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JAPAN'S NEW FOREIGN POLICY STYLE:  
AND ITS IMPACT ON THE POLICY TOWARD  
THE KOREAN MINORITY IN JAPAN

A Dissertation

Submitted to the Graduate School  
of the University of Notre Dame  
In Partial Fulfillment of the Requirements  
for the Degree of

Doctor of Philosophy

by

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**JAPAN'S NEW FOREIGN POLICY STYLE:  
AND ITS IMPACT ON THE POLICY TOWARD THE KOREAN MINORITY  
IN JAPAN**

**Abstract**

**by**

**Mari Ishibashi**

**This research examines how foreign policy considerations affect its domestic policy toward minority Koreans in Japan. In understanding the domestic policy outcomes on the welfare and human rights of Korean residents, I place this comparative policy approach in the context of international politics, given the policy is not quite purely domestic in a sense that it has surfaced onto Japan's diplomatic agenda at the United Nations and at talks with North and South Korea. Using Robert Putnam's "two-level games" as my broad analytical framework, I examine five longitudinal case studies to explicate the cross historical changes in the nature of Japan's foreign policy style, which in turn affected power configurations among bureaucratic institutions in the domestic policymaking process, thus affecting the Korean-related policy outcomes. Based on the examination of the case studies, I test my hypothesis that the Japanese government's policy toward the Korean minority is largely influenced by**

its foreign policy style which is affected by its standing in the international system; the more prestige-attaining Japan's foreign policy style became (reflecting its increasingly prominent status in the international system), the more salient the Korean issue became, and the more accommodating the Japanese government became towards Korean nationals in Japan. This research elaborates on how the Japanese government reconciles the domestic bureaucratic regulatory forces of "assimilation" and the international forces of "accommodation" toward the Korean minority, facing distinctive strategic opportunities and dilemmas at the crossing point of the systemic and domestic logic.

**To my parents, Eiji and Kyoko Ishibashi**

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## LIST OF ACRONYMS

<b>AMA</b>	<b>Administrative Management Agency</b>
<b>ASEAN</b>	<b>Association of South East Asian Nations</b>
<b>AWACS</b>	<b>Airborne Warning and Control System</b>
<b>CIRC</b>	<b>Committee of the International Red Cross</b>
<b>CP</b>	<b>(International Covenant on) Civil and Political Rights</b>
<b>DPRK</b>	<b>Democratic People's Republic of Korea (North Korea)</b>
<b>DRP</b>	<b>Democratic Republican Party (of South Korea)</b>
<b>DSP</b>	<b>Democratic Socialist Party</b>
<b>ESC</b>	<b>(International Covenant on) Economic, Social and Cultural Rights</b>
<b>GATT</b>	<b>General Agreement on Tariffs and Trade</b>
<b>HWM</b>	<b>Health and Welfare Ministry</b>
<b>IGOs</b>	<b>Inter-Governmental Organizations</b>
<b>IMF</b>	<b>International Monetary Fund</b>
<b>JCP</b>	<b>Japan Communist Party</b>
<b>JIIA</b>	<b>Japan Institute for International Affairs</b>
<b>JNP</b>	<b>Japan New Party</b>
<b>JRC</b>	<b>Japan Red Cross</b>

<b>JSP</b>	<b>Japan Socialist Party</b>
<b>KCIA</b>	<b>Korean Central Intelligence Agency</b>
<b>KCNA</b>	<b>North Korea Central New Agency</b>
<b>KRA</b>	<b>Korean Repatriation Association</b>
<b>LDP</b>	<b>Liberal Democratic Party</b>
<b>MHW</b>	<b>Ministry of Health and Welfare</b>
<b>MITI</b>	<b>Ministry of International Trade and Industries</b>
<b>MOF</b>	<b>Ministry of Finance</b>
<b>MOFA</b>	<b>Ministry of Foreign Affairs</b>
<b>NATO</b>	<b>North Atlantic Treaty Organization</b>
<b>NEATO</b>	<b>North East Asian Treaty Organization</b>
<b>NGOs</b>	<b>Non-Governmental Organizations</b>
<b>NKRC</b>	<b>North Korean Red Cross</b>
<b>NPA</b>	<b>National Police Agency</b>
<b>ODA</b>	<b>Official Development Assistance</b>
<b>OECD</b>	<b>Organization for Economic Cooperation and Development</b>
<b>OPEC</b>	<b>Organization of Petroleum Exporting Countries</b>
<b>PARC</b>	<b>Policy Affairs Research Council (within LDP)</b>
<b>ROK</b>	<b>Republic of Korea (South Korea)</b>
<b>SCAP</b>	<b>The Supreme Commander of the Allied Powers</b>
<b>SDF</b>	<b>(Japanese) Self-Defense Forces</b>
<b>SII</b>	<b>Structural Impediments Initiative</b>

<b>UN</b>	<b>The United Nations</b>
<b>UNAVEM II</b>	<b>United Nations Angola Verification Mission II</b>
<b>UNDOF</b>	<b>United Nations Disengagement Observer Force</b>
<b>UNHCR</b>	<b>United Nations High Commissioner for Refugees</b>
<b>UNIIMOG</b>	<b>United Nations Iran-Iraq Military Observer Group</b>
<b>UNKRA</b>	<b>United Nations Korean Reconstruction Agency</b>
<b>UNMOGAP</b>	<b>United Nations Military Observer Group in Afghanistan and Pakistan</b>
<b>UNTAC</b>	<b>United Nations Transitional Authority in Cambodia</b>
<b>UNTAG</b>	<b>United Nations Transition Assistance Group in Namibia</b>
<b>USAID</b>	<b>United States Agency for International Development</b>
<b>USAMGIK</b>	<b>United States Army Forces in Korea</b>

## GLOSSARY

- Amakudari* The term literally means "descent from heaven," which refers to the practice of ex-bureaucrats joining the business, upon their retirement age of fifty-five, as directors or senior advisers of corporations over which they had jurisdiction during their government career.
- Ampo* A left-wing movement known as "*Ampo*" against the 1951 Japan-U.S. Security Treaty in Japanese emerged among the socialists and communists, who were opposed to Japan's security alliance and cooperation with the United States. The movement grew further to the point that the *Ampo Toso* (the U.S.-Japan Security Treaty Struggle) became the most serious political struggle in the postwar Japan. The People's Council to Prevent the Security Treaty Revision (*Nichibei Ampo Joyaku Kaiteisoshi Kokuminkaigi*), a 134-organization coalition under the leadership of the socialist, communists, *Sohyo* (the General Council of Trade Unions) organized a series of massive protests (200,000-300,000 protesters) against the treaty in 1959-1960.
- Boshu jujisha* Professional Japanese employment recruiters of Koreans during the 1930s and 1940s.
- Budan seiji* The military rule by the Japanese Imperial government in Korea.
- Buraku or Burakumin* A group of Japanese historically discriminated against because they are descendants of the outcast class originated in the Tokugawa period (1600-1867).
- Chima chogori* Ethnic Korean uniforms.
- chonggun wianbu* Comfort Women. An euphemism in Korean for wartime sexual slavery for the Imperial military troops.

<i>Ch'ongnyon</i>	The General Federation of Korean Residents in Japan—a group organized by the supporters of North Korea in Japan.
<i>Chonin kokka</i>	A merchant nation. The term was used by some Japanese scholars and political leaders who analogized Japan's "merchant nation" status in the international system to the role of merchant in the feudal Tokugawa Japan's class system.
<i>Chosenjin gari</i>	The lynching of Koreans carried out by the Japanese in Japan and vigilante corps in 1920s and 1930s. See <i>Jikeidan</i> .
<i>Chutairen</i>	Annual athletic meets sponsored by the Junior High School Athletic Association.
<i>dai san no kaikoku</i>	Japan's "third opening" to the world.
<i>enko toko</i>	Chain migration of Koreans to Japan.
<i>Fukoku kyohei</i>	A nationalist slogan which is literally translated as "Rich Country, Strong Army," was used by the Japanese leaders in the Meiji period (1868-1912) who turned to the West's modern military technology, modern methods of governance, education, law, as well as economic organization.
<i>fumie</i>	A plate with a crucifix or other Christian symbol used as a means of the Tokugawa government (1600-1867) in identifying crypto-Christian among the Japanese in the time of seclusion; a suspected Japanese were forced to tread on a <i>fumie</i> in order to prove oneself a non-Christian and to avoid official persecution.
<i>funso shuhen koku</i>	Nations bordering conflict areas.
<i>gaiatsu</i>	External pressure.
<i>gaichijin</i>	The term used to refer to the outsiders, especially people on the Korean peninsula.
<i>Gaiko chosakai</i>	The Foreign Affairs Research Council of the LDP.



<i>Gaimsho</i>	The Japanese Ministry of Foreign Affairs or MOFA.
<i>genkai rodosha</i>	Koreans who were recruited to work as marginal workers in Japan.
<i>Ichijo ko</i>	The term literally means "Article One schools." These are considered "regular schools" approved by the Ministry of Education according to the Article 1 of the School Education Law of 1947. Many Korean schools in Japan are given a "miscellaneous" status by the Ministry according to Article 83 of the same Law.
<i>Ishin no shishi</i>	Zealous supporters of the Meiji Restoration.
<i>jikeidan</i>	Japanese vigilante corps in the 1920s and 1930s.
<i>jugun ianfu</i>	Comfort women. The euphemism in Japanese for war-time sexual slavery for the Imperial military troops.
<i>jinteki kyoryoku</i>	Contribution of personnel to international community.
<i>kae p'yo</i>	The Korean term, "dog tag" is used among Koreans in Japan to refer to the alien registration card.
<i>kakugi kettei</i>	A Cabinet decision.
<i>kakugi ryokai</i>	A Cabinet understanding.
<i>Kan-Assen</i>	The government-directed recruitment system of Koreans. Under this system, a colonial-government organization known as the Chosen Mobilization Association was entrusted with recruitment and management of the Korean labor force during the 1930s and 1940s.
<i>Keidanren</i>	Federation of Economic Organizations.
<i>keiretsu</i>	The hierarchically ordered systems of subsidiaries, suppliers, subcontractors and distributors associated with a major manufacturer which extend mutual aid and attempt to keep as much business as possible within the group. Major groups include Mitsui, Mitsubishi, Sumitomo, and Sanwa.
<i>Keizai gaiko</i>	Economic diplomacy.

<i>keizai masatsu</i>	Trade friction, referred especially for the U.S.-Japanese trade friction.
<i>keizai taikoku</i>	An economically great nation.
<i>Kimigayo</i>	The Japanese national anthem titled, "His Majesty's Reign."
<i>kisei kancho</i>	Regulatory bureaucratic agencies.
<i>kokumin nenkin shingikai</i>	The Ministry of Health and Welfare's advisory organization, known as the National Pension Advisory Council.
<i>Komeito</i>	The Clean Government Party.
<i>Kokka Sodojin Ho</i>	The National Mobilization Law in 1938 to mobilize more Koreans for war efforts.
<i>Kosei nenkin</i>	Japan's government-managed pension plan for corporate employees.
<i>Koseki</i>	The Japanese family registry system.
<i>Kotairen</i>	Annual athletic meets sponsored by the Senior High School Athletic Association in Japan.
<i>kyoju no jiyu</i>	The freedom of domicile.
<i>kyoninkaken</i>	The power of bureaucratic agencies to withhold licenses. It is an effective administrative tool of Japanese bureaucrats who are responsible for approving applications for business activity.
<i>kyosei renko</i>	The Japanese Imperial government's forced draft of Koreans in 1944.
<i>Kyoseikai</i>	Also known as the Welfare Society which was an organization to encourage active assimilation of Koreans in Japan.
<i>Kyowakai</i>	Also known as the Concordia Society. It was an organization established under the jurisdiction of the Ministries of Home Affairs, Welfare, and Colonial Affairs,



and the Colonial Government of Korea in order to promote good relations between Koreans and Japanese and to raise living standards through social services. As it also provided adult classes to teach the Japanese language, sewing, manners, and customs to better assimilate Koreans to Japanese, *Kyowakai* was a tool of "Japanization."

- Minchon* The United Democratic Front in Japan for Unification of Korea. It was a precursor to a pro-North Korean organization in Japan, later known as Ch'ongnyon.
- Mindan* The Korean Resident Association in Japan. It is an organization affiliated with South Korea.
- Minjung-dang* The People's Party or *Minjung-dang* was a united front formed by the Civil Rule and the Democratic parties in opposition to South Korean President Park Chung Hee's (1961-1979) normalization of relations with Japan.
- Minshato* The Democratic Socialist Party in Japan.
- naichi jin* The term, which literally means the insiders, was used to refer to the Japanese in Japan during the colonial period.
- Nihonjinron* Theorizing on the Japanese or Argument on the Japanese. It is the genre of cultural introspection into "Japaneseness" which became fashionable in the 1980s, exploring the reasons for Japan's "economic miracle."
- Nikkan Kaidan Suishin Kondankai* Consultative study committee within the LDP on the South Korean-Japanese relations to discuss and promote the normalization process and economic assistance.
- Nikkyoso* The Japan Teachers' Union.
- Okubyo gaiko* Diplomacy of cowardice. Described Japan taking an aloof and uninvolved stance while maintaining good relations with all countries.
- Sakoku* Closed or isolated nation from the outside world. Here *sakoku* is specifically referred to the Tokugawa period's seclusionary policy.

<i>samurai</i>	Warriors of Tokugawa Japan.
<i>Seikanron</i>	The Conquer Korea Argument that emerged among the Meiji political leaders in Japan.
<i>seisaku kancho</i>	Policy-oriented ministries
<i>Senshu boei</i>	Defensive defense.
<i>Shin Taisei</i>	"New Political Order." The term refers to the political system in the 1940s when the political parties were voluntarily dissolved in order to strengthen the authority of the cabinets. Under the new political order, any disruptive elements considered a threat to national security and the war effort were rigorously prosecuted and eliminated to silence political dissension and arouse patriotism. The coercive sanctions under the new political order included: the 1941 National Defense Security Law, which allowed for the death penalty for the transmission of certain information; and the 1941 Newspaper and Publications Control Ordinance and the Press, Publications, Assembly and Association Special Control Law. As of December 1942, all political assemblies required police authorization.
<i>Shokyoku-teki gaiko</i>	Inactive diplomacy.
<i>Soaikai</i>	Also known as the Mutual Friendship Society. The organization was established by a Korean in Japan to help distressed Koreans by providing food and shelter during the time of the Imperial rule. Later the membership of the <i>Soaikai</i> in Japan reached nearly 100,000 and began to maintain a close liaison with the Japanese police which later took advantage of the society to control Koreans in Japan.
<i>Sogo anzen hoshō</i>	Comprehensive security. The term was introduced during the Prime Minister Zenko Suzuki (1980-1982) Cabinet which redefined "security" to include foreign aid and disaster relief so as to avoid greater defense efforts.
<i>Sohyo</i>	The General Council of Trade Unions.
<i>Somukai</i>	The LDP's Executive Council.

<i>Soshi kaimei</i>	The Japanese Imperial government's 1939 policy of forcing Koreans to adopt Japanese names. It was a way of assimilating the Koreans.
<i>taigu</i>	Accommodation towards refugees who are temporarily staying in Japan.
<i>taikoku</i>	Great nation
<i>teiju</i>	Refugees' permanent settlement in Japan.
<i>Teiju assen hosho</i>	The UNHCR's grantee of settlement assistance for refugees.
<i>Tonan Ajia Nanmin Mondai Taisakushitsu</i>	A desk on "Southeast Asian Refugee Issues" within the MOFA's Asian Affairs Bureau.
<i>Toseikai</i>	Control associations under the Imperial Japanese government's Cabinet Planning Board, which controlled all the war-related industries.
<i>Toshoku</i>	A short form for the Toyo Colonial Development Company under the Imperial government of Japan, which was entrusted with control and management over farm land in Korea.
<i>tsusho kokka</i>	Trading nation.
<i>tsutatsu</i>	A directive issued by central bureaucratic ministries to local governments.
<i>Yoshida Dokutorin</i>	The foreign policy of Prime Minister Shigeru Yoshida (1946-47 and 1948-54) of pursuing economic reconstruction by firmly establishing Japan's bilateral military agreement with the United States.
<i>Vietnam nanmin taisaku renraku kaigi</i>	The Joint Ministerial Conference on the Vietnamese Refugees which was established in 1977 within the Office of the Cabinet Secretariat to coordinate efforts on improving the treatment of the Vietnamese refugees arriving in Japan.

<i>zaibatsu</i>	Financial cliques of big business during Japan's industrialization.
<i>Zengakuren</i>	The National Federation of Students.
<i>Zenhoi gaiko</i>	Omni-directional diplomacy. The term was introduced by Prime Minister Takeo Fukuda (1976-1978) during the oil crises; it refers to Japan's foreign policy stance of maintaining cordial relations with all countries to ensure supplies of energy and raw materials to protect its trade.
<i>zoku</i>	Policy tribes. The term describes members of the parliament (especially the LDP members) who had a considerable amount of policy expertise, practical experience, enough seniority and the relevant connections to maintain a continuing influence over a particular area of government policy. Major <i>zoku</i> include construction ( <i>kensetsu zoku</i> ), agriculture ( <i>norin zoku</i> ), commerce ( <i>shoko zoku</i> ), education ( <i>bunkyo zoku</i> ).
<i>zoku gi-in</i>	Tribe politicians. See <i>Zoku</i> .

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## INTRODUCTION

On March 1, 1993, a group of 380 Korean residents in Utoro, a small village close to Kyoto, pooled their savings to publicize their plea on a one-page advertisement in *The New York Times*.<sup>1</sup> The group of people is a small portion of 700,000 descendants of Korean laborers conscripted by the Japanese government during World War II. During the war their parents and grandparents were forced to work at the local Nissan plant, which had produced warplanes. The Korean laborers built a community on land owned by a Nissan company when they were left there without any compensation after the war. Their struggle started in 1987 when Nissan sold Utoro's five acres to a developer without informing the residents. Demolition crews were sent to destroy their homes; however, the villagers refused to move. Their appeals to Nissan and the Japanese government were ignored while they struggle to keep their community together. *The New York Times* advertisement claims that because the land was once owned by the Nissan subsidiary and the people of Utoro worked as forced laborers during the war, Nissan has a historic duty to them. It capitalizes on the Nissan name in the United States to build the case, appealing to the American public to whom the company sold more than 10 million automobiles in the last two decades.

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<sup>1</sup> *New York Times*, 1 March, 1993.

The Utoro incident is only one of the many cases revealing an aspect of discrimination that the Korean residents must bear in their daily lives. Even though most of the Korean residents in Japan--the second, third, and fourth generations--were born in Japan, they are excluded from the benefits reserved for Japanese citizens. This is because the Japanese government confers nationality to individuals born of parents who are already Japanese citizens (*jus sanguinis*).<sup>2</sup> As a result, despite their fluency in the Japanese language<sup>3</sup> and familiarity with the culture, Koreans born in Japan are legally considered aliens. In other words, they must register with the Ministry of Justice, be photographed, carry a computerized card identifying them as "aliens" at all times and, until January 1993, be finger-printed (Tanaka 1993:73-86). Besides the requirement to carry an alien registration card at all times, the Korean residents face a series of legal hardships and social discrimination. They are limited in freedom of choosing certain occupations<sup>4</sup>; many older Koreans could not benefit

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<sup>2</sup> Some states, such as the United States, confer citizenship to all persons born within the country's borders (*jus soli*).

<sup>3</sup> Many of them do not speak Korean to any degree.

<sup>4</sup> They cannot assume positions in the public domain of services including clerical and technical employees of the local government, the police, education, fire-fighting and rescue, veterinary, law, and pharmacy. Primarily, the Ministry of Home Affairs has been strongly instructing the prefectural governments not to employ resident aliens. While the National Public Service Law and the Local Public Service Law do not have a nationality requirement, Korean residents cannot become a formal faculty member (with a right to vote at a faculty meeting) of national and prefectural universities or primary and secondary public school teachers. Yet, at the university level, this hiring practice has been somewhat relaxed in recent years.

from the National Pension Plan until early 1980s<sup>5</sup>, receive disability benefits from the Japanese government, nor participate in the national health insurance program.<sup>6</sup>

Korean children in Japan encounter discrimination in elementary schools where they hear their Japanese friends speak ill of Koreans. Even in schools in Osaka, with a large Korean population, most of the Korean children use their "passing names,"<sup>7</sup> to minimize discriminatory treatment by their peers. In order to help their children keep their ethnic identity and to protect them from the hostile environment, some Korean parents send their children to Korean schools in Japan.<sup>8</sup> Yet, due to their "miscellaneous" status assigned by

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<sup>5</sup> Upon Japan's signing of the Convention Relating to the Status of Refugees in 1982, which obliges countries to accord national treatment to refugees with respect to social security, the nationality restriction was eliminated from the National Pension Law effective January 1, 1982. However, an alien resident older than age 35, as of the effective date could not benefit from the pension plan, since the law states a participant of the old-age pension plan must pay the premium for over 25 years until he turns 60 years old. A similar restriction applied to handicapped alien residents older than age 20 whose disability had occurred prior to the Japanese government's signing of the Refugee Convention. It is estimated that 36,000 resident aliens, mostly Korean do not qualify for the pension plan, thus leaving them in financial destitution.

<sup>6</sup> The National Health Insurance Law does not contain nationality restriction, yet the Ministry of Welfare placed an order in 1958 to make foreign residents (then, mostly Koreans) ineligible. Later, "South Korean" residents became eligible for the health insurance program upon Japan's normalization of relations with the Republic of Korea, leaving "North" Koreans without any insurance. Some Koreans can participate in the national health insurance program via municipal ordinances, however the eligibility requirement is to maintain a domicile in the municipality.

<sup>7</sup> It is estimated that only .01% of Koreans who gained a citizenship use their ethnic Korean names whereas 10% of the Korean residents use their ethnic names (Kim, et al 1996b:228).

<sup>8</sup> There are 11 primary and secondary schools run by Mindan (The Korean Resident Association in Japan), an organization affiliated with South Korea and 153 primary and secondary schools and one university managed by Ch'ongryon (The General Federation of Korean Residents in Japan), a group organized by supporters of North Korea.



the Japanese Education Ministry,<sup>9</sup> their graduates have difficulties getting admitted to higher educational institutions such as universities in Japan. Moreover, in the wake of the North Korean nuclear crisis in 1994, many female Korean students wearing "chima chogori," ethnic uniforms, were harassed by Japanese while commuting to school.<sup>10</sup>

Despite of two specific statutory provisions prohibiting discrimination based on nationality,<sup>11</sup> Koreans in Japan still face both subtle and open discrimination in employment, especially by firms and corporations, resulting in a high unemployment rate compared to that of Japanese. Even when starting a small business, they face a discrimination in getting loans from financial institutions. Most enterprises owned by Korean residents are small businesses

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<sup>9</sup> According to the School Education Law of 1947, the Korean schools in Japan (except for two) are considered "miscellaneous" schools as opposed to "regular" schools. While they have equivalent quality of course requirements, class hours, and curriculum as Japanese counterparts, the Ministry of Education is not willing to accredit them "regular" status. In order for any schools to gain this status, they have to use textbooks approved and conduct educational guidance according to the instruction manual created by the Ministry. In addition they must hoist the flag of Japan and sing the national anthem, *Kimigayo* (His Majesty's Reign), which are still considered controversial among the Japan Teachers' Union members as remnants of the Imperial system.

<sup>10</sup> From April to July 1994, a series of nation-wide violent crimes and harassment were committed by Japanese men on Korean school children; as many as 160 cases were reported (The Investigation Committee on the Human Rights Violations of Korean Students 1994:8-20).

<sup>11</sup> Article 3 of the Employment Security Office Law provides that "no one shall be subject to discriminating treatment with regard to placement, vocational guidance, and so on, for such reason as...nationality..." and Article 3 of the Labor Standards Law provides that "[n]o employer shall discriminate against or for any worker by reason of nationality...in wages, working hours and other working conditions." (Iwasawa 1986:64-165).

in the fields of entertainment and service, such as restaurants, sauna baths, night clubs, and retail shops.<sup>12</sup>

It appears that naturalization would bring an end to a series of legal and social discriminations against Koreans in Japan. While the number of naturalized Koreans is steadily expanding, many residents harbor animosity toward measures of "assimilation" it requires applicants to bear in the naturalization process. Although the Ministry of Justice does not formally require it in the Nationality Law, it used to recommend in the form of "administrative guidance" that applicants assume appropriate Japanese names and demonstrate that they have adopted Japanese beliefs and customs.<sup>13</sup>

Starting in the 1940s and 1950s, Koreans in Japan have been petitioning the government to expand the scope of social rights that they deserve as well as to eliminate all forms of discrimination on the basis of nationality only to find that the Japanese government has not been forthcoming in addressing such issues until very recently. While North Koreans in Japan managed to return to the North under the 1959 repatriation program, those who had wished to go back to the South never had a chance until the normalization of diplomatic

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<sup>12</sup> A list of discriminatory practices against Koreans in Japan extends into many different areas such as marriage, credit card and country club application, and housing. Landlords frequently refuse to rent to Koreans; one may hear that Japanese parents are often against their offsprings marrying Koreans because of their "bad blood" (Fukuoka 1993:64;213). I will devote a chapter discussing multi-dimensional discriminations that Korean residents face in the Japanese society.

<sup>13</sup> Iwasawa (1986:149) notes that the Ministry of Justice cautioned local offices in July 1983 not to be misunderstood as if they were "forcing" Japanese names on applicants in the process of naturalization. However, as he adds, this type of "recommendation" can be hardly refused by applicants since the granting decision depends upon the discretion of the Ministry of Justice.

relations between Seoul and Tokyo. With the 1965 normalization treaty with the Republic of Korea, only the Koreans who affiliated themselves with South Korea were granted eligibility for the national health care plan, and permanent residence in Japan, and leniency in grounds for deportation. It was not until 1980 that Koreans in Japan became eligible for public housing and government housing loans from the Japanese government and not until 1982 that Koreans became eligible for the national pension program and financial assistance for raising children. Abolition of the finger-printing requirement for alien registration that many Koreans had protested was finally realized in 1992.

Many scholars, journalists, and non-governmental organizations have examined different aspects of the Korean minority issue. Despite volumes of research done on Korean wartime experiences, postwar reparation, social discrimination and human rights violations of Korean residents in Japan (Council To Fight Against Ethnic Discrimination 1990; Fukuoka 1993; Lee & De Vos 1981; Maekawa 1987; Minority Rights Group 1974; Mitchell 1967; Park 1980; War-Time Compensation Study Group 1991; Tanaka 1993), very few have put their studies in a more theoretical framework. What causes the Japanese government to make domestic policy changes which directly affect the welfare of the Koreans residing in Japan? And what accounts for the timing of such recent policy decisions? Why is the Japanese government grappling with the "comfort women" issue now? Under what conditions does the Japanese government tend to respond to Korean demands?

### **Project Summary**

Drawing from international relations, and comparative policy-making literature, I will investigate influences on the Japanese government's policy concerning the treatment of

Koreans in Japan over the past five decades, and how the international factors have affected the government's responsiveness to the demands of Korean residents and activists and its initiatives in resolving Korean related issues.

I suggest, first, that overall, the Korean related policy has been determined to a large extent by the international climate and Japan's standing in the international system. Since the postwar period, the Japanese government pursued what is known among scholars in Japanese studies as "mercantilist," "defensive," "reactive"<sup>14</sup> foreign policy style. However, it has been observed that there has been a gradual shift in its foreign policy style in the late 1980s and 1990s to an increasingly different and "new" foreign policy style. It is my argument that Japan's policy toward the Korean minority has been largely instrumentalized as a part of its foreign policy. In short, the Japanese government's Korean related domestic

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<sup>14</sup> Terms given by both Japanese and foreign scholars to describe Japanese foreign policy in the past includes mercantilist nation (*tsusho kokka* or trading nation), pragmatic foreign policy, defensive foreign policy (Pharr 1993), reactive foreign policy (Calder 1988), coward diplomacy (*okubyo gaiko*), and omni-directional diplomacy (*zenhoi gaiko*). Despite the differences in their terminology and interpretations of the Japanese foreign policy, it is safe to state that there is a solid consensus that the foreign policy of Japan in the past has been oriented towards economic and resource diplomacy, that is a policy of economic growth, minimal defense efforts, and the avoidance of involvement in political and strategic issues with a strong cooperation with and dependence on the United States. In my dissertation, I may use the aforementioned terms such as the "reactive" or "defensive" foreign policy at the risk of giving an impression of subscribing to their normative evaluation. However, they will not be used as abstract concepts in the general study of international relations, but rather as code words or an abbreviations for complex sets of ideas in the ongoing debate on Japanese foreign policy. In other words, by using the terms created by other scholars, I am not necessarily making or endorsing any particular normative value judgement of Japan's foreign policy.

policy from the 1940s throughout the 1970s was greatly influenced by what is known among scholars in the Japanese studies as the "mercantilist," "defensive," "reactive" old foreign policy style, whereas the domestic policy in the 1980s and 1990s can be understood in terms of Japan's increasingly different and "new" foreign policy style.

Second, I will propose that the domestic policy toward Korean residents from the early 1960s through the 1970s can be understood in terms of the ad hoc nature of the Japanese foreign policy especially towards South and North Korea. In the bipolar international system, Japan under the old foreign policy style could afford single-mindedly to pursue a narrowly defined national interest, namely industrial rehabilitation and economic growth. In order to achieve this national goal, the Tokyo government skillfully employed the strategy of security alliance with the United States and managed to shelter itself from any political and military responsibilities in the world of realpolitik. Due to the nature of its security alliance with the United States, the Japanese government has been very sensitive to "external pressure" (especially from the United States). However, at the same time Japan used external pressure as a tool for some domestic and foreign policy changes. During the Cold War period, the social-welfare policy toward the Korean residents (if such coherent policy ever existed) was merely a consequence or extension of the Tokyo government's rather ad hoc diplomatic stance toward the Korean peninsula. Thus, while in this old foreign policy mode, Tokyo was quite indifferent towards the welfare of the Korean residents.

Third, I will argue that the rising status of Japan as an economic and financial great power in the international system in the early 1980s has motivated Tokyo to start shaping a new foreign policy style. Especially the international system change at the end of Cold War

compelled Japan to reexamine the old diplomacy style. Now, Japan as an "adult nation"<sup>15</sup> is expected to bear more responsibilities in the world community, becoming forced to explore a new and more appropriate strategy to pursue economic growth and expansion without being criticized as a "free-rider" by the United States and without giving any impression of dominance to other Asian neighbors; Japan needs a change of strategy and instruments of foreign policy in the post-cold war period. Such sentiment is well-reflected in an on-going national debate (the *taikoku* or "great nation" debate) on its soul-searching over its future international role and started manifesting itself in its "new" foreign policy. This shift to the new foreign policy indicates a different set of strategies, instruments, and motivations to attain the unchanged goal—economic growth and prosperity. In order to promote economic prosperity (which still remains the most important national goal), the Japanese government now employs a new strategy to gradually make a transition to foster more harmonious external economic relations, and (as it indicates in the Diplomatic Bluebook,) to help shape a new international framework to emerge, in which it wishes to ascend as an "adult" leader nation.

For a strategy under the new foreign policy style in the new world order, a motivation for policy changes is not necessarily the state's response triggered by "external pressure" (or *gaiatsu*) coming from other nation-states. "Prestige/respectability"<sup>16</sup> of the state in the new

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<sup>15</sup> The terms "adult" and "mature" nation, are widely used by political and intellectual leaders of Japan in an on-going domestic debate (*taikoku* or "great nation" debate) on its national soul-searching over its future international role.

<sup>16</sup> The term of "prestige"/"respectability" used in the *taikoku* (literally meaning "big country" in Japanese) debate has been widely but unambiguously used in Japanese media and academia. For example, Funabashi explains that as Japan's international influence

world order also becomes a part of the incentives for the Japanese state for new changes in policy behaviors, especially affecting its domestic policy regarding the treatment of Korean residents. Since one of the major concerns of the government is to meet expectations of the world community, fulfilling responsibilities as a "mature" member of the international society and projecting a certain image of a sovereign state, it naturally becomes more susceptible to any domestic and international "prestige issues."<sup>17</sup> Now, the Korean related issues do matter, as the maltreatment of the Korean residents could potentially be a diplomatic embarrassment to the Japanese government, casting an "unsuitable" image of Japan as a world power in the international community. Such a stance is not simply geared toward the Korean peninsula; it is also intended to accommodate international public opinion. Thus, the Korean related domestic policy in the early 1990s can be explained by this transitional nature of its foreign policy style.

