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# Dissonance: Coexistence with Foreigners vs. Coronavirus Epidemic Countermeasures in Japan

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## Abstract

*Countermeasures against the coronavirus epidemic resulted in a blanket ban on the entry of foreign nationals into Japan, including Japan's legal foreign residents, resulting in great personal distress to the many people affected. This paper examines how individual people, academic institutions, the business community, as well as Japanese society, were affected by the countermeasures, the government's (lack of) explanations for the countermeasures, and the impact of these countermeasures on the government's own declared goals of 'Internationalization' and 'Coexistence with foreigners'. It also touches on the possible legal and long term consequences.*

**Keywords:** Coronavirus epidemic, countermeasures, foreign residents, re-entry restrictions, Coexistence with Foreigners

## 1. Introduction

End of March. As every year, I was preparing to fly from Japan to Slovenia in order to deliver my intensive course in text linguistics at the University of Ljubljana during April and May. Three days before departure, scheduled for March 30, my airline notified me that my flight was suspended. So I stayed in Yokohama, delivering my lectures over the internet. Actually, even if I were able to go to Slovenia the situation would have been the same. Because of the COVID-19 epidemic all schools and universities in Slovenia had switched their lectures online.

Cancelled flights were also faced by many of Japan's foreign residents, who, for a variety of reasons, had left the country before the coronavirus epidemic countermeasures were introduced. Thus, many were not able to return in time

before the blanket restriction of entry/re-entry of foreign nationals came into effect on April 3, 2020.

Busy with my online lectures I only noticed something was wrong when in early June this year Sven Kramer's petition 'Stop the entry ban on legal foreign residents of Japan' arrived via the EAJS (European Association for Japanese Studies) mailing list. This bilingual online petition targeted the Japanese government's generic entry/re-entry ban on foreign residents that had come into effect on April 3, 2020.

Being a long-time resident of Japan and as a sometime teacher at a national university also directly and indirectly contributing to Japan's long-term efforts towards internationalization, I was shocked to see that entry/re-entry restrictions were indeed generic. The restrictions did not distinguish between casual visitors and the tax paying, social insurance paying, long-term foreign residents of Japan. All foreign nationals who happened to be coming from one of the countries on the ever-expanding list of countries affected by the COVID-19 epidemic were banned entry, (at the time of writing, mid-September 2020, the list includes 159 countries). I wondered why medium to long-term foreign residents of Japan were not treated the same way as Japanese nationals when arriving from these listed countries. That is, why they were not permitted entry after taking a COVID-19 test, and either going into a two-week self-quarantine if tested negative, or, if positive, receiving the necessary medical treatment in Japan, being insured, just like Japanese nationals, by one of the Japanese public medical insurance programs.

In this paper I will attempt, based on information provided by various branches of the Japanese government, by the media, by OECD countries, and others, to give a rough sketch of entry restrictions of foreign residents as a part of the countermeasures implemented against the COVID-19 epidemic, their consequences and the attitude taken by the Japanese government when these policies were questioned.

## **2. Entry restrictions of foreign nationals in an international perspective**

All countries are trying to prevent the spread of the epidemic by restricting the movement of people. However, among the G7 and also the OECD countries, Japan stands out as being the only country to ban not only entry of short-term visitors,

such as tourists or people travelling for short term business, but also re-entry of foreign residents, including its medium to long-term and permanent residents. This includes, among others, businessmen who work in Japan, Japanese university and research institute lecturers, researchers and students, technical trainees, spouses of Japanese nationals and permanent residents. The only exception being for ‘Special Permanent Residents’ (mostly ethnic Koreans and Chinese who lost Japanese citizenship in 1952 and their descendants), who, like Japanese nationals, are admitted on condition of being tested for COVID-19 and, depending on the results, either undergoing a two-week self-quarantine or being treated at a medical institution in Japan.

### **3. How does the entry/re-entry ban affect people**

The consequences of the blanket entry/re-entry ban of foreign nationals which also includes foreign residents have been reported in the Japanese vernacular and English-language media since April, and have, especially since July, also received attention in the international media such as *The New York Times*, *Le Monde*, etc. Both domestic and foreign media have pointed out how the measures have affected not only the foreign residents themselves but also society in Japan.<sup>1</sup>

The re-entry restrictions applied also to those who had temporarily left Japan before April 2, 2020, resulting in more than 200,000 foreign residents being, until September 1, 2020, denied re-entry (*Asahi Shinbun Digital* July 22, 2020). As reported by *Asahi Shinbun* (evening edition of July 21, 2020) Hiroshima University alone had eighty-eight students and three full-time professors who, at the time, were unable to return to their studies and work because of the countermeasures.

