞, 21 January, 2005.

Nihon Keizai Shimbun 日本経済新聞. “Kurudo-jin Soukan, Houmussyou ga Hanron: Nnamin Koutou Benmukan Jimusyo ni クルド人送還、法務省が反論: 難民弁務官事務所に” [Ministry of Justice made a counter argument against UNHCR about deportation of Kurds], *Nihon Keizai Shimbun* 日本経済新聞, 26 January, 2005.

Nihon Keizai Shimbun 日本経済新聞. “Kurudo-jin Kazoku, Zairyu Tokubetsu Kyoka, Housyou, Jindouteki Hairyo クルド人家族、在留特別許可、法相、人道的配慮” [Justice Minister granting special permission to stay for Kurdish family for humanitarian reason], *Nihon Keizai Shimbun* 日本経済新聞, 25 March, 2008.

Nihon Keizai Shimbun 日本経済新聞. “Toruko Taishikanmae de Rantou, 9 nin Kega, Tokyo/ Harajyuku, Kurudo-keira Tairitsu, Zaigaitouhyoubi, Syuhen ni 600 nin トルコ大使館前で乱闘、9人けが、東京・原宿、クルド系ら対立、在外投票日、周辺に600人” [9 people injured during violent clash of Kurds in front of Turkish Embassy at Harajyuku, Tokyo, on the day of overseas vote and 600 people were there], *Nihon Keizai Shimbun* 日本経済新聞, 26 October, 2015.

- Ozawa, Harumi. "Kurd asylum-seekers protest official leaks, Tokyo." *Daily Yomiuri On-Line*, 6 August, 2004. Available at <http://ekurd.net/mismas/articles/misc/tokyokurdasylumseekers.htm> (accessed 8 January, 2018).
- Pollmann, Mina. "Japan's Role in the Refugee Crisis: Japan has been quick to donate money, but slow to welcome refugees." *The Diplomat*, 11 September, 2015. Available at <https://thediplomat.com/2015/09/japans-role-in-the-refugee-crisis/> (accessed 8 January, 2018).
- Reynolds, Isabel. "Why Immigrant-Shy Japan Is Luring Foreign Workers: Quick Take Q&A." *Bloomberg*, 24 February, 2017. Available at <https://www.bloomberg.com/news/articles/2017-02-23/why-immigrant-shy-japan-is-luring-foreign-workers-quicktake-q-a> (accessed 8 January, 2018).
- Rich, Motoko. "Ethnic Kurds Find Haven, but No Home, in Insular Japan." *The New York Times*, 16 August, 2016. Available at <https://www.nytimes.com/2016/08/17/world/asia/japan-kurds-refugees.html> (accessed 8 January, 2018).
- Sakamoto, Kantaro. "Japan's Refugee Policy: Its Problems and Solutions." *Japan Sociology*, 3 June, 2013. Available at <https://japansociology.com/2013/06/03/japans-refugee-policy-its-problems-and-solutions/> (accessed 8 January, 2018).
- Shimizu, Kaho. "Court upholds family's deportation order: Kurd dad must return to Turkey; mom and Japan-born girl go to Philippines." *The Japan Times*, 24 March, 2007. Available at <https://www.japantimes.co.jp/news/2007/03/24/national/court-upholds-familys-deportation-order/#.WhJUeLZAPfY> (accessed 8 January, 2018).

The Japan Times. "Suit seeks to nix deportation order that will split up family." *The Japan Times*, 17

March, 2004. Available at

<https://www.japantimes.co.jp/news/2004/03/17/national/suit-seeks-to-nix-deportation-order-that-will-split-up-family/#.WhJUsrZAPfY> (accessed 8 January, 2018).

Townsend, Megan. "Meet the asylum seekers who are building Japan's roads, despite being banned from working." *Independent*, 15 August, 2016. Available at

<http://www.independent.co.uk/news/world/asia/japanese-kurds-working-on-construction-asylum-seekers-immigration-a7189411.html> (accessed 8 January, 2018).