Finally, accepting the transitional nature of the foreign policy style supported by the extensive *taikoku* debate as accurate, I will explain how such a change affects the

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and prestige advanced, the underpinnings of its domestic political and economic systems have been called into question and scrutinized. See Yoichi Funabashi, "Japan and the New World Order," *Foreign Affairs*, Winter 1991/1992. Moreover, many Japanese opinion-leaders call for a more multifaceted, value-oriented foreign policy which gives higher priority to promotion of human rights, democratic development, environmental protection, and international peacekeeping. Also see "Daishinsai de Roteishita "Rinen Naki Taikoku" Nihon," [Prestigious Japan Without Principles?—After the Challenge of the Kobe Quake] by Yasushi Akashi in *Bungei Shunju* April 1995: 94-101.

<sup>17</sup> From what I inferred from the current debate taking place in Japan, the public appears to consider the followings as "prestigious issues," that "taikoku" (prestigious) Japan faces: human rights, environmental protection, foreign aid, democratization, UN peacekeeping operations, liberalization of markets and more domestic "quality of life" issues such as shorter work hours, equal employment opportunities for women, etc.

government's policy towards Koreans in Japan. I will explore the process in which the Japanese government's domestic and rather previously inconspicuous policy regarding the Korean issues became internationally relevant and contentious "prestige" issues during the transition period and investigate the link between the domestic politics and international politics. In understanding the linkage between domestic and international politics and international bargaining, I will closely examine how the international variable intervened in the process of the domestic policy decision-making by focusing on the increasingly prominent role played by the Ministry of Foreign Affairs and some members of the legislature in what was considered to be the policy-area traditionally dominated by the ministries with purely domestic concerns, such as Justice, Welfare, and the National Police Agency. In the process, I will also examine the influence of non-state actors such as inter-governmental organizations and social movement organizations on different levels of decision-making (domestic and international) of the transitional states, especially Japan, by linking their agenda with the states' prestigious status. These propositions led me to hypothesize that the more prestige-attaining its foreign policy became (reflecting its increasingly prominent status in the international system), the more salient the Korean issue became, and the more accommodating the Japanese government became towards the Korean nationals in Japan.

In order to answer a series of questions specified above and support my hypotheses, I will examine five longitudinal case studies to illuminate cross-historically of the changing nature of the state's purpose (manifested in its foreign policy) which in turn affected its domestic Korean related policy issues and outcomes. This case studies method will help



address several questions about Japan's new foreign policy style including their characteristics, and their impact on domestic policy outcomes.

### **The Case Studies**

In this research, I ask the following questions. What causes the Japanese government to make policy changes which directly affect the welfare of the Koreans residing in Japan? Under what conditions does the Japanese government tend to be more accommodating towards the Korean minority? And what implications does the changing nature of Japan's foreign policy style have in the conservative "non-accommodation" policy towards the Korean residents? In order to answer these questions, I will examine four longitudinal key cases of major policy changes regarding the Korean nationals in Japan with a variation of the mentioned "two-level games" approach of bridging the gap between domestic and international politics. The study will be also supplemented by an analysis with a discussion of the Korean comfort women case, since it is part of the policy-change that reflects the similar policy dynamics as other cases. It also provides some theoretical insights to understanding the nature of the new foreign policy style. These case studies will illuminate the cross historical changes in the nature of its foreign policy style, which in turn has affected power configurations in the domestic policy-making process, thus affecting the Japanese government's non-accommodation policy towards the Korean minority.

The case study includes four key cases of major policy changes: the 1959 Repatriation of Korean nationals; the 1965 normalization between Japan and the Republic of Korea; a series of changes in law concerning the Korean residents in the early to the mid 1980s; abolition of finger-printing for the Korean residents in 1992; and establishment of

apology program for comfort women in 1994. These are major policy outcomes which affected the Koreans in Japan and the cases at different points in the postwar Japan reveal the gradually changing style of the Japanese government's diplomacy, interacting with stimulants in the international community.

My first case of major policy change concerns the 1959 Repatriation of Koreans from Japan. Prior to the repatriation, Japan and South Korea suffered from deterioration of their relations due to historical legacy of Japanese imperialism, anti-Japanese sentiments fostered by Syngman Rhee in the early 1950s, and South Korean resentment over Japan's reinvolverment in the Korean war. Taking advantage of the rift between South Korea and Japan, North Korea took a more conciliatory approach toward Japan, which eventually led to the repatriation of almost 100,000 Koreans to North Korea in December 1959 (Lee & De Vos, 1981:108).<sup>18</sup> The diplomatic entanglement of the Japanese government with two Koreas deprived the Korean residents in Japan of opportunities to repatriate to a Korean government of their choice.

In the early 1960s, the sense of resentment and mutual suspicion gradually dissipated and the countries began moving towards restoration of relations under the American pressure in the name of strategic concerns in East Asia. This change of political climate in East Asia culminated in the Republic of Korea (ROK)-Japan Normalization Treaty of June 22, 1965, which constitutes a second key case of policy change. This treaty defined Korean residents'

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<sup>18</sup> There were several reasons for Koreans to remain in Japan: 1) economic turmoil in Korea at the time; 2) political instability on the Korean peninsula; 3) limitation of the amount of assets Koreans could bring back home; and 4) integration of the Koreans into the Japanese society.

legal status and rights and the treatment by the Japanese government. The agreement of the legal status of Koreans in Japan included provisions regarding scope and eligibility to apply for permanent residence, conditions for deportation, and subsequent legal treatment.<sup>19</sup>

A contentious portion of the agreement was the Japanese government's unequal treatment of Koreans who affiliated themselves with the Democratic People's Republic of Korea (North Korea). According to the agreement, the eligibility for permanent residence in Japan required a proof of nationality as a citizen of the Republic of Korea in addition to continuous residence in Japan. Another provision regarding the grounds for deportation enabled the Japanese government to deport any Korean to South Korea<sup>20</sup>, even if they claim their nationality to be North Korean. This is because the South Korean government is obligated by the agreement to accept all Korean deportees from Japan.

Moreover, although the agreement implies that the Japanese government would take into consideration the matters concerning education, livelihood protection and national health

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<sup>19</sup> This treaty went into effect on December 18, 1965 and included other agreements on fisheries, property claims, and economic cooperation. See *Koreans in Japan: Ethnic Conflict and Accommodation* by Changsoo Lee and George De Vos, pp. 146-147.

<sup>20</sup> Koreans were subject to deportation: 1) if they were sentenced to imprisonment for a crime against the head of a foreign state, or a diplomatic envoy, which may be prejudicial to the interest of Japan; or if they were sentenced to imprisonment for more than three years for violation of narcotics control laws or charged with crimes more than three times or sentenced to more than seven years imprisonment because of the violation of any Japanese law (Art. 3, pars. a,b,c, and d in Documents on the Statuses of Korean Residents in Japan) in *Koreans in Japan* by Lee and De Vos.

insurance in Japan for those who acquired permanent residence, it did not guarantee that those residents receive such basic services.<sup>21</sup>

My third key case of policy change concerns a series of changes made in law concerning the treatment of Korean residents in the early to mid 1980s. These changes came about as a result of the efforts to bring Japanese law into conformity with international law, namely the International Covenants on Human Rights ratified by the Japanese government in 1989, and the Refugee Treaty ratified in 1982.<sup>22</sup> Despite the opposition of some segments of the bureaucracy and the ultra conservative portion of the Liberal Democratic Party (LDP), ratification of the two Covenants was urged by both the UN General Assembly and the Japanese non-governmental organizations (NGOs). In addition, international criticism of the Japanese government's negative attitude towards the acceptance of Indo-Chinese refugees was raised, and other countries including the United States were quick to point out that most of the United Nations human rights treaties had not been ratified by Japan.<sup>23</sup> The government

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<sup>21</sup> For example, according to the administrative rule established by the Welfare Ministry, people who do not hold Japanese nationality were not eligible to obtain insurance benefits, unless it is granted by an ordinance of their municipalities.

<sup>22</sup> The Japanese government signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights on May 30, 1978. The Japanese Diet approved them on June 6, 1979 and ratified them on June 21, 1979.

<sup>23</sup> See Yasuhiko Saito's "Japan and the Human Rights Covenants," in *Human Rights Law Journal* Vol.2, No. 1-2, 1981: 93.

believed that it was urgent to ratify the Covenants to eliminate any misunderstanding by foreign nations of Japan's position on human rights issues.<sup>24</sup>

As a result of the ratification of the International Human Rights Covenants and efforts of various NGOs to bring the issue of Korean residents to the attention of the UN based on the newly ratified covenants,<sup>25</sup> several important legal changes were brought about: the extension of housing and financial benefits to aliens in 1980; the revision of the Immigration Control Order in 1982,<sup>26</sup> the revision of the National Pension Law in 1982; the revision of the Alien Registration Law in 1982; the enactment of the law allowing public universities to hire aliens in 1982; and the revision of the Nationality Law in 1985.<sup>27</sup>

My fourth key case of major policy change is the 1992 abolition of finger-printing for Korean residents in Japan. Under the Japanese Alien Registration Law of 1952, foreign residents past the age sixteen, who plan to stay in Japan more than one year, had been

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<sup>24</sup> Ibid, p.94. Moreover, Saito notes in his article that the Minister for Foreign Affairs, spoke in detail about the growing importance of the human rights issue in international relations and thus conceded that the pursuance of Japanese diplomacy with other nations on an equal footing had become impossible without being a party to the Covenants.

<sup>25</sup> Japan also ratified the Refugee Convention in 1982, and the Sex Discrimination Convention in 1985. The government's first report on the Civil and Political Covenant was submitted to and examined by the UN Human Rights Committee in 1981. Japan became a member of the Commission on Human Rights for the first time in 1982. In 1984 a Japanese expert (Professor Masayuki Takamoto) became a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

<sup>26</sup> This allowed many Koreans to obtain permanent residency and eliminated several conditions for deportation. See Iwasawa's "Legal Treatment of Koreans in Japan: The Impact of International Human Rights Law on Japanese Law," in *Human Rights Quarterly* May 1986: 179.

<sup>27</sup> Ibid, p. 179.

required to be finger-printed and register with local authorities. The initial rationale behind the finger-printing practice was to prevent Korean residents from obtaining several registration certificates and selling the surplus certificates to Koreans who smuggled themselves into Japan. Despite the movement of finger-printing refusers,<sup>28</sup> and the nationwide protest of municipal assemblies and Korean organizations in Japan, the Ministry of Justice and National Police Agency had been resistant to elimination of the finger-printing system until the Korean government expressed concern and this abolition issue became entangled with other diplomatic issues for Japan. The abolition of the finger-printing system was realized in January 1992 and became effective in January 1993.

Finally, the 1994 establishment of apology program for comfort women constitutes my fifth and supplemental case. During the World War II, the Japanese government is said to have conscripted over 100,000 women from the Korean Peninsula, Taiwan, China, and the Philippines to serve as "comfort women" for the Japanese military troops between 1932 and 1945.<sup>29</sup> Despite the claims for compensation and lawsuits by former comfort women and other non-governmental organizations against it, the Japanese government did not admit its military's involvement in the establishment of brothels until some classified documents were

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<sup>28</sup> The number of finger-printing refusers rose to 14,000 in 1985 according to Herzog (Herzog, 1993:91).

<sup>29</sup> See Ken-chi Takagi's *Jugun Ianfu to Sengo Hoshō* [Comfort Women and Their Postwar Compensation] Tokyo: San-ichi Shobo, 1992:4-5. The estimated number of women who served as comfort women for the Japanese military during the war varies from 80,000 to 200,000.

found by a scholar in 1992 revealing the Imperial Army's institutionalized prostitution.<sup>30</sup> Seeking to resolve the issue, the government under Prime Minister Murayama finally decided to commit \$1 billion and establish an apology program in August 1994 for historical studies and exchanges with Asian nations. Although the program does not include direct compensation to former comfort women, the Japanese government's "symbolic" compensation program is considered the first step in acknowledging the scope of its wartime brutality and responsibility.<sup>31</sup> This supplemental case is relevant to the Korean resident issues, as its policy outcome indirectly affects the policy-making process for the policy on Korean residents and can be an indicator to measure the degree of dignities the Japanese government would give to the Korean resident issues.

In each case, a set of three specifications regarding preferences of and constraints on the major actors will be made.<sup>32</sup> The first is a specification of the international environment which surrounded the Japanese government as well as contributed to shaping of the Japanese

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<sup>30</sup> *Chicago Tribune*, January 13, 1992 and Takagi's *Jugun Ianfu To Sengo Hosho: Nihon no Senso Sekinin* [Comfort Women and Postwar Compensation: Japan's War Responsibility], p. 105. Finally, the Japanese government acknowledged on January 13, 1992 that Japan's Imperial Army was involved in abducting and detaining the comfort women, mostly Koreans as prostitutes to Japanese soldiers during the war. The acknowledgement came right before Prime Minister Miyazawa's visit to Seoul in January 1992.

<sup>31</sup> *The New York Times*, August 31, 1994 and *The Japan Time Weekly International Edition*, Vol. 34, No. 37, September 12-18, 1994.

<sup>32</sup> This method of comparison was specified and used by different scholars who analyzed cases in light of the two-level games framework. For more details, see "Introduction," by Andrew Moravcsik, in *Double-Edged Diplomacy: International Bargaining and Domestic Politics* ed. by Peter B. Evans, Harold K. Jacobson, and Robert D. Putnam. Berkeley: University of California Press, 1993.

foreign policy style. The second specification is that of domestic politics, including descriptions of actors and institutions involved, and coalitions that emerged in the process. Institutional objectives, interests and stakes of major bureaucratic and political actors involved in the domestic debate on the policy will be examined. A special attention will be paid on the Ministry of Foreign Affairs' (MOFA) foreign policy interests on one hand, and the regulatory ministries' conservative concerns and interests on the other. Third, a specification of the state leaders' preferences. While in most of the cases, the chief bureaucratic actor is the MOFA dealing with international actors, the increasingly politicized policy-process requires frequent intervention from the LDP for its ability of domestic consensus-building and making political decisions for the Japanese government. For analytical purposes, the policy process will be roughly identified into several stages: initiation, negotiation, and agreement, although some of these stages may take place simultaneously, overlapping with each other. At different stages of the "two-level games" is seen a variety of strategies used by relevant actors that includes attempting to initiate an agenda via transnational appeals and reshaping the domestic power configuration.

In this research, I propose, first, that overall, the Korean-related policy has been significantly influenced by the international climate and Japan's standing in the international system. Specifically, the Japanese government's policy towards the minority Koreans in 1950s and 1960s was greatly determined by what is known among scholars in the Japanese studies as the "commercially-oriented," non-political foreign policy style, while the same policy in the 1980s and 1990s can be understood in terms of Japanese increasingly different and "new" foreign policy style, which reflects the rising status of Japan as an economic and



financial great power in the international system. These propositions led me to hypothesize that the more prestige-attaining its foreign policy became (reflecting its increasingly prominent status in the international system), the more salient diplomatic "prestige" issue the Korean-related, non-accommodation policy was made to be, and the more accommodating the Japanese government became towards the Korean nationals in Japan.

**CHAPTER I: PREJUDICE AND DISCRIMINATION:  
PREDICAMENT FOR THE KOREAN RESIDENT IN THE JAPANESE SOCIETY**

**History: Why Were Koreans Brought to Japan?**

Prior to Japan's annexation of Korea, the number of Koreans living in Japan was less than a thousand and many of them were Korean intellectuals.<sup>1</sup> Even as of 1915, it was the Chinese residents who comprised more than 50 percent of the total foreign population in Japan. The Korean residents in Japan then included mainly diplomats, political exiles, young students in search of better education in Japan, with a desire to modernize their country upon their return, and a small group of workers.<sup>2</sup> They were taught by some Japanese scholars

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<sup>1</sup> The Koreans in Japan were largely classified into two categories: students and laborers. The Korean students studying in Japan were usually from well-off families in Korea and were expected to get a position in the colonial government. Wishing to reverse the feudal policies of the Yi dynasty government, young Korean reformers such as Kim Ok-kyun attended school in Japan to acquire knowledge of Western economics, politics, geography and history. They were aided by some Japanese scholars such as Yukichi Fukuzawa (Mitchell 1967:8). The number of college-level Korean students in Japan rose from a mere thousand in 1922 to 8,000 in 1937. They were closely associated with the Japanese communists and many of them played a big role in the radical politics in Japan (Lee and DeVos 1981:42).

<sup>2</sup> Prior to 1910 the entry of foreign workers, including Koreans, had been regulated by a series of laws and ordinances issued between 1874 and 1899, which appeared to have been intended to control the employment of Chinese coolie labor at the time (Weiner 1994:52-3). In spite of the lifting of controls on the entry of Koreans into Japan, they kept pouring into Southern Manchuria and Chientao which were underdeveloped agricultural areas well-suited to the needs of Korean immigrants from farming and had well-established Korean communities (Weiner 1994:54).

such as Yukichi Fukuzawa<sup>3</sup>, an educator and journalist, who was an advocate of Western technology, institutions and ideology (Mitchell 1967:8; Weiner 1994:21). It was not until the latter part of the World War I that Korean migrants came to Japan in large numbers.

Korea became unified as a political unit as early as the seventh century. Successfully integrating elements of the Chinese civilization, Korea achieved a high level of cultural sophistication and political stability under the Yi Dynasty (1392-1910), and viewed Japan as a rather less civilized country (Patterson 1998:120). In the late 19th and the beginning of the 20th centuries, the country became a battleground for power politics among Russia, China and Japan. The Korean king's refusal to recognize the new Restoration government of Japan (1868)<sup>4</sup> angered and divided the Japanese leaders into two camps arguing for and against *seikanron* or the Conquer Korea Argument.<sup>5</sup> Upon the outbreak of the Russo-Japanese War in 1904, Japan forced Korea to sign an alliance treaty and succeeded to establish a modified protectorate over the Korean peninsula. In spite of many Korean protests and uprisings, Korea was eventually made a full protectorate of Japan in July 1907,

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<sup>3</sup> Fukuzawa appeared to have believed in the laws of Social Darwinism in Japan, as he likened the analogy of national rivalries to the competitive behavior of animals and stated that the survival of Japan will be determined solely by the animal strength it possesses (Weiner 1994:21).

<sup>4</sup> An invasion of Korea by a Japanese feudal leader, Hideyoshi Toyotomi in 1592 made Korea distrust Japan.

<sup>5</sup> An invasion of 1873 did not materialize due to the differing opinions among leaders. A group led by Prince Tomomi Iwakura who advised the government to concentrate on reform and rebuilding the nation prior to expansion prevailed over another group of reactionaries led by Takamori Saigo insisted on Japan's immediate expansion (Conroy 1960:47-49).

was finally annexed by Japan on August 29, 1910<sup>6</sup> and was renamed Chosen. For the Japanese government, Korea was a gold mine; it served as a market for Japan's growing industrial production, as a source of resource and food supplies, as an outlet for her surplus population, and as a buffer against future encroachment by China and Russia in Manchuria.<sup>7</sup> These strategic and economic interests came to shape the Imperial government's policy of substantially "modernizing" Korea through the establishment of new economic and political institutions under the colonial administration.

Korea was self-proclaimingly protected and guided by the Japanese Imperial government through the military rule (*budan seiji*) and was literally turned into a military camp, which became integral part of Japan.<sup>8</sup> All top administrative positions in the Government-General were assigned to Japanese; even minor Korean bureaucrats were

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<sup>6</sup> In the inaugural address of the Governor-General, Korea's royal family, the aristocratic yangban class, and others who were dutiful would be treated with honor. Emperor Sunjon accepted the annexation as a necessity in order to maintain public order and security and to advance the happiness and well-being of the Korean people and made sure to secure grant for the royal expenses from the Japanese government. Former Korean high officials were offered titles of nobility with annual stipends appropriate to the titles and 67 out of 75 former officials accepted the offer (Oliver 1993:113).

<sup>7</sup> The Korean peninsula was described as a dagger pointing at the heart of Japan by the Meiji leaders who regarded Korea as a would-be military buffer zone.

<sup>8</sup> Among the eight Governors-General who administered Korea, seven were army generals and the other was an admiral. The new colonial government brought in approximately a quarter of a million Japanese administrators, technicians and military personnel to rule the 21 million Koreans (Weiner 1994:39). Among them were the 10,000 Japanese soldiers and police on the peninsula which came under the direct command of a major-general (Oliver 1993:112). There were 13 provinces on the Korean peninsula with 11 prefectures, 317 districts, and 4,322 towns; Seoul, was renamed to Keijo; thirteen Korean provincial governors were replaced by the Japanese officials (Oliver 1993:112).

dismissed (Oliver 1993:112).<sup>9</sup> Although Korean interest groups were allowed, political parties, informal and formal political discussions and public assemblies were banned due to what the colonial government called "security risks." Inevitably, any newspaper editorials critical of Japan were censored out of print. It has been assessed that the Governor-General of Korea had more unchecked authority than the Prime Minister of the Imperial government, as he was answerable only to the Emperor and the Emperor remained aloof from day-to-day administrative problems (Oliver 1993:114).

From around the time of annexation, there started a two-way population influx: Japan's professional, bureaucratic elite and farmers were moving into Korea<sup>10</sup> while a displaced unskilled working class was gradually moving into Japan (Lee and DeVos 1981:32; Mitchell 1967:28; Weiner 1994:41). This population influx was largely due to the agricultural reform that the colonial government conducted to satisfy domestic and international demands for raw materials. In order to increase agricultural productivity in Korea, the colonial government reorganized the traditional modes of production and distribution. They mobilized Korean or imported workers from other colonial territories to work on the newly developed plantation and large-scale agricultural production; and

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<sup>9</sup> A few Koreans who were fluent in Japanese and compliant with the Japanese colonial administration were allowed to work for the government. Between 1910 and 1943, only two among the 87 bureau chiefs in the bureaucracy were Korean personnel. In 1943, 86 percent of the higher officials in the Government-General were Japanese (Oliver 1993:112).

<sup>10</sup> By 1949 it was estimated that there were over 700,000 Japanese in Korea, making up over 3 percent of the population on the peninsula. Forty-one percent of them were in government service; another 23.4 percent were in commerce and 16.6 percent were in industry (Lee and DeVos 1981:33).

rationalized the agricultural lands registrations thus opening them to Japanese and Korean entrepreneurs (Weiner 1994:40). As an assisting tool of the agricultural reform, the Imperial government established Toyo Colonial Development Company (*Toshoku*) in Korea, which was entrusted with control and management over farm land in Korea, and assisted Japanese farmers to settle in Korea, subsidizing their land purchases and travel expenses. Farmers were also assisted by the *Toshoku* in enlarging farm plots and irrigating dry lands; and were educated in new systems of cultivation, new varieties of seeds and fertilizers, and marketing practices (Oliver 1993:120).

Another instrument for agricultural reform was Japan's extensive land survey in Korea, which the colonial government carried out between 1910 and 1918 to modernize the agrarian economy and fix landownership. Under the survey Korean farmers were notified to register their land with the authority under the survey. However, many illiterate farmers did not understand the procedure and lost their land titles (Mitchell 1967:28).<sup>11</sup> Eventually, many Korean farmers were chased away from the most arable land to less and less fertile areas, and were finally forced off the land, thus creating a large landless class among the local population. The percentage of the arable land owned by Japanese increased from three percent in 1910 to approximately 60 percent by 1930 (Oliver 1993:120).

In addition, the predicament of Korean farmers was worsened by unfavorable conditions of tenancy such as excessive rents, short duration of lease contracts, the high

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<sup>11</sup> The local gentry, the Yangban, which entered into a collaborative relationship with the colonial government, enriched themselves during this period by filing claims to public lands and even to the lands of other independent farmers (Mitchell 1967:28; Weiner 1994:43).

interest rates imposed by moneylenders and the unemployment opportunities outside of agriculture that many farmers migrated to more urban areas in Korea, seeking better opportunities. Since the agrarian Korean economy could not absorb the unemployed rural migrant workers, these workers were forced to migrate to the metropolitan areas of Japan. As the result of the agricultural policy, during the period of 1915-1935, the colonial government was successful in increasing the productivity of rice fields by 50 percent and the export of rice to Japan from 15 percent of annual crop to 37 percent (Oliver 1993:121). During World War I, Korea became Japan's main supplier of rice and remained so until 1945. However, this came about at the expense of the local Korean population. The average consumption of rice by individual Koreans was reduced by approximately 50 percent; and by the end of the mid 1930s, Koreans were consuming only one-third as much rice as Japanese (Oliver 1993:121).

At the eve of the World War I, Japanese economy was expanding and its industrial expansion was further stimulated by the war itself, which contributed to the substantial growth of the shipbuilding, iron and steel and mining industries. These demanded even a larger number of migrant workers from Korea.<sup>12</sup> Soon recruiters were directly sent by Japanese companies to Korea to gather Korean laborers. Many Korean workers were introduced to employers in Japan through social connections, known as *enko toko* (chain migration), which resulted in the concentration of Korean migrants from the same village within a factory (Weiner 1994:56). Other companies relied on professional recruiters. This

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<sup>12</sup> Between the period, the number of factory workers increased from 950,000 to more than 1,600,000 (Weiner 1994:59).

was known as *boshu jujisha*. However, Weiner (1994:56-7) notes that most migrated through the introduction of friends and relatives or through advertisements.

Since the impoverished conditions continued tormenting Korean agricultural population, the number of farmers from southern Korean kept pouring into Japanese industries.<sup>13</sup> As a means to alleviate temporary labor shortages, Koreans were recruited to work as marginal workers (*genkai rodosha*) or as replacement labor in textiles, chemicals, or coal-mining (Weiner 1994:54).<sup>14</sup> They were mostly unskilled and illiterate; however, this did not appear to matter to employers since Korean migrants were willing to work longer hours for cheaper wages<sup>15</sup> under more adverse working conditions than Japanese workers. They were usually assigned to dangerous industrial work such as tunnelling and coal-cutting work, which would often involves serious accidents resulting in injuries and deaths. It has been assessed that minimal health and safety standards, long and intensive working hours, and difficulties of communications with other Japanese workers created an environment prone to such accidents.

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<sup>13</sup> The Korean immigrants were mostly young males gathered from the provinces of southern Korean such as North or South Kyongsang and Cholla.

<sup>14</sup> The recruiting companies included Fukushima Cotton Spinning, Hokutan (Hokkaido Steamship and Colliery Company), Toyohashi Silk Reeling, Mitsubishi Coal, and Fuji Paper of Hokkaido (Weiner 1994:54).

<sup>15</sup> According to Weiner (1994:57), although Koreans were paid a third less, on average, than Japanese workers, wages in Japan were substantially higher than those in Korea. Many Korean migrant workers would go back and forth between their country and Japan, looking for jobs. For details of wage differences, see *Race and Migration in Imperial Japan* by Michael Weiner, Chapter 2, "Migration, First Phase."



In contrast to the industrial expansion in the 1920s, the Japanese economy was plagued by depression and unemployment until the Manchurian Incident in 1931. Despite the economic depression of the 1920s, the influx of Koreans into Japan steadily increased.<sup>16</sup> In addition to the pervasive unemployment of Japanese laborers, who had moved to industrial areas in the 1910s, the large influx of Koreans into Japan made job competition keen for Japanese unskilled laborers. The "double infusion" of labor resulted in a sudden upsurge in the metropolitan populations; in a critical housing shortage, especially in Osaka. During the 1930s in Japan, Korean ghettos emerged on the fringes of industrial cities. Discrimination in housing and overcharging of rents against the Koreans made it difficult to find appropriate dwellings; soon some Korean laborers started finding their resting places in railroad culverts and building temporary shacks and flop-houses on vacant lots on the fringes of industrial cities, which later became slum areas. These areas came under the Japanese police surveillance as a place of subversive activities by rebellious Koreans. The surge of population, in turn, precipitate a string of increased ethnic problems<sup>17</sup> in big cities (Mitchell 1967:32).

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<sup>16</sup> According to Gaimusho's [Japan's Ministry of Foreign Affairs] *Taisho juyonen chuni okeru zairyu Chosenjin no jokyō* [The Conditions of Koreans in Japan in 1925], Library of Congress Special Studies 155 that Mitchell (1967:29) referred, the population of Koreans in Japan in 1921 grew to 400,000 in 1930.

<sup>17</sup> Yamawaki (1993:171-178) summarizes a series of ethnic conflicts between Japanese and the Koreans in Japan. A few examples include the Nakatsugawa Massacre Incident (July 1922) in which ten Korean laborers at a construction site for the Shinetsu hydroelectric plant, who protested against abuses imposed on them, were killed. In July 1923, Japanese construction workers at the Hokuso Tetsudo Railways had a boycott protest against the Korean and Chinese construction workers.

A series of ethnic conflicts between Japanese and Koreans in Japan reached its height after the Great Kanto Earthquake in 1923, which led to the massacre of several thousand Koreans in Japan.<sup>18</sup> The concentration of Korean population was often perceived as a potential threat to Japanese society by the Imperial authority, which was in the midst of social upheaval. International and domestic political environment such as the 1918 Rice Riots, the 1919 October Revolution in Russia, the Korean Independence Movement in 1919, President Wilson's support of national self-determination and colonial liberation and the establishment of the Japanese Communist party in 1922 all fed the Imperial government's fear of subversion, socialism, and radicalism. Although the ideological group of Korean students encouraged and inspired by the Japanese radical intellectuals and the "Taisho Democracy" was small, the government as well as the general public perceived Koreans as dangerous and potentially disruptive.

In the face of the widespread prejudice against Koreans, increasing fear of their dissidence and economic severity, the destructive earthquake of 1923 became the catalyst for the Japanese to turn the Korean laborers into scapegoats. The Tokyo police authorized a radio broadcast warning that the Koreans, along with Japanese anarchists, were burning houses, killing people, poisoning water supplies, and looting throughout the Kanto region of Japan (Mitchell 1967:39; Weiner 1994:79). Following the devastating earthquake, the Imperial government placed martial law in and around Tokyo; mobilized troops; and notified other local governmental agencies that the Koreans had started fires and carried

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<sup>18</sup> On September 1, 1923, the Kanto plain was hit by the most destructive earthquake recorded in Japan, known as *Kanto Dai Shinsai* [the Great Kanto Earthquake], which killed about 100,000 people.

bombs which were part of a Korean plot. In spite of the lack of any substantive evidence, local authorities were instructed to take strong measures to prevent Korean subversion (Kim and Wales 1941:36-7). Operating in conjunction with the local authorities, vigilante corps (*jikeidan*)<sup>19</sup> served as local militia armed with makeshift weapons interrogated refugees in the greater Tokyo area and murdered suspected non-Japanese speaking dissidents; this came to be known as *Chosenjin gari* (or the Korean hunt). It is estimated that 6,000 Koreans and 500 Chinese were massacred by the Japanese police and *jikeidan*,<sup>20</sup> who were instigated by rumors and unsubstantiated news released by the press (Yamawaki 1993:174). As a means to prevent the unfavorable publicity of the massacre, the Tokyo police attempted to dissuade or restrain Koreans from leaving the area and the colonial government suspended travel between Japan and the peninsula, confiscated all telegrams and publications containing materials relating to the massacre, and prohibited any gatherings (Weiner 1994:83-4).

Despite the setbacks put by the Great Kanto Earthquake and the 1929 Showa Depression, Japanese industrial expansion was pushed forward by its war against China in the 1930s. The further expansion of the war on the continent resulted in draining the skilled

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<sup>19</sup> By the end of the first week in September, *Jikeidan* (vigilante corps) numbered close to 3,700 (Weiner 1994:80).

<sup>20</sup> As for the criminal behaviors of *Jikeidan* members, out of 160 members prosecuted, more than half received suspended sentences. Only three members received a maximum sentence of four years' in prison. And most of those convicted later received a general pardon upon the commemoration of the Crown Prince Hirohito's marriage (Weiner 1994:83). Although the Japanese government maintained its denial in the involvement in the mobilization of the *Jikeidan* and their actions, the Civil Liberties Legal Association in Japan later revealed that the *Jikeidan* membership was largely drawn from the Imperial Army Reservist Association, the National Youth Association (which was under the direct supervision of the Army Ministry) and that many of the members have either served in Korea or received military and ideological training in Japan (Weiner 1994:86).

