

Lawsuit by naturalized American rejected

Fukuoka court upholds dual nationality ban

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The Fukuoka District Court ruled Wednesday that Japan's law that bans dual nationality is constitutional, rejecting an argument by a Japan-born plaintiff who lost her Japanese citizenship after she naturalized as an American.

Yuri Kondo, 76, had argued that the nationality law — which stipulates that Japanese nationals will lose their citizenship if they become a citizen of a foreign country — undermines fundamental human rights to pursue happiness, self-determination, and identity, as guaranteed under the Constitution.

While the nationality law was deemed constitutional, presiding Judge Fumitaka Hayashi said the wish of the individual who would lose their nationality should be considered as it is part of a person's identity.

Hayashi also touched on the fact that since the nationality law was last revised in 1984, the number of countries allowing dual nationality has increased from one-third to three-quarters worldwide, reflecting a change in global attitudes.

"It is worth considering allowing individuals to remain dual nationals and giving them a certain period of time to choose a nationality, as proposed by the plaintiffs," said Hayashi.

Born and raised in Japan, Kondo spent nearly four decades working and raising a family in the United States. She became a U.S. citizen in 2004.

After traveling back and forth between her home countries with both nationalities for years, she was flagged as being a dual citizen in 2017 — first at a passport office in Tokyo, where her passport was confiscated and her application rejected, and then by airport immigration officials when they realized she was exiting Japan with an American passport that had no entrance stamp.

Today, Kondo only has an American pass-

port. She hasn't reapplied to renew her Japanese one, fearing it would be denied again. However, she still retains her Japanese family registry and she also hasn't received any follow-ups from the government asking her to formally withdraw one of her nationalities.

Kondo returned in 2020 at the start of the COVID-19 pandemic and has remained in Fukuoka ever since. She feared she might not be able to return to Japan if she left and now fears that she'll face punishment for overstaying while her citizenship status remains in limbo.

During her time as a lawyer in the U.S., Kondo was consulted by many Japanese people living overseas facing similar situations. So, in hopes of advocating not only for herself but for many others too, she filed the lawsuit in 2022 questioning the constitutionality of the nationality law, its lack of procedure and the harm it's caused to people who have Japanese roots.

After hearing the Fukuoka court's ruling Wednesday, Kondo admitted she felt a bit deflated.

"In a way, I thought 'Again?'" she said, referencing a recent ruling by the Supreme Court upholding the dismissal of another dual nationality case filed in Tokyo.

Kondo questioned the part of the ruling where it was stated that Japan permits the opportunity to choose a nationality. Many people — including those from whom she receives emails for consultation — are unaware that choosing another citizenship means they will automatically lose their Japanese citizenship, as in her case, she said.

Japanese law prohibits citizens from having more than one nationality after the age of 20. But when it comes to the requirements and enforcement surrounding those rules, the process is murky at best.

In September, the Supreme Court dismissed an appeal on a separate dual nationality case, involving eight plaintiffs currently living in Europe, which questioned the law's constitutionality.

COMPLIANCE COMPLICATIONS



Activists participate in a demonstration against fossil fuels, during the United Nations COP28 talks in Dubai on Wednesday. Restrictions on speech and protest in the United Arab Emirates are complicating U.N. approval of an Amnesty event demanding the release of Emirati political prisoners, the group's secretary-general said. Story: page 5 REUTERS

PM in damage control mode over funds

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As a growing scandal over slush funds involving the ruling Liberal Democratic Party intensifies, Prime Minister Fumio Kishida has turned to damage control, asking party executives on Wednesday to refrain from hosting fundraising events "until the party clarifies its efforts to restore the public's trust."

After a meeting with party executives, Kishida emphasized the need to address the matter with a sense of urgency, as the scandal has dented the public's confidence in elected officials.

"We will continue to reflect on and take necessary measures as a party as we gain a better understanding of the situation," Kishida told reporters, adding that he had called on factions to avoid hosting year-end and New Year's holiday parties.

Until now, Kishida — LDP president and the leader of the party's fourth largest faction — had yet to disclose concrete details of the LDP's response to the allegation, sim-

ply pointing out the need to tackle the issue as a party.

The prime minister has avoided any explicit mention of when the issue may be resolved, but his latest moves come as new allegations surface by the day, hinting at a growing sense of alarm within the administration.

The LDP's five largest factions were first found to have underreported their use of funds late last month, and the scandal has shown no signs of abating. At the moment, a special team from the Tokyo Public Prosecutor's Office is conducting an investigation into the mismanagement of income earned through tickets sold for fundraising parties.

The faction that was led by former Prime Minister Shinzo Abe was suspected of paying out income exceeding a certain quota to individual lawmakers without reporting it, while the faction headed by former Secretary-General Toshihiro Nikai has come under fire for failing to report the extra income as faction revenue.

According to the latest reports, instead of returning income collected in excess to

their own faction, over 10 lawmakers in the Abe faction retained it for themselves, with the sum reportedly topping ¥10 million for some of them. The money amounts to unreported slush income and has become the subject of a criminal investigation.

