

ARTICLE

Policy change making the biggest Corporate Philanthropy in Japan: Yamato Welfare Foundation and “the service-related philanthropy” (SRP)

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Abstract

The purpose of this paper is to examine impacts on corporate philanthropy by Japan's radical reforms on foundations, taking an example of the corporate philanthropy program by the Yamato Welfare Foundation and Yamato Holdings, during recoveries of the Great East Japan Earthquake 2011. The aim of the Japan's reform on foundations that has been first revised in 110 years since establishment of Civil Code 1896 is to abolish unclear discretionary regulations by ministerial agency. The new reform has launched Public Interest Corporation Commission that plays similar roles as the Charity Commission in England and Wales. The Commission encouraged all the foundations to react the recovery of the Great East Japan Earthquake in 2011. As the result, the amount for the Yamato's philanthropy reached a total of approximately 1,423,600 Million JPY (172 million US dollars). This is some 41.8 percent of pre-tax profits of Yamato Holdings.

Key Words: Public Interest Corporation Commission, cause-related marketing, service-related philanthropy, Corporate Philanthropy, the Great East Japan Earthquake

I . purpose of the paper

The purpose of this paper is to examine how policy changes impact on corporate philanthropy, taking one example of the corporate philanthropy program by Yamato Holdings in Japan.

Yamato Holdings, one of Japan's leading delivery companies had launched “ten JPY

(approximately US\$1.13)¹ for every parcel we deliver” initiative program during recoveries of the Great East Japan Earthquake 2011(Yamato Holdings 2012). The average income per the parcel they call *“Ta-Q-Bin”* is only 620JPY (Yamato Holdings 2012). Their company-sponsored foundation² named the Yamato Welfare Foundation received the donation and pass through the organizations in damaged area.

As the result of the campaign, Yamato Holdings gave 14,236 Million JPY (US \$172 million), some 41.8 % of pre-tax profits. And all giving was tax deductible from their corporate income (Yamato Holdings 2012 b).

The Yamato’s philanthropy is much similar with the cause-related marketing(CRM) superficially. CRM is usually viewed as a marketing program with two objectives: to improve corporate performance and to help worthy cause (Varadarajan & Menon 1988). The success of the American Express Company’s CRM to the Statue of Liberty-Ellis Island Foundation was a trigger of the same kind of corporate activities (Kropp, Holden&Lavack,1999.Ross, Stutts, & Patterson, L. 2011).

Even though Varadarajan & Menon definitely define the CRM is the marketing activities, they point out “the distinct feature of the CRM is the firm’s contribution to a designated cause being linked to customers’ engaging in revenue-producing transactions with the firm” (Varadarajan & Menon 1988:P.60).

Yamato’s activities can be identified with “the firm’s contribution to a designated cause being linked to customers’ engaging in revenue-producing transactions with the firm”. In this paper, two points are discussed. Firstly, Yamato’s program is considered neutrally. It might not be questionable whether it is “marketing or not”.

The second point is that the relation between the program and a new Japanese policy change of the nonprofit organizations. Japan was considered as policy with poor tax treatment for philanthropy (London 1991).

Even US that is supposed to be a big philanthropy nation can allow corporations to deduct up to 10 % of pretax income. The giving equivalent to 41.8% of pretax income by the Yamato is the miracle donation as corporate philanthropy even in the world context. This paper explores how this corporate giving can be done and why all the amount of their giving was tax deductible.

II . The old legal system before 2006

II . 1. Legal system

The first of all, the paper reviewed the old legal system in Japan. The old Japanese

nonprofit legal system in 1896 was affected by the German Civil Code, but developed differently from the original country. The article 34 of the old Civil Code in Japan; *“any association or foundation relating to any academic activities, art, charity, worship, religion, or other public interest which is not for profit may be established as a juridical person with Kyoka (the permission) of the Shumukancho(competent agency)”* in 1896(Deguchi 2014). Corporations under article 34 of the Civil Code were called Public Interest Corporations (PICs) as legal term in the Japanese context. In short, Associations and foundations as nonprofit organizations were “permitted” to be established by “the competent agency” which means each ministerial government. Because of very few stipulations of the Civil Code, the competent agency was considered to have strong discretionary power to permit establishment of the nonprofit corporations and to oversight them. In addition, Japan had no legal space for both nonprofit and non- public-benefit organizations, and had only “public interest” corporations until 2001. There were no ways for mutual organizations to be incorporated. The competent agency had taken policies from hard to flexible to give legal personality to nonprofit organizations with any purposes during long history. As the result of this there were mixtures of for pure public interest and for mutual organizations (Moriizumi 1977; Tanaka 1980; London 1991).