Japanese laborers from factories and mines to the military; and the opening of the Sino-Japanese war in 1937 led Japan to gradually form a wartime political and economic structure. Upon the institution of the National Mobilization Law (*Kokka Sodojin Ho*) in 1938, the Imperial government controlled production, wages, prices, the distribution of resources, and the recruitment of labor. All the war-related industries were organized within control associations (*toseikai*) in 1939, which came under the indirect control of the Japanese Cabinet Planning Board; and all the trade unions were dissolved. Finally in 1940 all the political parties were voluntarily dissolved, strengthening the authority of the cabinets, paving the way for a *Shin Taisei* (New Political Order). Under the new political order, any disruptive elements considered a threat to national security and the war effort were rigorously prosecuted and eliminated to silence political dissension and arouse patriotism.<sup>21</sup>

The war with China necessitated the Japanese government to draft a comprehensive mobilization plan for the entire nation.<sup>22</sup> In August 1939, the Labor Mobilization Law systematically brought more Korean laborers to the munitions industry and coal mines in Japan.<sup>23</sup> The Korean peninsula was turned into a military depot due to its strategic convenience for the Japanese. This imposed a different kind of sacrifice on the Koreans.

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<sup>21</sup> The coercive sanctions under the new political order included: the 1941 National Defense Security Law, which allowed for the death penalty for the transmission of certain information; and the 1941 Newspaper and Publications Control Ordinance and the Press, Publications, Assembly and Association Special Control Law. As of December 1942, all political assemblies required police authorization (Weiner 1994:188-9).

<sup>22</sup> In 1938, the Imperial Diet passed the National General Mobilization Act and later the National Mobilization Law was enacted based on the Mobilization Act.

<sup>23</sup> It was estimated that by the end of the war, 50 percent of the coal miners in Hokkaido and 31 percent of the mine industries in Japan were Koreans (Lee 1976:266).

From this time on, every aspect of the economic life in Korea was integrated into the war effort; labor, materials, funds, and prices were placed under government control.<sup>24</sup> As a part of the war-time economic effort, the government of Japan encouraged the immigration of Korean married couples, attempting to create a more stable Korean minority in Japanese society so as to ensure a stable supply of labor (Lee 1963:263).<sup>25</sup> By doing so, the government intended to alleviate a shortage of labor created by the expansion of the armed forces and the war economy.

Prior to the 1939 Mobilization Law, each private Japanese company individually recruited the Korean laborers and the migration to Japan was voluntary, although Japan's colonial rule over Korea made some migration an economic necessity. Under the Mobilization Law, the form of labor mobilization by the government took a form of "solicitation" so as not to provoke ethnic protest and resistance among Koreans. And each company was required to submit requests to the colonial government, which in turn designated areas where private recruiters were sent for mass recruitment. All the potential Korean laborers were investigated for security risks and given physical exams for labor; and the process took as long as six months (Lee and DeVos 1981:53). However, facing the prospect of entering war against the United States in 1941 and the expiration of the two-year

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<sup>24</sup> All the middle-sized and small industries owned by Koreans were shut down due to the Imperial government's war time regulations, and small merchants had to close their businesses due to lack of materials. In addition to the war time regulations, a severe drought in 1938 also add to the economic severity, which imposed more and more rice tax on the Korean farmers (Lee 1963:263).

<sup>25</sup> According to *Nihon Kindaishi Jiten* [Japan's Modern History Dictionary], the Korean population in Japan in 1933 was 456,217; by the end of 1936, it increased to 690,503; and it amounted to 2,400,000 by the end of the war (Mitchell 1967:76).

contracts under which the first cohort of Korean laborers had been brought to Japan, the Imperial government had to intervene in the labor recruiting process in 1942 to meet the increasing labor demands at home. In order to prevent the outflow of the Korean labor force back to the peninsula, the Welfare Ministry, with the help of Kyowakai, arbitrarily recontracted and extended the period of service of the initial contract (Weiner 1994:194). However, it became evident and essential that the method of recruitment be more efficient as the war developed in scope. Under the *Kan-Assen* (Government-Directed) system, a colonial-government organization known as Chosen Mobilization Association was entirely entrusted with recruitment and management of the Korean labor force. The government rationalized the process even more by setting up labor recruiting stations in each local province, county, and village on the peninsula for more efficient recruitment; and employed a more deceptive and coercive recruitment method during the later stages of the war. When the Imperial government realized that even with this concerted effort, the number of workers recruited under the mobilization plan fell short, it resorted to "forced draft," known as *kyosei renko*<sup>26</sup> in 1944. For the first year of forced migrations, 280,000 Koreans were brought to work in the expanded range of industries such as steel, chemicals, transportation and aircraft production (Weiner 1994:194).

In addition to the labor mobilization of Koreans, young Korean volunteers were brought in for military service in February 1938 under a euphemistic program called the "Korean Army Special Volunteer Troops System." The Japanese government carried out a

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<sup>26</sup> Such forced draft was implemented by Korean officials of the colonial military at the village level.

campaign towards Korean youths to instill the idea of distinct honor and privilege of serving in Imperial Army and the police exerted pressure to recruit as many Korean men as possible. Although 2,946 in 1938 and 12,348 volunteers in 1939 were gathered for the military service (Lee 1963:266), this did not satisfy the quota. Consequently, Korean males became subject to conscription in 1944. Throughout the war, the number of mobilized Koreans by the Imperial government amounted to approximately six million; among them, 831,111 Koreans were draftees<sup>27</sup> and laborers brought to Japan (Lee 1974:267).

In order to ensure colonial rule over the Korean peninsula, the Imperial government of Japan initiated as early as 1910, an assimilation policy toward the Koreans. It was intended to neutralize any nationalist elements among them and "Japanize"<sup>28</sup> the Korean population. As the war intensified, the mounting number of casualties and the worsening of economic condition made it necessary for the Japanese government to accelerate the assimilation process so as to co-opt anticipated dissent among the Koreans and to gain their cooperation on the war effort. As of 1938, the Imperial government prohibited teaching of the Korean language and history at school in Korea and made it mandatory for the school

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<sup>27</sup> According to Lee and DeVos (1981:53), there were many Koreans who evaded conscription and the number of escapees was reportedly high; about 220,000 Korean conscripted laborers were missing after being placed in munitions industries since the mobilization plan went into effect in 1939.

<sup>28</sup> The government's other tool of "Japanization" was an organization called *Kyowakai* (Concordia Society), which was established under the jurisdiction of the Ministries of Home Affairs, Welfare, and Colonial Affairs, and the Colonial Government of Korea; and was run by local Japanese officials. The *Kyowakai* organizations were placed throughout Japan where Koreans resided. It was supposedly to promote understanding between Koreans and Japanese and to raise living standards through social services. *Kyowakai* also provided adult classes to teach the Japanese language, sewing, manners, and customs to better assimilate Koreans to Japanese (Lee & DeVos 1981:52).

students to use Japanese. Education was geared toward emphasizing loyalty to the emperor, which included worshipping toward the east, reciting the "Oath of Imperial Subject"<sup>29</sup> at all public and private gatherings, and veneration of the shelf for Shinto tablets installed in every classroom (Lee 1963:265).<sup>30</sup> This type of assimilation program was mandated for all kinds of public and private social institutions. Some Korean parents in Japan were ambivalent about sending their children to school because of the prevalent prejudice and discrimination that their children had to endure and of the indoctrination at school that was intended to eliminate their Korean ethnic identity.<sup>31</sup>

As a part of the assimilation policy, the Imperial government also forced the Koreans to adopt Japanese family names in 1939 (*soshi kaimei*). They were allowed to choose any Japanese surnames they preferred. Some nationalistic Koreans ardently struggled to keep their Korean identity by simply changing the pronunciation of their names and keeping the

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<sup>29</sup> There were two types of pledges of allegiance to be recited at public gatherings for school children and adults. For children, it said, "We are the subjects of the Empire of Greater Japan. We, by uniting our minds, pledge our allegiance to His Majesty the Emperor. We, by perseverance and training, will become good, strong subjects." For adults, "We are Imperial subjects and pledge our allegiance to the Empire. We Imperial subjects, by mutual faith, love, and cooperation, will strengthen our union. We Imperial subjects, by perseverance and training, will cultivate our strength to exalt the Imperial Way" (Lee 1981:161).

<sup>30</sup> All the Korean students were taught the "spirit of Yamato" and the superiority of the "Yamato" (Japanese) race of which the Korean people were to be deemed a part (Lee 1963:265). For more detailed discussion of the assimilation process, see *The Politics of Korean Nationalism*, by Chong-Sik Lee, Berkeley: University of California Press, 1963.

<sup>31</sup> By 1936, the attendance level of the Korean children in Japan was only 60 percent, in contrast to the almost universal attendance of the Japanese children. Only a small portion of Korean children were enrolled in the secondary and higher level institutions (Lee & DeVos 1981:43).



original Chinese characters in their names or creating a Japanese name by adding one more character to their Korean names. Any Koreans who objected to such name-change would be pressured by the enforcing agency such as the police, and in some cases, as a form of punishment, dissenting Koreans would be cut off from the food ration or their children barred from school (Lee 1963:265).

The legal status of the Koreans was influenced by the political economy of war and a political struggle between Japanese liberals and nationalists in the time of "Taisho democracy." After the transfer of Korean sovereignty through annexation in 1910, Koreans legally came under Japanese jurisdiction, thus holding Japanese citizenship. On one hand, the Imperial government of Japan pursued the cultural assimilation policy to "Japanize" the Koreans in many aspects. On the other, it adamantly maintained a family registry system (*koseki*) to differentiate the *naichi jin* (insiders) from the *gaichijin* (outsiders). In the family registry system, all the people were to be registered according to their parental lineage; in other words, a child born in Japan to Korean parents could not be registered in the Japanese family registry system. The Koreans were never fully integrated into Japan nor given full-fledged citizenship. After the Korean independence demonstration of March 1, 1919 on the peninsula, the Japanese government attempted to appease Koreans by issuing an Imperial rescript to promise Koreans equality. However, it was never fulfilled, as the government feared the full-privilege would pose a security risk and make it difficult to maintain a differential policy (Lee and DeVos 1981:50).

With a 1925 manhood suffrage act (the General Election Law), Korean males in Japan attained voter qualification, while suffrage was never extended to Korean males on the

peninsula. However, voter qualifications stipulated that anyone receiving relief or government support could not vote, and required a residence of a full year in Japan, making the vast number of Koreans not eligible. The election law enabled 38,912 Korean men in Japan to vote in the election of September 1931; however, the turnout was so low that their votes were considered insignificant (Lee and DeVos 1981:51). In the following elections of 1932 and 1937, several Koreans were elected to the Diet to serve full terms.<sup>32</sup> Several hundred Koreans were given appointments in the Japanese government; nonetheless, many of them were the graduates from the Japanese Military Academy with experience of military service and by and large pro-Japanese in sentiment.

Deterioration of the Pacific War heavily affected the Japanese government's treatment of the Korean laborers in Japan. As the war progressed, the Japanese government officials felt the need to ensure loyalty and war effort by the Koreans. After a series of long Cabinet-level discussions in the latter part of 1943 on the status and treatment of Koreans, the Imperial Cabinet, in November 1944, issued a policy to revise the treatment of Koreans and Formosans, which would amend the Korean inequality and incorporate them into the Japanese political process. They announced they would designate 12 seats in the House of

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<sup>32</sup> Pak Ch'un-kum, who had come to Japan, seeking entrepreneurial opportunity, and ended up being a construction foreman, was one of the Koreans elected to the Imperial Diet and served as a Diet member. He came to be known for his conciliatory influence among Koreans for his rejection of the Marxist-oriented radical approach which was prevalent among the Korean intellectuals and students in Japan; and he organized a small welfare organization called *Soaikai* (The Mutual Friendship Society) to help distressed Koreans by providing food and shelter. Later the membership of the *Soaikai* in Japan reached nearly 100,000 and began to maintain a close liaison with the Japanese police which later took advantage of the society to control Koreans in Japan (Lee and DeVos 1981:48).

Peers and 70 seats in the House of Representatives to Koreans so as to well represent their interests; eliminate discrimination in wages, employment, and promotion; allow Koreans to transfer their permanent domicile registration (*koseki*) from Korean to Japanese, eradicating the source of legal discrimination; increase welfare payments to Koreans; give freedom to travel to and from Japan, which was formerly restricted due to security reasons; and increase the budget of the Welfare Society (*kyoseikai*) to encourage active assimilation of Koreans (Lee and DeVos 1981:56). However, these decisions were not put into effect because Japan's defeat became apparent by the spring of 1945. At the time of Japan's defeat in the war, the Korean population in Japan amounted to 2.35 million comprising 3.28 percent of Japan's population (Ming 1994:99).

### **Legal and Social Discriminations Against Korean Residents**

As of 1992, 688,144 people of Korean descent resided as "registered aliens" in Japan;<sup>33</sup> they are the largest ethnic minority in the country, constituting 53.7 percent of all the registered foreign residents. The largest concentration of Koreans is found in the Osaka metropolitan area where 183,322 Koreans reside. Other centers of Korean population include Tokyo (95,955), Hyogo (71,108), Aichi (54,581), Kyoto (46,671), Kanagawa (34,188), and Fukuoka (25,502). In other words, approximately 80.4 percent of the Koreans in Japan dwell in the greater Osaka, Tokyo, and Nagoya areas. According to a report published by the Japanese government, 87.2 percent of the Korean population in Japan were second, third, and fourth generations (under the age of 59), and 12.8 percent accounted for

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<sup>33</sup> According to the survey announced by the ROK government in May 1993 (Lee 1996:24), the number of ethnic Koreans in Japan exceeds 710,000 as of December 1992, if one includes those who are not registered.

the number of first generation Koreans (above the age of 60) in 1992. This indicates both an increase in the number of first generation Koreans and an increase in the number of Korean naturalization. Inter-ethnic marriages between the Japanese and Koreans have been constantly increasing since 1975; estimated 80 percent of the Korean nuptials has comprised their marriage with Japanese citizens since 1989.<sup>34</sup> This demonstrate the gradual assimilation of Korean residents into Japanese society.

### **Nationality**

In spite of their strong ethnic identity and aversion to naturalization, the proportion of naturalized Koreans is steadily expanding. However, Koreans face various measures of discrimination in Japan besides the social barrier. Even though most of the Korean residents in Japan, such as second, third, and forth generations, were born on the Japanese soil, they are excluded from the benefits reserved for Japanese citizens. This is because the Japanese government confers nationality to individuals born of parents who are already nationals (*jus sanguinis*), rather than naturally by virtue of place of birth (*jus soli*). As a result, despite their fluency in the Japanese language<sup>35</sup> and familiarity with the culture, Koreans born in Japan are legally considered aliens.

The main reason for the Korean residents' animosity toward naturalization is found in the measures of "assimilation" it requires applicants to show in the process that they are

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<sup>34</sup> According to the government report (Lee 1996:22), out of the 10,242 Korean marriages in 1992, those among the Koreans were 1,805 (17.6 percent) and those among the Koreans and Japanese amounted to 8,341 (81.4 percent). It is expected that most of their offsprings will obtain Japanese citizenship.

<sup>35</sup> Many of them do not speak Korean to any degree.

sufficiently assimilated into the Japanese society. While Japan's Ministry of Justice does not formally require it in the Nationality Law, it recommended in the form of "administrative guidance" that applicants assume appropriate Japanese names<sup>36</sup> and demonstrate that they have adopted Japanese beliefs and customs. Iwasawa (1986:149) notes that the Ministry of Justice cautioned local offices in July 1983 not to be misunderstood as if they were "forcing" Japanese names on applicants in the process of naturalization. However, as he adds, this type of "recommendation" can be hardly refused by applicants since the granting decision depends on the discretion of the Ministry of Justice.

### **Immigration Control**

Since Japan's restoration of full sovereignty by the San Francisco Peace Treaty of 1952, the immigration status of Koreans in Japan has been regulated by the Immigration Control and Recognition of Refugees Law by which foreign residents in Japan were required to establish their eligibility for continuing to stay in Japan and to decide the period of their intended stay (Lee and DeVos 1981:141).<sup>37</sup> Since most Koreans had already established their residence in Japan without passport and did not qualify for the list of sixteen categories of legal status under the Immigration Control Law,<sup>38</sup> the Japanese government issued a

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<sup>36</sup> According to Yoshioka (1988:34) a naturalized Vietnamese, Hideo Nakai, appealed to the Kobe Family Court in 1982 to legally regain his original Vietnamese name and the Court accepted his appeal. Encouraged by the outcome, some naturalized Korean residents formed a group called the "Association for Regaining Ethnic Names" (*Minzokumei wo Torimodosu Kai*) in December 1985. There have been many Koreans who brought up the same appeal and have been accepted by the Japanese courts.

<sup>37</sup> The law has been amended more than a dozen times.

<sup>38</sup> Article 4, paragraph 1 of the Immigration Control Law states that no one is permitted to land in Japan without having registered in his passport a specific category of

supplementary law (Law No. 126 of 1952), specifying that those who entered Japan before September 1, 1945, and their descendants born from that date until the peace treaty went into effect on April 28 1952 could continue to stay in Japan without having a qualification to stay, until their qualifications and periods of stay will be determined by a separate law. Koreans who fall into this category are referred as 126-2-6 aliens, as their legal status comes from Law No. 126, Article 2, paragraph 6. In spite of their seemingly "permanent" residence, the 126-2-6 Korean residents are still subject to deportation on the grounds stipulated in the Immigration Control law and have to maintain their residency continuously in Japan since World War II.<sup>39</sup>

Moreover, all Korean residents who were not in Japan before 1952 were classified in the last category of the sixteen on the legal status list, known as "special resident aliens" (or 4-1-16-2 aliens) whose stay is limited to a period between 30 days and three years (Lee and DeVos 1981:142); children of the 126-2-6 aliens born after the Peace Treaty entered into force usually fall into this category. The 4-1-16-2 alien status is granted only to children of 126-2-6 aliens, and their status must be acquired at birth registration within 30 days after birth of the child. Their stay in Japan is limited only to three years and subject to renewal thereafter. Their legal status is very unstable as they are subject to the Ministry of Justice for

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legal status; the conditions of admission and the period of stay depends on the legal status category. The list of sixteen categories for legal status included: diplomat or other foreign government official, transient, tourist, businessman, student and researcher, sportsman, artist, entertainer, clergyman, correspondent, technician, special laborer employed by a Japanese firm, permanent resident and so on (Lee and DeVos 1981:141).

<sup>39</sup> Any Korean who once returned to Korea and came back to Japan to join his/her family in Japan could not attain the 126-2-6 status (Lee and DeVos 1981:143).

renewal for every three years. Any parent who fails to renew a child's application is subject to fine, imprisonment, or deportation. Furthermore, if their 126-2-6 parent ever loses his status as a result of criminal conviction or any action punishable by deportation, the child would lose the 4-1-16-2 status.<sup>40</sup>

Grandchildren or great-grandchildren of the 126-2-6 Korean residents are given the status of 4-1-16-3 and allowed to stay "for a period designated by the Minister of Justice and not exceeding three years" by Article 1, paragraph 3 of the Ministry of Justice order (Iwasawa 1986:151). Korean with the status of 4-1-16-3 have more grounds for deportation and is more restricted in the scope of social welfare benefits than those with the 4-1-16-2 status. Another category is "general permanent resident" status specified in the Immigration Control Law, known as the 4-1-14 status for which any alien resident may apply, if the applicant satisfies the conditions defined by the Ministry of Justice.<sup>41</sup> Some Koreans obtained permanent residency in this category prior to the special measure taken for them in 1982. Out of 640,000 Koreans in 1974, there were only 1,712 Koreans found in this category.<sup>42</sup> While 4-1-14 permanent residents were allowed to reside for an indefinite period

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<sup>40</sup> In case of a 126-2-6 parent's criminal conviction, his child would lose the 4-1-16-2 status and be reclassified to a 4-1-16-3 alien resident (Lee and DeVos 1981:143).

<sup>41</sup> The restriction for the general permanent resident 4-1-14 status is that one's permanent residence is in accord with the interests of Japan; that one's behavior is good; and that he/she has sufficient means or the ability to make an independent living (Lee and DeVos 1981:143).

<sup>42</sup> Ministry of Justice, *Zairyu gaikokujin tokei* [Statistics on Alien Residents in Japan] 30, 1974. The Justice Ministry does not announce the statistics often. The 4-1-14 status was established as an alternative measure to relieve some Koreans who failed to qualify under the permanent resident status afforded by the treaty agreement of 1965.

in Japan and can freely change their profession without acquiring other resident status, the holder is not entitled to the National Health Insurance Program, livelihood protection, and educational opportunities that other permanent resident status have; and is subject to deportation in case of criminal conviction (Lee and DeVos 1981:143; Iwasawa 1986:151).

Another qualification is known as "agreement permanent residents," which was established in accordance with Article I of the 1965 Agreement on the Legal Status and the Treatment of the National of the Republic of Korea Residing in Japan. Although the Tokyo government had exclusive jurisdiction over Korean residents in Japan, this agreement between South Korea and Japan defined for Koreans in Japan the scope and eligibility for permanent residency, grounds for deportation, rights and the subsequent treatment to be provided by the Japanese government. The 1965 agreement accorded permanent residency upon their application to: nationals of South Korea whose residence in Japan commenced before the end of World War II and continued<sup>43</sup> until the time of application; their "lineal descendants" born before 1971 who applied for permanent residence within five years of the effective date of the agreement; and their children born after 1971, provided that application for the children's permanent residence was filed within 60 days from their date of birth (Iwasawa 1986:152).

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<sup>43</sup> Under the 1965 agreement, a satisfactory record of "continued residence in Japan" was a condition for permanent residence. This type of proof turned out to be a very difficult task for those who had lived in the chaotic postwar period in Japan. For the illustration of such difficult experience, refer to Chapter Seven in *Koreans in Japan: Ethnic conflict and Accommodation* by Lee and DeVos, Berkeley: University of California Press, 1981:147-8).



The 1965 Agreement created a wide variety of problems for Koreans in Japan. Despite the South Korean government's insistence during the 1965 agreement negotiation that all future descendants of Korean residents in Japan be granted permanent residency, the Tokyo government refused to consider the demand at the time. As a result, discussion regarding the third and subsequent generation Koreans born after 1971 to the nationals of South Korea was up to the later consultations to be held between Japan and South Korea twenty-five years later,<sup>44</sup> upon the Korean government's request. In other words, the legal status of the third generation Koreans in Japan remained uncertain until the 1991 ROK-Japan agreement, which I will elaborate in a later chapter.

In addition, Koreans who pledge their loyalty to North Korea were not entitled to permanent resident status by the 1965 treaty agreement, as the status requirement included proof of South Korean nationality; they were left with absolutely no possibility of gaining permanent residency in Japan. With no diplomatic relations between Japan and the Democratic People's Republic of Korea, Koreans with their pledge towards North Korea might be considered stateless persons. Lee and DeVos (1981:148) also notes that this created a lot of criticism among many Japanese jurists, as it left no alternative for Koreans in Japan except to take the nationality of the South, resulting in a denial of freedom of choice, which would contradict the principle of Article 15 of the Universal Declaration of Human Rights

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<sup>44</sup> The legal status of the third generation Koreans was discussed between the ROK and Japan which announced the 1991 ROK-Japan Foreign Ministerial agreement in which they will be granted permanent residence upon a more "simplified" procedure; the period of their multiple "reentry" permit will be expanded to five years; and they will be exempt from "finger-printing" upon the alien registration (Kiuchi 1995:52; Kim 1996:100-1).

and Article 22 of the Japanese Constitution. Such Koreans in Japan were, indeed, the victims of Japan's foreign policy towards the North-South division of Korea in the Cold War period.

However, in 1982 the Japanese government instituted a special measure for those who consider themselves to be a North Korean and have refused to obtain permanent residence under the 1965 agreement. Under this measure, 126-2-6 Koreans in Japan, their children born before 1987, and their children (the third generation Koreans) born after 1987, upon application, will be granted permanent resident status of 4-1-14 without any conditions and will not need to renew their periods to stay. Approximately 237,110 Koreans attained the 4-1-14 permanent resident status as of September 1984 (Iwasawa 1986:152).

Even if the Korean residents acquire permanent residency in Japan, that does not necessarily make them immune to deportation. According to Article 24 of the Immigration Control Law, the list of causes for deportation includes: illegal alien status; overstay of the permitted periods; engagement in activities other than permitted; ordinary crimes; subversive activities; and any acts that are considered by the Minister of Justice to jeopardize the interests and public safety of the State of Japan (Iwasawa 1986:152).

However, the 1965 ROK-Japan Agreement limited the grounds of deportation for "agreement alien residents." While the Immigration Control Law also states that those aliens who have been sentenced to imprisonment for more than one year may be deported, the agreement alien residents will not be subject to deportation unless they have been sentenced to imprisonment for more than seven years. Also the 1965 Agreement asks the Japanese government for leniency in deporting them by taking into consideration that they are highly

integrated into the Japanese society and that most of them have families in Japan. Later, these provisions were relaxed further by the Tokyo government. In order to make the law conform to the requirements of the International Covenants on Human Rights, the government deleted some grounds for deportation in 1982 such as: anyone suffering from leprosy and mental disease; and any pauper, vagrant, physically handicapped person, or the like who has become a burden on the state or a municipality (Iwasawa 1986:154).

Yet, as some jurists (Lee and DeVos 1981:149) note, the absence of a clear definition of "insurrection or acts prejudicial to the interests of Japan" could lead to a danger of arbitrary application of such provisions in the Immigration Control Law.<sup>45</sup> In fact, there had been 44,409 deportation orders made by the Ministry of Justice until 1978; and 38,164 Koreans were deported as of 1978.<sup>46</sup> Moreover, since the South Korean government is obligated to receive all the Korean deportees from Japan under the 1965 agreement, those who pledge their nationality to be North Korean are forced to be deported to the Republic of Korea.

Despite certain improvements the issue of "reentry" into Japan still creates an array of cumbersome problems for the Korean residents. The old system, under which the Korean residents had had to acquire a permission for each reentry and such permission expired in less than a year, was modified to a new system which allows multiple reentry permits and

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<sup>45</sup> This still leaves a possibility of misdemeanors committed by the Korean residents resulting in deportation.

<sup>46</sup> According to the Immigration Control Bureau's Hosojiho, 31, no.7 (1978:54-55), 29,677 Koreans were deported in 1952; 2,713, in 1953; 1,802 in 1958; 928 in 1963; 870 in 1968; 633 in 1973; 793 in 1977; 748 in 1978 (Lee and DeVos 1981:149).

extends their period of validity to a maximum of two years. Even with the new provision, Koreans who want to leave Japan for over two years have difficulties.

### **Alien Registration**

The Alien Registration Law was established in 1947 after the Japanese government suspended the suffrage of Koreans.<sup>47</sup> Despite that the Ministry of Justice insisted that Koreans in Japan continue to retain Japanese nationality until the Peace Treaty became effective in 1952, they were legally considered aliens and required to carry their registration card at all times under the Alien Registration Law<sup>48</sup> established in 1947. Their "alien" status excluded them from public housing, social welfare, taxation, and food rationing.

In Japan today, resident aliens in Japan must register under the Alien Registration Law under which those above age sixteen, planning to stay in Japan over one year, must have their fingerprints of left index fingers on a registration card and certificate, and fingerprint card and repeat the procedure every five years.<sup>49</sup> The initial rationale behind the finger-

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<sup>47</sup> This was done according to the Amendment to Election Law No.42 of the House of Representatives on December 17, 1945.

<sup>48</sup> The Immigration Control Law of 1952 maintained that violation of the provisions of the Alien Registration Law resulted in deportation. From the early 1950s, the Japanese government used the law to prosecute many left-wing Koreans. For the fifteen years of enactment of the law, they recorded 182,700 violations committed by Koreans (Lee and DeVos 1981:138).

<sup>49</sup> The Alien Registration Law has been revised several times. Initially, aliens were required to have all the fingers printed by the "rotating" method, which is the same procedure applied to criminal suspects. The procedure was changed in 1971 to require them to provide the prints of the left index finger. Finally in 1982, the Law was revamped to raise the fingerprinting age from fourteen to sixteen years old; extend the interval of registration from three to five years; and raise the fine for refusing fingerprinting from 30,000 to 200,000 yen (approximately U.S. \$2,000). As a response to mounting protests, the government revised the fingerprinting procedures in July 1985

printing practice was to prevent Korean residents from obtaining several registration certificates and selling the surplus certificates to Koreans who smuggled themselves into Japan. Refusal to fingerprint can result in imprisonment with or without forced labor for a year or a fine up to 200,000 yen and a criminal record.<sup>50</sup> This can be considered a harsh punishment, especially for Koreans teen-age residents, given the Japanese Civil and Criminal Codes normally accord juvenile status to anyone under the age of 20 years, which protects an adolescent from criminal prosecution (Lee 1981:142).

Due to its criminal association, many alien residents in Japan started refusing to be fingerprinted since 1980, contending it violated their human rights. The number of refusers amounted to 10,000 in 1985 out of 360,000 aliens who renewed their registrations. A modest number of resident aliens started to bring suit against the government in the mid 1980s, arguing that the fingerprinting procedure violates human rights guaranteed in the Japanese Constitution and the Civil and Political Rights Covenant.<sup>51</sup> In one case a permanent resident Korean in Japan, who aspired to graduate studies in the United States, was denied a multiple

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from the "rotating" method with a black ink to the "flat" fingerprinting method with colorless ink. Iwasawa (1986:156) notes that according to the Ministry of Justice, this revision was introduced to reduce "the psychological pressure felt by aliens at the time of fingerprinting." For more details of fingerprinting, see Iwasawa (1986:155-159).

<sup>50</sup> Japanese citizens are required to be registered under the Residents Basic Register Law and the Family Registry Law (*Koseki*) but they are not fingerprinted. Violation of this law will only result in a fine of 50,000 yen (Iwasawa 1986:156).

<sup>51</sup> They argued that the fingerprinting process violates Article 13 of the Japanese Constitution as degrading treatment, Article 14 of the Constitution and Article 2(1) and 26 of the Civil and Political Rights Covenant as discrimination against aliens, and Article 31 of the Constitution as disregard of due process because the law imposes unnecessarily heavy penalties (Iwasawa 1986:156)

reentry permission by the Japanese government because of her refusal of fingerprinting (Hashimoto 1995:66-69). Legally, if a person in her predicament once leaves Japan under the noted circumstance, she will not be permitted to re-enter Japan or be able to regain her permanent residency status. In other words, any alien residents in Japan refusing to be fingerprinted are not even able to take an overseas trip without risking a chance of not being allowed to return to Japan. In this case cited by Hashimoto, while the U.S. government normally does not grant a visa in a case in which the applicant does not have a reentry permission from the Japanese government, the U.S. Embassy, even upon the knowledge of her circumstance, issued her a visa, claiming that fingerprinting is a human rights issue. Despite the movement of finger-printing refusers<sup>52</sup> and the nation-wide protest of municipal assemblies and Korean organizations in Japan, the Ministry of Justice and National Police Agency had been resistant to complete elimination of the finger-printing system until the Korean government expressed concern and this issue became entangled with other diplomatic issues for Japan. The abolishment of the finger-printing procedure for the permanent residents was realized in January 1992 and became effective in January 1993.

Although the fingerprinting issue appeared to be put to rest with the abolishment, a new debate concerning the old fingerprint record of the alien residents emerged later during a Diet session in May 1992. When the government was asked if it was to delete the fingerprints from already microfilmed record, it contended that it is close to impossible to do so without ruining the existing microfilms. In the same session, the government also

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<sup>52</sup> The number of finger-printing refusers rose to 14,000 in 1985 according to Herzog (Herzog, 1993:91).

implied a strong possibility of cooperation with the police upon their future request of the fingerprinting record. Later, during a talk with the Immigration Bureau officials that took place in February 1994, Yasuko Takemura, a member of the House of Councillors, learned that the old alien registration of the foreign residents, including their fingerprints were to be reformatted into microfilms to be stored under the Ministry of Justice (Sorano 1995:25). In fact, the head of the Immigration Bureau had already sent a notice in December 1993 to all the governors, asking them to send back all the paper records of alien registrations that included all their information, including their fingerprints. Currently, the Japanese government still intends not to reformat the alien registration documents into microfilms without deleting the fingerprints before filming, which is apparently a simpler practice. As a response to the rigid attitude of the Japanese government, several Korean and American residents in Japan brought a suit against the government in February 1995, demanding that the government return the original record of their fingerprints or destroy their fingerprinting record.