There were those who could not re-enter before the ban came into effect on April 3, 2020 due to flights all over the world being cancelled. There were many others who managed to arrive in Japan later only to be denied re-entry. Indeed, these countermeasures had a devastating effect on thousands of people, as for instance:

Tahir Abdul Matin (phonetic transcription) from Pakistan, a fourteen-year resident of Japan working in the export sector<sup>2</sup>. Returning from temporary leave to his native country with his family of five, they were denied re-entry at Narita airport. Not knowing when they would be able to return to their lives

and their work in Japan they were left in great moral and financial distress (*NHK News* WEB article, May 11, 2020).

Or the story of a professor at a Japanese national university who prefers to remain anonymous. After temporarily leaving Japan during this year's winter holidays, it was impossible for this person to find a return flight before April 2. Finally managing to find a flight back and arriving in Japan in mid-April, this person was denied re-entry and, for the few days while waiting to be expatriated, kept in a room that felt like a prison-cell with lights on twenty-four hours a day and obliged to buy own food and drink as it was not provided by the immigration authorities. Fortunately, when back in the country of departure, this person's university showed understanding and full support. Also, able to teach the classes online, financially at least, the situation for this person was stable. Nevertheless, with absolutely no possibility of knowing when re-entry would be possible, the situation was exceedingly stressful for the morale of this person. Re-entry was finally permitted, at the end of August. This story was shared by the person concerned with myself and a few other members of EAJS in June.

Or similarly, the case of Mr. Mazziotta, an American citizen, living and working in Japan (*New York Times* article August 5, 2020). He was not as lucky as the afore-mentioned professor. Unfortunately, his company in Japan where he works as an English teacher, could only put him on unpaid leave. Being denied re-entry he was thus deprived of his livelihood and consequently of his income; unable to pay the rent he lost his home in Tokyo and consequently his lifestyle, including his non-profit volunteer activities.

Or again, the story of a Slovak second year graduate student of Ochanomizu Womens' University in Tokyo, Annamaria Macurikova (*NHK BS1* July 10, 2020). She is actually on a MEXT (Ministry of Education, Culture, Sports, Science and Technology – Japan) scholarship. Leaving Japan in March to visit her hospitalized father and unable to return, she has indeed been able to continue her academic work as all classes were held online. But here again, there is the stress on morale because of the same impossible time-differences, of the

liability of paying rent on an empty apartment in Tokyo, of paying the utility charges and other bills that keep coming, and of not knowing when she will be able to return.

And so it goes for other students and trainees, Macurikova's case is in a way a lucky one, since she is on a Japanese government scholarship. There are thousands of self-supporting students and technical trainees who are affected by the re-entry ban much more harshly.

The re-entry ban has also affected those foreign residents who have stayed in Japan. Due to the impossibility of re-entering, there is anguish and anger of foreign residents who cannot go abroad as they will not be allowed to re-enter; this was reported in the *Asahi Shinbun* (July 21, 2020), as in other media. Again, interviewees wonder why, while contributing to Japanese society in the same way as Japanese nationals, foreign residents only are targeted by the entry/re-entry restrictions.

I will conclude this section with the gist from an EAJIS survey, conducted in early July this year. The full survey results are available from the EAJIS office at Free University Berlin. The message from the survey, albeit only a small sample (about 12% of EAJIS members responded), is quite clear:

- Of the 123 respondents, seventy-one (63 %) were senior academics (professors). One hundred and four (85 %) said they were affected by the travel ban, and ninety-four (77 %) of those affected are currently in Japan but feel unable to travel due to fear of being prevented from returning. Twenty-seven (22 %) said they are residents of Japan but are not allowed to return.
- In the open comments there were thirty-six answers altogether. While fourteen answers were short comments – thanking EAJIS for the survey and for taking on this issue, the twenty-two remaining comments were quite impressive in their frank assessment of the situation. Some pointed out that they feel discriminated against – after being a resident of Japan for many years (one respondent for more than sixteen years, another for more than thirty years) they felt singled out and that their human rights had been infringed upon. Others stated how the travel ban had affected their personal lives – not being able to return to Japan to

live with their families and children, or not being able to leave while having to take care of elderly family members in the country of origin.