UPI. "Japan deports Kurd father, son to Turkey." *UPI*, 19 January, 2005. Available at

https://www.upi.com/Top_News/2005/01/19/Japan-deports-Kurd-father-son-to-Turkey/67851106129862/ (accessed 8 January, 2018).

Wilson, Thomas., Mami Sato, Minami Funakoshi, and Ami Miyazaki. "Banned from working, asylum seekers are building Japan's roads and sewers." *Reuters*, 8 August, 2016. Available at <https://www.reuters.com/investigates/special-report/japan-kurds/> (accessed 8 January, 2018).

Worley, Will. "Japan rejects more than 99% of refugee applicants: Country reluctance to take migrants despite ageing population." *Independent*, 4 May, 2017. Available at

<http://www.independent.co.uk/news/world/asia/japan-refugee-applications-rejected-a7718111.html> (accessed 8 January, 2018).

Yomiuri Shimbun 読売新聞. "Kokuren Nintei Nanmin no Kyousei Soukan, Shiensya ga Kougi 国連認定難民の強制送還、支援者が抗議" [Supporters protesting against deportation of refugees recognised by UN], *Yomiuri Shimbun* 読売新聞, 20 January, 2005.

Yomiuri Shimbun 読売新聞. “Kurudo-jin Kyouseisoukan Mondai de Houmusyou ga UNHCR ni Bunsyo Souhu クルド人強制送還問題で法務省が UNHCRO に文書送付” [Ministry of Justice sent a letter for UNHCR regarding deportation of Kurds], *Yomiuri Shimbun* 読売新聞, 26 January, 2005.

Yomiuri Shimbun 読売新聞. “Kurudo-jin Ikka 3 nin ni Zairyu Kyoka he: Houmusyou ga Houshin Tenkan クルド人一家3人に在留許可へ: 法務省が方針転換” [3 members of Kurdish family getting permission to stay: Ministry of Justice modified its decision], *Yomiuri Shimbun* 読売新聞, 25 March, 2008.

Yomiuri Shimbun 読売新聞. “Nanmin Shinsei kara 7 nen: Kurudo-jin Ikka, Zairyu Kyoka ‘Nagakatta’ 難民申請から7年: クルド人一家、在留許可「長かった」” [7 years since first applying for refugee status: Kurdish family said ‘too long’ until getting permission to stay], *Yomiuri Shimbun* 読売新聞, 26 March, 2008.

Yomiuri Shimbun 読売新聞. “‘Toruko no Imeji Kizutsuku’: Taishikanmar Rantou: Kouron kara Naguriaika 「トルコのイメージ傷つく」: 大使館前乱闘: 口論から殴り合いか” [‘Disgracing images of Turkey’ at riot in front of Embassy: Violence after quarrel], *Yomiuri Shimbun* 読売新聞, 26 October, 2015.

Database and Website

Brawley, Mark R. “Analytical Liberalism, Neoclassical Realism, and the Need for Empirical Analyses.” Oxford Research Encyclopedias: Politics, June, 2017. Available at <http://politics.oxfordre.com/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-550> (accessed 8 January, 2018).

Davidson, W. Phillips. "Public opinion." Encyclopedia Britannica, 17 March, 2017. Available at <https://www.britannica.com/topic/public-opinion/The-mass-media> (accessed 8 January, 2018).

Encyclopedia Britannica. "Kurd." Last Updated 27 September, 2017. Available at <https://www.britannica.com/topic/Kurd> (accessed 8 January, 2018).

Immigration Bureau, Ministry of Justice 法務省入国管理局. "Nanmin Nintei Seido 難民認定制度." Tokyo 東京: Government of Japan, Available at <http://www.immi-moj.go.jp/tetuduki/nanmin/nanmin.html> (accessed 8 January, 2018).

Institute Kurde de Paris. "The Kurdish Diaspora." Available at <http://www.institutkurde.org/en/kurdorama/> (accessed 8 January, 2018).