Another degrading clause stipulated under the Alien Registration Law for resident aliens is its requirement to carry "Registration Certificate" at all times and to present it to police and other government officials upon request.<sup>53</sup> And it seemed that in the past, such police authority over alien residents tended to be abused. According to the report<sup>54</sup> cited by

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<sup>53</sup> This practice was criticized in August 1993 by the Human Rights Commission in the evaluation of the Japanese government's report on human rights submitted according to the Human Rights Covenants.

<sup>54</sup> According to *Sangi'in Homu Iinkai Kaigiroku* [the House of Councillors Judiciary Committee Session Record] on December 20, 162.

Lee (1981:140-142), approximately 26 percent of the total of 98,479 Korean residents arrested between 1955 and 1961 for violation of the Alien Registration Law was due to the failure to carry the registration certificate. In a case introduced by Kim (1988:24),<sup>55</sup> a Korean resident was arrested in Tokyo for failing to produce his registration card; detained for many hours; fingerprinted all his fingers and body-searched by the police. This was done only because he was not carrying his registration card with him when the police asked him to present one, although he was in possession of his driver's license, which indicates his name, address, date of birth. That's why the alien registration card is called by some Koreans as "dog tag" or *kae p'yo* (Lee 1981:142).

### **Freedom of Occupation**

The list of occupations that cannot be held and are restricted only to Japanese citizens includes the followings: mining rights or leases, ownership of ships or aircraft, licenses for radio stations, and notaries public or port pilots.<sup>56</sup> The rationale behind the restriction is explained to be related to their public nature of the occupations, the national security of the state, or their properties so basic to the society that the state does not want foreign residents to control them (Iwasawa 1986:161). While the National Public Service Law nor the Local Public Service Law do not have nationality requirements, resident aliens have not been

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<sup>55</sup> There has been numerous cases recorded by many activists in which the Korean as well as other alien residents were arrested for failure to produce their registration cards. For more detailed cases, see *Tahyansari: Thinking About Discrimination Against Koreans in Japan* ed. by Tahyansari Editors' Committee (Kagawa: Shikoku Gakuin Daigaku, 1988).

<sup>56</sup> These are according to the following laws: Mining Law, Articles 17,87; Ship's Law, Article 1; Aerial Law, Article 4; Wireless Telegraphy Act, Article 5; Notary Public Law, Article 12; and Port Piloting Law, Article 5.



allowed to hold public posts, as the Japanese government contends that "because of a natural legal principle concerning public service personnel, one must hold Japanese nationality to become a public official who is concerned in exercise of public power or participation in the formulation of national policy"<sup>57</sup> (Iwasawa 1986:162). This does not necessarily exclude all the public service personnel; alien residents can become public officials, except for posts which "are concerned in exercise of public power or participation in the formulation of national policy."

However, the Japanese government strictly defines the "exercise of public power or participation in the formulation of national policy," thus excluding most of the public positions even for the Korean residents who were born and grew up all their lives in Japan.<sup>58</sup> Primarily, the Ministry of Home Affairs has been strongly instructing the prefectural governments not to employ resident aliens in the public domain of services including clerical and technical employees of the local government, the police, education, fire-fighting and rescue, veterinary, and pharmacy; in many cases, resident aliens were not even allowed to take their appointment examinations, even if it is not written so in law.

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<sup>57</sup> Head of the First Department, Cabinet Legislation Bureau, Answer to the Chief of the Minister's Secretariat, Prime Minister's Office, on the Status of Public Service Personnel in Case of Loss of Japanese Nationality (Cabinet legislation Bureau, First Department, NO. 29) March 25, 1953.

<sup>58</sup> According to the survey conducted by the Ministry of Home Affairs, Public Service Personnel Department in April 1988, there were only 539 resident aliens who were employed as local public service servants, comprising of 382 Koreans, 132 Chinese/Taiwanese, and 25 American nationalities). Approximately 65 percent of them were in the medical field while the rest was engaged in the lower level administrative and technical fields.

Despite the strong administrative guidance coming from the central government, there emerged a tendency among local municipalities to start admitting alien residents into their governments. And following the tendency, the Japanese government relaxed its restrictions in 1982 and started allowing national and prefectural universities to appoint foreign resident professors as formal members of the faculty with a right to vote at the faculty meeting (Iwasawa 1986:163).<sup>59</sup> On the other hand, the government still takes the position to bar alien residents from becoming primary and secondary public school teachers, as it considers the position of teachers as those who "are concerned in exercise of public power or participation in the formulation of national policy." When Nagano Prefecture decided to hire a Korean as a primary school teacher, the Ministry of Education intervened with administrative guidance, ordering the prefecture not to hire a foreign resident (Iwasawa 1986:175). However, since the early 1980s, though small in number, there has been some resident Koreans employed in some categories of technical fields such as: doctors, nurses, and X-ray technicians in the nationally supported general hospitals; professors, assistant professors, lecturers, in the national and public universities.<sup>60</sup>

Although the Japan's Attorney Law does not contain a nationality clause, the Supreme Court did not allow alien residents to become students of the Legal Training and Research

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<sup>59</sup> Law Concerning Appointment of Alien Instructors at National or Municipal Universities, Law No.89 of 1982.

<sup>60</sup> The number of professors and lecturers amounts only to a few percent of approximately 1,000 personnel according to the Ministry of Education statistics. And most of the personnel employed by the government and local governments for educational purposes are the short-term foreign language teachers from overseas. Therefore, the number of resident aliens actually hired by the government in the national and prefectural universities are close to none (Kashima 1995:82).

Institute until 1977, and required them to be naturalized prior to admission to the Institute.<sup>61</sup> Based upon Article 66 of the Court Law, the Supreme Court decided (though it is not a law), on the requirements for all the appropriate candidates for the Institute. This "decision" did not even contain a nationality restriction until 1956 when the government prohibited the transferring of the attorney license attained overseas to that of Japan, since "all the foreign residents in Japan became eligible to attain the attorney license in Japan." However, as soon as a Korean resident in Japan passed the bar exam in 1956, the Supreme Court stipulated the nationality restriction on those considered to be appropriate Institute candidates, asserting that the Institute students also share the "public" nature which is not fundamentally different from those of public service personnel, thus forcing foreign candidates to be naturalized to be admitted to the Institute (Matsumoto 1995:96-100). This decision was slightly modified in 1977 when a Korean, Kim Gyon-dok, refused to be naturalized and asked the Japanese Supreme Court to admit him as a South Korean national to the Institute. As a result, the Supreme Court admitted him into the Institute, however, not by deleting the nationality restriction but by adding to the nationality restriction, "and those who are considered 'appropriate' by the Supreme Court."<sup>62</sup>

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<sup>61</sup> After passing the bar examination in Japan, those are required to attend a two-year training at the Institute established by the Supreme Court before attaining their recognition as lawyers.

<sup>62</sup> Prior to entering the Institute, Kim was required by the Supreme Court to submit an oath of respect toward and support the Japanese Constitution and to bring in a signed guarantee by his guardian. Such practice was only applied to alien candidates to the Institute and later became more demanding. According to a Korean who passed the bar exam in 1989, prior to the admission to the Institute, he was required to bring his parent and a Japanese guardian who is in the field of law to the Supreme Court. Three of them were asked to write an oath and written guarantee by copying the samples prepared by the

## **Social Rights**

As a result of Japan's ratification of the International Covenants of Human Rights in 1979 and the Convention Relating to the Status of Refugees in 1987, some social rights of alien residents in Japan were expanded, in which the Japanese government came to recognize that "the right of everyone to social security, including social assistance" in Article 9 of the International Covenant on Economic, Social and Cultural Rights, includes the alien residents (Iwasawa 1986:166).

### *National Pension Plan*

The National Pension Law was established in November 1959 to accommodate all people, especially those (such as farmers) who were not eligible to benefit from the *kosei nenkin* plan (the government-managed pension plan for corporate employees)<sup>63</sup> or various kinds of cooperative society union plans for public servants. While the *kosei nenkin* plan and others alike did not have any nationality restriction, the eligibility in the National Pension Law was limited to the "Japanese nationals" age between 20 and 60 who reside in Japan," excluding all the foreign residents except for the American residents.<sup>64</sup> Their eligibility for

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Supreme Court officials. On the written guarantees, the parent and guardian had to state their intention to "guide and supervise" the candidate to respect and support the Constitution and the Japanese law. The content of such "oath" is similar to the ones that other Institute students sign after their admission to the Institute; and the Supreme Court did not make clear why the alien candidate had to sign it prior to the admission to the Institute. In 1990, 400 out of 500 Institute students petitioned the Supreme Court against it, resulting in the elimination of the practice (Matsumoto 1995:99).

<sup>63</sup> Any corporations permanently having more than five employees can join the *kosei nenkin* plan.

<sup>64</sup> The number of foreign residents registered in 1959 was 686,613, comprising of 619,096 Koreans (90.17%); 45,255 Chinese/Taiwanese (6.59%); 10,673 Americans

the social security benefit had been granted by Article 3 of the Treaty of Friendship, Commerce and Navigation between Japan and United States of America signed in 1953. Upon Japan's signing of the Convention Relating to the Status of Refugees in 1982, which obliges state-parties to accord national treatment to refugees with respect to social security, the nationality restriction was eliminated from the National Pension Law effective as of January 1, 1982.

However, this created some problems for some Korean residents. Even with the deletion of the nationality clause, an alien resident older than age 35, as of the effective date could not benefit from the National Pension Plan, since the National Pension Law states a participant of the old-age pension plan must pay the premium for over 25 years until he turns 60 years old. Likewise, a handicapped alien resident older than age 20 whose disability had concurred prior to January 1, 1982 cannot benefit from the plan. It was estimated that 36,000 resident aliens in Japan, mostly Korean, who fell into the first category and were not qualified for the pension plan; and about 9,600 Koreans were found in Greater Osaka (Kanaitzuka 1995:73).

Korean residents have brought several suits against the Japanese government on the social security issue. Kanaitzuka (1995:74-76) notes the case of Kim Hyon-jo a first generation Korean in Japan, the plaintiff, Kim was misled by an official from the ward office to join the national pension plan in October 1960; knowing of his alien-resident status in Japan, the official, solicited Kim, assuring that despite his status, he will be able to collect

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(1.55%); 1,646 British (.24%); 1,225 Germans (.18%) and 1,158 Canadians (.17%) (Ming 1994:180).

his pension if he does not return to South Korea. Although he had paid all the premiums in due course, upon Kim's request to collect his pension in October 1976, the social security agency, realizing his ineligibility, refused to pay him the pension. Kim brought a suit against the government, claiming that the government's refusal to pay the pension violated Article 14 and 25 of the Japanese Constitution, citing Article 9 of the Economic, Social and Cultural Rights Covenant to support his argument (Iwasawa 1986:169). The Tokyo District Court rejected his claim but the Tokyo High Court reversed the former judgement in October 1983, using human rights treaties as aids to interpretation.<sup>65</sup> This case paved a way for many other Korean residents who had been in the same predicament as Kim.

On the other hand, in the case of a blind second generation Korean, Hide Shiomi, she did not receive a favorable outcome in her suit against the Governor of Osaka Prefecture. Born in Osaka in 1934, Shiomi had been gradually losing her sight since the age of two which would have classified her a first level disability in November 1959, if she were a Japanese citizen, making her eligible for disability benefit. Marrying a Japanese and becoming naturalized in December 1970, she applied for the disability welfare pension. But in 1972, the Osaka prefecture refused her request, claiming that she was still an alien resident in Japan at the time of her disability concurred, which was before the National Pension Law of November 1 1959 came into effect. Shiomi brought a lawsuit against the Governor of Osaka Prefecture, demanding nullification of the rejection, but it was rejected both by the

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<sup>65</sup> The Social Insurance Agency decided not to appeal the decision.

Osaka District Court in October 1980 and by the Osaka High Court in December 1984.<sup>66</sup> The appeal went up to the Supreme Court, which dismissed her case in March, 1989.

### *National Health Insurance*

The National Health Insurance Law does not contain a nationality restriction and is administered by the local governments. And the eligibility requirement for the insurance is to have a domicile in the municipality. However, the Ministry of Welfare placed an order, making those without Japanese nationality ineligible except for the following alien residents<sup>67</sup>: those who are to be given national treatment in accordance with treaties; the "agreement residents"; and those who have their nationality designated by municipal ordinances (Iwasawa 1986:168). Under the order, Korean residents who pledge their loyalty towards South Korea became eligible to participate in the plan while those who sympathize with North Korea were excluded. As of 1965, only 40 percent of the municipalities in Japan had such ordinances to include Koreans into the plan. In the 1970s, many local governments of major cities started including Koreans in Japan into their insurance plan by ordinances, covering a large number of the Korean residents. However, resident aliens who happen to

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<sup>66</sup> Iwasawa (1986:171) notes that on appeal, she based her argument on international human rights law in addition to her initial argument by referring to the Universal Declaration of Human Rights, the Economic, Social and Cultural Rights Covenant, the Social Security (Minimum Standards) Convention, the Equality of Treatment (Social Security) Convention, the United Nations Declaration on the Rights of Disabled Person, and the Refugee Convention to argue against for the government's denial of the right to social security to settled resident aliens. However, the High Court found the right of alien residents to social security has not yet become a right under customary international law.

<sup>67</sup> Ministry of Welfare Order No. 53 of December 1958

live in a municipality which has not yet adopted such ordinance will not be part of the national health insurance plan unless they are "agreement permanent residents."

### *Other Social Rights*

Prior to Japan's signing of the Convention Relating to the Status of Refugees (i.e. the Refugee Convention), which required that the nationality restrictions be eliminated from all the laws, the Korean residents in Japan were not eligible to many social benefits that the Japanese government provided to their citizens. The deletion of the nationality restrictions made Koreans eligible for the Child Dependency Allowance Law, the Special Child Dependency Allowance Law, and the Child Allowance Law. The Mother-Child and Widow Welfare Law, which did not have the nationality restriction, was interpreted in a new light by the Ministry of Welfare to fully allow Koreans to receive benefits (Iwasawa 1986:172). Likewise, while the Public Housing Law did not have any nationality restriction, the Construction Ministry's strict interpretation of the law did not allow Koreans to be eligible. And this was also altered in 1980 to accommodate alien residents for the public housing. Similar measures were taken in the Japan Housing Corporation Law and the Housing Loan Corporation Law and made Koreans eligible to receive loans, to purchase houses or housing sites prepared with its loans, or to rent housing constructed with its loans (Iwasawa 1986:172).

### **Social Discrimination: The Reality of Their Life in Japan**

Besides a wide variety of legal discriminations, Korean residents face multi-dimensional social prejudice and discrimination in the Japanese society--the social legacy which developed since the time of Japan's rule over Korea. In the colonial time, the Korean



laborers were negatively stereotyped and were treated as a second-class citizen of Japan.<sup>68</sup> Persistently rooted prejudice against Koreans originated in the period has not faded much over the years and is manifested in the social discrimination they face everyday in Japan today. In order to be accepted by Japanese society which does not easily accept other ethnic groups, many Koreans use Japanese names, known as passing names, act and speak like Japanese peers and send their children to Japanese schools; some does not wish to be known as Korean even among other Koreans. Some young Koreans in Japan find out their ethnic origin for the first time when they reach the legal age of sixteen to be formally registered at the local government as an "alien resident. In fact, young Koreans in such predicament go through a traumatic experience and confusion of self-identity.

### *Education*

At early age, even before reaching sixteen, Korean children in Japan do begin to realize the unfavorable conditions surrounding them in Japanese society. Many times their early encounter with discrimination starts in elementary schools where Korean students hear their Japanese friends speak ill of Koreans, saying they smell of Kimchi. They get teased and sometimes they are told to go back to Korea. Even in elementary schools in Osaka with a large Korean concentration, most of the children use their "passing" names.<sup>69</sup> Despite the

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<sup>68</sup> According to Lee and DeVos (1981:40-1), they were characterized as rebellious, unruly, devoid of a sense of responsibility, and inefficient in their work. They also note that the stereotype was related to badness, not only moral but in terms of their physical compartment.

<sup>69</sup> Out of estimated 500,000 Koreans who acquired Japanese nationality, only 50 of them are using their ethnic Korean names while 10 percent of the Korean residents in Japan use their ethnic names (Kim, et al 1996b:228).

liberal movement in Osaka schools of encouraging parents to register their children under their Korean names as part of ethnic education, many Korean parents still insist on using their Japanese names to minimize discriminatory treatment by their peers.

In order to help their children keep their ethnic identity and to protect them from the hostile environment, some Korean parents send their children to Korean schools in Japan run by Koreans.<sup>70</sup> Many of the schools are concentrated in the Tokyo and Kansai areas with large population of Koreans, which make it difficult for Korean children who live in other places than the Tokyo and Osaka areas. As of April 1988, there were 164 Korean schools<sup>71</sup> in Japan with the population of 22,307 students, consisting of only 13 percent of school-age Korean children in Japan.<sup>72</sup> However, strictly speaking, the actual number of the Korean residents' offsprings in Japan is less than what is indicated above since the number also includes school children of Korean diplomats and business people who are temporarily staying in Japan.

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<sup>70</sup> In order to control the extent of the ethnic studies programs conducted by the Korean schools, the Japanese government ordered all Korean schools to be closed in compliance with the newly enacted School Education Law. This resulted in the Hanshin Riot of 1948 where a series of violent protests among Koreans took place and the prefectural governor was kidnapped in Kobe and forced to rescind the school closing order. The government told all the Korean schools to reapply to be admitted as "regular" schools. Out of 128 Korean schools applied to be accredited as regular schools, only one school was accepted by the Ministry of Education (Lee 1974:274; Ming 1994:29).

<sup>71</sup> This includes 11 primary and secondary schools run by Mindan (The Korean Resident Association in Japan), an organization affiliated with South Korea and 153 primary and secondary schools and one university managed by Ch'ongryon (The General Federation of Korean Residents in Japan), a group organized by the supporters of North Korea.

<sup>72</sup> Out of 13 percent, approximately 1 percent of them go to Korean schools run by Chongryon and 12.5 to Korean schools run by Mindan whereas 86.5 percent of all the Korean children in Japan go to Japanese schools (Ming 1994:34).

Many Korean children in Japan end up going to Japanese primary and secondary schools because most of the Korean schools in Japan are not accredited as "regular" schools within the meaning of Article 1 of the School Education Law of 1947. The Ministry of Education considers only two Korean schools as "regular schools," or *ichijo ko* (or Article One schools), which are Yonguk Gakko (Yonguk School) and Kumgan Gakko (Kumgan School)<sup>73</sup> while the rest of the schools are classified as "miscellaneous" schools under Article 83 of the School Education Law. The "miscellaneous" status of Korean schools does not qualify their graduates to proceed to higher educational institutions such as Japanese universities in general. National universities do not accept applicants from miscellaneous schools whereas more and more private and municipal universities began admitting their graduates recently. According to one survey<sup>74</sup> among Korean parents in Japan, this was cited as the primary reason for sending their children to Japanese schools.

In order for any schools to be accredited as an Article one school of the School Education Law, they have to use textbooks approved by the Ministry of Education and conduct educational guidance according to the instruction manual created by the Ministry.

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<sup>73</sup> Yonguk and Kumgan accredited as "regular" school (*ichijo ko* or Article 1 schools) respectively in 1953 and 1985. Students of these schools are qualified to take entrance examinations to all the universities in Japan.

<sup>74</sup> Actually all (100 percent) the 744 Korean parents surveyed answered that they send their children to Japanese schools because they live in Japan. The qualification for higher institutions was cited by 34 percent of the parents; future employment in Japan 28.5 percent; and financial reasons 19.6 percent. Korean schools cost as much as other expensive private schools in Japan. Also other parents answered that Japanese schools have some special educational curriculum which do not exist in Korean schools (26.9 percent); that their children do not need to go to Korean schools, as they have a strong ethnic identity (14 percent); and that Korean schools are not located within the commutable distance (3.2 percent).

All the classes must be taught in Japanese through the use of certified textbooks in Japanese. In addition, they must hoist the flag of Japan and sing the national anthem, *Kimigayo* (His Majesty's Reign).<sup>75</sup> However, considering the fact that most of the Korean schools in Japan have as good equivalent quality of course requirements, class hours, and curriculum as those of Japanese Article one schools, close to 200 municipal and private universities started accepting their graduates.

Despite such improvement, the "miscellaneous" status of Korean schools still creates disadvantages for the students of Korean schools. Due to the secondary status, they were not qualified to receive regular student discount on commuter trains, a benefit other students receive as recent as April 1994. On top of the rather expensive tuition of Korean schools, this puts more financial burden especially on the Korean parents whose children must commute long distances to go to Korean schools. This was later modified to give the similar kind of benefit to the students of Korean schools in Japan.

Another problem created due to the "miscellaneous" status was the Korean schools' ineligibility to fully participate in the athletic competitions officially held every year by the Senior and Junior High School Athletic Association (*Kotairen* for senior and *Chutairen* for

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<sup>75</sup> In 1985 the Ministry of Education issued instructions to all schools that they must hoist the national flag and have their charges sing the national anthem at school ceremonies. This was promoted by a report revealing that only 92.5 percent of primary schools and 86.4 percent of middle schools hoisted the flag at the closing ceremony of the school year, whereas only 72 percent of primary schools and 53 percent of middle schools sang the national anthem, known as *Kimigayo* (His Majesty's Reign) (van Wolferen 1990:292). Hoisting the Japanese flag and singing the national anthem, *Kimigayo* are still considered controversial among *Nikkyoso* (the Japan Teachers' Union) members who regard them to be remnants of the Imperial system. One would find strong resistance to both flag and anthem especially in Okinawa.

junior high schools). The Osaka Kotairen controversy started in April 1990 with a complaint by a volleyball coach of Osaka Chosen Senior High School to fellow coaches in Osaka. Later with the approval of admission by the volleyball department of the Osaka Kotairen, Osaka Chosen Senior High School was allowed to participate in the competition. However, after their winning in the first round, the school was notified that the prior approval of admission was mistakenly granted and that the school could no longer compete in the competition due to the "miscellaneous" status of the school. In June, twelve Korean schools decided to appeal to their Kotairen in their areas for admission; the Osaka Senior High School Teachers' Union joined in the nation-wide movement and succeeded in gathering a petition of 14,000 submitted to the Osaka Kotairen office along with a plea. In November, the Osaka Kotairen members decided to allow Osaka Chosen Senior High School's participation in the competition but postponed their decision on their official membership to the Kotairen. Other local Kotairen followed the Osaka Kotairen's decision, however, they met the resistance of the Central Kotairen, which claimed that Korean schools were not allowed to participate in the official competitions of any kind. The movement spread nationwide, forcing the local Kotairen and Chutairen to allow Korean schools to participate in their official athletic competitions (Mori 1995:141-151).

Sometimes Korean children become objects of senseless and violent acts of ethnic discrimination. This was sadly but clearly exemplified in a series of attacks on Korean school students in the wake of the North Korean nuclear crisis in 1994. From April to July 1994, a series of nationwide violent crimes and harassment were committed by Japanese men on Korean school children; as many as 160 cases were reported. According to the hearing

conducted by the Investigation Committee on the Human Rights Violations of Korean Student (1994:8-20), Korean school children ranging from the age of sixteen to eighteen were harassed and assaulted, in most cases, by Japanese men. A Korean junior high school student was brought to an emergency staircase of a department store and assaulted by twenty Japanese junior high school students in Osaka. In many of the cases, female Korean students wearing *chima chogori*, ethnic Korean uniforms, were harassed and had their uniforms cut by a knife by Japanese while commuting to Korean schools. One Korean girl during her commute had her ethnic uniform cut and she was pushed down on the railway (approximately 2 meters below) by a young Japanese man. Two months later, the same Korean girl was assaulted by someone wielding a small knife.

Another girl's ethnic dress was cut into pieces on the train by two men. And she describes it as she got off the train scared and rushed into the bathroom of the train station, she thought about reporting the incident to the station employees. But she did not do so because she was totally discouraged by the fact that none of the passengers were willing to help her out of the situation during the attack on the train. Four days later, the same Korean girl was chased again by a middle age Japanese male with scissors and had her school sweatpants (with Korean school emblem) cut. After these incidents, her parents took turns to pick her up at the station. One day when neither of her parents could pick her up at the train station, she decided to take a taxi home. She was asked by the taxi driver if she was the one who appeared in the article on the previous incident on the newspaper and the taxi driver continued on to say that she deserved it, given the international political climate surrounding North Korea and cursed her when she got off.

Many of these attackers and harassers fired derogatory and insulting language at the innocent Korean school children such as "Go back to Chosen (indicating North Korea)," "You are causing all the problems in Japan," "If you want to speak in Korean, why don't you go back to Chosen?" and "I will kill you next time I see you riding the train." In one case, when a sixteen year old Korean school student was reading her English textbook on her commuting bus, a Japanese man in his 50s said, "You Chosenjin (North Korean), Why are you still here? You should get money from your own country. Why are you studying English while your people are fighting with Americans?" As one sees in these comments, some of them reflect the international political situation surrounding North Korea as well as the deep-rooted prejudicial feelings held by Japanese towards Koreans.<sup>76</sup>

### *Employment*

Koreans in Japan also face both subtle and open discrimination on the front of employment. Because of their difficulties in getting a job in Japanese firms and corporations in general,<sup>77</sup> it is not uncommon for a university graduate Korean to work as a scrap collector or as a manager of a pinball parlor (Lee 1976:271-272). Therefore, the unemployment among

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<sup>76</sup> For the details of all the cases of assaults and harassments on Korean school children, refer to *Kirareta Chima Chogori* [Cut Chima Chogori] edited by the Investigation Committee on the Human Rights Violations of Korean Students. Tokyo: Zainichi Chosenjin Jinken Seminar and Masukomi Shimin, 1994. The Committee submitted a report titled, "Statement of International Movement Against All Forms of Discrimination and Racism," to the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities in Geneva on August 11, 1994 and spoke of these incidents.

<sup>77</sup> Lee (1976:271) notes that the social conditions surrounding Koreans in Japan are so unfavorable that some Koreans resort to illegitimate means to attain their personal ambition and gratification such as joining underground gangsters.

Koreans in Japan is quite high among Koreans especially in the Korean in comparison to that of Japanese. Even when they are starting a small business, they face discrimination in getting a loan from financial institutions. Most of the business enterprises owned by the Korean residents are limited to small business in the fields of entertainment and service industries, including restaurants, sauna baths, night clubs and retail shops. On the other hand, a few Koreans have been successful in establishing a mainstream business such as Shin Nak-ho's Lotte Chewing Gum, Son Won-tal's Shin Nippon Tools and Machinery, and Su Kap-ho's Sakamoto Textile Companies (Lee 1976:271).<sup>78</sup>

However, these cases are exception; most of the Koreans in Japan struggle to attain employment. In spite of two specific statutory provisions prohibiting discrimination based on nationality,<sup>79</sup> the employment discrimination by private Japanese companies against Koreans is prevalent. One such famous case was Pak Chong-suk v. the Hitachi, Ltd. of 1974.<sup>80</sup> In 1970, the plaintiff, Pak Chon-suk, applied to a position in Hitachi Industries under his Japanese name, successfully passed the examination, and received an official notice of employment from Hitachi. In order to complete his personal employee file, he was asked to

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<sup>78</sup> Their annual sales of these companies are estimated to exceed U.S. \$100 million.

<sup>79</sup> Article 3 of the Employment Security Office Law provide that "no one shall be subject to discriminating treatment with regard to placement, vocational guidance, and so on, b such reason as...nationality..." and Article 3 of the Labor Standards Law provides that "[n]o employer shall discriminate against or for any worker by reason of nationality...in wages, working hours and other working conditions." (Iwasawa 1986:164-165).

<sup>80</sup> The plaintiff, Pak Chong-suk was born in Japan of Korean parents. He used a Japanese name, Shoji Arai, throughout his school years. Upon graduation from high school, he briefly worked in a factory and responded to the recruitment advertisement of the Hitachi Industries and applied for a job (Lee 1976:281).



submit his family registration. Then, Hitachi learned Pak's Korean nationality and notified Pak of company's rejection on the grounds that he committed perjury.<sup>81</sup> Pak filed a suit against Hitachi for its discriminatory hiring practice, demanding: re-affirmation of his right to the labor contract; payment of his back wages beginning from the date he was due to start working; monetary compensation of U.S. \$500,000 for the mental discomfort he had suffered through this (Lee 1976:282).

During the trial, some Japanese and Korean supporters of Pak formed a support group and recruited more than 400 committed members to assist Pak's endeavor. They picketed, protested against Hitachi, raised funds for Pak legal fees, appealed to various Japanese and international human rights organizations; held a public forum; and started a boycott campaign against all Hitachi products, which eventually spread to South Korea (Lee 1976:282).<sup>82</sup> Pak rejected Hitachi's private offer to settle the case out of court, claiming the company had failed to make an acknowledgement in public of the discriminatory employment practice. Finally the Yokohama District Court acknowledged that Hitachi's cancellation of Pak's employment based on his nationality was a violation of Article 3 of the Labor Standards Law and Article 90 of the Civil Code of Japan and justified Pak's motive for using his Japanese upon application by explaining the historical and social environment surrounding Koreans (Iwasawa 1986:165).

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<sup>81</sup> Legally, notes Lee (1976), any foreign residents would be required to write down their original names as they appear on their alien registration cards and the address of family registry, instead of their birth places on legal documents.

<sup>82</sup> Lee (1976) notes that Hitachi was afraid of boycott spreading to other Asian nations where they heavily invested.

## *Housing*

Discrimination in housing is one of the problems Korean residents face in Japan. In order to assess the reality of housing discrimination against foreign residents in Japan, the City of Osaka where a large number of Koreans live, conducted a survey from December 1991 to February 1992 among the housing brokers (Ming 1994:176-175). According to this survey<sup>83</sup>, approximately 36.1 percent of the brokers surveyed answered that they had an experience with landlords and renters who refused rent to foreign residents. And in such cases of rejection, estimated 50 percent of the brokers were not successful in persuading the discriminating renters to rent to the foreign residents.<sup>84</sup> In comparing this type of housing discrimination to the situation ten years ago, about 39.1 percent of the brokers answered the discrimination against renting to foreign occupants has not changed at all while 37.5 percent answered that the cases of housing discrimination decreased. On the average, consistently 80 percent of the surveyed foreign occupants were refused by the renters and approximately 62.7 percent of the renters recognize their discriminating practices. Moreover, 68.5 percent of the time renters are required to show resident registration for the purposes of identifying the occupants.

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<sup>83</sup> The survey team sent a questionnaire to 15,657 brokers and brokerage corporations in the city of Osaka and received 7,713 responses.

<sup>84</sup> Facing renter's rejection to rent to foreign residents, about 47.3 percent of the brokers were successful in persuading them to rent to them.

Upon the establishment of the Basing Housing Ordinance,<sup>85</sup> effective in April 1992, to eliminate housing discrimination based upon nationality, the local government of Tokyo also conducted a survey among 250 renters in July 1992 in the Sumida, Shinjuku, Setagaya wards and Tachikawa city. When asked what they thought of renting to foreign residents, 44.5 percent of the surveyed renters indicated that they have no intention of renting to foreign residents while 35.4 percent answered that they are willing to rent to them if certain conditions are met. Also 8.7 percent answered they are willing to rent if they can get some public assistance from the local government. As the surveys mentioned above indicate, the housing discrimination against foreign residents, including Koreans in Japan, is so deeply-rooted that one Korean resident in Osaka filed a suit against his landlord, broker, and the city of Osaka in April 1989. During the prolonged trial, the Korean plaintiff and his supporters managed to submit to the Osaka District Court a petition signed by 10,000 supporters for a fair trial and appeal. Finally, the Korean plaintiff won the case on June 18, 1993 and the landlord and broker were ordered to pay 267,000 yen.<sup>86</sup>

### *Marriage*

The prejudice towards Koreans among Japanese sometimes result in discriminatory practices in dating and relationships because of the background of their Korean partners, such as cancellation of engagement. One such case developed into a legal suit brought by a

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<sup>85</sup> Article 18 of the Ordinance states' the local government of Tokyo's mission to "enlighten" renters so as to prevent any practices of discrimination based on old age, disability, and nationality from limiting the opportunities of occupants in renting private housing apartment and facilities.