- There were also quite a few political comments on the need for international exchange and the need to keep international programs running. One respondent wrote that his/her program only accepts foreign students – who are now unable to come to study in Japan. Others pointed out that while their Japanese colleagues can go on with their academic lives, they are prevented from attending international conferences or undertaking field work outside of Japan.
- There were also a few comments from respondents who are currently not in Japan but who would like to travel to Japan to continue their fieldwork before funding for their PhD projects runs out.

All in all, people, such as teachers, researchers or students, connected to academia are actually just one, though not negligible, segment of the 200,000 people affected by the blanket ban on entry/re-entry of foreign nationals.

Conclusions drawn from this short survey are also in line with the conclusion of the aforementioned *New York Times* article of August 5, 2020: “[...] Foreign residents who feel abandoned [...] are questioning the time and energy they spent building a life in Japan”.

#### **4. Reaction of the people concerned, academic institutions, expatriate business community**

Reactions, apart from official government and diplomatic channels, span a wide spectrum. As mentioned in the Introduction above, a courageous assistant professor from Kyushu University, Sven Kramer, in his capacity as a private person, started a bilingual petition ‘Stop the entry ban on legal foreign residents of Japan’, which, by mid August, was signed by more than 18,000 people, mostly Japanese nationals. The petition points out, as also do many media reports, the discriminatory nature of the entry/re-entry ban regarding foreign residents. They pay taxes, contribute to public medical and pension insurance programs, just as Japanese nationals do. But contrary to Japanese nationals, a large number of these foreign residents who found themselves abroad when the countermeasures were

introduced cannot return to their work or study in Japan. Moreover, those who are in Japan, with the exception of some very limited special circumstances, cannot travel abroad, or if they do, they cannot return to Japan.

As for academia, the Japan Association of National Universities (JANU) lodged a request to MEXT to lift the re-entry ban on international students, teachers and researchers, pointing out the dire consequences for the internationalization of research and study into which so much energy has been invested during the past thirty or so years (JANU July 13, 2020).

EAJIS similarly sent letters to the Japan Foundation and the Ministry of Justice, expressing grave concern regarding academic exchange between Japan and Europe, and circulated a statement with similar content among its members.

Concerned academics, among others the Vice President of Hiroshima University – Carolin Funck, the aforementioned assistant professor of Kyushu University – Sven Kramer, and also myself (as the current president of EAJIS), held an online press conference in mid-July at the Foreign Correspondents' Club of Japan (see FCCJ July 16, 2020).

On behalf of the international business community in Japan, various regional Business Associations held press conferences, as, for example, the European Business Council in Japan (see EBC June 22, 2020) at the FCCJ; statements were produced, such as the joint statement issued on August 17, 2020 by the American Chamber of Commerce in Japan (ACCJ), the Australian and New Zealand Chamber of Commerce in Japan (ANZCCJ), the British Chamber of Commerce in Japan (BCCJ) and the European Business Council in Japan (EBC) (see EBC, etc. August 17, 2020). The tone at the EBC press conference on June 22 is a bit sharper and in the joint statement, a bit milder. This is the gist of both statements:

The entry ban causes disruptions to businesses in Japan and affects their competitiveness due to the impossibility for expat businesspeople to normally conduct business activities in Japan and other countries in the region, while Japanese businesspeople face no such limitations. Therefore, the EBC requires from the Japanese government to: “immediately open the borders for long-term and permanent residents in Japan, with further

relaxations following for businesspeople and later for tourists”. And further, the joint statement, while pointing out the same problems for the business community, stresses that this policy is also “contrary to the treatment Japan receives from other G7 and other leading countries who treat long-term foreign residents equally to citizens on health matters” and concludes with the request, that for “the benefit of all [...] Japan provides foreign residents with fair and equal treatment by allowing re-entry to Japan based on the same public health protocols as Japanese nationals”.

## **5. Response from the Japanese authorities**

So far, the response from the Japanese government, i.e., Ministry of Foreign Affairs (MOFA), Ministry of Justice (MOJ) and Immigration Services Agency (ISA) under it, has been controversial to say the least.

