

Strongly Appeal Against the Japanese Government's Refusal to Issue Visas to Overseas Participants in IGF Kyoto

JCA-NET

2023/12/20

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To:

Mr. Fumio Kishida, Prime Minister of Japan
Minister of Justice, Mr. Tatsuji Koizumi
Minister of Foreign Affairs Yoko Kamikawa
Minister of Internal Affairs and Communications
Mr. Taro Kono, Minister of Digital Media

From:

JCA-NET Board of Directors

1. Specific cases of visa refusal

At the [Internet Governance Forum \(IGF\)](#) held in Kyoto from October 8 to 12, 2023, there were several cases of visas not being issued to overseas participants to enter Japan (hereinafter referred to as "visa refusal"). The following are some of the cases that JCA-NET has been aware of.

- Japanese embassies in some African countries requested bank balance certificates and, in some cases, proof of the house where they were staying, even in the case of participants receiving financial assistance from the UN Department of Economic and Social Affairs, which serves as the IGF's secretariat. In some cases, even after submitting these documents, the visa was denied without giving any reason.
- There have been cases where a visa was refused to be issued even though the applicant had the necessary invitation letter and met all the formal requirements. There have been several cases in which the applicant filed an appeal with the Japanese consulate against the decision to deny the visa, but the appeals were rejected.

We assume that there are other cases that we are not aware of. We do not know how many people were prevented from participating in the IGF.¹

JCA-NET strongly protests the Japanese government's refusal to issue visas to IGF participants, regardless of the reason, and demands that the Japanese government publicly apologize to the parties and all stakeholders of the IGF.

2. The Fundamental Nature of the IGF and the Responsibilities of the Japanese Government

The IGF is a United Nations-sponsored conference, and as this year's host country, the Government of Japan is also responsible for the successful implementation of this conference. The host country is responsible for managing the conference with the utmost respect for the IGF as a "[global multi-stakeholder platform](#)".

About the IGF, the official [web](#) site describes the IGF as follows.²

The IGF [also] gives stakeholders from all countries, including developing countries, the opportunity to engage in the debate on Internet governance and it contributes to capacity building, allowing these stakeholders to build knowledge and skills that will facilitate their participation in existing Internet governance institutions and arrangements. Ultimately the involvement of all stakeholders, from developed as well as developing countries, from governments to international organisations, from the private sector to the civil society, is necessary for advancing dynamic public policies in Internet governance.

The Japanese government is responsible for preparing the conference based on the above principles. In other words, the Government of Japan is obligated to guarantee the right to participation from civil society on an equal basis with government representatives and others. In particular, guaranteeing participation from civil society in the Global South is a priority issue. The denial of visa issuance is an act that undermines the democratic and open forum for discussion at the IGF itself, and is contrary to the principles of the IGF.

3. The Importance of the Right to Participation to a Fair Discussion Forum

Even though the IGF is an important conference, there are vast numbers of people in the global Internet community who cannot afford to cross borders to participate in international conferences. The denial of entry to one participant is tantamount to silencing the voices of the tens or hundreds of thousands of people he or she represents. Moreover, taking into account that government and business persons are allowed to enter Japan, the Japanese government's refusal to issue a visa is an act that undermines the conditions of a multistakeholder and undermines the fairness of the discussion space itself. In this sense, Japanese government is extremely responsible.

The denial of visas causes irreparable disadvantages not only to the parties prevented from participating, but also to all participants. This is because various discussions and exchanges that would otherwise have been possible were prevented. Imagine an international sports match. If visas

1 Below are remarks from IGF participants referring to cases where visas were not issued; IGF 2023 - Day 4 - Open Mic - Taking Stock - RAW <https://www.intgovforum.org/ar/content/igf-2023-%E2%80%93-day-4-%E2%80%93-open-mic-taking-stock-%E2%80%93-raw>

2 October 13, 2023. <https://web.archive.org/web/20231013185626/https://www.intgovforum.org/en/about#about-igf-faqs> The description has now been changed.

were not issued to some of the players scheduled to participate because of the host country's intentions, that team would not be able to participate in the match or play as they should. The unfairness of denying visas is obvious.

4. Japanese Government's Response Violates IGF's Code of Conduct and the Constitution of Japan

The refusal to issue visas, such as this one, is in violation of the IGF's [Code of Conduct](#). The IGF's Code of Conduct clearly states the following

Treat all members of the IGF community equally, irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age, or sexual orientation; all stakeholders of the IGF community should treat each other with civility, both face to face and online.

Discrimination by the host country in the issuance of visas regarding the entry of participants is a complete violation of the Code of Conduct, which stipulates that "Treat all members of the IGF community equally". This violation of the Code of Conduct is extremely serious and we condemn the Japanese government in the harshest terms.