<sup>86</sup> The amount would be approximately U.S. \$2,670.

Korean woman in Osaka against her Japanese former fiance. The man, knowing of her Korean background, proposed to her and formally met her parents. However, since he asked her to be naturalized prior to their marriage, claiming that her unnaturalized Korean status might be an obstacle in his career, she decided to end her relationship with him and married another person a year later. Upon learning her news, he tried to commit suicide and ended up resuming their relationship with her with an intention to marry when her divorce for other reasons became final. They decided to get married on October 7, 1978, however, a conflict between the two families over housing developed into his second cancellation of the engagement on the day of their wedding. This was followed by her lawsuit against the man in which she claimed that the termination of their engagement was due to his ethnic discrimination. The judge at the Osaka District Court agreed with her contention, judging that ethnic discrimination is not a lawful cause for the unilateral termination of engagement and the man was order to pay the monetary compensation of 2,700,000 yen to the Korean woman (March 25, 1983, *The Yomiuri Shinbun*). Similar cases of discrimination, though most of them do not develop into a lawsuit, have been documented by many activists and researchers (Fukuoka 1995:68-70; 213-214; and Kiuchi 1995:112-116)

### *Other Discriminations*

Other discriminations against Koreans in Japan extend into many different areas. There is an invisible barrier of ethnic discrimination in attaining golf country club membership in Japan. According to the 1988 survey conducted by the Japan Golf Enterprise Association, the primary qualification for the membership was nationality, followed by age

and recommendation by other members (Ming 1994:196).<sup>87</sup> All the applicants are usually required to submit a copy of their family registry along with other documents. Moreover, transferring one's membership to a person without Japanese nationality is prohibited by many golf clubs. Nitto Kogyo, a company which owns 25 golf clubs all over Japan was heavily criticized when *the Asahi Shinbun* revealed their nationality restriction in their membership (Ming 1994:197).

Discrimination follows even when Koreans in Japan apply for a credit card. Despite the administrative guidance in 1983 from the Ministry of International Trade and Industries (MITI) to Japan Credit Card Industry Association not to discriminate against the disabled and foreign residents, a practice of discrimination against Koreans still persists. When a Korean resident in Kobe applied to Sakura Card Kansai by using his Korean name, he was rejected and was asked to present his alien registration card. As for Japanese applicants, card companies do not require an examination period if the credit card companies can confirm the applicant's address and their place of employment. Permanent Korean residents can usually go through the simple procedure, like the Japanese, and will not be required to show their alien registration card if they apply using a Japanese name.

A number of significant legal changes have been made since the early 1980s regarding the rights of Korean residents in Japan since the Japanese government signed the International Human Rights Covenants in 1979, the Refugee Convention in 1982, and made the first report on the Civil and Political covenant to the Human Rights Committee in 1981. However, Koreans in Japan and Japanese activists continue their endeavor to attain more

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<sup>87</sup> The survey was conducted among 257 golf country clubs in the Kanto area.

legal rights and betterment of their lives. In the following chapters, by examining five longitudinal cases of major policy changes regarding Korean residents in Japan, I will argue that Japan under the new foreign policy style was compelled to better its treatment of Koreans in Japan as it considered important meeting expectations of the world community, fulfilling responsibilities as a "mature" member of the international society and projecting a certain image of a sovereign state. Contrary to the past when the MOFA did not see the need to address the Korean minority issue, the maltreatment of the Korean residents became a diplomatic liability in its dealings with the Korean peninsula as well as international public opinion in the 1980s. I will explore the process in which the Japanese government's domestic and rather previously inconspicuous policy regarding the Korean issues became internationally relevant and contentious "prestige" issues during the transition period and investigate the link between the domestic politics and international politics.

The case study includes four key cases of major policy changes: the 1959 Repatriation; the 1965 normalization between Japan and the Republic of Korea; a series of changes in law concerning the Korean residents in the early to the mid 1980s; abolition of finger-printing for the Korean residents in 1992; and establishment of an apology program for comfort women in 1994. These are major policy outcomes which affected the Koreans in Japan and the cases at different points in the postwar Japan reveal the gradually changing nature of the Japanese government reacting to, interacting with, preempting, and pro-acting to international stimulants. My purpose is to illuminate the cross historical changes in the nature of its foreign policy style, which in turn has affected power configurations in the domestic policy-making process, thus affecting the Korean related issues and outcomes.

TABLE 1

NUMBERS OF KOREAN RESIDENTS IN JAPAN (1947-1996)

Year	Total Number of Foreign Residents in Japan	Number of Korean Residents in Japan	Percentage (%) of Korean Residents
1947	639,368	598,507	93.6
1948	648,045	601,772	92.9
1949	645,749	597,561	92.5
1950	598,696	544,903	91.0
1955	641,482	577,682	90.0
1958	676,983	611,085	90.3
1959	686,613	619,096	90.2
1960	650,566	581,257	89.3
1965	665,989	583,537	87.6
1970	708,458	614,202	86.7
1975	751,842	647,156	86.1
1980	782,910	664,536	84.9
1985	850,612	683,313	80.3
1990	1,075,317	687,940	64.0
1992	1,281,644	688,144	53.7
1996	1,415,136	657,159	46.4

Compiled based on Statistics on Registered Foreign Residents [Zairyu Gaikokujin Tokei] by the Ministry of Justice

CHAPTER II: CONTENDING THEORETICAL MODELS OF JAPANESE  
POLICY-MAKING AND INTERMESTIC ISSUE-AREA:  
RELEVANCE TO KOREAN RESIDENTS

What is the Korean-related policy? There is a confusion as to whether the Korean-related domestic policy exists and what defines the policy arena. While denying the existence of a policy specifically aimed at Korean residents per se,<sup>1</sup> the Japanese government made a series of decisions that greatly affect various aspects of the Korean lives in Japan such as repatriation, immigration status, registration (finger-printing), welfare, pension, schooling support, housing loan, and employment practices which, as a group of decisions, broadly constitute the policy area of this study. The nature of these laws and the Tokyo government's dealings with them led a great number of the Korean residents in Japan to conclude that there is a general predisposition of the Japanese government to respond to the

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<sup>1</sup> The Japanese government does not acknowledge the existence of a Korean-related policy, because many of the changes in Japanese law of the 1980s that affect Korean lives (such as the extension of housing and financial benefits to aliens in 1980; the revision of the Immigration Control Order in 1982; the revision of the national Pension Law in 1982; the revision of the laws concerning child allowance in 1982; the revision of the Alien Registration Law in 1982; the enactment of the law allowing public universities to hire aliens in 1982; and the revision of the Nationality Law in 1985) were applicable to all the long-term foreign residents in Japan and not especially aimed at the Korean residents in Japan. Yet, one must note that the Koreans constitute 80% of the foreign residents in Japan, and that it was mostly this ethnic group that benefitted from these changes in law which came as a result of Japan's ratification the International Covenants on Human Rights in 1979 and/or the Refugee Convention in 1982.



Korean minority issues in a particular way, although the government does not articulate it as such. Many Koreans in Japan maintain that these policy decisions have been influenced by the historical bias against them, claiming that it is an extension of the colonial "assimilation" policy<sup>2</sup>.

According to Webster's New World Dictionary, the term "assimilate" is defined as "to change (food) into a form that can be taken up by, and made part of, the body tissues; absorb into the body," "to absorb (groups of different cultures) into the main cultural body," and "to make like or alike."<sup>3</sup> Inis L. Claude argues that assimilation, "demands that minorities consent to abandon the ethnic, cultural, and linguistic characteristics which distinguish them from the national majorities with whom they live, and to become merged into nationally uniform communities with the majorities" (Claude 1955:79). As seen on the discussion on the naturalization process as well as non-recognition of ethnic Korean schools, in the previous chapter, the Japanese government's formal and informal dealings with the Korean residents reflect its desire to "absorb" the Korean nationals into the Japanese social

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<sup>2</sup> Even though most of the Korean residents in Japan, such as second, third, and fourth generations, were born on the Japanese soil, they are naturally excluded from the benefits reserved for Japanese citizens. For a long time, a vast number of Koreans, especially those who claim their North Korean lineage, in Japan were treated as alien residents with severely restricted privileges, including social welfare benefits. This is because the Japanese government confers nationality to individuals born of parents who are already national (*jus sanguinis*) while some states which confer at birth (*jus soli*). The Korean residents' animosity toward naturalization is found in the measures of "assimilation" that strongly "encourages" them to assume appropriate Japanese names and to demonstrate that they have adopted Japanese beliefs and customs. In recent years, these government practices came under criticism, which resulted in more "lenient" governmental guidelines.

<sup>3</sup> *Webster's New World dictionary of the American Language*, 2nd Edition. (New York: Simon and Schuster, 1982)

body by encouraging them to shed their Korean identity and conform to the Japanese customs. Under such "assimilate or isolate" mentality, celebration of the "Korean-ness" hardly coexists with the mainstream Japanese society and politics. Whoever the Japanese government can "absorb" into their polity will receive those benefits reserved for Japanese citizens. On the other hand, those who reject such a process will be left cold and will not be accommodated, even if they were second-, third-, or fourth-generation Korean born in Japan, whose native tongue is Japanese.

On one side, the Japanese government's policy can be regarded as a pejoratively-termed "assimilation policy." On the other side of the same coin is what I call a "non-accommodation" policy, characterized by very little governmental accommodation toward the Korean nationals in Japan. It is a "non-accommodation" policy because the underlying philosophy behind the assimilation policy is so overwhelmingly "all or nothing" in nature that the government is not willing to acknowledge the existence of the Korean "minority group" and to deal with Koreans as members of the society. The "non-accommodation" policy implies an ad hoc style of decision-making by the Japanese government. It can be depicted almost as a gathering of political decisions that the Japanese government grudgingly made because not making them would either run counter to its interests or cause diplomatic embarrassment. Welfare benefits that the Korean resident enjoyed as a result of these decisions were extended hesitantly in a controlled process. Furthermore, it may not be an exaggeration to state that the predisposition of the government is quietly sanctioned by the larger Japanese culture, and that the policy area is only a manifest of how the Japanese society at large regards the Korean minority.

Despite the government's resistance to willingly accommodate the Korean residents, the non-accommodation policy has been gradually becoming a more approving one compared to the past. Is this change simply a reflection of the changing Japanese political culture? What actors and elements are involved in policy initiatives and its timings in changing law favorable for the Koreans? What causes the Japanese government to make policy changes which directly affect the welfare of the Koreans residing in Japan? Under what conditions does the Japanese government tend to be more accommodating towards the Korean minority? And what implications does the changing nature of Japan's foreign policy style have in the conservative "non-accommodation" policy towards the Korean residents?

In the policy-making literature, a question as to what extent and how the state matters in the formation of policy is often asked. Is this a straight-forward case of what Katzenstein and Johnson<sup>4</sup> regard the strong state dealing with Korean nationals and making decisions, which can be simply explained by the widely accepted bureaucratic dominance model? To what degree can an understanding of this case be enlightened by an examination of the ongoing struggle for influence among domestic social forces or political groups mobilized around Korean organizations such as Mindan and Chongryon and their Japanese and international allies? Is it possible that clarity of the analysis will be enhanced by incorporating a particular set of opportunities and constraints that the Tokyo government faces due to their position in the international system? In order to embark on these questions,

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<sup>4</sup> Peter Katzenstein, "Conclusion: Domestic Structures and Strategies of Foreign Economic Policy," in Katzenstein, ed., *Between Power and Plenty: Foreign Economic Policies of Advanced Industrial States*. (Madison: University of Wisconsin Press, 1977) p. 295-336; Chalmers Johnson, *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925-1975* (Stanford: Stanford University Press, 1982).

it is critical to examine the treatment of different roles played by the state, social and political groups, and the international system in the literature of Japanese politics.

### **Comparative Theory**

In building an explanation of a domestic Japanese policy in comparative politics, scholars have employed theoretical approaches which can be roughly divided into three categories: society-centered, state-centered and system-centered approaches. As seen in the proliferation of the heavily bureaucratic-focused studies in explicating Japan's "economic miracle," the state-centered approach is the dominant and popular approach among theoretical literature on Japanese policy-making. The State-centered approach to Japan's political economy, including "state-led capitalism," "developmental state," "Japan, Incorporated," or "the ruling triad," is the most popular model among scholars of Japanese politics; supporters of this approach largely attribute Japan's economic development and prosperity to a strong state led mainly by the national bureaucracy.

An early version of the state-centered approach can be traced to the "ruling triad" model, which incorporates the LDP and their main financial contributors or big business to their analyses of the bureaucrats. Supporters of the "ruling triad" model<sup>5</sup> examine complex symbiotic relationships among the three centers of power, composed of leaders of the LDP, senior bureaucrats, and big business who maintain a steady and effective alliance and control decision-making on major policy issues. The LDP, which is in need of campaign funds for its electoral success, turns to big business and their organizations, which wish to keep the

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<sup>5</sup> For more detailed discussion, refer to Haruhiko Fukui, "Studies in Policymaking: A Review of the Literature," in *Policymaking in Contemporary Japan*, ed. by T.J. Pempel. Ithaca: Cornell University Press, 1977:22-59).

conservatives in power to ensure the capitalist free-enterprise system is continued. For policy expertise and resources, the LDP relies on the bureaucracy for policy formulation and implementation, while the bureaucrats turn to LDP politicians for larger budget appropriations and jurisdictional aggrandizement. Some ambitious bureaucrats have a vested interest in becoming well-connected with the LDP, as they plan to enter politics upon early retirement. The business corporations defer to the bureaucrats as they fall under regulatory and licensing authority of the bureaucracy. The Japanese bureaucrats are often interested in the maintenance of their business connection, as many of them seek to find new jobs in private corporations (*amakudari*) after retirement.<sup>6</sup> The ruling triad was given a well-known name, "Japan, Inc." which emerged in 1970s, and has been popularly or sometimes pejoratively used to liken Japan to a giant corporate organization, with great harmony and solidarity, geared toward economic growth.

In the late 1970s and early 1980s, the more sophisticated and conceptually sharpened versions of Japan, Inc. have been introduced by scholars of Japanese politics. Johnson (1982) proposed the model of the developmental (or plan-rational) state,<sup>7</sup> in which the elite

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<sup>6</sup> *Amakudari* is literally translated as "descent from heaven," which is the practice of ex-bureaucrats joining the business, upon their retirement age of fifty-five, as directors or senior advisers of corporations over which they had jurisdiction during their government career. This practice is an effective way for corporations to maintain the flow of information coming from bureaucracy and get acquainted with bureaucratic priorities through personal connections and is indispensable in the business-bureaucracy policy adjustment (Van Wolferen 1989:45).

<sup>7</sup> Chalmers Johnson, *MITI and the Japanese Miracle: The Growth of Industrial Policy 1925-1975* (Stanford, California: Stanford University Press, 1982). Johnson compares the United States, a regulatory, or market-rational state to Japan's developmental or plan-rational state. Japan is considered a "developmental" state as it was a late-comer in industrialization and the state itself had to take on developmental functions and lead the

bureaucracy makes major decisions, drafts legislation<sup>8</sup>, and controls the national budget, leaving the conservative members of the Japanese parliament to aggregate a national consensus on economic prosperity and to handle politically sensitive issues. The study emphasizes primarily the Japanese administrative state's role in industrial policy to enhance the nation's international competitiveness and to accomplish its national interest by employing various policy instruments and taking advantage of administrative discretion in implementation.

The strong and well-respected Japanese bureaucracy has a long history leading back as early as the Tokugawa rule (1600-1868) governing in the areas of tax collection, justice, finance, construction and religious supervision (Pempel 1992:19). During the Meiji (1868-1912) period, Japan's national bureaucracy was further consolidated after the model of Bismarck's Prussian system,<sup>9</sup> which led Japan's modernization and industrial development.

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industrialization drive, unlike the United States which was one of the first to industrialize. Regulatory, or market-rational states are concerned with the forms and procedures of economic competition, maintaining competition and consumer protection, while developmental, or plan-rational states are interested in setting social and economic goals and shaping industrial policy.

<sup>8</sup> Preliminary research and investigations prior to legislation are also conducted by the national bureaucrats; it has been estimated that about ninety percent of all legislation passed in the parliament is first drafted by bureaucratic agencies (Pempel 1992:23).

<sup>9</sup> The Japanese government sent a study mission to examine various constitutions of Europe, including England and France. However, the mission concentrated on relatively conservative Germany and Austria with the greater authority of the monarchs and the limited powers of the parliaments, as the mission regarded them as a better-fit rather than other more liberal states (Reischauer 1981:142). German scholars were consulted so that the document of the (Meiji) constitution would be philosophically respectable to the Western powers (Reischauer 1981:143).

A rigorous entry examination system<sup>10</sup> to civil service as well as their leadership with technical efficiency provided the national bureaucrats to the widespread public support, prestige and power. It even survived a "purge" of civilian wartime leaders<sup>11</sup> after Japan's defeat in World War II, as it has been understood that the Supreme Commander of the Allied Powers (SCAP) had no choice but to work through the existing bureaucratic institutions of the state,<sup>12</sup> thus leaving them intact in leading role in drawing public policies even before Japan regained full sovereignty in 1952 (Haley 1987:34; Van Wolferen 1990:348-9).

Surviving the post-war token purge, Japan's career administrative officials at ministries came to play a significant role in policy initiatives and investigation, formation of laws, and their selective implementation through the use of administrative guidance and

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<sup>10</sup> The competitive entrance examination system was instituted under the Roles of the Civil Service Examinations in 1885, which was open to any male Japanese citizen over the age of 20.

<sup>11</sup> There has been a discrepancy in the statistics as to the actual number of personnel purged. The accepted figure for those listed to be purged was 1,800 bureaucrats. However, the final count has been recorded as only 719 according to a Japanese source cited by Van Wolferen (1990:475). This number falls slightly short of Baerwald's account (1959) in which the author lists 1.9 percent purged out of 42,251 who were screened.

<sup>12</sup> According to Van Wolferen (1990:349), the Occupation purge did not go beyond eliminating the military organizations, barring some party politicians from holding public office, and dissolving ultra-nationalist organizations, to maintain "tranquility" of the occupation. Thus, the purge of career administrative officials was left to the bureaucracy itself, which evidently did not carry out the mission in a strict sense. A *Japan Times* (December 13, 1971) article later described the unsuccessful purge as follows, "Japan's bureaucratic structure was one aspect of Japanese life which General Douglas MacArthur failed to reform. Instead of chopping away at the base of the bureaucratic pyramid, he simply chopped off the apex, by purging key wartime Government officials. In due course, the pyramid grew a new apex, much like a starfish renewing a dismembered limb and the bureaucracy continued unchanged from the prewar days."

policy instruments. For example, "administrative guidance" is a greatly discussed policy implementation instrument of the Japanese bureaucracy involving legally voluntary (but not necessarily uncoerced) compliance with "informal recommendations" or "directions" given to all concerned such as business corporations (Haley 1987:352).<sup>13</sup> The power to withhold licenses is another effective administrative tool of Japanese bureaucrats who are responsible for approval (*kyoninkaken*) of applications for business activity. The Foreign Exchange and Foreign Trade Control Law, which was drafted by SCAP officials, is a good example of how Japanese economic bureaucrats were provided with such a broad discretionary authority to grant or deny access to resources vital to nearly all Japanese industries in the early postwar period.<sup>14</sup>

Despite the appearance of its autonomous rule and its enormous power on the issues relating to the economy, the national bureaucracy is still subject to the political wishes of the parliament majority where the LDP long has controlled to mobilize public support for economic growth, maintain a political climate favorable to the business interest, resolve

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<sup>13</sup> Haley (1987:353) notes that administrative guidance is not unique to Japan and it is, in a nutshell, a Japanese version of informal law enforcement. What Haley finds amazing is its "ubiquity and apparent effectiveness," as it became the pattern of governance in Japanese politics. Yet, he argues that such use of informal enforcement does not necessarily demonstrate bureaucratic power.

<sup>14</sup> Denial of access to resources by the economic bureaucrats (MITI, in this case) would easily hinder the survival of an independent enterprise. These resources included raw materials, foreign technology, and foreign markets. However, the scope of such power was greatly reduced especially after a series of liberalization policies enacted in the 1960s and 1970s (Haley 1987:355).



contentious issues of foreign policy, and still engage in "petition politics".<sup>15</sup> One of the great debates in the field of Japanese politics has concerned the degree of influence over policy-making exerted by bureaucrats versus elected members of the parliament. It has been argued by many observers (Inoguchi 1983; Curtis: 1988) that Japanese politics is moving away from the models of bureaucratic dominance to bureaucratic-party relations characterized by the increased and rightful intervention in the policy process by the LDP or even that the dominance of the Japanese bureaucracy has been grossly exaggerated (Haley 1987; McKean 1993; Pempel 1987).

Pempel (1987:279-294) and Curtis (1988:62-71;233-249) argue that cumulative effects of external and internal pressures on Japan, Inc. contributed to "pluralistic fragmentation" of Japanese politics, thus leading to the increasingly expanded role of the LDP in the policy process. The very economic success of "Japan, Inc." induced a reduction in Japan's rural population, an increase in urbanization, and an elevation in the standard of living. This demographic change was a catalyst in creating a "new middle mass" and

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<sup>15</sup> The LDP's "grand coalition" includes two types of constituencies: a politicized, pork-barrel relationship with the labor-intensive sector of society (i.e. farmers, small-medium entrepreneurs, retailers), and a less particularistic, less politicized, bureaucratically mediated relationship with the capital-intensive manufacturing sector, or big business from which the LDP receives large financial contributions (Okimoto 1988:180). Curtis' term, "petition politics," includes what Okimoto (1988:1981) further classifies as "clientalistic votes" and "reciprocal (pork-barrel) patronage." According to Okimoto, the former clientalistic groups (agriculture, small-scale enterprises, health professions, heads of local postal services) support the LDP in exchange for favorable legislation, subsidies, and generous tax treatment while the "reciprocal patronage" is one of reciprocal patronage in which the spoils of public expenditures (public works, procurement, subsidies) are recycled back to the LDP in the form of financial contributions from interest groups (local interests, construction, transportation, defense industries).

diversification of Japanese voters. As a consequence of the high economic growth brought by rapid industrialization, there emerged a series of public policy or "quality-of-life" issues prevalent in a post-industrial society, including environment/pollution, aging population, medical care, and pensions for the elderly. Locally-based citizens movements, which were supported by the new middle mass and avoided any formal party ties, rose as a response to the inability of traditional parties to adequately represent their issues. Dissatisfaction with the traditional LDP and conservative rule in local governments led to the election of a number of progressive governors and mayors supported by opposition parties and citizens' movements. Meaningful voter choices became available, as the period witnessed an emergence of multiple new parties<sup>16</sup> in urban Japan, competing to occupy the political center (Curtis 1988:62-71).

By the beginning of the 1970s, LDP policy priorities were forced to change considerably to adopt itself to start proactively dealing with the looming quality-of-life issues or social costs of production that the "developmental state" had much difficulty in identifying and flexibly responding to. As a result, the LDP politicians were forced to pay closer attention to issues that previously were the policy domain of the national bureaucracy. "Policy awareness" was cultivated in the new sociopolitical environment among the LDP politicians; public policy became too important, for their electoral concerns, to be left to the bureaucrats. Voting on issues merely according to the party policy lines was not sufficient in ensuring legislative or electoral success for these members of the parliament. Careful

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<sup>16</sup> The Democratic Socialist Party and Komeito (Clean Government Party) were founded in 1960 and 1964, respectively.

studies of technical matters on certain policy issues critical to politicians' electoral districts as well as examination of policy consequences affecting their constituencies helped to establish policy expertise among the LDP politicians, known as *zoku* (literally translated "tribes").<sup>17</sup> *Zoku*, in alliance with bureaucrats (from their relevant agency) and interest groups, increased their influence on policy decisions. Accompanied with the increased policy influence of *zoku* members of the LDP, was what Pempel (1987:290) calls "debureaucratization" within the party, which started in the early 1970s. Debureaucratization was reflected in the form of the decreasing number and amount of influence of ex-bureaucrats within the LDP as well as the decreasing number of cabinet positions held by ex-bureaucratic officials.<sup>18</sup> In short, it is safely argued that "pluralistic fragmentation" of the Japanese polity in the 1970s, that emerged as a domestic result of rapid industrialization and economic growth, was met with swift and flexible policy strategy change as well as their expansion of influence in the policymaking process (vis-a-vis the bureaucracy) on the part of the LDP.

Pempel (1987) and Curtis (1988) also attribute the expanded role of the LDP in the policy process to a series of international events and foreign pressure on Japan that had

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<sup>17</sup> *Zoku*, or policy tribes is a term to describe members of the parliament (especially the LDP members) who had a considerable amount of policy expertise, practical experience, enough seniority and the relevant connection to maintain a continuing influence over a particular area of government policy. Major *zoku* include construction (*kensetsu zoku*), agriculture (*norin zoku*), and commerce (*shoko zoku*). Curtis notes that *zoku* have become increasingly specialized, concentrating their activities on a narrow issue area within the relevant ministry's policy turf (Curtis 1988:114-6).

<sup>18</sup> On average about half of cabinet posts were assigned to ex-bureaucrats during the period of 1957-1972) until the number dropped to 30 percent with the Tanaka cabinet and has remained low ever since (Pempel 1987:290).

emerged as a response to the rapid economic growth of Japan, Inc. Frustrated by an increasing security burden, especially after the Vietnam War, rising budgetary deficits, high inflation, and unfavorable trade balances with Japan, the United States became less willing to allow Japan's security "free-ride," or its protectionist practices, and put pressures on Japan to change many of its earlier instruments of foreign economic policy. Consequently, Japan had to reduce tariff barriers as well as quotas on imports. Especially the external pressure on the Japanese government to liberalize their traditionally closed markets to foreign investments and imports led to a series of changes in formal laws; the previously mentioned Foreign Exchange and Control Law of 1949, one of MITI's policy instruments, had to be drastically revised.<sup>19</sup> The force of liberalization, and internationalization of the economy, namely the liberalization of capital movements, investment opportunities, insurance, and other service-related services, required a series of flexible and highly political solutions and greatly expanded and complicated the range of issues critical to the Japanese constituents.

With the increasingly complicated politicization of policy-making processes revealing schisms among the "state actors," there emerged a contingent of scholars who started questioning the bureaucratic dominance and the view of Japan as an unitary, rational actor as well as emphasizing the center of political gravity in the LDP and its support groups. These observers contend that the Japanese bureaucratic dominance has been grossly exaggerated (Haley 1987) and the role of politicians underestimated; that a simplistic "Japan,

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<sup>19</sup> Most "formal" barriers to foreign investment and trade were lifted by the mid-1970s; by 1980 the Foreign Exchange and Foreign Control Law, and the Foreign Investment Law (which mandated approval for the establishment of subsidiaries and technology transfers) were substantially amended and repealed respectively (Haley 1987:356)

Inc." view as a unitary, interest-maximizing, and rational actor, fails to account for the deep-seated discord and sectoral disputes in government-business relations in Japan (Okimoto 1988); that sectoral fighting frequently penetrates the national bureaucracy and the LDP; and that the national bureaucracy's original legislation proposals do not necessarily prevail but are subject to powerful private interests' input.

One such approach is represented by Muramatsu and Krauss's "patterned pluralism" which criticizes Johnson's passive view on the role of politicians only as a "safety valve" for the bureaucracy.<sup>20</sup> According to Muramatsu and Krauss, the model of bureaucratic dominance neglects the role of "political" variables rising from competition and conflict, such as political party strategy, political leadership, and political coalition and competition which altogether helped determined the nature of Japan's economic growth (Muramatsu and Krauss 1988). Despite the fact that Japan is usually described as a more structured polity where the dominant LDP rules with a powerful bureaucracy, Muramatsu and Krauss assert that access to policy-making process is open because the LDP's social interest coalition is flexibly wide. In addition, the inclusionary bureaucracy maintains its strong ties to interest groups. The ruling coalition's flexibility,<sup>21</sup> they argue, allows relatively wide distribution of influence, not

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<sup>20</sup> Muramatsu and Krauss (1988:516) are critical of Johnson's passive interpretation of the function of politicians as a "safety valve" for the bureaucracy, insulating it from political and interest group pressures so that the bureaucracy could autonomously carry out the main task of the "developmental state." They argue that the bureaucracy's industrial policy did not operate in a political vacuum; the Japanese politicians could completely insulate the bureaucracy (1988:517). Moreover, the politicians helped to determine the nature of Japan's economic development.

<sup>21</sup> Muramatsu and Krauss contend that the ruling coalition is flexible because it must remain to perpetuate its dominance during social change and challenges from an opposition that is not completely delegitimized (Krauss and Muramatsu 1988:209).

concentrated, in the system, thus leaving the system's process and direction fairly pluralistic in fundamental ways. While interest groups are definitely tied to the government, they are also autonomous from and conflictual with the government.

Patterned pluralism with a manifest sensitivity to interest group pressure, Muramatsu and Krauss explain, is not a pluralism in the classic sense that policymaking is a result of an open-ended equilibrium between competing interest groups, lobbying a relatively weak or responsive government. In this patterned pluralism, pluralist relationships are patterned and mitigated by the perennial dominant party, an ideological cleavage between the ruling and opposition parties,<sup>22</sup> and the pivotal role of the national bureaucracy; these elements structure the otherwise pure pluralist relationship and prevent alliances and policy outcomes from being completely fluid (Krauss and Muramatsu 1988:209). What they attempt to depict is rather a strong state with the boundaries between the state and society blurred by the "integration" of social groups into the government via the "intermediation" of political parties between social interest groups and the government (Krauss and Muramatsu 1988:209). The government is not weak; it is just "penetrated" by agents of societal organizations, political parties. Results of lobbying competition are "patterned," not open-ended, because of the relatively constant and stable alliances among the same interest groups, parties, and bureaucratic agencies.

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<sup>22</sup> Krauss and Muramatsu (1988:209-10) note that policymaking on non-ideological issues pits relatively fixed alliances within the dominant party and the government against other and the opposition plays a peripheral role in the process while on controversial, basic ideological issues, the bureaucracy, and their interest groups allies clash with a mobilized opposition and its supporters.

Muramatsu and Krauss use the term pluralism to reject the elitist assumption on the concentration of power and suggest varying political power depending on issue areas. They stretch the application of the concept of pluralism to include interest group activities within the institutional setting still heavily influenced by the bureaucracy to the point that patterned pluralism does not fully appreciate the bureaucracy's ability of binding power over certain policy domains such as "persuading private companies temporarily to suspend fierce rivalries and submit to voluntary export restraints, and apportion shares of export quotas among various manufacturers" (Okimoto 1988:308).<sup>23</sup> Another criticism concerns the inability of patterned pluralism to offer compelling insights into Japanese-style consensus-building or the formation of temporary cartels in some trade-oriented sectors (Okimoto 1988:308). One way of resolving the tension between pluralist and corporatist approaches to differentiate a mode of representation from participation. As it has been suggested by Yutaka Tsujinaka,<sup>24</sup> some observe that new actors are gaining entry into the mainstream political "setting" and influence (pluralization of actors) while the mode of interest group representation still remains highly corporatist.

In 1988 Okimoto attempted to elucidate the tensions between pluralist- and corporatist-oriented approaches to Japanese policymaking. Okimoto's (1988) analysis of political power configurations, a "political inclusivity and issue-area segmentation," offers

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<sup>23</sup> Okimoto (1988:308) points out that patterned pluralism cannot explain, for example, why export-oriented manufacturers, who have a great stake in free trade, were unable to force protected producers of plywood and finished wood products, possessing far less economic and political influence, to agree to an abolition of import barriers.