### **5.1 Limited testing capacity as the reason for the entry restrictions.**

The reason often cited by Japanese authorities for the entry/re-entry restrictions of foreign residents is the limited capacity for PCR tests. In an article<sup>3</sup>, The *Mainichi Shinbun* (June 23, 2020 morning edition, p.9) cites an Immigration Services Agency official explaining that regarding the entry restrictions:

[...] they feel sorry for those foreign residents whose lives are based in Japan, but nothing can be done due to the limited capacity for PCR testing, so that the line [dividing those who can enter and those who cannot] has to be drawn somewhere (入国制限について「(在留外国人は)日本に生活基盤があるのに再入国できないのは気の毒だと思っている。しかし、新型コロナウイルスの感染の有無を確認する PCR 検査の能力に限りがある以上、線引きせざるを得ない」*Nyūkoku seigen ni tsuite* ‘ (zairyū gaikokujin wa) Nihon ni seikatsu kiban ga aru no ni sainyūkoku dekinai no wa kinodokuda to omotte iru. Shikashi, shingata korona no kansen no umu o kakunin suru PCR kensa no nōryoku ni kagiri ga aru ijō, senbiki sezaruru o enai’).

*Asahi Shinbun*, too, reported MOFA as saying that, concerning the relaxation of entry/re-entry restrictions, due to limited capacity for testing only about 500 persons per day will be allowed re-entry into Japan (*Asahi Shinbun Digital* July 23, 2020).

The argument that testing capacity is limited is in disagreement with the facts. As of mid-May 2020, Prime Minister Abe announced that capacity for PCR testing had reached a level of about 20,000 tests per day, increasing to 32,000 by the end of July. At the same time the number of actually performed tests was much lower, averaging between 3,000 and 4,000 tests a day, making Japan the 159th country by number of tests performed per day (*Jiji* May 15, 2020; *Yahoo news* July 29, 2020). Therefore, what we see is clearly not a technical question of capacity, but a question of political will to perform tests, or not, and to organize the testing accordingly.

## **5.2 Relaxation of entry restrictions**

Relaxation of restrictions was announced several times. A definitely positive step forward was made in June, when the MOJ announced explicit criteria on humanitarian grounds and under special circumstances for allowing re-entry of some, albeit limited, categories of foreign residents until then not able to return to Japan (*Japan Times*, June 13, 2020). The negative side being that both the categories of resident (wrongly reported in many media as covering all categories which was not the case) and the types of ‘special circumstance’ which would allow for re-admission were extremely restricted. ‘Special circumstances’ were limited to: a relative in critical condition; funeral of a relative; surgery (including re-examination); birth to a child abroad; and lastly, witness summons from a court outside of Japan.

At the end of July, *Asahi Shinbun* and other media reported that Prime Minister Abe had announced further relaxation measures covering re-entry of foreign residents with re-entry permits who had left Japan before April 3, 2020 (*Asahi Shinbun Digital* July 22, 2020). Permanent residents, spouses of Japanese nationals, spouses of permanent residents, and those with special permits were to be gradually readmitted to Japan. Additionally, about 88,000 people with other resident statuses would also be readmitted starting from August 5 on. As has been already mentioned above, due to ‘limited PCR testing capacity’, about 500 persons only would be allowed to re-enter per day.

Quick calculation shows that processing 200,000 foreign residents left in limbo abroad after April 3 this year would take 400 days, which is more than a year! Or about 180 days for the 88,000 belonging to the additional resident categories, such as students, trainees, researchers, university teachers, etc... Which again is in direct contradiction with the promise of relaxation. Without more substantial plans behind it, it could be considered a fig-leaf expedient, just information launched to temporarily alleviate international criticism of the Japanese government's discriminatory treatment of foreign residents.

Further, inspection of MOFA HP concerning 'Re-entry of foreign nationals with the status of residence', dated August 17, 2020 (MOFA Re-entry of foreign nationals), revealed that the resident categories approved to apply for re-entry were still limited to:

Permanent Resident, Spouse or Child of Japanese National, Spouse or Child of Permanent Resident and Long Term Resident (including the spouse of a Japanese national or Japanese child who does not have these statuses of residence; the same applies hereinafter) who previously could re-enter Japan without any extra requirement. The relaxation is only applied to those who have left Japan with a re-entry permit before the day when the country/region where such foreign nationals are currently staying was designated as an area subject to denial of permission to entry into Japan (2nd of April is applied as a cut-off date for the countries and regions where such designation took place before the date).