Furthermore, the competent agency had a power within their competency. They have narrow scope and vertical relation to the PICs.

This legal system was referred as “permission system by the competent agency”, and much criticized. Therefore the Japanese government decided to reform PIC system radically according to the criticism below.

1. Under the permission system, competent agencies have strong discretion to give permission for the establishment of PICs.
2. Oversight and control by the competent agencies is the vertically structured and complex.
3. It is insufficient for PICs to disclose information.
4. It is ambiguous that criteria to judge whether purpose of a corporation is for the public interest or not,
5. It is no legal procedure to dissolve a PIC that has stopped the public interest activities, and
6. PICs do not have proper governance.

(Expert Meeting 2004)

III. New Legal System and tax policy

III. 1. Legal system

The new legal system has been enacted in 2006 and enforced in 2008. It is Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations (Act No. 49 of 2006: "AAPI").

Japan has launched third party independent determination like Charity Commission in England and Wales (Deguchi 2010). That is to say, "permission system by the competent agency" was abolished. The Japan's Commission named the Public Interest Corporations Commission (PIC Commission) has launched in 2007 and stipulates guideline and accounting standard³.

The Old PICs had to re-register as one of the two categories: the new PICs, pure Public interest Corporations with firm governance, and the General Corporations, general nonprofit corporations including mutual aims with less governmental oversight. They were given 5 years between 2008 and 2013 to apply the PIC Commission, and the Commission had authorized the Old PICs into new PICs or General Corporations. There were 24,313 PICs before the reforms. They have changed 8,822 new PICs and 11,133 new General Corporations. 3,581 old PICs are merged or perished (Cabinet Office 2014). All the new PICs can enjoy tax exempt and tax deductible status, according to a new tax system correspondent to a new legal system.

III. 2. Tax incentives for corporate donors

Tax system of corporate philanthropy was very curiously developed too because legal system was not suitable to tax schema. The tax system in Japan on corporate donation had three layers described below.

III. 2. 1. general donation

No matter what kind of donated corporation can enjoy tax deduction up to small limitation (Corporate Tax Law, Article 37, (1), Enforcement Order Article 73). This is called "general donation".

The limitation of general donation is up to;

(Term-end amount of capital, etc. X no. of months/12 months X 2.5/1000 +income amount for the term X 2.5/100)x1/4 (1)

For example, if capital is 1million US\$ and the profit is 1million US\$, corporation can enjoy up to 6,875 US\$.

The latter part of formula $(2.5/100) \times 1/4$ is 0.625 percent.

Because it is very complicated calculation, it can be shown that 0.625 percent of pretax income plus $a \cdot a$ is dependent of the amount of capital.

III. 2. 2. specific donation

If the donated organizations were recognized as Specific Promoting Public Interest Corporations (SPIPICs) among old PICs authorized both competent agency and Ministry of Finance, companies can deduct plus to the other limitation. It was called "specific donation".

The limitation of special donation is up to;

(Term-end amount of capital, etc. X no. of months/12 months X 3.75/1000 +income amount for the term X $6.25/100$) $\times 1/2$

For example, if capital is 1million US\$ and the profit is 1million US\$, corporation can enjoy up to 33,125 US\$.

Before 2006, SPIPICs were only 862 among 24,313 PICs (National Tax Agency 2008). This fact was the reason why Japanese tax treatment was insufficient.

After the reform, the number of PICs is decreasing 8,822 from 24,313, but all the new PICs have become SPIPICs under the tax law. The number of SPIPICs, tax deductible PICs became 8,823 from 862.

The Yamato Welfare Foundation has been authorized 4th March and become a new PIC as of 1st April, which means to be a SPIPICs and tax deductible up to limitation for special donation (Cabinet Office 2011 b).