<sup>24</sup> Tsujinaka was quoted by McKean (1993:78) for the conceptual differentiation.

an alternative model to the models of Japan, Inc., bureaucratic dominance, and patterned pluralism. Instead of employing sweeping generalizations on the roles of the dominant party, bureaucracy, and interest groups to all the arena of Japanese policymaking, Okimoto seeks to differentiate the bureaucracies in terms of their ties to the producer groups under their jurisdictions, the extent of their politicization, and their interactions with the LDP. Bureaucratic freedom from political interference, he contends, depends on the nature of the "political transactions," namely the exchange of political goods and services, between the LDP and interest groups under each ministry's jurisdictions. The nature of exchange, in turn, affects the extent to which LDP parliamentarians are motivated to tread on bureaucratic turf as lobbyists on behalf of parochial interests.<sup>25</sup> A policy issue area will be more politicized and the relevant bureaucratic agency more vulnerable to LDP interference if the relationship between the LDP and interest groups under ministry's jurisdiction is close.<sup>26</sup>

Examining an assortment of studies on various areas of Japanese policymaking,<sup>27</sup> McKean (1993) finds plenty of evidence for "state followership," an easily penetrated state, and calls for a more careful analysis of the previously praised strong state thesis. Her meta-

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<sup>25</sup> The political goods and services exchanged are classified into four types as previously mentioned: clientalistic votes; reciprocal (pork-barrel) patronage; "united" general contributions; and generalized voter support.

<sup>26</sup> A close relationship between the LDP and interest groups will result in frequent and ardent LDP interference, thus leaving the ministries with less prestige and power in the policy making process. According to Okimoto, the "clientalistic votes" type is the most politicized while the "generalized voter support" type is the least politicized and interfered by the LDP.

<sup>27</sup> McKean (1993) examines Calder (1988), Samuels (1987), Friedman (1988), Noble (1989), Anchordoguy (1990), Rosenbluth (1993), Tilton (1990), Campbell (1987).



analysis of Japanese policymaking theories reveals that an absence of simple state followership in policy making does not necessarily mean state leadership. Conversely, the state's involvement in policymaking does not necessarily mean the state is taking leadership, thus qualifying for a strong state (1993:76). McKean warns that dichotomizing state involvement into followership and leadership simply misrepresents the picture. Faced with a single unified interest without any counterprevailing pressure, a bureaucratic ministry is most likely to follow or be ordered to do so by the LDP that represents the interest. Yet, in a case of conflict of private interests, the state sometimes delegates the resolution of conflict to the private interests themselves or opts to deliberately toward deregulation.<sup>28</sup>

Most of all, what the Japanese state is most skillful at, McKean argues, is conflict mediation and coordination in the relationships between government and interest groups. She asserts that the Japanese state's skill to construct agreements that elicit voluntary cooperation from participating parties that have resources to challenge the state is significant because the state allows policy options otherwise not available. Such coordination does not jeopardize future cooperation; and the following cooperative solutions give the state the ability to deliver public goods (McKean 1993:99-100). Coordination can be provided by a single sector-specific bureau within a ministry when there is discordance among firms in a single industry. When all the parties to the conflict fall under its jurisdiction, a ministry or agency will coordinate conflicting interests. In case of the conflict spilling beyond a single

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<sup>28</sup> McKean quotes Rosenbluth and Mabuchi's (1993) study on a case of financial deregulation by the Ministry of Finance. According to their study, the Finance Ministry would rather give up than retain portions of regulatory jurisdictions that are fraught with conflict, as it reasons having to regulate such a sensitive political battlefield risks propagating the impression of ministerial incompetence or unfairness.

bureaucratic jurisdiction and resulting in inter-bureaucratic battles, it is the LDP which attends to the appropriate coordination (McKean 1993:89). In short, Japan does not have a strong state, yet the same state stands as the enforcer of cooperative pacts and producer of public goods. "Rather, the state follows when it can, coordinates when it must, and deregulates when it cannot coordinate"(McKean 1993:103).

### **Searching For A New Explanation?**

Despite their insights, these analyses and models of Japanese political structure cannot in themselves provide a sufficient understanding of Japanese government's policy dynamics regarding the welfare of Korean residents in Japan and other Korean related issues. Flaws of the monolithic bureaucratic-dominance model are revealed by the rise of political party influence over the bureaucracy, the emergence of previously mentioned *zoku gi-in* (tribe politicians), and constant bureaucratic turf fights (or sectoralism). Moreover, the relevant bureaucratic agencies to this study, such as the ministries of Justice, Home, and Health and Welfare and the National Police Agency, of which Korean residents are under the jurisdiction, are largely regulator ministries known as *kisei kancho* (regulator agencies).<sup>29</sup> These ministries, which possess extensive discretion with relatively high autonomy and are resistant to any deregulation, are mainly concerned about serving as a guardian of the lives and well-being of the Japanese people and the order of the public as well as tightly policing Japanese society. Naturally, they are very protective of the societal integrity from their perceived "non-homogeneous and unruly elements" in society and resort to very conservative

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<sup>29</sup> The authority of these regulator ministries has been traditionally feared by the private sector; in the past the public raise very few complaints or appeals to ministry decisions (Mikanagi 1996:35)

and restrictive immigration and registration regulations. Such manifest policy outcomes are influenced by their historical and institutional bias against Koreans in Japan, which has been deeply rooted in their colonial and postwar stereotype perception of unruly or sometimes criminal propensities of Koreans.<sup>30</sup> Thus, *kisei kancho* with jurisdiction over Korean residents have the incentive to tightly control but not an incentive of the same intensity to change the policy for the better well-being of the foreign residents. In short, the rather sudden and erratic Korean-related domestic policy changes, especially favorable policy outcomes cannot be adequately explicated by the static model of bureaucratic dominance.

The explanatory ability of patterned pluralism is severely limited by the lack of voting rights among the Korean residents in Japan. Suffrage for Koreans in Japan was suspended in December 1945, which prohibited them from voting in the first postwar election held on April 10, 1946.<sup>31</sup> The fact that a vast number of Koreans residing in Japan,<sup>32</sup> legally recognized as "registered aliens," do not have a voting right, forces this particular policy analysis to be more complicated than what patterned pluralism is able to explain. Despite

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<sup>30</sup> One example is seen in a Japanese "anti-crime" poster, distributed by the Tokyo Ueno Police Station in the greater Tokyo in 1947, which warns the householder to beware of dangerous robbers, with the Korean flag symbol as its central motif, implying Korean criminality (Lee and De Vos 1981:76). Especially in the chaos of immediate postwar period in the war-torn Japan, employment opportunities for Koreans were scarce; many Koreans along with the Japanese became street vendors and engaged in illegal transactions. As a result, Koreans in Japan, in general, often became the subject of unreasonable search and seizure by the Japanese police.

<sup>31</sup> It was suspended according to Law 42, amendment to the Election Law for the House of Representatives on December 14, 1945.

<sup>32</sup> Under the Alien Registration Law, about 700,000 Koreans are still treated as aliens though most of them were born in Japan and have lived there all their lives.

patterned pluralists' claim of "widely distributed influence" in the system, the Korean minority has never been able to utilize "multiple points of access" to Japanese policymaking, as they have not been included in the gameboard of "political coalitions and competitions" or let alone to be part of the political strategy (read "conservative policy line") of the mainstream LDP political leadership deemed important in patterned pluralism. There are no political transactions from which the LDP can directly benefit by associating with Koreans in Japan. Korean residents and their organizations in Japan function within a hostile institutional and ideological setting consisting of strong bureaucracies that give structure to various political activities and are not exactly sympathetic to Korean residents' predicament. With the most of effective conventional political channel relatively closed to them, the Korean residents have not been an active party to the mainstream domestic political processes, which create difficulties in appealing their plight to the government. Since the legal status of the Korean residents in Japan excludes them from the sphere of domestic political competition, the policy outcomes cannot be appropriately accounted for by the pluralist model.<sup>33</sup>

Yet, this is not to say that Korean minority has been totally inactive in political mobilization and party politics. Especially, in the chaos of the immediate postwar period, there emerged a number of Korean organizations mobilized throughout Japan to minimize

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<sup>33</sup> The Korean residents have highly organized interest groups. Unfortunately, the political rivalry between the two antagonistic regimes in South and North Korea divided the Korean community in Japan: the pro-South Korean Mindan (the Korean Residents' Association in Japan) and the pro-North Korean Chonryon (the General Federation of Korean Residents in Japan). Chonryon has a contact with the Socialist Democratic Party of Japan (SDPJ) and in the immediate postwar years it lend support to the SDPJ.

possible ethnic conflict with Japanese, to negotiate with the Japanese authorities or the SCAP on repatriation arrangements, to help them deal with practical socioeconomic concerns, and to promote the well-being of the Koreans in Japan (Kim and De Vos 1981: 61; Lee 1996:164-180). These "social service" organizations, which were the early basis for the nationally-mobilized Choryon, later could not resist to a Communist ideological enticement. Despite the suffrage suspension, Koreans, especially left-wing sympathizers were politically active and gave a substantial organizational and financial support to the Japan Communist Party (JCP) which saw the Choryon<sup>34</sup> as a means to broaden its mass base throughout Japan and served as spokesman for the oppressed and underprivileged Korean minority. However, such collaboration came to split in May 1955 due to the Communist sympathizer Koreans' decision to focus on their allegiance towards their homeland as North Korean citizens, thus staying out of the Japanese politics.<sup>35</sup>

Today, besides resorting to the Japanese legal system to appeal their cases of social and economic discriminations, the Korean residents are still denied the effective conventional political means to participate in the mainstream Japanese political processes to directly affect policies of the central and local governments of Japan, leaving them politically vulnerable. Their participation in the national politics seemed to have been

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<sup>34</sup> The Choryon was a predecessor to the current Chongnyon (General Federation of Korean Residents in Japan).

<sup>35</sup> Minority Koreans' support for the JCP dates from the prewar period. In the postwar Japan, Kim Ch'on-hae, a leader of the Choryon, was also considered a core member of the JCP, diverting the Choryon into becoming a peripheral organization of the JCP (Lee and De Vos 1981:62). Especially after the dissolution of the Choryon ordered by the Japanese government, with the consent of SCAP in April 1949, even more Koreans joined the JCP.

limited to lobbying a few sympathetic socialist legislative members of the Diet and participating in 1970s and 1980s grass-roots social movements organized around Mindan and Chongryon and/or some particular issue-areas. Despite the political efforts made by the Korean residents and their supporters, their struggles did not instantly result in policy improvement. Although the element of political mobilization created by the Koreans in Japan constitutes an important part of the analysis, the social movement thesis alone has difficulty explaining especially the 1959 Repatriation case and the policy changes brought by the 1965 ROK-Japan normalization treaty,<sup>36</sup> which obviously reflect the main foreign policy concerns of the Japanese government towards two Koreas and the Tokyo government's intended and controlled outcomes.

Here, I argue that the state-centered approaches alone, which emphasize the institutional structures of the state and the capacities of political and administrative officials, are limited in their explanatory power by the popular conception of the Japanese state as "strong" relative to its own society. My observation, especially on the overall Korean-related policy, partially confirms this image; the issue area has been traditionally dominated by a particular group of regulatory bureaucratic agencies which are very resistant to domestic political and social forces, projecting themselves as "strong state," to their domestic audience.

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<sup>36</sup> The 1965 treaty defined Korean residents' legal status, rights, and the treatment by the Japanese government. The agreement of the legal status of Koreans in Japan included provisions regarding scope and eligibility to apply for permanent residence, conditions for deportation, and subsequent legal treatment.

However, as seen in the timings and policy outcomes at several policy-junctures over time, the state can be highly "susceptible," at least partially, to external influences/pressure or *gaiatsu* by which the issue is officially initiated into the policy process and is politically mediated by the legislative policy makers and the Ministry of Foreign Affairs (MOFA), a policy-oriented ministry.<sup>37</sup> The Foreign Ministry, with its own set of institutional objectives and concerns, is highly susceptible to *gaiatsu* because this particular policy area often involves various diplomatic considerations towards South and North Korea, the United States, and the United Nations. Due to its economically prominent and politically inconspicuous position in the international system, the Japanese Foreign Ministry has been increasingly sensitive to any controversial issues which would possibly direct international criticisms towards its government. Consequently all the carefully designed Korean-related policy results seem to have been induced, in part, by some form of *gaiatsu* and brought about as a result of intervention by a segment of the state, namely the Ministry of Foreign Affairs of the state backed by the legislative body, into the policy-area which had been conventionally dominated by the Ministry of Justice, the Welfare Ministry, the Home Ministry and the National Police Agency, which in general, preferred the status quo or (and have stakes in preserving the state as homogeneous and trouble-free as possible), in some cases, remained resistant to policy changes. In this case, contrary to domestic explanations, state behavior does respond to the international system. Then, what were the diplomatic

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<sup>37</sup> Mikanagi (1996:34) compares *kisei kancho* (regulator ministries), and *seisaku kancho* (policy-oriented ministries). In this case, the National Police Agency and the Justice Ministry will be classified under the former while the Ministry of Foreign Affairs under the latter category.

concerns and institutional objectives of the Japanese Foreign Ministry which translated external pressure into the domestic policy arena, and why did it respond to external influence? In order to answer these questions, it is necessary to place the site of research into the context of international politics, to explore causes of domestic politics in the sphere of international relations, and to investigate the relations between the Korean resident policy and some relevant elements in Japanese foreign policy.

### **The Link Between the International and Domestic Politics**

As I previously characterized, the Japanese government's "non-accommodation" policy towards the Korean residents can be depicted almost as a gathering of political decisions that the Japanese government, especially regulatory ministries, grudgingly and compromisingly made at the height of the issue saliency, in response to a variation of *gaiatsu* or foreign pressure because not doing so would either counter what the Foreign Ministry perceives to be Japan's foreign policy interests or cause diplomatic embarrassment. At the core of each policy juncture of this case study, one would recognize that the initiation of the issue have been made most prominent in the form of *gaiatsu* by the involvement of foreign players. Why is the Japanese government sensitive to *gaiatsu*? Does Japan's foreign policy's susceptibility to *gaiatsu* vary over time? How do historical changes in the context of international politics over time affect efficacy of *gaiatsu*? Do reasons for Japan's response to *gaiatsu* change over time? Does responding to *gaiatsu* indicate that Japan is a reactive state? These are most relevant questions, since internationalization of the Korean issue saliency would not have been achieved without *gaiatsu*; and the Korean-related issue would



have remained under the static jurisdiction of the regulatory ministries, with no positive changes.

### **The Two-Level Games**

In the studies of Japanese political economy, a concept of *gaiatsu* in shaping policy outcomes has been studied in an attempt to introduce a systemic element into comparative analysis and bridge the gap between domestic and international politics by a few scholars along the line of Robert Putnam's theoretical formulation of international negotiations, known as "two-level games."<sup>38</sup> The two-level games captures the dynamic nature of how international bargaining can create opportunities and constraints for negotiators to pursue different strategies aimed at reshaping politics in both their own and their counterparts' domestic arenas to make possible deals that would not have been possible without the interaction between the two levels (Schoppa 1993:353-4).<sup>39</sup> Strategies and tactics skillfully

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<sup>38</sup> Leonard J. Schoppa, "Two-Level Games and Bargaining Outcomes: Why *Gaiatsu* Succeeds in Japan in Some Cases But Not Others," *International Organization* Vol.47, No.3, Summer 1993. By examining five issues areas of the Structural Impediments Initiative (SII) bargaining between the U.S. and Japan, Schoppa (1993) illustrated why *gaiatsu* (external pressure) was successfully used to bring about policy-changes in Japan's public investment, distribution system, and land policy while it failed in altering exclusionary business practices, and Keiretsu groups (the uncompetitive relations between firms in groups); Shigeko Fukai, "The Role of 'Gaiatsu' in Japan's Land Policymaking," prepared for the 1992 Annual Meeting of the American Political Science Association, September 3-6, 1992. In this article, Fukai explores the role of *gaiatsu* in Japan's land policymaking; and Ellis S. Krauss, "U.S.-Japan Negotiations on Construction and Semiconductors, 1985-1988: Building Friction and Relation-Chips," *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, ed. by Peter B. Evans, Harold K. Jacobson, and Robert D. Putnam. (Berkeley: University of California Press, 1993) p.265-299.

<sup>39</sup> The two-level games metaphor symbolizes state-leaders who are strategically positioned between two "tables," one representing domestic politics and the other international negotiation. The assumption is that negotiators attempt to do two things,

employed by the negotiating leaders in several case studies include "reverberation,"<sup>40</sup> "synergistic linkage,"<sup>41</sup> "participation expansion,"<sup>42</sup> and "alternative specification."<sup>43</sup> The underlying assumption is that the chief executive, facing distinctive strategic opportunities and dilemmas at the crossing point of the systemic and domestic logic, must choose how to reconcile the two by pursuing synergistic strategies.

The two-level games along with the strategies specified by Putnam, Schoppa, and Fukai provide a useful analytical framework in illustrating dilemmas that the Japanese Foreign Affairs negotiators faced, being positioned between the domestic table with the regulator ministries on one hand, and the international negotiation table with foreign actors such as South Korea, the United States, and the United Nations on the other. Negotiating on agreements and treaties, which have a direct impact on the welfare of the Koreans in Japan,

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seeking to manipulate domestic and international politics simultaneously. And their strategies are constrained both by what other counterpart negotiators will accept and by what domestic constituencies will ratify (Evans, Jacobson, and Putnam 1993).

<sup>40</sup> "Reverberation" was used by Putnam, describing international pressure to bolster the movement of the silent allies in the target nations to the point it becomes a majority.

<sup>41</sup> This was also used by Putnam describing a negotiating situation in which a chief negotiator is able to improve prospects for a deal by linking previously unrelated issues within his counterparts' nation. This is achieved through grouping issues in international negotiations, opening up the process in a way that allows for a broad cross-sectoral compromise.

<sup>42</sup> Schoppa's "participation expansion" is a way to activate other domestic actors who had not previously been interested or allowed to participate, bringing pressure on the target country. This can be done on the general population level and the elite level.

<sup>43</sup> Schoppa's "alternative specification" is to present demands for specific policy action to the target nation, spotlighting policy alternatives that may not have been considered in the absence of foreign intervention.

the Japanese Foreign Ministry became subjected to cross-pressures from the domestic bureaucratic regulatory forces of "assimilation" and the international forces of "accommodation" towards the Korean minority. When two-level games were applied to the Korean-related domestic issues, variations of the strategies previously mentioned would be seen, which are valuable in illustrating "how" the Foreign Ministry officials and negotiating members of the legislative body reconciled the domestic logic coming from the resistant regulatory bureaucratic agencies with the international logic sanctioned by external pressures. Yet, this framework does not fully reveal "why" the Japanese Foreign Ministry officials responded to the Korean minority-related agenda initiated in the form of *gaiatsu* by international players and "why" some of the demands were met despite the opposition of *kisei kancho* against loosening the tight control over the Korean residents.

In order to understand the Japanese Foreign Ministry's response and distributive outcomes, it is imperative to understand the context of its action in terms of an international-level analysis, which, Robert Keohane argues, is a precondition for effective comparative analysis.<sup>44</sup> Placing this case in the site of international relations is especially important, as systemic-level approaches help us define a scope of constraints that the Japanese Foreign Ministry faces, thus limiting a range of likely outcomes. It is the Ministry of Foreign Affairs that translates the constraints, pressures, and opportunities of international structures into the relevant domestic policy-making process. In addition, contextually and empirically informed systemic analysis is essential as Japan's relative economic position in world economy affects

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<sup>44</sup> Robert Keohane, "The World Political Economy and the Crisis of Embedded Liberalism," in *Order and Conflict in Contemporary Capitalism* ed. by John Goldthorpe. Oxford: Charendon Press, 1984.

the MOFA's own institutional objectives and interests on one hand and the goal, strategy, instruments and motivation of Japan's foreign policy they design, on the other. Thus, contextually embedded understanding of the Foreign Ministry's objectives and changing domestic and international strategies will help us understand why the Foreign Ministry factors the international logic into the old policy-turf controlled by other regulatory ministries and successfully prevails in gradually introducing "accommodation" into the conservative policy arena.

### **Japanese Foreign Policy**

Why is the Japanese government sensitive to this policy area itself? How does this issue fit to the Ministry of Foreign Affairs's policy scheme? Why does it bring the agenda to the domestic bureaucratic discussion table with *kisei kancho*? In order to answer these questions and understand the Foreign Ministry's action itself, it is necessary to examine the MOFA's institutional objectives and their policy. One logical source to look for the reason for its action is the foreign policy itself. How and why does the Korean issue fit to their foreign policy goals and strategy? Why is it in the Foreign Ministry's interest to mediate the international "accommodation" logic into the conservative policy area?

Since the postwar period, the Japanese government had pursued what is known among scholars in the Japanese studies as the "mercantilist," "defensive," "reactive" foreign policy style. However, it has been observed that there has been a gradual shift in its foreign policy style in the late 1980s and 1990s to an increasingly different and "new" foreign policy style. It is my argument that Japan's policy toward the Korean minority has been largely and inadvertently instrumentalized as a part of its foreign policy. In short, the Japanese

government's policy towards the Korean residents from the 1940s throughout the 1970s was greatly influenced by what is known as the "mercantilist," "defensive," and "reactive" old foreign policy style, whereas the same policy in the 1980s and 1990s can be understood in terms of Japan's increasingly different and "new" foreign policy style.

### *Old Foreign Policy Style*

In the Cold War international system, Japan under the old foreign policy style single-mindedly could afford to pursue a narrowly defined national interest, namely industrial rehabilitation and economic growth. In order to achieve this national goal, the Tokyo government skillfully employed the strategy of security alliance with the United States and managed to shelter itself from political and military responsibilities in the world of realpolitik. Due to the nature of its security alliance with the United States, the Japanese government has been very sensitive to "external pressure" (coming especially from the United States). However, at the same time some segments of the Japanese government used external pressure as a tool for some domestic and foreign policy changes. Tokyo, under the old foreign policy style during the Cold War period, did not deal with the Korean policy well, as the MOFA did not see the need of addressing any human rights issues, let alone accommodation towards Koreans in Japan. The non-accommodation policy toward the Korean residents was a result of strong assimilation policy endorsed both by regulatory bureaucratic agencies and the discriminatory society as well as a consequence of the MOFA's lack of interest in addressing such an issue, as it bore any diplomatic significance. Thus, while in this old foreign policy mode, Tokyo was quite indifferent to the welfare of Korean, especially North Korean, residents.

### *New Foreign Policy Style*

The rising status of Japan as an economic and financial great power in the international system in the early 1980s and especially the international system change at the end of Cold War, which compelled Japan to reexamine the old diplomacy style, have helped Tokyo to start shaping a new foreign policy style. In the wake of the system change, Japan as an "adult nation"<sup>45</sup> is expected to bear more responsibilities in the world community, becoming forced to explore a new and more appropriate strategy to pursue economic growth and expansion without being criticized as a "free-rider" by the Western states without giving any impression of dominance to other Asian neighbors; Japan needed a considerably different set of foreign policy strategy and instruments to keep pursuing its old goals; it was essential for the Tokyo government to adjust its diplomatic strategy and instruments to a new style. And such shift towards the new foreign policy style has been underpinned by the popular support given to the current *taikoku* or great country debate on its soul-searching over its future international role.<sup>46</sup> As I will apportion a chapter later, elaborating on Japan's

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<sup>45</sup> Also the terms, "adult" and "mature" nation are widely used by political and intellectual leaders of Japan in an on-going domestic debate (*taikoku* or "great nation" debate) on its national soul-searching over its future international role.

<sup>46</sup> Ichiro Ozawa, a prominent conservative leader of Japan, and a Prime Minister hopeful in the near future, has a section on "Become a Normal Country!," explaining the need to revamp the economics-oriented Yoshida Doctrine in his book titled, *Nihon Kaizo Keikaku* [Japan Reconstruction Plan] Tokyo: Kodansha, 1993. Also see the debate by a Japanese political scientist, Takeshi Sasaki, in "Ikkoku Minshushugi no Rakuro: Atarashii Kokusaijokyo to Seijihendo Heno Shikaku," [Downfall of the One Nation Democracy: A Viewpoint on the New International Situation and Political Change] in *Sekai Shuyo Ronbunsen 1946-1995: Sengo 50 Nen no Genjitsu to Nihon no Sentaku* [Sekai Selected Articles 1946-1995: The Reality and Japan's Choice in the 50 Year of Postwar Period] ed. by The Sekai Shuyo Ronbunsen Editing Committee. Tokyo: Iwanami Shoten, 1995: 945-956. The prestigious journal, *Sekai* just recently compiled all the articles, which marked

transition to the new foreign policy style sanctioned by the on-going popular *taikoku* debate,<sup>47</sup> the new style can be briefly described as follows for now. Under the new policy mode, its goal remains economic prosperity and growth. However, as a strategy Japan is gradually making a transition to formulate harmonious external economic relations. The government clearly intends to help shape a new international framework to emerge in which it wishes to ascend as an "adult" leader nation. Effectively employing inter-governmental organizations (IGOs) such as the UN, the World Bank, and the International Monetary Fund (IMF), and other institutions as its new instruments and responding to the transnational strategies of various NGOs, Tokyo is moving towards implementing a more multifaceted diplomatic strategy instead of exclusively focusing on the old bilateral security relations with the United States. Many scholars note that the Japanese foreign policy has been reflecting activist, politicized, globalized, nonmilitary and multilateral themes since late 1980s (Ogata 1987; Yasutomo 1993; Ueki 1993). And these themes have been manifested in the increased

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various turning points in the postwar history, written by significant Japanese leaders and figures from the fields of politics, economics, education, literature, and culture.

<sup>47</sup> This "prestige" (*taikoku*) debate has been documented in various articles such as "Sontoku ka Jinken ka, Amerika ka Ajia ka, Sorega Mondaida," [Pragmatism or Human Rights? America or Asia? That Is the Problem] by Akihiko Tanaka, and "Good-Bye GNPism," by Ken-ichi Miyagi in *Oishii Seiji* No. 189, Tokyo: Takarajima-Sha, 1993: 148-169 and 193-200. They all argue that Japan should its share (strive toward a more affluent democratic society, commit itself to promotion of human rights and peacekeeping, etc) to become worthy of the name of "Taikoku" (prestigious nation). In 1990 the Japanese government also recognizes itself as "a key nation supporting the international order" which "is expected to make positive contributions commensurate with its international position, to the world. See Japan's *Diplomatic Blue Book 1990: Japan's Diplomatic Activities* by Ministry of Foreign Affairs. Tokyo: Ministry of Foreign Affairs, 1990: 259.

amount of the Japanese government's contributions to foreign aid, multilateral development banks, and UN peacekeeping operations.

Under the new foreign policy style, "prestige/respectability"<sup>48</sup> attainment becomes an important part of the strategy and incentive for the Japanese government, especially affecting its old non-accommodation policy regarding the treatment of Korean residents. Since one of the major concerns of the government is to meet the expectations of the world community, fulfilling responsibilities as a "mature" member of the international society and projecting a certain image of a sovereign state, it becomes more susceptible to any domestic and international "prestige issues."<sup>49</sup> The Japanese government's awareness of its standing in the world community is documented in its *Diplomatic Blue Book of 1990* in which it recognizes itself as "a key nation supporting the international order" which "is expected to make positive contributions commensurate with its international position, to the world (Ministry of Foreign Affairs, 1990:259). Whereas dealings with these issues might not have attracted as much

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<sup>48</sup> The term of "prestige"/"respectability" used in the *taikoku* (literally meaning "great country") debate has been widely but unambiguously used in Japanese media and academia. For example, Funabashi explains that as Japan's international influence and prestige advanced, the underpinnings of its domestic political and economic systems have been called into question and scrutinized. See Yoichi Funabashi, "Japan and the New World Order," *Foreign Affairs*, Winter 1991/1992. Moreover, many Japanese opinion-leaders call for a more multifaceted, value-oriented foreign policy which gives higher priority to promotion of human rights, democratic development, environmental protection, and international peacekeeping. Also see "Daishinsai de Roteishita "Rinen Naki Taikoku" Nihon," [Prestigious Japan Without Principles?—After the Challenge of the Kobe Quake] by Yasushi Akashi in *Bungei Shunju* April 1995: 94-101.

<sup>49</sup> From what I inferred from the current debate taking place in Japan, the public appears to consider the following as "prestige issues," that "taikoku" (prestigious) Japan faces: human rights, environmental protection, foreign aid, democratization, UN peacekeeping operations, liberalization of markets and more domestic "quality of life" issues such as shorter work hours, equal employment opportunities for women, etc.



attention of the world opinions while being a less influential state, its emerging prestigious status puts the Japanese government under scrutiny over issues such as contributions to the United Nations peacekeeping operations, and to multilateral development banks, the General Agreement on Tariffs and Trade (GATT), its human rights record, treatment of minority groups, foreign aid and moral leadership in the international community (Funabashi, 1991:59). When these previously inconspicuous policy issues are linked with prestige of the state, they become a "prestige" issue of which the Japanese government cannot quietly ignore the resolution. Now, the Korean related issues do matter, as the marginalized treatment of the Korean residents could potentially be a diplomatic embarrassment to the Japanese government, casting an "unsuitable" image of Japan as a world power to the international community. Thus, the Korean related domestic policy in the early 1990s can be explained by this transitional nature of its foreign policy style.

TABLE 2  
CHANGING JAPANESE FOREIGN POLICY STYLE

**The Old Foreign Policy Style**

**Labels**

- Commercially-oriented foreign policy
- "Reactive" foreign policy
- Omni-directional foreign policy
- "Cowardice" diplomacy
- Comprehensive diplomacy
- Ideology-free diplomacy

**International System**

- Cold War international system
- Bipolar system

**Goal**

- Economic rehabilitation and growth

**Strategy**

- Security alliance with the U.S.
- Omni-directional diplomacy
- Multilateralism without political and military leadership

**Instruments of Diplomacy**

- Tied foreign aid
- Rhetorical use of Constitution Article 9
- Non-nuclear principles

**Style of Response to the Korean policy**

- Ad hoc and partial accommodation

**The New Foreign Policy Style**

**Labels**

- "Adult" nation
- "Great nation" ( or *taikoku*)
- "Normal" state

**International System**

- Post-Cold War international system
- Multipolar system

**Goal**

- Economic growth and prosperity

**Strategy**

- Security alliance with the U.S.
- Multilateralism
- Increased attention to the areas of human rights, environmental issues, quality-of-life issues\*
- Formulation of more harmonious external economic relations
- Prestige-seeking
- Sensitive to historical conflict issues (comfort women)

**Instruments of Diplomacy**

- Strategic use of foreign aid
- The U.N. organizations
- U.N. peacekeeping operations
- IMF
- World Bank

**Style of Response to the Korean policy**

- Accommodation

\*as pragmatic adjustment towards more fitting strategy in the new world order

CHAPTER III: FROM "OLD" TO "NEW" FOREIGN POLICY STYLE:  
ITS IDEOLOGICAL AND POPULAR UNDERPINNING OF THE NATIONAL  
*TAIKOKU* DEBATE

As Japan achieved its postwar goal of economic reconstruction and prosperity and ascended as a world's economic power in the international community, a soul-searching discussion on Japan's new role in the international system emerged in the name of *taikoku* or great nation debate which would mark Japan's "third opening" (*dai san no kaikoku*) to the world. Such emerging need for defining a new course, Japanese scholars argue, indicates Japan's admission of the inadequacy of the postwar foreign policy strategy and recognition of the necessity of bearing greater international political responsibilities and of the transformation of society to meet the international norms (Tamamoto 1993:41). In this chapter, through tracing the history of Japan's search for its role in the international system, I will elaborate on the popular and ideological underpinning of the *taikoku* debate that emerged in the 1980s and its manifestation in the changing Japanese foreign policy style.