Japan Lawyers Network for Refugees 全国難民弁護団連絡会議. "Doukou: Nanmin Jinkou 動向 : 難民人口" [Trends: Population of Refugees]. Available at http://www.jlnr.jp/stat/past10_06.html (accessed 8 January, 2018).

Kikuzou II Visual (Asahi Shimbun) 聞蔵 II ビジュアル(朝日新聞). Available at <https://database.asahi.com/index.shtml> (accessed 8 January, 2018).

Maisaku (Mainichi Shimbun) 毎索(毎日新聞) Available at <https://mainichi.jp/contents/edu/maisaku/login.html> (accessed 8 January, 2018).

Ministry of Internal Affairs and Communications. "e-Stat." Available at <http://www.e-stat.go.jp/SG1/estat/List.do?lid=000001177523> (accessed 8 January, 2018).

Ministry of Justice 法務省. "Toukei ni kansuru Puresu-ririsu 統計に関するプレスリリース" [Press-release over Statistics]. Tokyo 東京: Government of Japan. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00013.html (accessed 8 January, 2018)

National Diet Library 国立国会図書館. Kokkai Kaigi-roku Kensaku Sisutemu 国会会議録検索システム [Database of the Minutes of the National Diet]. Available at <http://kokkai.ndl.go.jp> (accessed 8 January, 2018).

Nikkei Terekon 21 (Nihon Keizai Shimbun) 日経テレコン 21 (日本経済新聞). Available at <https://t21.nikkei.co.jp/g3/CMN0F11.do> (accessed 8 January, 2018).

Refugee Assistance Headquarters 難民事業本部. “Indoshina Nanmin towa インドシナ難民とは” [What is the Indochinese Refugees?]. Available at <http://www.rhq.gr.jp/japanese/know/i-nanmin.htm> (accessed 8 January, 2018).

Thomas, Clive S. “Interest group.” Encyclopedia Britannica, 6 July, 2017. Available at <https://www.britannica.com/topic/interest-group> (accessed 8 January, 2018).

United Nations High Commissioner for Refugees. “Population Statistics.” Available at <http://popstats.unhcr.org/en/overview> (accessed 8 January, 2018).

YaleGlobal Online. “Humanitarian Stain.” Available at <https://yaleglobal.yale.edu/content/humanitarian-stain> (accessed 8 January, 2018).

Yomidasu Rekishikan (Yomiuri Shimbun) ヨミダス歴史館(読売新聞). Available at <http://www.yomiuri.co.jp/database/rekishikan/> (accessed 8 January, 2018).

The Minute of the National Diet

The 120th House of Councillors 第120回国会参議院, Committee on Judicial Affairs 法務委員会, Issues 6 会議録第6号, 9 April, 1991.

The 142nd House of Representatives 第142回国会衆議院, Committee on Judicial Affairs 法務委員会, Issue 10 会議録第10号, 24 April, 1998.

The 151st House of Councillors 第 151 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 8 会議録第 8 号, 29 May, 2001.

The 154th House of Representatives 第 154 回国会衆議院, Plenary Session 本会議, Issue 32 会議
録第 32 号, 14 May, 2002.

The 154th House of Councillors 第 154 回国会参議院, Plenary Session 本会議, Issue 23 会議録
第 23 号, 15 May, 2002.

The 154th House of Councillors 第 154 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 16 会議録第 16 号, 23 May, 2002.

The 159th House of Councillors 第 159 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 4 会議録第 4 号, 23 March, 2004.

The 162nd House of Councillors 第 162 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 2 会議録第 2 号, 10 March, 2005.

The 162nd House of Councillors 第 162 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 5 会議録第 5 号, 18 March, 2005.

The 162nd House of Councillors 第 162 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 7 会議録第 7 号, 29 March, 2005.

The 162nd House of Councillors 第 162 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 9 会議録第 9 号, 21 April, 2005.