III. 2. 3. designated donation

The designated donation is defined as contributions to public interest corporations, other corporations and organizations which engage in activities for the public benefit and raise donation from the general public and it is authorized by the Ministry of Finance that these donations are both emergent and used accurately for the public benefit (Amemiya 1998 :P.91).

If the corporate donations are authorized as designated donation, corporations can enjoy all the donations deductible (Corporate Tax Law, Article 37, s-3-(2))⁴.

The third category is very generous for corporations but actually no announcement by Ministry of Finance between 1965 and 2011 when the Tohoku earthquake and Tsunami

disaster was occurred. This is truly exceptional treatment.

The Yamato Welfare Foundation that was permitted by the Ministry of Welfare had never had a status as SPIPICs. The foundation has transferred to a new Public Interest Corporation under the new law in 1, April, 2011 and become SPIPICs for the first time.

IV. The 2011 Great East Japan Earthquake

The 2011 Great East Japan Earthquake was occurred at 11 March 2011 14:46 JST. The magnitude is 9.0 which is the earthquake recorded in in eastern part of Japan (Tohoku area), according to Japan Metrological Agency, JMA.

It was during the transition of new legal system. According to the National Police of Agency, 15,892 persons are killed and 2,576 are missing. Although Japan has been often attacked by earthquakes, this is the largest and the most ghastly tragedy.

The PIC commission that promotes public interest activities discussed the situation, and issued a new statement as PIC' s Chair, Morio Ikeda' s message as of 31th March, 2014.

This message includes below.

Because PICs are established in order to conduct public benefit activities, the Commission expects PICs to take a proactive action to the Great East Japan Earthquake. If PICs need statutory procedures to take new action for the devastated area including donations and supportive activities, the Commission promises to help strongly PICs to reflect their spirits. We suppose the PICs are established and activated according to their spirits. To realize such spirits, we have to conquer this national crisis and recover the earthquake in all over Japan. Please understand the situation, and we ask PICs to take actions at their own stage and work together to raise ourselves up.

(Cabinet Office 2011 a)

Very few PICs described emergency support to earthquake as the formal mission filed to the Cabinet Office. If they take proactive action without any description of emergency support, they need obtain authorization of change according to "AAPI".

Article 11of AAPI *Public interest corporations shall obtain authorization from the administrative agency in the event that they intend to change the following matters; .*

(ii) Change of the category and content of its program for public interest purposes

PIC Committee' s Chair' s message means the Committee authorization of these change

procedures flexible.

V. Reaction by the Yamato Holdings and the Yamato Welfare Foundation

The Yamato Holdings Co. LTD. is private delivery company. In Japan, the industry had been regulated and it had been very hard for pure private companies to grow in the delivery services. There are two government origin companies in Japan: the Nihon Express, the former governmental enterprise and has been privatized in 1950, and Japan Post Co., Ltd. is transition of privatization. The Yamato Holdings is pure private delivery company to overcome many regulations. They have developed small parcel delivery service named *TA-Q-BIN*. Their corporate group have developed *TA-Q-BIN* network all over Japan. It takes usually one day to deliver *TA-Q-BIN* from house to house (Yamato Holdings 2012).

The Yamato Group's management philosophy is *to help enrich our society by enhancing the social infrastructure of TA-Q-BIN networks, creating more convenient services for comfortable lifestyles and developing an innovative logistics system*. This philosophy also aims to generate sustained growth and maximize corporate value while balancing growth potential, financial soundness and operating efficiency. (Yamato Holdings 2012 a: P.2)

Makoto Kigawa, a new President, Chief Executive and representative Director, and Mr. Keiji Aritomi, former Chairperson, board of directors, Yamato Holdings and, the President⁵, Yamato Welfare Foundation were discussed the support to the devastated area. They think that they will give 10 JPY per parcel, because 10 JPY is impact to the devastated area. They did not calculate the details, but just obeyed to the corporate philosophy (interview with Mr. Aritomi, 25 May, 2015). Just after the discussion, Mr. Hayakawa, executive director, Yamato Welfare Foundation received the PIC Commission Chair's message from the Cabinet Office. "This was windfall, because it was big decision", said Mr. Hayakawa (interview with Mr. Hayakawa, 25 May, 2015).