Meaning that 88,000 residents belonging to additional resident categories such as students, trainees, researchers, university teachers, etc. were, at the time, still not included.

Finally, on August 21, 2020, NHK (*NHK News web* August 21, 2020), and based on it *Japan Times* of the same day along with *Asahi Shinbun* and other media mostly a day later, citing government sources, reported plans for a further relaxation of entry/re-entry restrictions targeting foreign residents stranded abroad to start in September. According to this report foreign residents could return from abroad without any additional permits, presumably on the same conditions as Japanese nationals, i.e., having a PCR test upon arrival and two weeks of self-isolation. To

accommodate the number of incoming residents, testing capabilities at the major airports were also to be expanded to 10,000 tests per day.

These measures are, at the time of writing in mid-September 2020, actually implemented. But the discrimination of foreign residents is still there. They alone must take a COVID-19 test prior to departure for Japan which must comply with Japanese standards, and in the event that the second COVID-19 test taken upon arrival in Japan is positive, foreign residents, again contrary to Japanese nationals, are denied re-entry.

### **5.3 An example of government power discourse**

Concerning the relaxation of entry/re-entry restrictions, controversial statements made by Motegi Toshimitsu, the previous and the present Foreign Minister, at press conferences about a month apart, are in a way typical of the government's attitude.

On July 21, 2020, as Japan's Minister of Foreign Affairs, Motegi Toshimitsu held a press conference (MOFA Press Conference July 21, 2020) to address the measures taken against the spread of COVID-19, including the question of entry/re-entry restrictions for foreign residents. Answering the *Radio France* reporter Karyn Nishimura's question spoken in Japanese concerning foreign residents who cannot return to Japan, Foreign Minister Motegi started with the following disqualification:

[...] at the beginning, I thought I heard you say 'oil producing countries' [*san-yu-koku* 産油国] but I understand now that your question is about re-entry [*sai-nyūkoku* 再入国].

(Taken from the MOFA English version of the transcript)

Checking the video of the press conference (MOFA Press Conference Video July 21, 2020), it turned out that the pronunciation of the reporter was clear enough and easily understood as *sai-nyū-koku*, i.e., 're-entry'.

Concerning the relaxation of entry/re-entry restrictions, Foreign Minister Motegi continued:

[...] if we look at the EU now, it has lifted restrictions on thirteen countries outside the Schengen area. Also, in terms of which people are allowed to travel, that is according to the policy of each country. For example, there are countries with a high need for tourism that allow travel by people including tourists. Many countries are allowing travel in order of priority, as people related to business first, then overseas exchange students, and finally tourists and regular people. I, too, am checking the situation of infections around the world as well as relaxation of travel restrictions in various countries every day.

(Taken from the MOFA English version of the transcript)

And in reply to Nishimura's pointing out that Japan's restrictions are 'unusual', 'uncommon' (*ijō* 異常), he said:

It is certainly not the case that Japan is 'abnormal'. I believe it is absolutely not true that only Japan is abnormal. We must prevent the spread of the novel coronavirus. If you think it does not matter how much the infections would spread, then you and I are thinking differently.

(Taken from the MOFA English version of the transcript)

As Foreign Minister Motegi pointed out, all the countries of the EU allow movement of people at their discretion. Which indeed is their sovereign right. However, he conveniently glossed over the fact that these countries all treat foreign residents the same way as their own nationals. Further, he categorically denied that Japan's restrictions are 'abnormal'. In this context, actually 'unusual', 'uncommon' is more suitable than the 'abnormal' given by MOFA as a translation of the original *ijō* 異常. As Motegi says, Japan indeed is not 'abnormal', but in the light of other G7 and OECD countries, Japan's restrictions are definitely unusual and uncommon, being contrary to the international norm.

The following press conference Motegi held on August 28, 2020 (MOFA Press Conference English translation August 28, 2020), caused quite an uproar because of his repeated highhanded attitude towards foreign correspondents.

This time, it was Magdalena Osumi from *Japan Times*, asking, in Japanese, two questions about the relaxation of re-entry restrictions and about the scientific basis of “the background for restrictions on entering Japan particularly aimed at foreign residents of Japan”.