The 162nd House of Representatives 第 162 回国会衆議院, Committee on Judicial Affairs 法務委
員会, Issue 23 会議録第 23 号, 14 June, 2005.

The 168th House of Councillors 第 168 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 2 会議録第 2 号, 30 October, 2007.

The 168th House of Councillors 第 168 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 6 会議録第 6 号, 11 December, 2007.

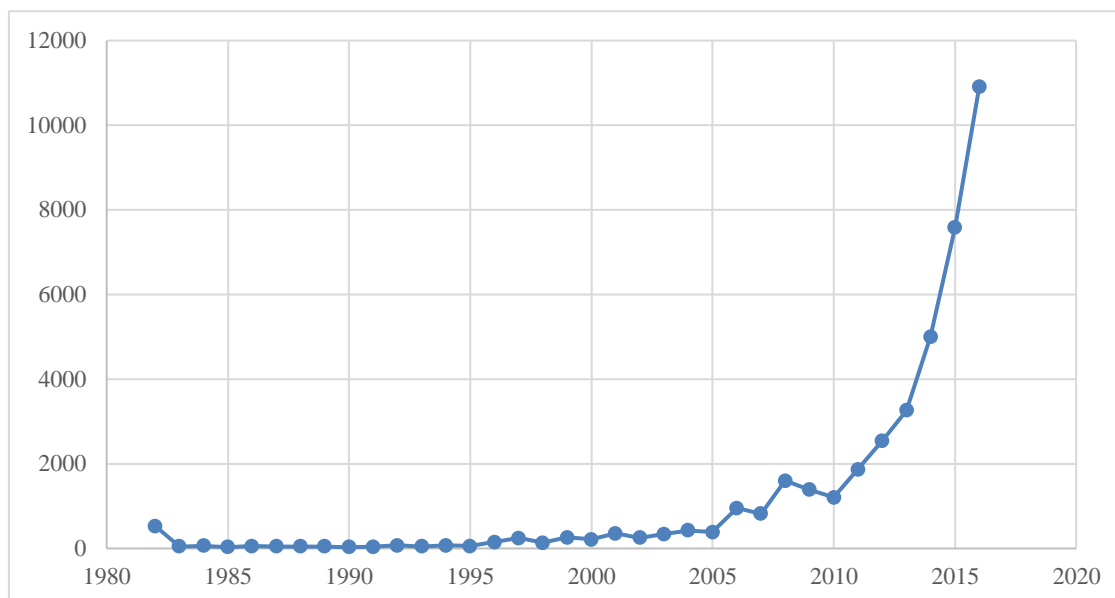
The 169th House of Councillors 第 169 回国会参議院, Committee on Judicial Affairs 法務委員会,
Issue 6 会議録第 6 号, 8 April, 2008.

The 179th House of Representatives 第 179 回国会衆議院, Plenary Session 本会議, Issue 9 会議録
第 9 号, 17 November, 2011.

The 179th House of Councillors 第 179 回国会参議院, Plenary Session 本会議, Issue 7 会議録第
7 号, 21 November, 2011.

Appendices

Appendix 1. Annual Number of Applications for Refugee Status in Japan



Year	1982	1983	1984	1985	1986	1987	1988	1989	1990
Number	530	44	62	29	54	48	47	50	32
Year	1991	1992	1993	1994	1995	1996	1997	1998	1999
Number	42	68	50	73	52	147	242	133	260
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Number	216	353	250	336	426	384	954	816	1,599
Year	2009	2010	2011	2012	2013	2014	2015	2016	Total
Number	1,388	1,202	1,867	2,545	3,260	5,000	7,586	10,901	41,046

Source: Data was adopted by Ministry of Justice 法務省. “Toukei ni kansuru Puresu-ririsu 統計に関するプレスリリース” [Press-release over Statistics]. Tokyo 東京: Government of Japan. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00013.html (accessed 8 January, 2018).