The holdings had board meeting in 1st. April, 2011 and decide to support Cause Related Marketing style support to devastated area to react Ikeda's message. (Interview with Mr. Aritomi, 25 May, 2015)

Mr. Kigawa said "For me, the Great East Japan Earthquake of March 2011 reaffirmed the importance of the Yamato Group's management philosophy, which is to help enrich our society by enhancing the social infrastructure of *TA-Q-BIN* networks, creating more convenient services for comfortable lifestyles and developing an innovative logistics system" (Yamato Holdings 2012 a: P.5) .

They collect slogan of the corporate philanthropy from entire employees, and received 8,558 applications. Then they decided "One step forward all together". (Yamato Holdings

2012 b)

The Holdings made news release with this slogan on 7th April (Nikkei BP 2013).

The Yamato Group made the decision to donate ¥10 per *TA-Q-BIN* parcel to help in the revitalization of local people's living conditions and industrial infrastructure, and continued the initiative for a full year. The Group donated ¥10 per *TA-Q-BIN* parcel to the Yamato Welfare Foundation and the foundation provided grants exclusively for the restoration and revitalization of the local infrastructure and for rebuilding of the fishing and agriculture industries in the region. An independent committee of experts selected projects for grants under a basic principle of "visible, quick and effective assistance". Priority was placed on types of projects that do not normally receive government support (Yamato Holdings 2012 a: P.5-6).

The Cabinet Office formally authorized the change of the foundation's activities on 22nd April (Cabinet Office 2011 c) .

Because the Yamato Welfare Foundation has re-registered as a new PIC, that is to say, SPIPICs under the tax law, and the Yamato Holdings can give money deductively up to "specific donation" described above. However, they handled 13 billion *TA-Q-BINs* during FY 2011/3. They estimated donation approximately 130 billion JPY. Their net income was 332 billion JPY at FY2011/3. This is almost 40 % of net income far from the limitation.

The Holdings thinks of the third layer of "designated donation" of tax schema. Cabinet Office and Ministry of Finance work together and realize special treatment as "designated donation" without any amendment of TAX law. Ministry of Finance authorized this special treatment on 24th June four days before general shareholders' meetings.

The National Tax Agency (NTA) in Japan, opens to the public of "Announcement" of "designated donation" for the Great East Japan Earthquake (announcement No.84) (see NTA 2011). This announcement shows that donation to the Yamato Welfare Foundation is "designated donation" as of June 24 2011.

It is considered huge tax incentive that US Company can enjoy only up to 10 % of pretax income. Actually 5 % of pretax donation is almost highest. Mr. Kigawa as president felt anxiety for shareholders' response. He realized at the general meeting that his concerns are needless fear. Shareholders were very supportive for this corporate philanthropy. (Nikkei BP 2013: p.288)

However, no objection was received and applauded by the stockholders (Nikkei BP 2013 :p.288).

After the press release, share price of the Yamato was stable, and finally they lost 13,421 Million JPY profits compared with previous year, 40.4 % down at the end of March, 2012 because of huge donation. However, shareholders accepted the miracle behaviors.

VI. Contents of corporate philanthropy

During negotiating with the Japanese Government, the Government requests decision making should be done by the third party determination. The foundation set up the third party committee named Recovery Assist Selection Committee; consist of 4 scholars and 1 practitioner as of 24th June (interview with Mr. Aritomi, 25 May, 2015).

The government also required donation was not only by the Yamato Group, but also by general public, because the law requires it for the designated donation.

They have started as request-for-proposal (RFP) as on 1st July. On 24th August the first 9 recipients were selected according to their criteria of visible, speedy and effective supports, and donated them 4,065 million JPY.

The examples of program they made grants are that special net for clearance of rubble in the sea for 18 fishery unions, by Miyagi prefectural government and that Construction of Temporary fishery market in Minami-sanriku-cho.

Minami-sanriku-cho is located seaside Miyagi prefecture, and destroyed totally by Tsumami. The port was very famous for abalone, farm-raised oyster and seaweed. Especially volume of sermon catches was the best in the Miyagi prefecture.