At first, Motegi gave a kind of general answer concerning the first question without answering the second. Upon insistence by the correspondent, Motegi started answering the second question in English. After Osumi protested that she asked the question in Japanese and expected the answer to be in Japanese, he answered in Japanese that the question should be directed at the Immigration Services Agency, as it is they who have jurisdiction over the issue. In the end, he added patronizingly: “Did you understand? Did you understand my Japanese?”, which caused the uproar in certain Japanese media and on social networks.

To the repeated question concerning the scientific basis for different treatment of foreign residents, asked at the press conference on September 4, 2020, this time by the Japanese correspondent Uematsu of *Shukan Kin'yobi* (MOFA Press Conference September 4, 2020), Motegi again evaded giving a clear answer by explaining that the decision on how to handle foreign nationals is the sovereign right of every country.

Motegi’s strategy in all these cases is the same. To avoid answering unpleasant questions, he is denying, from his position of power, a correspondent’s competence to communicate in Japanese and thus denying the legitimacy and relevance of his or her questions, as in the case of the two foreign correspondents. This is a rather common strategy in power discourse, reported, among others, in Bourdieu (1991). Or, as in the case of *Shukan Kin'yobi*, Motegi, again from his position of power, simply provided an irrelevant answer empty of content. Thus, in all three cases he evaded his responsibility of explaining government actions to an interested populace.

## **6. Coexistence with foreigners**

As Sato (2019: 634~) pointed out, Japanese small and medium enterprises, suffering a severe lack of manpower due to the low birth-rate, lately joined also by major companies, addressed Abe’s government to find a systematic solution by

providing a framework for employing foreign manpower. In response, the government came up with the much advertised program of ‘Coexistence with foreigners’ (*gaikokujin to no kyōsei* 外国人との共生), also fitting into the wider program of revitalization of Japanese society through ‘Community-based Society’ (*Chiiki kyōsei shakai* 地域共生社会) (MHLW February 27, 2017). To attract foreign manpower, laws regarding immigration of workers were revised and a lot of effort was poured into establishing an environment capable of absorbing new arrivals and of helping them integrate into local society (Sato 2019: 634~). This can be seen as an extension of a much longer effort towards ‘internationalization’ (*kokusaika* 国際化), which has been around since the mid-1980s. Representative of this effort is former Prime Minister Nakasone Yasuhiro’s goal to increase the number of foreign students to 100,000, later expanded to 300,000, a goal that was achieved in 2010 (The Japan Association of National Universities 2019). Japanese universities have during the last twenty-five or so years made great efforts to constantly increase the number of foreign teachers and researchers and have worked hard on student exchange with partner universities. A great amount of effort has been invested also by local communities, especially by volunteers, into supporting newly arrived foreign residents through various programs, including teaching of the Japanese language, as reported by Sawada (2019), among others.

In light of these continuous efforts and endeavors, it is indeed difficult to imagine how the Japanese government, the only one among the G7 and OECD countries, ended up with entry restrictions which were destroying, not just the past five or ten years of work, but the results of at least a quarter of a century of continuous hard work on internationalization. Is it really, as *Asahi Shinbun* put it in its editorial from June 8, 2020, that:

The pandemic has revealed the shallowness and cheapness of the government’s slogan of ‘coexistence with foreigners’ [...]

Were ‘Internationalization’ and ‘Coexistence with foreigners’ really just shallow slogans? Were all the efforts of people and institutions who took the slogans seriously made just to be thrown away at the slightest pretext?

Actually, such response of the powers that be, directed towards the weak, is not unexpected. In the EU it manifests itself mainly through increased propaganda from

the right and in many cases, also in the accompanying restrictions against refugees from the Middle East and other crisis centers. One typical example is the conservative Višegrad group of countries (after the change of Slovene government in March 2020 the new government alas also joined the group). In the USA, as revealed by Bob Woodward's recent book on President Trump *Rage*, it is the President's intentional misleading of the population, resulting in irresponsible policies to control the spread of the coronavirus (reported in *New York Times* September 10, 2020 printed edition). Or in the case of India, where the government of Prime Minister Modi is blaming the Muslim population for spreading the virus (*Washington Post* April 24, 2020). The list goes on and on.