The Japanese government's refusal to issue the entry visa is also in violation of the Japanese government's obligation to comply with the Constitution of Japan. The Constitution clearly states the following.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

The refusal to issue a visa is meant to deprive a party of his or her freedom of speech and expression. Furthermore, Article 14 of the Constitution prohibits the government from discriminating in political, economic, and social relations on the basis of "race, creed, sex, social status, or family origin". The denial of visa issuance is a discriminatory measure that also violates this constitutional principle, and we cannot tolerate it.

5. The Japanese government tried to use the IGF for its national interest, not for a global multi-stakeholder platform.

We would like to mention the political use of the IGF by the Japanese government, which is behind the refusal of visa issuance.

The Japanese government repeatedly emphasizes "the development of the free and open Internet which leaves no one behind."³The Japanese government has acted inconsistently by saying that "no

3 There are several references to the IGF in the ministerial statement of the G7 Digital Ministerial Meeting this spring. For example.

"We strongly support and promote an inclusive multi-stakeholder approach to Internet governance. We strengthen our support for the UN Internet Governance Forum (IGF) as the leading multi-stakeholder forum for discussing Internet policy. We commit ourselves to a concerted effort to ensure the success of IGF2023 in Kyoto, Japan, including strengthening our partnerships with domestic, regional, and global stakeholders." https://www.soumu.go.jp/main_content/000879093.pdf

In his opening speech, Prime Minister Kishida said, "I am convinced that the Internet must remain open, free, global,

one will be left behind" but refusing to issue visas to participants in the conference. In the first place, the Japanese government's "free and open Internet" is merely a paraphrase of the "Dependable Free Flow of Data (DFFT)" that the Japanese government promotes. DFFT is a policy based on national interests advocated by then Prime Minister Shinzo Abe at the World Economic Forum in January 2019 and included in the leaders' declaration at the G20 in June 2019.⁴

The Japanese government's information and communications-related diplomacy has never seriously addressed the growing problem of Internet shutdowns and censorship in the Global South. Nor has it ever adopted a policy that emphasizes open source over intellectual property rights. In Gaza, which is currently suffering from a serious genocide, Israel has controlled the Internet for years, even before October 7. The Japanese government has not even attempted to support an open and free Internet in Gaza. The "free and open Internet where no one is left behind" is propaganda without substance. And the DFFT is a geopolitical framework to maintain the existing system of exploitation of data in the Global South by ICT multinationals in developed countries, including Japan, while at the same time defending the system of global surveillance capitalism with the 5eyes+ countries. The Japanese government was only interested in using the IGF for national policy and did not understand the significance of multi-stakeholder in the first place, and as a result, took an irresponsible approach to the entry of participants from the Global South.

6. Japan has set a bad precedent for government involvement in the IGF process.

The IGF is held annually in some country. The host country must fulfill its responsibility to ensure space for participation and free speech for all parties, including visa issuance. The host government should not use the IGF for its own national policy or interests. The host country should not allow special speeches by the host country's leaders or others, or allow the host country to set up meetings with privileges. Even the host country should be on an equal footing with the other participants, and should be committed to providing places for open discussion. This is the minimum requirement for an inclusive multi-stakeholder approach in Internet governance.

We are concerned that the IGF will continue to be used for national policy and privileged use of the meeting spaces, as is the case with the Japanese government. We must not allow participation from outside the country to be restricted, or the free speech and actions of domestic activists during the conference to be suppressed after the conference is over. If such host country behavior is allowed to continue, the IGF will undermine the inclusive multi-stakeholder approach at its core. This is a serious problem for civil society participation in Internet governance. The Japanese government's management of this IGF sets a bad precedent. In this sense, the Japanese government bears a great deal of responsibility.

7. Regret as an organization in Japan

JCA-NET participated in the IGF. In addition, leading domestic organizations related to the Internet and information and telecommunications have also participated in the IGF, partly in coordination with the Japanese government. Despite this, the worst-case scenario of refusal to issue visas to participants from the Global South could not be prevented. This shows that not only the Japanese government, but also Japanese civil society did not fully understand the importance of participation

interoperable, secure, and trustworthy in order to promote reliable and free data distribution (DFFT) and to continue contributing to human development ". https://www.kantei.go.jp/jp/101_kishida/actions/202310/09igf_opening.html

Digital Minister Kono also participated in the IGF to promote the international framework approved by the G7 to materialize the DFFT. <https://www.digital.go.jp/news/aa61bed1-1c3e-4247-bb8c-d748010d9ea1>

4 <https://www.digital.go.jp/policies/dfft/>

from the Global South and its multi-stakeholder significance. It is also evidence that Japanese civil society has not been able to play a sufficient role in monitoring the government's activities.

JCA-NET was informed of the visa denial by APC, but failed to take adequate action. As a result, many of our friends were unable to enter Japan, and JCA-NET could have negotiated with the Ministry of Foreign Affairs and the Ministry of Internal Affairs and Communications from within Japan in advance. We sincerely apologize for our inability to take sufficient action in spite of our efforts. In the future, there is a possibility that similar refusals to issue visas to participants from abroad at international conferences and other events may occur.

For inquiries about this statement, please contact
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