Minami-sanriku-cho needs a temporary fishery market by on the late September when the stocked hatched salmon will be back. Otherwise, fishery industry will be totally damaged and people cannot find the reasons to stay Minami-sanriku. That is to say, the community will be destroyed. The grant-making by the Yamato Welfare Foundation makes the temporary fishery market rebuilt and save the community (Yamato Welfare Foundation 2014 : P.21).

VII. Breaking Japanese corporate philanthropy culture

The Yamato Group's corporate philanthropy makes huge impacts of two aspects: quantitative and qualitative.

To think of impact by the policy change, the paper shows corporate philanthropy just after the Great Hanshin Awaji Earthquake in 1995.

The earthquake killed 6,434 people according to the Fire and Disaster Management Agency. It had been biggest earthquake before The Great East Japan Earthquake after the Second World War. The Japanese society was surprised that many volunteers went to Kobe and helped people. This was often referred as "Volunteer revolution" or "the first year of volunteers" (Rausch, A. 2007). However, Deguchi (2001) describes "N/NPO" which includes non-institutional NPOs prior to the law 1998, made splendid activities. On the other hand, the institutionalized nonprofit organizations (I/NPO) did not have praise by the public opinion.

Especially, PICs did not have special actions to the afflicted area. X foundation registered to the Ministry of Foreign Affairs limited to the activities outside of Japan. They were not able to act to afflicted area in Japan (Gill, Steger, and Slater 2013).

The Yamato Welfare Foundation, however, made special activities in 1995 as well as in 2011. In Japan, there are some “collaborate working places by the disables” (CWP). The Yamato Welfare Foundation which had just started and had not stable programs. So they gave 3 million JPY an association of CWP in damaged area (Ogura 2003).

According to Japan Federation of Economic Organizations (current Japan Business Federation), known as KEIDANREN, the total giving at the Hanshin Awaji Earthquake in 1995 by major companies were 13.3 Billion JPY (Cash only) by 562 Corporations⁶. According to my survey of newspapers based, the top giving by corporation was 300 Million JPY by Panasonic and Suntory (Deguchi 1996).The giving by the Yamato Holdings in 2011 is some 47 times of the biggest giving in 1995.

Table. 1. Corporate donation and the ratio of pre-tax profits in Japan

	Giving(a)	Profits(b)	a/b
Yr	M.JPY	M.JPY	(%)
2011	716,799	33,940,305	2.1
2012	675,516	40,763,559	1.7
2013	698,590	49,792,574	1.4

Data from the tax data from a sample survey of Japanese companies published by the National Tax Agency 2014. Donation is larger concept than giving. (a) is tax deductible amount and based on 514,755 corporations in 2011, 417,722 in 2012 and 419,722 in 2013.

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We cannot access the accurate data of pre-tax percentage of corporate giving in Japan. According to the tax data from a sample survey of Japanese companies published by the National Tax Agency, Table 1 shows corporate pre-tax profits and giving⁷, percentage of corporate giving is between 1.4 % and 2.1 % on average.

As mentioned, the “designated donation” was exceptional. Giving of 41.8 % of pretax profit is very large.

To look at outside of Japan, the Chronicle of philanthropy publishes ten most Companies That Gave the Most Cash in 2012 (table 2)⁸. Putting into the Yamato’s corporate

philanthropy to this table, The Yamato is the 8th ranking; however, much more noticeable is the pre-tax profits ratio. The Yamato's ratio is 41 %, and biggest (Table 2). The Corporate Giving Survey Standard (CGS) Survey in 2011 shows the medium of the Cash giving as a percentage of pre-tax profit is only 0.67 % (Committee Encouraging Corporate Philanthropy 2012). For UK companies, the ration of pre-tax profits was a peak of 0.24 % in 1982 between 1977–1987 (Arulampalam and Stoneman 1995).