Appendix 2. Top 10 Countries of Origin of Asylum-Seekers in Japan

	~ 2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
1	Turkey (406)	Myanmar (111)	Myanmar (138)	Myanmar (212)	Myanmar (626)	Myanmar (500)	Myanmar (979)	Myanmar (568)	Myanmar (342)	Myanmar (491)	Turkey (423)	Turkey (658)	Nepal (1,291)	Nepal (1,768)
2	Pakistan (383)	Turkey (77)	Turkey (131)	Turkey (40)	Turkey (149)	Turkey (76)	Turkey (156)	Sri Lanka (234)	Sri Lanka (171)	Nepal (251)	Myanmar (368)	Nepal (544)	Turkey (845)	Indonesia (969)
3	Iran (337)	Iran (25)	Bangladesh (33)	Bangladesh (29)	Iran (27)	Sri Lanka (43)	Sri Lanka (90)	Turkey (94)	Turkey (126)	Turkey (234)	Nepal (320)	Myanmar (380)	Sri Lanka (485)	Turkey (926)
4	Myanmar (248)	China (22)	Iran (18)	China (16)	Sri Lanka (27)	Ethiopia (29)	Ethiopia (51)	Pakistan (92)	Nepal (109)	Sri Lanka (224)	Pakistan (298)	Sri Lanka (345)	Myanmar (435)	Myanmar (808)
5	Afghanistan n (247)	India (12)	China (16)	Iran (16)	Bangladesh (15)	Pakistan (27)	Iran (38)	India (59)	India (91)	Pakistan (169)	Sri Lanka (255)	Pakistan (241)	Vietnam (294)	Vietnam (574)
6	China (32)	Pakistan (12)	Pakistan (12)	Pakistan (10)	China (3)	Iran (19)	Pakistan (37)	Bangladesh (51)	Pakistan (83)	Bangladesh (99)	Bangladesh (169)	Bangladesh (190)	Bangladesh (284)	Sri Lanka (469)
7	Bangladesh (22)	Cameroon (8)	Cameroon (11)	Sri Lanka (7)	Pakistan (12)	China (17)	Bangladesh (33)	Uganda (46)	Iran (35)	India (51)	India (125)	India (165)	India (225)	Philippines (299)
8	Cameroon (15)	Bangladesh (6)	Sri Lanka (9)	Nepal (5)	Nepal (11)	Bangladesh (14)	Cameroon (29)	Iran (40)	Bangladesh (33)	Iran (50)	Nigeria (118)	Ghana (114)	Pakistan (212)	Pakistan (295)
9	Yugoslavia (14)	DR Congo (5)	India (7)	Ethiopia (3)	Nigeria (10)	Afghanistan n (12)	Nepal (20)	Nepal (29)	Nigeria (33)	China (19)	Ghana (104)	Cameroon (99)	Thailand (136)	Bangladesh (244)
10	Ethiopia/ Nigeria	Sri Lanka (4)	Nepal (3)	Nigeria (2)	Cameroon (5)	Cameroon (12)	China (18)	China / DR Congo (18)	Uganda (21)	Afghanistan n (4)	Cameroon (58)	Nigeria (68)	Nigeria (86)	India (229)

Source: Data was adopted by Ministry of Justice 法務省. “Toukei ni kansuru Puresu-ririsu 統計に関するプレスリリース” [Press-release over Statistics]. Tokyo 東京: Government of Japan. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00013.html (accessed 8 January, 2018); and Japan Lawyers Network for Refugees 全国難民弁護団連絡会議. “Doukou: Nanmin Jinkou 動向：難民人口” [Trends: Population of Refugees]. Available at http://www.jlnr.jp/stat/past10_06.html (accessed 8 January, 2018).