The secretaries of some of the Abe faction lawmakers have already been questioned by the police and the lawmakers themselves may face further investigation if the probe deepens in the upcoming weeks.

The Constitution states that lawmakers cannot be arrested during an ongoing session of parliament, but there's no specific regulation on conducting an investigation. The current session of parliament is scheduled to close on Dec. 13.

Since the onset of the investigation, Chief Cabinet Secretary Hirokazu Matsuno, a member of the faction's steering committee and former secretary-general of the Abe faction, has evaded questions over his responsibility on the matter, saying that as the government's spokesperson he's not in a position to comment on an ongoing investigation.

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NEW NAMES MAKE WAVES
Wild 2023 could be the storm before the calm | PAGE 10

Biden confirms all eight crew dead in Osprey crash in Japan

JESSE JOHNSON
STAFF WRITER

All eight service members aboard the U.S. military Osprey CV-22 aircraft that crashed into waters off southwestern Japan are believed dead, the Pentagon and White House said Tuesday, making it the aircraft's deadliest-ever accident.

The crash — the first fatal accident involving an Osprey in Japan — has rekindled concern over the aircraft's safety, with Japan's defense chief saying that concerns have yet to be allayed despite a halt in operations of the crashed aircraft's unit.

U.S. President Joe Biden said Tuesday in Washington that he and his wife were "heartbroken" over the loss of the service members, and that the search-and-rescue operation had ended "after an extensive and weeklong effort" following the Nov. 29 crash in waters off Kagoshima Prefecture's Yakushima island.

"Our service members and their families are the backbone of our nation. We owe them everything, Jill and I are praying for the families and friends who lost a loved one in this terrible accident," Biden said in a statement, thanking Japan for its assistance in the hunt for the Osprey and the ongoing recovery effort.

"Our entire nation mourns this tragic loss," he added.

Earlier, the U.S. Air Force Special Operations Command said that the transition from rescue to recovery operation meant "that survivors are unlikely," and that the recovery would "now focus on locating and recovering all remains and aircraft debris."

It said that, of the eight crew members — who were all in their 20s and 30s — the remains of three had been recovered, while those of another three had been located and were in the process of being recovered. The remains of two other crew members have yet to be found.

"Personnel and assets across five military branches alongside our Japanese allies supported the search and rescue operations and will continue to support recovery operations," the command added.

In a letter to Biden, Prime Minister Fumio Kishida said Wednesday that he was "deeply saddened" by the tragedy and expressed his condolences.

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An unclear future
After troubled sale, the prospects for Sogo & Seibu remain uncertain | BUSINESS, PAGE 3

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Japanese buyers snap up buildings overseas

LISA DU
BLOOMBERG

Japanese investors are spending the most in two decades to buy up properties overseas, undeterred by the global real estate slump and the yen's decline to a 50-year low.

A Manhattan skyscraper, data centers in Toronto and office buildings in London are among the assets that Japanese companies and pension funds have scooped up this year. Flush with cash and in the only developed economy with access to rock-bottom financing rates, their purchases are giving some relief to the market as rising office vacancies and interest rates keep other buyers away.

"They see a window of opportunity at the moment in which they can be more competitive," said Alex Foshay, head of real estate firm Newmark's International Capital Markets Group.

Japan-sourced capital has accounted for \$7.4 billion of global commercial real estate transactions so far in 2023, more than three times the annual average in the past 15 years, according to MSCI Real Assets. Spending on that scale from Japan has rarely been seen since



the late 1980s, when the nation's asset bubble fueled purchases of iconic places such as Rockefeller Center and Pebble Beach Golf Links.

Brokers say their Japanese clients want to continue spending money overseas, particularly in the United States, Australia and India. Most are taking a long-term view to diversify income given low returns in Japan. They see attractive prices stemming from the real estate downturn, even as the yen's weakness reduces purchasing power.

The investment boom is being partly

The building at 245 Park Avenue, which housed the headquarters of Bear Stearns in the 1980s, in New York. Mori Trust bought a 49.9% stake in the building from SL Green Realty in June. BLOOMBERG

fueled by companies that allocated capital for overseas real estate before the pandemic, said Hiroyuki Takayama, director for cross-border transactions at Cushman & Wakefield in Tokyo. While those firms were unable to travel and evaluate targets during the COVID-19 crisis, this year's return to normal has unleashed dry powder.

In a deal that helped put Japanese buyers back on the map, Mori Trust bought a 49.9% stake in 245 Park Avenue — a skyscraper behind Grand Central Station in Manhattan — from SL Green Realty for about ¥100 billion (\$680 million) in June.

"Our strength is that we have a good financial base," said Miwako Date, chief executive officer of the closely held developer. "Even for investments of ¥100 billion, we can raise our own funds without gathering investors and quickly execute."

Mori Trust began to expand internationally in 2016 to diversify into stable markets with growth potential. The Tokyo-based firm zoned in on the U.S., acquiring a handful of office buildings around Boston and Washington.

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