Table. 2. Companies That Gave the Most in 2012

	Total Giving		Pretax profits %
Wells Fargo & Company	\$315,845,766		1.3
Walmart Stores	\$311,607,280	(*)	4.5
Chevron	\$262,430,000		0.6
Goldman Sachs Group	\$241,278,912		3.9
ExxonMobil Corporation	\$213,374,183		0.3
Bank of America	\$186,815,007		—
JPMorgan Chase & Co.	\$183,471,434		0.7
Yamato	\$172,257,348	(**)	41.8
General Electric	\$161,500,000		0.8
Target	\$147,038,722		5
Citigroup	\$137,032,650		0.9

Data) According to survey by the Chronicle philanthropy and annual report of the Yamato Holdings

(*)Products including

(***)Exchange rate 2012. 03 April 2011- March 2012 1US\$=JPY82.4348

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The next impact is qualitative and cultural. After the disaster, usually Japanese corporations give money to the Red Cross or Community Chest Society as *Gienkin*. *Gienkin* is centralized and distribute to the families of victims equally as cash, according to governmental planning to recover disaster.(Ichimura., Sawada., & Shimizutani. 2008, Nogami, 2014). The *Gienkin* system is efficient, but it looks like tax-distribution system to put the most importance upon the equality. Distribution is conducted by the government.

Mr. Aritomi explained that he is willing to show the new model as corporate donation to make impact to the society (interview with Mr. Aritomi, 25 May, 2015). Their basic principle of “visible, quick and effective assistance” for giving is beyond Japanese corporate

philanthropy culture and may become a new model.

VIII. Conclusion: Effect by Policy change

The research concludes Yamato's CRM is the biggest of corporate philanthropy, and most successful private giving to the recoveries of the earthquake in Japan. In addition, quick decision making of the president of Yamato Holdings was encouraged by the message of the Chair of the Japan's Charity Commission, and flexible measure by the Ministry of Finance and therefor the Yamato's giving can be deductible. The Yamato's philanthropy is still exceptional. This case gives a new concept of corporate philanthropy and policy impact to philanthropy.

This is, however, not "cause related marketing", because they knew 40% down of their profits. In other words, they knew "ten JPY for every parcel we deliver" initiative program would not have the aims of increasing the corporate performance. That is to say, "the firm's contribution to a designated cause being linked to customers' engaging in revenue-producing transactions with the firm" (Varadarajan & Menon 1988) is not always marketing. In fact the Yamato did not use the terminology of "marketing". They emphasize only "causes". They explained "we continued to donate to our "ten yen for every parcel we deliver in Japan" initiative to fulfill our social mission and help in the revitalization of local people's living conditions and industrial infrastructure in the region devastated by the Great East Japan Earthquake, and otherwise actively helped in the region's recovery Yamato 2012:P 3). They explain the aspect of philanthropy. Hence, I cannot identify this program with marketing, but propose that their program should be called "the service-related philanthropy" (SRP). It may be a new concept of corporate philanthropy.

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Notes

¹ Exchange rate 2012. 03 April 2011- March 2012 1US\$=JPY82.4348

² In a rigorous manner, the Yamato Welfare Foundation is a hybrid of corporate and individual philanthropy. Originally, Mr. Ogura gave stocks as endowment of the foundation and establishes the foundation with permission by Ministry of Welfare in 1993. This foundation has been supported not only by dividends of the stocks but also by the Yamato Holdings, the Yamato Labor Union and 170,000 employees (Ogura 2003). The mission of the foundation is to help mentally and physically disabled to be independence and engagement with social activities.

³ The author was appointed Commissioner of the first term (2007-10) as part time and second term (2010-13) as full time by Prime Minister. According to Shore and Wright, policy is “field” and this research is made by the “fieldwork”. (Shore and Wright 1997)

⁴ Donation shall be raised by the general public. And Donation shall be accurately used to meet urgent needs in the promotion of the public benefit, such as upgrading of education, science, and culture, or improvement of welfare services. (Income tax law 76-2)

⁵ He served as president until June 2015.

⁶ The survey was conducted to 970 corporations and received 598 corporations at 17 February, 1995, one month after the earthquake.(Keidanren 1996:p.265)

⁷ Because of general donation, definition of giving in Japan is different from other countries. The giving is not only for the charitable giving but also any other transformation of cash without no return.

⁸ See Chronicle of philanthropy, <https://philanthropy.com/article/10-Companies-That-Gave-the-/150681>

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