History of Japan's search for its identity and role in the international system began as early as 1853 when the U.S. black ships of Admiral Matthew Perry demanded that Japan's seclusionary policy that had lasted over two hundred years be lifted.<sup>1</sup> Japan's "first opening"

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<sup>1</sup> Appointed by President Millard Fillmore to lead a mission to open relations with Japan, Perry presented a set of American demands, which led to the bilateral Kanagawa

(or *dai ichi no kaikoku*) expedited by the "*gaiatsu*" of the United States, to the Western-dominated international relations system forced Japan to define itself in terms of a modern state vis-a-vis the West; this meant that to meet the immediate challenge of the Western imperialism and colonialism, Japan had to militarily and economically make itself strong enough to be on the equal footing with the major powers of the world. Under a nationalist slogan of "Rich Country, Strong Army," (or *fukoku kyohei*) the Japanese leaders turned to the West's modern military technology, modern methods of governance, education, law, as well as economic organization.<sup>2</sup> The expansion of military, communication, various industries, and mining were strongly encouraged by the modern Japanese government, which gained a greater popular support among the public in the late 1880s. Japan's military drive to be on "par" with the Western powers and to be the leader in Asia resulted in the Sino-Japanese War (1894-1895) and the Russo-Japanese War (1904-1905). Tokyo's victories in the two wars thoroughly gave confidence to the Japanese leaders, convinced the domestic critics of the Westernization policy, internationally gained a recognition as burgeoning power, and further instigated Japan into the road of fascism and imperialism.

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Treaty of 1854. The treaty included assurance of safe harbor for shipwrecked American vessels, opening ports in Japan, posting American consular officials, and granting of most-favored-nation treatment (Huffman 1998:205).

<sup>2</sup> In 1873, Japan mandated universal military conscription for men, and modeled its military after the Prussian army. The Meiji Constitution, which had the assistance from foreign advisors (especially the German scholar Hermann Roesler) in drafting, was promulgated on February 11, 1889.

Japan's "second opening" of the nation was marked by its unconditional surrender of 1945 to the Allied powers in World War II followed by the American occupation of Japan (1945-1952), which forced Japan to redefine its polity and society.

The stunning defeat seemed to make all Japanese values worthless. The emperor claimed that he was not a divine being. The men who had died for him had died in vain. Superhuman war heroes turned out to be men with feet of clay. The superior Japanese race had become a nation of sheep, misled by the military (Hane 1998:238).

Under the U.S. guidance, demilitarization and democratization were conducted. Japan's overseas empire was dismantled and the Imperial military disarmed. The pre-war *zaibatsu* (financial cliques) were disbanded. The Japanese came to adopt democratic institutions and ideas of separation of church and state, and civil rights, shedding elements of militarism, fascism, and imperialism. The newly established (and American-imposed) Showa Constitution of 1947 with renunciation of war and the maintenance of "war potential" under article 9 became a symbol of Japan's resolution for pacifism emerged from the traumatic experience of atomic bombs.<sup>3</sup>

Japan's postwar foreign policy was largely due to the political order imposed on it by the United States combined with the pragmatic policy choices made by postwar Japanese leaders. Its uneasiness with the postwar international politics and passivity in the foreign

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<sup>3</sup> Article 9 of the second chapter of the Japanese Constitution refers to Japan's renunciation of war as follows:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

policy were largely shaped by wartime trauma, unconditional surrender, nuclear aversion, popular pacifism, and article 9 of the new constitution that carved out the parameters for political leadership (Pyle 1992:20; Dower 1993:3-14). On the other hand it must not be overlooked that economic pragmatism and political passivity were carefully incorporated into Japan's postwar foreign policy by its leadership symbolized in the Yoshida Doctrine or *Yoshida Dokutorin* (Iokibe 1993:26-29; Pyle 1992:21). Realizing that Japan's long-term national interest lay in a bilateral military agreement with the United States as a new world power,<sup>4</sup> Shigeru Yoshida, who served as a prime minister of Japan for seven of the first eight and half years of the postwar period, and his political followers gradually crafted its foreign policy with economic reconstruction and growth as the prime national goal. In doing so, Japan would keep its defense efforts minimal and avoid involvement in potentially sensitive political issues in international relations. By providing bases for the U.S. military, Japan relied on the United States for a long-term guarantee for its own security. The postwar foreign policy, which is what I term as the old foreign policy style, came to be characterized as passive, low-profile, and commercially-oriented foreign policy that heavily depends on

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<sup>4</sup> A left-wing movement known as "*Ampo*" against the 1951 Japan-U.S. Security Treaty in Japanese emerged among the socialists and communists, who were opposed to Japan's security alliance and cooperation with the United States. The movement grew further to the point that the *Ampo Toso* (the U.S.-Japan Security Treaty Struggle) became the most serious political struggle in the postwar Japan. The People's Council to Prevent the Security Treaty Revision (*Nichibei Ampo Joyaku Kaiteisoshi Kokuminkaigi*), a 134-organization coalition under the leadership of the socialist, communists, *Sohyo* (the General Council of Trade Unions) organized a series of massive protests (200,000-300,000 protesters) against the treaty in 1959-1960. By 1970, the *Ampo* movement ceased to be politically active (Tanaka 1996:165-172; Steinhoff 1998:10).

a pax Americana international system<sup>5</sup>. And the tenets of the Yoshida Doctrine were faithfully carried out by his political followers, including Prime Ministers Ikeda (1960-1964) and Sato (1964-1972), within the LDP even after Yoshida's retirement.

Japan's alliance with the United States brought Japan several short-term and long-term advantages. Besides securing the U.S. security protection, Japan, through the close alliance, gained the U.S. sponsorship into international organizations, including the United Nations in 1956 and the GATT in 1955. A bilateral trade agreement in September 1955 gave Japan an access to the U.S. markets for Japanese manufactured goods. On the other hand, the Japanese foreign policy was severely criticized by the left-wing of the polity for Japan's military and political dependency on the United States, for the possibility of Japan being unnecessarily drawn into the Soviet-U.S. conflict and for the constraints put on Japan from pursuing diplomatic relations with the People's Republic of China (Pharr 1993:240-1).<sup>6</sup>

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<sup>5</sup> What I refer to as Japan's old foreign policy style in my work is termed by Pharr (1993) as "defensive," Calder (1988) as "reactive," and Yasutomo (1993) as "passive" foreign policy. Inoguchi (1993:8) describes Japan's non-involvement period as a "vacation period" from the previous turbulent century. During 1960s and 1970s, the low-profile foreign policy was characterized as: exclusively defensive defense (*senshu boei*); omni-directional foreign policy (*zenhoi gaiko*) by Prime Minister Takeo Fukuda (1976-1978) during the oil crises to maintain cordial relations with all countries to ensure supplies of energy and raw materials to protect trade; comprehensive security (*sogo anzen hoshō*) by Prime Minister Zenko Suzuki (1980-1982) which redefined "security" to include foreign aid and disaster relief so as to avoid greater defense efforts; diplomacy of cowardice (*okubyo gaiko*) which described Japan taking an aloof and uninvolved stance while maintaining good relations with all countries; and value-free diplomacy which was named by Kiichi Miyazawa (who later served as a Prime Minister from 1991-1993) to mean avoiding ideological conflict with left-wing progressive forces in Japanese politics by separating economics from politics (Pyle 1992:35).

<sup>6</sup> Japanese scholars, Ikutaro Shimizu (1960) appealed to the government and the public not to renew the treaty; Yoshikazu Sakamoto (1959) in his article, "Churitsu Nihon no Boei Koso," [The Security Concept of Neutral Japan], emphasizing the importance of

The perception of Japan's role in the postwar international system was clearly influenced by the commercially-oriented foreign policy that the Japanese elite pursued. Masataka Kosaka, a prominent Japanese scholar strongly supported that Japan continue to play the role of a trading nation (*tsusho kokka*) that would act like a merchant in the global community,<sup>7</sup> and such view was popularly accepted by the Japanese elites and mass. The similar concept was also publicly reiterated by a former Ministry of International Trade and Industry (MITI) vice-minister, Naohiro Amaya in 1981 who analogized Japan's "merchant nation" (*chonin kokka*) status in the international system to the role of merchant in the feudal Tokugawa Japan's class system.<sup>8</sup> In his view, what was important for a merchant nation was not to have the pride or principle of the *samurai* and be engaged in business and trade; after all the *samurai* appears to rule the world, yet, the world was owned by the merchants (Pyle 1992:38). For almost 35 years of the postwar period, the popular Japanese perception of its role in the international system was that of a supporting "child" nation to be nurtured and protected by the United States (Kyogoku 1983:103-5).

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Japan's political neutrality in the world, made a recommendation that Japan rely on stationing of the U.N. Police Force in Japan.

<sup>7</sup> Kosaka (1981:268) described as the concept of a trading nation as a country which simply takes advantage of international relations and of being an ally (with the United States) and enjoys the benefits of noninvolvement. According to Kosaka, although not having any clearly defined principles proves to be advantageous, this is not necessarily a popular role in the international community and the country tends to lose self-respect. In order to compensate for it, the trading nation should contribute to the world in its own way.

<sup>8</sup> The feudal class system of the Tokugawa period (1603-1867) consisted of *samurai* or warriors, peasants, artisans and merchants. According to Aoyama, the United States and the former Soviet Union would be an equivalent to the warriors, the third world countries to the peasant class (Pyle 1992:38).



Single-minded pursuit of Tokyo's economic growth put Japan into the position of the dominant creditor nation and financial power in the 1980s. Japan became the world's most important capital exporting country in 1981, and its huge trade surplus, which rose from \$35 billion in 1983 to over \$53 billion in 1985 solidified Japan's status as a financial power. Japan's net capital outflow jumped from \$17.7 billion in 1983 to \$49.7 billion in 1984; and it additionally grew to \$64.5 billion in 1985 (Gilpin 1987:328; The New York Times, April 27,1986).<sup>9</sup> A growing volume of Japan's capital also flowed in a form of foreign aid. Formally known as the official development assistance (ODA), Japan's foreign aid increased considerably from \$3.8 billion in 1985 to \$12 billion in 1989, making Japan as the largest aid donor in the world (Inada 1990: 100; Helleiner 1991:32).

Rising of Japan as a major creditor nation was contrasted by the United State's which was turning into a major debtor nation in mid-1980s. Between 1982 and 1984, foreign lending by American banks dropped considerably from \$111 billion to a mere \$10 billion. In 1984, the United States borrowed \$100 billion; by 1985 the United States became a net debtor for the first time since 1914 and also became the world's largest debtor with a borrowing of over \$100 billion in that year alone, a sum larger than the total Brazilian debt. (Gilpin 1987:330).<sup>10</sup> The year 1984 was also marked by an unprecedented amount of the U.S. trade deficit of \$108.3 billion, of which \$34 billion was with Japan. A huge and continuing U.S. budget deficit was attributed to Reagan's massive tax cut without a

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<sup>9</sup> This last figure was more than all the Organization of Petroleum Exporting Countries (OPEC) countries at the height of their wealth (Gilpin 1987:328).

<sup>10</sup> In the mid-1980s, the United States was borrowing approximately \$100-120 billion net each year (Gilpin 1987:330).

corresponding reduction of the federal government's expenditures; this, along with inadequate American saving, meant that the United States had to finance the budget deficit through borrowing in world capital market. The three largest capital sources were mainly Saudi Arabia, West Germany and especially Japan. Of the \$81.8 billion that Japan invested abroad in 1985, \$53.5 billion went into bonds, particularly U.S. Treasury issues.<sup>11</sup> In the mid-1980s, the Japanese invested heavily and diversely in American assets, and were a major supplier of a substantial portion of the \$100-\$120 billion annual borrowing of the U.S. government (Gilpin 1987:331).

Japan's ascension as a major financial and creditor power gave confidence to the Japanese and became an underpinning for the rising discourse on the Japaneseness. Known as *nihonjinron* (theorizing on the Japanese), the genre of cultural introspection into "Japaneseness" became fashionable, exploring the reasons for Japan's "economic miracle."<sup>12</sup> The *nihonjinron* literature, Befu (1998:180) describes, unanimously claims Japanese uniqueness, from the presumed impact of the climate on the culture, the philosophy of endurance (Inagami 1981), and tight-knit consensus-oriented community structure to affectively dependent interpersonal relationships (Doi 1971). It is another trait of

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<sup>11</sup> In 1976 Japan's gross purchases of treasury bonds were merely \$197 million; however, the figure grew to \$138 billion in April 1986 (Gilpin 1987:331).

<sup>12</sup> Earlier books on *nihonjinron* include *The Japanese and the Jews* (or *Nihonjin to Yudayajin*) by Isaiah Ben-Dasan (pseud.) published in 1972. It is widely known that the book was written by Shichihei Yamamoto, a major *nihonjinron* author under the pseudonym of Isaiah Ben-Dasan. The popularity of the genre put in the best-seller list works done by those of contemporary scholars including social anthropologist, Chie Nakane's *Japanese Society* which was written originally in 1970 and sociologist Takeo Doi's *The Anatomy of Dependence* which was published in 1971 (Befu 1998:179-180).

*nihonjinron* to contrast between Japanese and Western thinking and behavior; Western thinking and ways are described to be "dry" or "hard," while those of Japanese are "wet" and soft," implying to be more "humane." Many authors stress the primacy of the group harmony rather than the individual, implying that Japanese like to submerge their own selves in the communal life (van Wolferen 1989:264). Among the literature on *nihonjinron*, it was Ezra Vogel's *Japan As Number One: Lessons for America*, published in 1979 by a Harvard sociologist that accorded a sense of validity to the popularly supported *nihonjinron* based on the uniqueness of the Japanese culture and specialness of the belief system and customs.<sup>13</sup> These ideas were repeatedly confirmed by teachers, newspapers and TV programs, and numerous references in government publications. For example, Prime Minister Masayoshi Ohira (1978-80) approved the report of an advisory committee that attributed Japan's economic success to traditional Japanese values. Prime Minister Yasuhiro Nakasone's (1982-87) call for the expansion of Japan's international role was firmly grounded in a nationalistic version of *nihonjinron* (Befu 1998:180). Befu (1998:181) argues that *nihonjinron* has evolved as modern Japan's political ideology and as Japan's ultimate response and justification to "Japan-bashing" abroad.

Foreigners may criticize Japan, but armed with *Nihonjinron*, Japanese can proudly refute any criticism leveled against them: The Japanese people are what they are because they are the proud possessors of a unique cultural heritage that is responsible for their nation's success (Befu 1998:181).

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<sup>13</sup> In *Japan As Number One: Lessons for America*, Vogel, by illustrating Japanese methods of organizing modern society, especially in the business community, education, and the bureaucracy, explores the reasons for Japan's economic success.

The new form of "self-understanding" emerged as a consequence of Japanese "economic miracle," began to take a political undertone and manifest itself in how Japan defined its role in the world. As Washington began to take a tougher attitude towards Tokyo's trade policies since the bilateral balance of payments deficits grew for the United States. While Japan's dependence on America as a trading partner and export market continued to increase, many in Tokyo viewed the potential of U.S. protectionism as yet another threat. In the United States calls for burden sharing and greater participation by Japan in financially supporting collective security arrangements in Asia were more frequently and openly heard. The scope of debate on Japan's "resurgence" or "role" in the international system varied. On one hand, a small number of high profile political and media figures such as Shintaro Ishihara, Jun Eto, and Ikutaro Shimizu maintained that Japan should acquire military power commensurate with its economic *taikoku* or a great nation status and pursue an independent course of diplomacy away from the United States, shedding the long-standing Yoshida Doctrine. On the other, there is a dominant group of political and business leaders including Akio Morita, Ken-ichi Omae, and Ichiro Ozawa who were inclined to emphasize expanding Japan's multilateral roles within the traditional Yoshida Doctrine framework based on the alliance with the United States. The contrast of the differences in opinions regarding the political expression of Japan's economic *taikoku* status in the global community is especially striking in the controversial book titled, *The Japan That Can Say No* (1989) co-authored in by Shintaro Ishihara, a conservative political leader and novelist, and Akio Morita, then the chairman of the Sony Corporation. In a nutshell, pointing out the (allegedly) increasing American dependence on more advanced Japanese semiconductors and electronic

equipment, Ishihara argues that Japan's technological prowess will allow itself to break away from its security-dependent relationship with the United States. While recognizing the benefits that the U.S.-Japanese security alliance brought to Japan, Ishihara insists that the promised security protection of Japan by the U.S. nuclear umbrella is a figment of the Japanese imagination, as he understands that the U.S. presence in Japan has been to deter resurgence of Japanese militarism as well as to serve its own security interests.<sup>14</sup> Therefore, he recommends that Tokyo should formulate its own independent security plan with technologically advanced deterrence (Morita and Ishihara 1989:147-148):

Being an unquestioning "yes-man"-like supporter of the United States in diplomacy brought these consequences [referring to the American accusation of Japan's free-riding and Japan-bashing in trade]. Based on my own calculation, it is cheaper to reinforce our own security power [than being militarily dependent on the United States]. Despite the past effort to do as Japan was told to do [by the United States], members of the U.S. Congress complained [about Japan], saying "America is shedding its blood in the Persian Gulf and protecting Japan." I would say, "No thank you, we would protect ourselves with our own power and wisdom; it is time to clearly state that to the United States (Morita and Ishihara 1989:149-150).

In addition, Ishihara cautions the Japanese to deal with the consequential responsibility of pursuing an independent security policy, and points out the political difficulty for Tokyo to make such a daring move. Yet, he feels that establishing such independent and assertive self-defense system is technically and financially possible (Morita and Ishihara 1989:150).

Ishihara's view was regarded by the mainstream Japanese to be extreme, however, his

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<sup>14</sup> Ishihara's distrust of the Americans appears to have come from his belief that at the root of the issue, there is a persistent sense of racial prejudice against the Japanese; he devotes a brief chapter to the prejudicial elements in America's popular "Japan-bashing" (Morita and Ishihara 1989:35-45).

argument echoed a sentiment of "Japan-bashing fatigue" pervasive among many Japanese who viewed Ishihara's position daring, yet amusing.

In the debate on Japan's role in the world, becoming a *taikoku* with an expanded economic participation, namely financially supporting collective security arrangements in Asia as well as the global security objectives of the Western alliance was the more readily accepted alternative to the former. The belief that Japan's own interests would no longer be adequately served by overtly commercial diplomatic policies, gradually emerged among some members of bureaucracy (namely the MOFA officials), political leaders, scholars, and the Japanese public in the early 1980s and the view became fairly popular by the end of the 1980s. Many of what I refer to as the *taikoku* literature that supported Japan's expanded leadership, in general, conveyed a sense of urgency to cultivate an "international consciousness," among the Japanese, conduct domestic reforms, and increase Japan's burden-sharing for the Western alliance and international contribution in non-military fields. In a 1983 article titled, "Discussion: A Study on the Misunderstanding between the United States and Japan: In Order for Japan to Survive," in *Bungei Shunju*,<sup>15</sup> Japan's leading scholars Jun-ichi Kyogoku and Yasusuke Murakami, and a former newspaper journalist, Yoshihisa Komori expressed their frustration over the perception gap between the United States and Japan concerning the increasingly contentious trade relationship and growing U.S. demands on Japan to reform and bear more responsibility in security burden-sharing. Murakami and

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<sup>15</sup> Kyogoku, Jun-ichi, Yasusuke Murakami, and Yoshihisa Komori. 1983. "Kyodo Togi: Nihon to Amerika, 'Gokai' no Kenkyu, Nihonyo, Ikinobirutameni," [Discussion: A Study on the Misunderstanding between the United States and Japan: In Order for Japan to Survive] in *Bungei Shunju*, April 1983.

Kyogoku argued that Japan's pervasive perception of the U.S.-Japanese "parent-child" relationship<sup>16</sup> became out-dated and no longer served the interests of Japan; considering the powerful economic *taikoku* status, Tokyo must "mature into adulthood" in its role in the global community (Kyogoku, et al.:1983:102-104).

The recurring depiction of Japan's foreign policy attitude as "child-like" (as opposed to an "adult nation") has been also rephrased by the former LDP General-Secretary, Ichiro Ozawa, who later became an architect of the coalition government that took power in 1993, as the "abnormal" state. In his book, *Blueprint for a New Japan*, Ozawa argues that Japan's status as economic superpower has forced itself to conduct domestic reforms and foreign policy changes. The most urgent task of Japan is to become what he calls a "normal" nation, assuming responsibilities and bearing the costs of peace and freedom of the international society. According to Ozawa, a normal nation does not refuse such burdens on account of domestic political difficulties, nor does it take action unwillingly as a result of international pressure. Japan must not exclude a security role from its international contribution, as it so depends on world peace and stability. Ozawa appeals to the Japanese that if Japan were to go beyond simply creating and distributing domestic wealth and become what the world recognizes as a "normal nation," then it must satisfy these conditions (Ozawa 1994:93-100).

Similarly, in *The Japan That Can Say No*, Morita also criticizes Japan's total lack of making any substantial contribution to the global community in the past:

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<sup>16</sup> The analogy of the parent-child relationship between the United States and Japan has been also used by Yasushi Akashi, the former U.N. Under Secretary General Yasushi Akashi (1995:96).

When one examines the role of Japan from the U.S. point of view, one would notice some unfair points. Has Japan made any substantial contributions expected by the global community while growing into an economic *taikoku*? This is a significant point for which the Japanese must examine their conscience. It appears that Japan has been gradually resolving some long-standing trade issues by opening markets under external pressure. However, if one examines the situation from the American point of view, Japan has not fulfilled many assignments expected of Japan. I am not advocating an increase of self-defense expenditures beyond one percent.<sup>17</sup> If it is politically difficult for Japan to spend more than one percent for self-defense, then it should spend more for foreign aid...I whole-heartedly agree with Mr. Ishihara on the point that a change of consciousness [from the small-country mentality to the *taikoku* mentality] among the Japanese is imperative (Morita and Ishihara 1989:70-73).

A high-profile Japanese novelist living in Switzerland appealed to the Japanese public to reflect on a different dimension of the *taikoku* agenda. In an article titled, "A Proposal to the Japanese: Is Japan Going to an Orphan in the Global Community?" Inukai (1984) points out that Japan's economic visibility began attracting the global community's attention to the Japanese awareness of and attitudes towards human rights, especially the Japanese government's mal-treatment of the refugees, the Korean minority and the *buraku* people.<sup>18</sup> Inukai explicates that at the root of the discrimination against these so-considered "different" peoples by the Japanese, there exists xenophobia among the Japanese bred from

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<sup>17</sup> The one percent ceiling was established in November 1976 by the Miki Cabinet (1974-76).

<sup>18</sup> The *Buraku* people are Japanese historically discriminated against because of their ancestral association with the leather trades and the slaughtering of animals, which used to be considered "impure" by the Buddhist tradition. The outcast class originated during the Tokugawa period (1600-1867); and their descendants constitute two percent of the Japanese population today (Hoye 1999:216).



a *sakoku* or seclusionary policy mentality.<sup>19</sup> And a more close observation would reveal their highly stratified prejudice and discrimination which classify the "rich white" as the object of polite treatment and the "other Asians" as the object of non-recognition. The continued absence of a global perspective to identify issues such as refugees and minorities, she asserts, would leave Japan as an "orphan state" in the international community; in order for Japan to bear responsibilities (accepting more refugees and acknowledging the minorities) commensurate with its *taikoku* status, it must first remove the chain of seclusionary mentality, no matter how painful it would be.<sup>20</sup>

Yoichi Funabashi does not necessarily think Japan's unorthodox power portfolio of "economic giant and military dwarf" should be viewed unstable or transitional; he argues that this is rather a golden opportunity for Japan to define its power and role as a "global civilian power" in the radically changing world. Japan should continue emphasizing its "peace strategy" by limiting its contribution to the UN peacekeeping operations but instead by providing numerous nonmilitary cooperations in environmental protection, nonproliferation of nuclear arms and plutonium, promotion of human rights and democratic values, and economic development. As Japan's constitution remained the underpinning of Japan's postwar democratic institutions and was imbued with universal values, the meanings and lessons of the Peace Constitution and Hiroshima should be universally shared. Therefore,

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<sup>19</sup> *Sakoku* literally means a closed or isolated nation to the outside world. Here *sakoku* is specifically referred to the Tokugawa period's seclusionary policy.

<sup>20</sup> Inukai, Michiko. 1984. "Nihonjin heno Teigen: Sekai no Koji ni Narunoka, Nihon," [A Proposal to the Japanese: Is Japan Going to an Orphan in the Global Community?] in *Bungeishunju*, August, 1984:94-113.

Funabashi asserts that Japan has a special mission to make these lessons not slogans but a legitimate common heritage of human kind by pursuing a "multiple value-oriented diplomacy" (Funabashi 1994:11-17).

One of the Japanese government's early response to the U.S. call for Japan's greater financial participation in "burden-sharing" was Tokyo's attempt to define foreign aid as an important component of "comprehensive security" or *sogo anzen hoshō*<sup>21</sup> which would allow Japan to respond to security needs not only with military means, but with economic and diplomatic means (Japan Institute for International Affairs 1981:94; Kim 1993:210). The significance of its foreign aid was explained to the Japanese public as a part of Japan's security policy while it was described to American negotiators and legislators as part of Japan's contribution to Western security (Orr and Koppel 1993:2).<sup>22</sup> In the mid 1980s, Japan's foreign aid policy, which was traditionally influenced by economic and commercial interests in nature, became "strategic" and "political" in orientation; it started being conducted in accord with U.S. strategy with the distribution geared towards the regions that are of special strategic significance to the United States including Jamaica, Pakistan,

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<sup>21</sup> The Ministerial Council of Comprehensive Security was established by Prime Minister Zenko Suzuki (1980-1982) in December 1980. The concept of comprehensive national security was illustrated by the MOFA in the Diplomatic Blue Book of 1981 (Gaimusho 1982) as follows: Although the objective of Japan's economic cooperation is stabilizing and improving the people's welfare in the developing countries, the government will implement the economic cooperation on the basis of Japan's own initiatives which will be determined by taking into account diplomatic, political and economic considerations in order that Japan can ensure and maintain its own comprehensive national security.

<sup>22</sup> Robert Orr, Jr served the United States Agency for International Development (USAID) under the first time of the Reagan Administration.

Somalia, Sudan, and Turkey to which Japan had not previously paid much attention (Inada 1991:105; Yasutomo 1986:122; Orr 1993:295-296).<sup>23</sup> In short, Japan's "comprehensive security" legitimized the substitution of development and strategic aid for defense spending; foreign aid became a foreign policy instrument for demonstrating Japan's cooperative stance to the United States and improve US-Japan relations.

Tokyo's increased contribution to foreign aid as a way of "burden-sharing" was popularly supported by the Japanese public. As indicated in a 1983 poll on future economic cooperation, around 40% of the public opinion in Japan supported increasing official development aid or foreign aid while only 7% expressed a negative opinion on the future increase (Organization for Economic Cooperation and Development 1984:129). And the Japanese government's budget for the official development assistance grew despite the Tokyo government's fiscal austerity policy of the 1980's. Starting with the 1977 announcement of a three-year plan to double Japan's foreign aid of little over \$1.4 billion, the Tokyo government managed to steadily increase contribution from \$3.3 billion in 1980, \$3.79 billion in 1985, \$8.96 billion in 1989 and to \$11.15 in 1992 while the U.S. contribution

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<sup>23</sup> The amount of aid received by these countries (known as *funso shuhen koku* or nations bordering conflict areas) jumped sharply and subsequently declined or levelled off, which includes Jamaica (to which aid peaked in 1983), Somalia (1982), and Turkey (1981). Japanese aid to Pakistan increased sharply in 1980 and to Sudan in 1982 and they remained high. This was considered to be a deviant policy behavior from Tokyo's traditional "incrementalist" and "mercantalist" manner of giving. It is also known that since 1978, Japan and the United States have undertaken repeated policy-planning talks on aid, and since 1985 they have been having U.S.-Japan consultations between vice-ministers in charge of political affairs. For details, see Ju-ichi Inada, Inada, "Japan's Aid Diplomacy: Economic, Political or Strategic?" in *The International Relations of Japan*, ed. by Kathleen Newland. New York: St. Martin's Press, 1991:100-120.

declined \$7.66 billion in 1989 from \$10.14 billion in 1988 (The Ministry of Foreign Affairs 1991a:41; Ministry of Foreign Affairs 1994:88); particularly regarding its aid to Asian states, Japan surpassed the United States in 1989 and continues to give considerably more than the United States. The American *gaiatsu* on Japan to burden-share helped the MOFA officials to make the case for growing foreign aid for the Japanese public in the 1980s; Tokyo began to see aid as a foreign policy instrument, not simply as an international economic policy tool (Orr and Koppel 1993:2-3).

Japan's effort to gradually break away from its adherence to low-profile, resource diplomacy resorting to more globalized, non-military diplomatic tools was demonstrated in its emerging active participation in the U.N. in the mid-1980s. Seeking an early resolution in the Iran-Iraq War, the Japanese government sent its Foreign Minister to both countries, urged a ban on the use of chemical weapons and safe navigation in the gulf. With the escalation of the conflict in the gulf seriously threatening Japan's petroleum life-line, Prime Minister Nakasone (1982-87) entertained the idea of sending Japanese minesweepers to the gulf in assistance of the U.S. fleet; yet, the idea was retracted by the Prime Minister when it met with domestic opposition. As Japan's contribution, Tokyo committed itself to contributing \$20 million to the U.N. mission in Afghanistan to set up the U.N. Military Observer group in Afghanistan and Pakistan (UNMOGAP) to monitor the implementation of the Geneva Accords on Afghanistan (Ministry of Foreign Affairs 1989: 47-50; and 71). In addition, this effort was upgraded by Tokyo's decision in 1988 to send a middle-level MOFA officials to the UNMOGAP based in Kabur and Islamabad, and to the U.N. Iran-Iraq Military Observer group (UNIMOG) for monitoring the ceasefire. By this time, the

emerging consensus in Japan was focused on its diplomatic necessity of "sweating" for the U.N. activities (implying personnel contribution) in addition to Japan's financial commitment (Ueki 1993:355). Tokyo continued with its pledge of personnel contribution for the U.N. by sending 27 electoral supervisors to the U.N. Transition Assistance Group (UNTAG) in Namibia, which started its operation in April 1989 (Ministry of Foreign Affairs 1991a:110).<sup>24</sup>

Japan's emerging activism in the U.N. faced the most difficult test of its commitment in August 1990 upon the Gulf crisis. Immediately after the Iraqi invasion of Kuwait, Japan delivered a swift verbal condemnation on the Iraqi actions, and froze the Kuwaiti assets in Japan; however it took Japan a letter from U.S. congressional members, a personal phone call from President Bush to Prime Minister Toshiki Kaifu, and the European Community's decision to impose economic sanctions, to finally announce its ban on trade and suspension of economic cooperation projects against Iraq. U.S. pressure continued via formal and informal channels to induce a more tangible and direct assistance to the multinational forces in defense of the gulf states as well as additional financial support to pay for the expenses of the American forces in Japan.<sup>25</sup> In the end, Tokyo provided a total of \$13 billion in financial support for the operations, which the U.S. House Armed Services Committee later credited

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<sup>24</sup> Japan provided a \$46 million special contribution to the UNTAG and an additional \$13 million for the startup costs for the program (Ministry of Foreign Affairs 1991:110).

<sup>25</sup> The Japanese government was also asked to purchase American-made advanced weaponry, including the Airborne Warning and Control System or AWACS (Ueki 1993: 357; *Yomiuri Shinbun*, August, 19, 1990).

for 75% of the U.S. costs of the war (Pharr 1993:253),<sup>26</sup> yet this left the world with an impression of Japan still resorting to its "check book" diplomacy. Despite its burgeoning interest in multilateralism, the Japanese mentality still remained resistant to "shedding blood" for their international political involvement even through the United Nations.<sup>27</sup> According to the *Nihon Keizai Shinbun* poll in November 1990, nearly 70% of the Japanese polled believed that the use of force in the Gulf was not justified under any circumstances; and even three months later, only a third of the people approved of Japan's making any financial contribution to the allied effort (Garten 1993:164-5).<sup>28</sup> The uneasiness towards challenging the legal limits under the Japanese Constitution for sending self-defense forces personnel, transport, and equipments for the operations was clearly revealed in the long and difficult legislation process followed in pursuit of the "UN Peace Cooperation Bill."

The UN Peace Cooperation Bill was proposed by the Prime Minister Kaifu (1989-91) in the end of September 1990 which would establish a UN Peace Cooperation Corps to

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<sup>26</sup> See Les Aspin, "Sharing the Burden of the Persian Gulf: Are the Allies Paying Their Fair Share?" Report of the House Armed Service Committee, April 8, 1991, p.4.

<sup>27</sup> Ueki (1993:355), who served as an attaché and researcher in residence at the Permanent Mission of Japan to the U.N. and as an information officer in the U.N. Secretariat, described the Japanese government to have still supported the "Money and sweat were all right but not blood," mentality. He is the author of *Japan's Approach to UN Peacekeeping and Peacemaking*, the Ralph Bunche Institute on the UN, CUNY, December 1992.