Sato (2019: 634~) also points to the then Prime Minister Abe's contradictory position in this respect. On one hand the necessity to secure a work force for the economy to be able to continue running without impediment, and on the other hand, the need to placate conservative supporters who do not necessarily view this opening up to the immigration of foreign manpower in a favorable light.

Perhaps it is this contradiction that influenced the decision on foreign residents, that they are first of all just foreigners, to be kept out at any price to prevent the spread of the epidemic. And this before considering that these same foreigners as residents also equally contribute towards Japan's society as a whole, with duties equal to those of Japanese nationals, and, one would expect based on this, also with rights reasonably equal to those of Japanese nationals.

The Japanese government's treatment of entry/re-entry for foreign residents is legal in the internal, narrow sense of sovereignty. But, in the light of the Japanese Constitution, and of all the international agreements pertaining in one way or another to human rights, of which Japan is co-signatory, there remains a grave question of its legitimacy. Contrary to what Foreign Minister Motegi stated, these measures do make Japan a black sheep, the only country in the community of developed countries such as the G7 and OECD, to discriminate against its foreign residents. Therefore, the question of legitimacy of the entry/re-entry ban becomes even more apparent.

There is also the additional question of the arbitrarily and unilaterally abrogated rights of foreign residents who were denied re-entry: their rights to medical

treatment and social care stemming from their compulsory membership in the Japanese public programs of medical and pension insurances. This is an aspect of the problem that has not received much attention in the media, but is, in a sense, crucial. It shows the total lack of responsibility of the government of a law-governed state (*hōji kokka* 法治国家) regarding its obligations towards a segment of its residents and contributors to society. At the time of writing, it is now five months since these residents, stranded abroad because of the measures, have been left with no medical insurance protection.

And lastly, apart from the legal aspect, the countermeasures were and to some extent even after the relaxation, still are in total disregard for the human aspect of their consequences. Distress of residents who did everything to reach their places of work and schools in Japan after the beginning of the epidemic, only to be sent back to their countries of departure, often after harsh treatment, distress of those for whom the inability to return to Japan shattered all or part of their present lives and future life plans ...

## **7. Conclusion**

Apart from the more universal issues regarding the use and abuse of power in times of crisis, and conversely of the potential for solidarity, perhaps, in our case here, there is also the question of Japan's Government understanding what is actually in the interest of their own country. Like it or not, nowadays, successful production of knowledge and production of goods all depend on international cooperation. As has been stressed in media reports, in appeals from Japan Association of National Universities, by outspoken academics and by numerous other voices, in spite of the efforts towards opening Japanese society and academia, because of the damage done to people affected by the discriminatory nature of COVID-19 countermeasures, such as the re-entry ban, Japan will cease to be seen as an attractive destination by young talented people in the future. Combined with the declining birth-rate this does not bode well for Japan's future.

Yet I strongly hope that there is still a chance to mend the damage, and that Japan can advance to be an open and vibrant member of the international society.

- <sup>1</sup> Typical media titles are, as for example the Asahi Shinbun Editorial of June 8, 2020, コロナ水際対策、「外国人」差別の理不尽 (*Korona mizugiwa taisaku 'gaikokujin' sabetsu no rifujin*), translated in the English WEB edition of June 20, 2020 as Re-entry ban makes mockery of Japan's slogan of 'Coexistence with foreigners'; or similarly, *Face à l'épidémie de Covid-19, la rechute d'isolationnisme du Japon* (In the face of the Covid-19 outbreak, Japan relapses into isolationism) in the French magazine Challenges; and Japan's Locked Borders Shake the Trust of Its Foreign Workers in The New York Times of August 5, 2020.
- <sup>2</sup> His resident status is 'Engineer/Specialist in Humanities/International Services' (技術・人文知識・国際業務, *gijutsu, jinbun-chishiki, kokusaigyomu*)
- <sup>3</sup> Novel coronavirus: uproar because of the re-entry ban to Japan, a barrier to international students, exchange and research, danger of becoming isolated from the world (新型コロナ 日本の再入国禁止、波紋 留学生ら、交流・研究に壁 研究者「世界から孤立の恐れ」 *Shingata korona: Nihon no sai nyūkoku kinshi, hamon, ryūgakusei-ra, kōryū kenkyū ni kabe kenkyūsha 'sekai kara koritsu no osore'*)

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