Appendix 3. Annual Number of Applications for Refugee Status in Japan from Top 10

Countries

Country	~ 2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Myanmar	709	626	500	979	568	342	491	368	380	435	808	6,206
Nepal	2	11	4	20	29	109	251	320	544	1,291	1,768	4,349
Turkey	654	149	76	156	94	126	234	423	658	845	926	4,341
Sri Lanka	64	27	43	90	234	171	224	255	345	485	469	2,407
Pakistan	417	12	27	37	92	83	169	298	241	212	295	1,883
Bangladesh	111	15	14	33	51	33	99	169	190	284	244	1,243
India	52	2	2	17	59	91	51	125	165	225	229	1,018
Indonesia	6						1	10	5	5	854	881
Nigeria	6	7	7	7	4	26	23	107	180	156	319	842
Iran	396	27	19	38	40	35	50	46	51	68	68	838

Source: Data was adopted by Ministry of Justice 法務省. “Toukei ni kansuru Puresu-ririsu 統計に関するプレスリリース” [Press-release over Statistics]. Tokyo 東京: Government of Japan. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00013.html (accessed 8 January, 2018); and Japan Lawyers Network for Refugees 全国難民弁護団連絡会議. “Doukou: Nanmin Jinkou 動向：難民人口” [Trends: Population of Refugees]. Available at http://www.jlnr.jp/stat/past10_06.html (accessed 8 January, 2018).

Appendix 4. Annual Trends of Refugee Status Determination in Japan

Year	Recognised (at the first decision)	Recognised (after appealing)	Recognised (in total)	Main countries of origin of people who were granted refugee status
~ 2003			305	Vietnam (59), Iran (52), Myanmar (52), Cambodia (50), Lao PDR (48), Afghanistan (9), Burundi, China, Ethiopia, Iraq, Pakistan, Uganda, Stateless
2004	9	6	15	Myanmar (9)
2005	31	15	46	Myanmar (43)
2006	22	12	34	Myanmar (28)
2007	37	4	41	Myanmar (35), Iran (3)
2008	40	17	57	Myanmar (54)
2009	22	8	30	Myanmar (18), Afghanistan (3), Iran (3)
2010	26	13	39	Myanmar (37)
2011	7	14	21	Myanmar (18)
2012	5	13	18	Myanmar (15)
2013	3	3	6	
2014	6	5	11	
2015	19	8	27	Afghanistan (6), Sri Lanka (3), Syria (3), Ethiopia (2), Nepal (2)

Source: Data was adopted by Ministry of Justice 法務省. “Toukei ni kansuru Puresu-ririsu 統計に関するプレスリリース” [Press-release over Statistics]. Tokyo 東京: Government of Japan. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00013.html (accessed 8 January, 2018).

Appendix 5. Annual Trends of Refugee Status Determination for Turkish(-Kurd)

Asylum-Seekers in Japan

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Asylum-seekers (MOJ data)	654								
Asylum-seekers (UNHCR data)		75	82	62	73	98	91	112	93
Unrecognised / Rejected	10 /	10 /	165 /	30 /	65 /	136 /	27 /	76 / 15	93 /
Appeal after the first decision	19		82	57	45	78	23	65	51
Humanitarian Status (UNHCR data)	4	4	8	10	11	10	14	8	14
Year	2008	2009	2010	2011	2012	2013	2014	2015	2016
Asylum-seekers (MOJ data)	156	94	126	234	423	658	845	926	
Asylum-seekers (UNHCR data)	117	129	189	298	585	1,074	1,657	2,118	2,374
Unrecognised / Rejected	117 /	129 /	189 /	298 /	585 / 334	1,074 / 459	1,657 / 505	2,118 / 468	
Appeal after the first decision	84	129	90	213	296	406	496	462	
Humanitarian Status (UNHCR data)	13	13	15	19	19	19	19	29	39

Source: Data was adopted by Ministry of Justice 法務省. “Toukei ni kansuru Puresu-ririsu 統計に関するプレスリリース” [Press-release over Statistics]. Tokyo 東京: Government of Japan. Available at http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00013.html (accessed 8 January, 2018); and United Nations High Commissioner for Refugees. “Population Statistics.” Available at <http://popstats.unhcr.org/en/overview> (accessed 8 January, 2018).