<sup>28</sup> At this time, the large number of the public opinion expressed apprehension towards sending the Self-Defense Forces (SDF) personnel to the multilateral forces in the gulf or to the UN peacekeeping missions. For example, expressing his opposition to a dispatch of the SDF personnel to the multilateral forces, Takahiro Yokomichi, the governor of Hokkaido suggested creating the UN peacekeeping "police" (greatly reducing the military aspect) to which he felt comfortable sending non-SDF personnel (Tahara 1990:100-101).

ensure effective implementation of UN resolutions, allowing the Japanese self-defense corps members to participate in non-military UN peacekeeping activities.<sup>29</sup> However, the bill naturally brought to the forefront of the debate several controversies. The first was the question of military involvement, which was intentionally left ambiguous upon the introduction of the legislation. The second concerned Japan's self-defense forces (SDF) participation in the UN peacekeeping operations, the dispatch of the Self-Defense Forces (SDF) including minesweepers, command authority, the status of SDF personnel serving in the proposed peace cooperation corps, and their use of small arms. The legislation faced the fiercest resistance from the Japan Socialist (JSP)<sup>30</sup> and the Communist (JCP) parties which entirely opposed to the SDF participation in the corps. The bill was abandoned in early November 1990 as the LDP could not get it approved in both Houses to enact it into a law. While the ruling LDP with only control in the House of Representatives at the time gained a support from the Democratic Socialist Party (Minshato) for the dispatch of the SDF, the

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<sup>29</sup> These activities would include the observation of ceasefires, guidance or supervision of administration of a transitional government, electoral supervision, and the management, transport, communications, maintenance and repair of equipment, medical and health care relief activities, and postwar recovery.

<sup>30</sup> The JSP supported participation in unarmed UN observer missions but opposed armed, however lightly armed, UN peacekeeping operations (Ueki 1993:360). During an interview, Masashi Ishibashi, a former chairman of the JSP, who strongly supports the principle of non-military neutrality based on the constitution, was critical of the Japanese government's lack of an independent foreign policy from the United States. He was opposed to sending the SDF members to the UN peacekeeping operations (even in a non-military capacity), particularly for multilateral forces, as he was concerned that Japan would be simply "used" by Washington for the U.S. interest. Takako Doi, the chair of the JSP was also opposed to sending the SDF personnel to the multilateral forces in the gulf under the U.S. leadership. Yet she expressed a more sympathetic view towards Japan's active contribution to strengthening of the "non-military" conflict resolution and peacekeeping functions of the United Nations (Tahara 1990:98-99).

Clean Government Party (Komeito) with a swing vote in the upper House changed its position to opposing the legislation in the end. The bill was resurrected when the Socialist party experienced a setback in the local elections in April 1991. The new legislation submitted in September 1991 that would allow the SDF to participate in the UN peacekeeping operations as well as in humanitarian interventions on a limited scale. However, in addition to the original contention held by the Socialist and Communist parties, a new debate on the role of the parliament in the safeguard process (civilian control) emerged as another controversy. While the LDP secured the support from the Komeito and the SDP, the LDP's hastened attempt to forcibly pass the legislation created a serious apprehension and doubts among the public and the Komeito members, eventually resulting in the demise of the bill in December 1991(Ueki 1993:357-362).

The LDP and the MOFA's effort to resurrect and pass the UN peacekeeping legislation continued. The LDP's special research council on "Japan's Role in the International Community," under the leadership of the LDP Secretary General, Ichiro Ozawa, came out with a proposal pressing Japan to adjust its legal system so as to allow the SDF to participate in the UN peacekeeping operations; the proposal urged Japan to discard the "peace equals non-military" mentality or "selfish pacifism" and start playing a role suitable for its economic *taikoku* status to pursue "proactive pacifism" in defense of the peace, prosperity and the world order (Ozawa 1992:132-145).<sup>31</sup> Ozawa ardently argued that economic means of international contribution alone will not earn Japan a position of prestige and influence:

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<sup>31</sup> *Yomiuri Shinbun*, February 21, 1992.



As it became evident in the Gulf crisis, economic and non-military measures (of the states) in some situations are not enough to preserve international peace and order. In such cases, financial contribution alone is not an adequate response from a country of influence and leadership in the global community. Contribution of personnel (or *jinteki kyoryoku*)<sup>32</sup>, not only in terms of technical cooperation and disaster relief, but also in the areas of international security, is a necessity. These situations will expose the citizens serving such international duties to dangers. However, this (making such sacrifice) is a rite of passage to go through, a hardship to face, and a responsibility to fulfill for any countries in order to earn a position of prestige and influence in global community. Contribution of personnel in security complies with the spirit of the (Japanese) constitution and the universal values of liberalism, democracy, and basic human rights, thereby earning the support of the (Japanese) public as well as the international community (Ozawa 1990:141).

The LDP leaders also solicited understanding from other Asian nations on Japan's attempt to dispatch the SDF personnel abroad to alleviate the guilt-consciousness over the colonial past. Prime Minister Kiichi Miyazawa and Foreign Minister Michio Watanabe, by effectively utilizing the plea made by the Cambodian Prime Minister Hun Sen to Tokyo in helping to reconstruct Cambodia,<sup>33</sup> appealed to the Japanese public the unavoidable necessity of passing the peacekeeping operation bill and Japan's participation in the United Nations Transitional Authority in Cambodia (UNTAC). The importance of Japan's mission was also emphasized by Yasushi Akashi, the head of UNTAC, referring to Japan's absence as "odd," given that ASEAN, China, India, Pakistan and Bangladesh made up the main contributors to the operations (Hook 1996:94-97).<sup>34</sup> In spite of the continued opposition of the JSC and

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<sup>32</sup> The term, "*jinteki kyoryoku*" which is often used in contrast to financial contribution, literally means "human contribution".

<sup>33</sup> *Nihon Keizai Shinbun*, March 22, 1992.

<sup>34</sup> Yasushi Akashi, "Kanbojia Nikki," in *Chuo Koron*, March 1994, 163-83.

JCP, the bill was finally passed in June 1992 with a number of civilian safeguards to satisfy the Komeito and the SDP.<sup>35</sup> In September 1992, the Japanese government dispatched the first engineer corps of 600 SDF members for repairing the infrastructure, 8 military observers, and 75 civilian police monitors to Cambodia (Ministry of Foreign Affairs 1993:54-55). The scope of its mission was gradually expanded to include the provision of water and fuel, the transportation of materials for UNTAC, and medical assistance.<sup>36</sup>

The decision that the Japanese government was forced to make in the Gulf War crisis was analogized by some Japanese journalists to a *fumie* test used by the feudal government of the Tokugawa period. A *fumie* plate was a place with a crucifix or other Christian symbol used as means of the Tokugawa government to identify crypto-Christians among the Japanese in a time of seclusion; suspected persons were forced to tread on a *fumie* in order to prove themselves non-Christian and to avoid the official persecution.<sup>37</sup> In the modern day, treading on the sacred postwar "peace constitution" by sending its self-defense forces personnel was regarded a type of *fumie* test that the Japanese were asked to take in order to prove the loyalty and determination of Japan's international commitment to assuming

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<sup>35</sup> The safeguards included the requirement to obtain from the parties to a conflict their consent to Japanese deployment, the right to withdraw once a ceasefire has broken down, and the use of force only in self-defense.

<sup>36</sup> The death of a Japanese UN volunteer and another death of a Japanese assistant police inspector eventually led to the Japanese SDF's decision to allow them carry arms and wear bullet-proof vests and helmets (Hook 1996:97).

<sup>37</sup> In a *Bugei Shunju* article of October 1990 in which 14 Japanese political and business leaders and scholars were interviewed, Soichiro Tahara, a famous political commentator introduced the issue of the UN Peace Cooperation legislation as *fumie* (Tahara 1990:94-110).

political responsibilities commensurate with its economic power in the global community. Ueki and others argue that the Gulf crisis and its aftermath broke the political and sociopsychological barrier of constitutional pacifism, and the subsequent debate offered a chance to prepare the legal and political grounds to increase Japan's further contribution to the United Nations, especially its peacekeeping operations (Ueki 1993:362-3; Okawara 1993:55-57; Tamamoto 1993:43-44; Ministry of Foreign Affairs 1997). What the Gulf War crisis imposed on Japan was described by an anonymous high-ranking government official to be the "second Structural Impediments Initiative or SII"<sup>38</sup> (Tahara 1990:94) and the "third opening" (*dai san no kaikoku*) of Japan to the global community (Tamamoto 1993:41).

### Conclusion

The *taikoku* debate emerged in response to Japan's rising economic influence and prominence and its consequential calls from Washington for burden-sharing and greater participation by Tokyo in financially supporting the collective security as well as liberal international economic system. In the wave of "Japan-bashing" in the mid-1980s, Japan's internationalists called for the Japanese to cultivate a global consciousness, conduct domestic reforms of its institutions in harmony with the international norms, and to assume a more "globalized" foreign policy with non-military diplomatic tools. Japan's soul-searching for a new role was suddenly forced by the Gulf crisis to break away from what Ozawa called "self-centered" pacifism and checkbook diplomacy to "proactive pacifism" by allowing the

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<sup>38</sup> Structural Impediments Initiative or SII were negotiations between Japan and the United States that began in 1989, focusing on internal, structural barriers to more balanced trade between the two countries (Hoye 1999:223).

SDF to participate in U.N. peacekeeping and humanitarian operations. While the Japanese foreign policy has entered a transitional era from the strictly low-profile commercial diplomacy to a seemingly more activist-style diplomacy with multilateral themes, the ultimate objectives of Japan's diplomacy still remain undefined besides reiteration of stability in the world and attainment of prestige. Yasushi Akashi, the former UN Under Secretary General, points out that despite Japan's enormous financial contribution to the Gulf War operations and the subsequent decision to allow the SDF participation in the UN peacekeeping operations, Japan has not gone beyond its "narrow peace" to define any diplomatic principles necessary for the country or developed a determination to carry out such principles (Akashi 1995:95-97). As Yasutomo (1993:342) reflects, Japan seems "caught between its preference for the comfortable world of pax Americana and the fear of the uncertain post-Cold War world." Especially with the long prolonging recession keeping the Japanese preoccupied more with domestic reforms of financial institutions, the Japanese government appears to remain not being able to successfully complete its "third opening."

**TABLE 3****JAPAN'S OFFICIAL DEVELOPMENT ASSISTANCE PERFORMANCE (1978-1997)**

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<b>Year</b>	<b>ODA (\$billion)</b>
1978	2.22
1979	2.63
1980	3.30
1981	3.17
1982	3.02
1983	3.76
1984	4.32
1985	3.80
1986	5.63
1987	7.45
1988	9.13
1989	8.97
1990	9.07
1991	10.95
1992	11.15
1993	11.47
1994	13.24
1995	14.49
1996	9.44
1997	9.36

Compiled based on the Ministry of Foreign Affairs ODA Reports (1998-1997)

## CHAPTER IV: THE 1959 KOREAN REPATRIATION

This chapter concerns the Japanese government's 1959 decision on repatriating Korean nationals back to North Korea, which started in December 1959 and continued until 1984 during which a total number of 93,340 Koreans and their families returned to North Korea.<sup>1</sup> Prior to the repatriation in the early 1950s, Japan and South Korea suffered from deterioration of their diplomatic relations due to the historical legacy of Japanese imperialism, anti-Japanese sentiments fostered by Syngman Rhee in the early 1950s, and South Korean resentment over Japan's reinvolvement in the Korean war. Taking advantage of the diplomatic quarrel between the Republic of Korea (ROK) and Japan, the Democratic People's Republic of Korea (DPRK) took a more conciliatory approach toward Japan, which eventually led to the repatriation of many Koreans to North Korea. The diplomatic entanglement of the Japanese government with two Koreas deprived the Korean residents in Japan of opportunities to repatriate to a Korean government of their own choice.

### **Early Repatriation of Koreans**

Japan's surrender in August 1945 was followed by social and political chaos and unrest; millions of Japanese soldiers and repatriates started returning to Japan from abroad,

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<sup>1</sup> According to the statistics compiled by Lee (1996:200) based upon the Japanese Justice Ministry's statistics, 6730 out of 93,340 repatriates were Japanese. The 2nd year of the repatriation (1960) marked the largest number of repatriates, mounting to 49,036.

which resulted in a critical food and housing shortage and a high level of unemployment for both the Japanese and Koreans. At the time of surrender, there were over two million Koreans living in Japan. Subjected to a deeply rooted discrimination and prejudice in the Japanese society, most Koreans in Japan had developed a strong hatred toward the Japanese, and were determined to return to their homelands upon their "liberation." Starting in August, many Koreans poured into port cities such as Hakata, Shimonoseki, Senzaki, Sasebo, and Maizuru, wishing to get on board ships (Lee 1996:164-5). During this period, it was estimated by the Japanese Justice Ministry that one million Koreans returned to Korea unofficially before the Supreme Command for the Allied Powers (SCAP) took measures to deal with the unorganized chaotic mass exodus.

An early repatriation program was directed under the initiative of the SCAP in response to the Korean residents' desire of returning home and protest to the Japanese authorities about their lack of assistance. The SCAP outlined policies regarding repatriating Koreans in the directives in November 1945,<sup>2</sup> and delegated the Ministry of Health and Welfare to be responsible for the operation during which over 640,000 Koreans returned to the American zone south of the 38th parallel (Wagner 1951; Lee and De Vos 1981:59).<sup>3</sup> Despite the initial desire expressed by many Koreans to repatriate, the number of repatriates

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<sup>2</sup> Policy regarding the repatriation were clarified in the SCAP directives, "Repatriation of Non-Japanese from Japan," *Directives*, SCAPIN-224, AG370.1 issued on November 1, 1945; "Repatriation of Non-Japanese from Japan," *Directives*, SCAPIN-295, AG370.5 issued on November 17, 1945.

<sup>3</sup> While a majority of Koreans returned to the zone of American influence south of the 38th parallel, 351 Koreans repatriated to the Soviet zone in a separate agreement (Wagner 1951:49).

declined in the beginning of 1946. There were several reasons for the Koreans who were hesitant to return to Korea. First, they were concerned with economic turmoil and political instability on the Korean peninsula at the time that made the life of Koreans worse than the living conditions in Japan. The stories told by the returning Japanese from Korea discouraged Koreans in Japan from returning. The Korean peninsula was described to be filled with riots, strikes, epidemic, floods, famine, inflation, and high unemployment (Gane 1951:91-2).<sup>4</sup> Such reports on the dire conditions on the peninsula were confirmed by the influx of returning Koreans back to Japan that culminated in April 1946. Another deterring factor for returning was the limitation imposed by the SCAP on the amount of assets Koreans could bring back to Korea. Under the SCAP directive on repatriation restriction, repatriates were allowed to carry only 1,000 yen in cash or objects of equivalent value in addition to any personal belongings that they could carry with them.<sup>5</sup> The subsequent relaxation of this restriction by the SCAP in January 1946 allowed Korean repatriates to carry bank and postal

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<sup>4</sup> In the late spring of 1946, Korea under the U.S. occupation experienced a massive flow of refugees coming from the Soviet zone north of the 38th parallel due to the arranged mass movements directed by North Korean officials under the supervision of the Soviet Union (Gane 1951:91). The number of refugees amounted to 200-400 per day during the last of March. An estimated number of 20,000 persons crossed the border on the last Sunday in May 1946. The influx of refugees into the U.S. zone of Korea was coupled with a spread of the Cholera epidemic among the repatriates from China, and floods due to excessive rainfall, resulting in chaos in Korea.

<sup>5</sup> "Control over Exports and Imports of Gold, Silver, Security and Financial Instruments," *Directives*, SCAPIN-44, AG091.31 (September 22, 1945); and "Supplemental Instructions Relating to Import and export Controls," *Directives*, SCAPIN-127, AG 091.31 (October 12, 1945). Mitchell (1967:59) describes that 1,000 yen was worth about 20 packages of cigarettes at the time, and Korean repatriates had to turn over to Japanese customs inspectors all money exceeding 1,000 yen (Cheong 1991:59).



savings books, insurance policies and other financial papers.<sup>6</sup> Yet, such relaxation did not have a much impact as an incentive for the Koreans to go home, since all the financial transactions between Japan and Korea had been prohibited indefinitely. An American official in Korea who was involved in the repatriation program attested that "the motivation for the SCAP policy was not to benefit Koreans, but rather to provide a more favorable condition in Japan" (Gane 1951:161).<sup>7</sup>

Soon, a large number of Koreans who had been repatriated, started returning to Japan. The SCAP policy remained firm on repatriating the Korean minority to Korea.<sup>8</sup> Anticipating the problem of illegal Korean re-entry, the SCAP issued a directive to the Japanese

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<sup>6</sup> "Supplementary Instructions Relating to Import and Export Controls," *Directives*, SCAPIN-532, AG 091.714, January 2, 1946.

<sup>7</sup> In his dissertation, Gane (1951), who served in the Displaced Persons Division, the Commanding General United States Army Forces in Korea (USAMGIK) in 1946, argued that the relations of South Korea with Japan were supervised by the General Headquarters of the Supreme Commander for the allied Powers (SCAP) which tended to view Korea-Japanese problems from the Japanese side. The pro-Japanese indications included: the policy that Koreans in Japan were to be classified as Japanese nationals without giving them the full rights of citizens of Japan; the stance that Korea remained a part of Japan until the Peace Treaties were signed; and the attitude that Koreans were a nuisance (1951:409). The USAMGIK tried to remove oppressive restrictions imposed on Korea repatriates who were leaving Japan but the American Command in Korea was a subordinate headquarters and therefore by nature of military authority forced to accept the policy line formulated SCAP Headquarters in Tokyo.

<sup>8</sup> According to Gane, it was the policy of SCAP to get the Koreans out of Japan by any measures short of direct force (Gane 1951:157). He (1951:152) cites a memorandum written by a liaison officer of the USAMGIK reporting the SCAP policy on repatriation in May 1946 ("Weekly Activities Report 20-25 May," 1946, 27 May 1946) as follows:

Lt. Col. Strauss, Korean Section, G-3 SCAP, Repatriation, states that policy of that office is "Get them out" and that the Liaison Office should continue to persuade Koreans to return to their country.

government not to allow re-entry of Koreans,<sup>9</sup> and the Japanese authorities started arresting them in May 1946 (Pak 1989:108).<sup>10</sup> Despite such effort, the number of illegal Korean residents arrested by the Japanese police reached 13,000 by August 1946 (Lee and De Vos 1981:60). In the eyes of the SCAP and the Japanese government, the Koreans were considered non-homogeneous and unruly elements in society, disrupting the public order and peace in the Japanese society. The "liberation" from the Japanese imperialism brought by Japan's surrender spurred a series of Korean demonstrations, riots, and refusal to be subjected to the Japanese jurisdiction.<sup>11</sup> Some violent wage conflicts between Korean miners and Japanese mine owners in Hokkaido where approximately 270,000 Koreans inhabited at the time of Japanese surrender posed a serious domestic security concern to the SCAP and persuaded the SCAP personnel to repatriate Koreans as quickly as possible (Gane 1951:128). Many of Koreans in Japan were said to have engaged in creating the postwar black market, and involved in criminal activities like other Japanese were, and many Koreans associated

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<sup>9</sup> "Repatriation," *Directives*, SCAPIN-882, AG 370.05, annex I, March 16, 1946.

<sup>10</sup> The Japanese authorities detained illegal Koreans at facilities in port cities such as Karatsu, Sasebo, and Kanazaki and forced them to return to Korea. Such facilities were notorious for food shortage and inhumane treatment of detainees. It was reported that at the Sasebo facility, many starved and about three hundred Korean detainees died between July 24 and September 15 (Pak 1989:108).

<sup>11</sup> Many Koreans felt that they were entitled to be treated as "liberated" nationals (different treatment from the defeated Japanese) by the SCAP, thus leading them to claim preposterous legal rights in Japan and to refusals to be subjected to the jurisdiction of the Japanese police. Gane (1951:133) argued that such belief was at the very root of the "extreme political mindedness" and nationalistic feeling of the Koreans in Japan. The sentiment often manifested in the form of demonstrations and rioting among Koreans in Japan.

with left-wing organizations actively participated in violent demonstrations organized by Japanese communists (Cheong 1991:2).<sup>12</sup>

The most violent disorder<sup>13</sup> witnessed in the spring of 1946 since the war precipitated the SCAP to tighten control over "unruly" Koreans; the SCAP issued a directive titled, "Misconduct Committed by Koreans,"<sup>14</sup> pronouncing that the Japanese government would be held responsible for the preservation of law and order, including the control of violent acts committed by Koreans. The Japanese authorities started branding most of the Koreans in Japan as communists and exercising strict control and policing of the Korean nationals, frequently putting them through unreasonable search and seizure; Tokyo was anxious to repatriate all the Koreans. The Koreans were seen by the government, public, and the SCAP as an unstable element in the society, disrupting the social order, increasing the economic burden on Japanese economy, and fueling racial tensions; they were regarded as elements to be expelled from the Japanese society (Gane 1951:130-3).

The SCAP announced a Korean repatriation policy and directed the Japanese government to have Koreans to be registered by March 18, 1946, and to indicate their preference regarding repatriation. All Koreans who desired to return to Korea would be

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<sup>12</sup> *Tokyo Mainichi*, July 13, 1946.

<sup>13</sup> This was a leftist demonstration in 1946 organized by a loose coalition of the Japanese and Korean communists, denouncing the Shidehara Cabinet to which the Choryon, the precursor organization to the Ch'ongnyon, supplied approximately 20,000 members (Lee and De Vos 1981:75).

<sup>14</sup> *Directives*, SCAPIN-1111/A, AG 250.1, April 29, 1946. According to Onuma (1978:146), the Japanese police had been asking the SCAP to recognize the Japanese jurisdiction over the Korean nationals in Japan, due to ceaseless troubles with Koreans.

repatriated at the expense of the Japanese government while any Korean who registered as not wishing to repatriate forfeited the privilege. Those who failed to register by the deadline not only forfeited the privilege, but were also subject to jail sentences up to six months or fine (Gane 1951:144-5).<sup>15</sup> Of 646,932 Koreans who registered, 514,035 indicated their desire to be repatriated (Lee and De Vos 1981:60). Based on the registration, the SCAP instructed the Japanese government to draw up a repatriation program, and liberalized the property restriction in its hope to increase the number of Korean repatriates. The program was initially to be completed by the end of September 1946, yet it was extended until mid December of the same year, since only 72,000 Koreans had actually returned to Korea since the registration (Lee and De Vos 1981:60). Later in 1947, the repatriation program was resumed on a smaller scale in response to the Korean demands but it was terminated right before the breakout of the Korean War.

### **The ROK-Japanese Diplomatic Relations**

The South Korean President Syngman Rhee's interest in the Korean minority in Japan did not come from his concern for their welfare but rather from the political expediency of them in his diplomacy with Japan, the United States, and the North. He was aware of the Koreans in Japan being political and social liability whom the SCAP and the Japanese government desired to expel. Yet, being challenged by the political left at home, Rhee did not want the repatriation of the Korean communists from Japan, as such repatriation of

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<sup>15</sup> The SCAP decided in May 1946 that Koreans who voluntarily continued to reside in Japan and who were not repatriating to Korea under the American-led repatriation procedures were considered for purposes of treatment, as retaining their Japanese nationality pending an establishment of Korean government.

Korean Communists would endanger his political position at home (Cheong 1991:68-9). For example, Rhee's indifference to the Koreans in Japan clearly manifested in his response to a large scale violent anti-Japanese demonstration that took place in the greater Osaka area, known as the 1948 Hanshin Education Incident in which Koreans protested closing of Korean schools in Japan by the Ministry of Education. The American forces were alerted; martial law was proclaimed; and two thousand Koreans were taken into custody.<sup>16</sup> In order to impress the SCAP that had expressed its stern intolerance of the subversive nature of the mob action,<sup>17</sup> President Rhee criticized the demonstrators, stating that such actions of Koreans gave a bad impression of Koreans and burdened the Occupation authorities in Japan.<sup>18</sup> Such pro-U.S. posture of Rhee was rewarded by MacArthur; several months later in October, 1948, Rhee was invited to Tokyo by MacArthur, finally managing to establish a Korean mission to SCAP in Tokyo to handle various problems raised by Koreans in Japan.

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<sup>16</sup> As a result of the SCAP's order for the educational reform as part of democratization and demilitarization, the Japanese Ministry of Education announced that the newly established Education Standards Law and the School Education Law applied to Korean schools in Japan. This meant that Korean schools in Japan had to register with the Japanese government to be certified officially, and could not use textbooks in Korean. As Koreans and the Choryon refused the order, many Korean schools were closed by the Japanese authorities. Consequently, large scale demonstrations broke out in Okayama, Yamaguchi and Fukuoka, eventually leading to the invasion of the Kobe prefectural building and taking the Governor hostage (Cheong 1991:2-4; Lee 1996:173-9).

<sup>17</sup> *Mainichi Shinbun*, April 27, 1948. The Commanding General of the Eight Army (which covered the greater Kobe and Osaka area), Lt. Gen. Robert L. Eichelberger was quoted that there would be no compromise with such subversive mob action and that all the leaders of groups would be held responsible for the uncivilized behavior and be punished severely.

<sup>18</sup> *The New York Times*, September 9, 1948.

The SCAP and the Japanese government's concern over Korean communists in Japan became more serious when the Korean War broke out in June 1950. The Japanese government continued to take measures to keep a close monitoring over Koreans in Japan by enacting laws, including the Alien Registration Law of 1947,<sup>19</sup> and the Immigration Control Law of 1951.<sup>20</sup> In order to deal with the Korean problem, the Japanese and South Korean governments were encouraged by the United States to have talks in October 1951<sup>21</sup> to determine the legal status of the Korean nationals in Japan, which later expanded to include normalization negotiations between Japan and South Korea. The Japanese government's main agenda was strictly focused on finding a solution to the legal status of Koreans in Japan and repatriating some "undesirables," to Korea,<sup>22</sup> and not on the discussion of other issues such as fishing rights and financial claims. Tokyo wanted to negotiate these other issues later on from a more advantageous diplomatic position when Japan completely regained its

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<sup>19</sup> Since over 90 percent of the foreign residents in Japan were those of Korean descent at the time, these laws were considered to have enacted to keep a tight control over subversive Koreans. Under the Alien Registration Law of 1947, a foreign resident was required to register a change of address with the city within 14 days after any move; and he was required to carry the alien registration card at all times and had to produce it upon request by Japanese authorities. Failure to comply with these rules would be punished by no more than one year's imprisonment or a fine of no more than 10,000 yen.

<sup>20</sup> The Immigration Control Law of 1951 specified the categories of foreign residents that were subject to deportation including a pauper, vagrant, or disabled person, who had become a charge of the state or any locality; and a person who had been subjected to any punishment heavier than imprisonment for violation of the Alien Registration Law.

<sup>21</sup> William J. Sebalt, Chief of the Diplomatic Section of the SCAP directed on September 25, 1951 the Japanese government to hold talks with the South Korean government on the legal status of the Koreans in Japan (Takasaki 1996:23).

<sup>22</sup> Prime Minister Yoshida was quoted in April 1951 to have said that he wanted to repatriate all the Koreans (Takasaki 1996:23).

sovereignty upon the signing of the San Francisco Peace Treaty (Takasaki 1996:26). Rhee, on the other hand, hastened to seek direct talks with the Japanese via the U.S. government when he learned that the ROK was not going to be a signatory to the San Francisco Peace Treaty in July 1951. Rhee was also aware that Japan would enjoy a better bargaining position after the ratification of the peace treaty by the U.S. Senate, which was scheduled in April, 1952 (Cheong 1991:100). For Rhee, it was better to resolve the issues while the United States had more leverage over Japan.

Despite the condition attached by the United States that the negotiation agenda would be confined to the subject of the nationality of Korean residents in Japan, the South Korean representatives brought up the subject of financial compensation for all losses and damages incurred during the Japanese colonial occupation of Korea (Cheong 1991:101), and requested all negotiations on other issues be open. In addition, Seoul demanded an enormous reparation payment that would almost put Japan to bankruptcy.<sup>23</sup> Such talks did not produced any immediate solution to the Koreans in Japan, as since most of the Koreans favored North Korea over the South and insisted on remaining "North Koreans." And since the United States, South Korea, and Japan did not recognize North Korea, these Koreans did not have any means to repatriate to the North. For South Korea, linking negotiations over the legal status of Korean nationals in Japan was the only means of obtaining an opportunity to open a dialogue with Japan on other more "important" issues.

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<sup>23</sup> William Sebalt was quoted to have described the amount demanded by the South Korean representatives as a reparation payment (Yamasaki 1996:24).

The course of ROK-Japanese talks was stalled numerous times by diplomatic obstacles. The first was President Rhee's announcement in January 1952 of what was known to the Japanese as the "Rhee Line," to supposedly safeguard the South Korean interests of national welfare and defense.<sup>24</sup> Contrary to the professed purpose, the real intention behind the Rhee Line was for Rhee to create a strong bargaining position in the upcoming conference in Japan (Takasaki 1996:30-1; Cheong 1991:109). As the subsequent bilateral conference failed, enforcement of the Rhee Line by the South Korean coast guard became stringent, leading to the Taiho Maru incident of February 1953 in which a Japanese fisherman was killed in a scuffle with the Korean coast guard.<sup>25</sup> Continued strict enforcement of the Korean government exasperated the Japanese public opinion, gradually building up the anti-Korean sentiment. During a Diet session in October 1953, a Liberal Party member of the Diet suggested a forced repatriation of the Koreans in Japan as a countermeasure to the Rhee Line.<sup>26</sup> Even the left-wing of the JSP directed criticism towards

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<sup>24</sup> The Rhee Line was called the "Peace Line" by the Koreans. During the initial negotiation in December 1951, the South Korean negotiating representative felt that South Korea was losing every battle in the talks and reported to Rhee that Tokyo was unwilling to reach an agreement on the fishery problem. On January 18, 1952, Rhee announced the "Rhee Line/Peace Line," extending the ROK's marine sovereignty up to 200 miles (Cheong 1991:109). For more detailed discussion on the background leading up to the formation of the Rhee Line, refer to the Chapter 7 of Cheong's *The Politics of Anti-Japanese Sentiment in Korea: Japanese-South Korean Relations under the American Occupation, 1945-1952*, New York: Greenwood Press, 1991.

<sup>25</sup> The South Korean coast guard reportedly used arms to capture two unarmed Japanese fishermen at 20 miles west of Chechu.

<sup>26</sup> This statement was made by Morio Sasaki during the House committee meeting on Foreign Affairs at the 16th Diet session on October 28, 1953. His argument was that in spite of the food shortage Japan was experiencing, the government was providing the Korean nationals with welfare from its limited resources; if South Korea kept on insulting



South Korea. The *Asahi Shinbun* editorial known to be rather progressive on these issues, contended that it was only understandable (for the Japanese) to support the use of force to confront such use of violence by South Korea.<sup>27</sup>

During the already stifled talks on the settlement of problems regarding property and claims in October 1953, the Japanese chief delegate, Kan-ichiro Kubota lost his patience and made derogatory remarks, vocalizing that Korea could claim nothing from Japan because it benefitted more than it was harmed as a result of colonization.<sup>28</sup> As a result, the South Korean delegation walked out of the talks on October 21, 1953. The MOFA and the Japanese Foreign Minister Okazaki supported Kubota's basic position, accusing the South Korean officials of "twisting around Kubota's comments" to sabotage the negotiations.<sup>29</sup> There was almost an unanimous criticism directed against the Rhee government from a wide political spectrum of the Japanese society, including the left-wing of the JSP.<sup>30</sup> Such

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Japan, we should consider the forced Korean repatriation or some sort of countermeasure equivalent to the repatriation.

<sup>27</sup> *Asahi Shinbun*, September 10, 1953. In the end the *Asahi* editorial recommended that the government seek a more pragmatic resolution.

<sup>28</sup> Kubota additionally stated that the Ministry of Finance poured money as much as 20,000,000 yen per year into construction of railways and ports as well as cultivation of futile lands in Korea, such deed would even out the (Korean) political claims (being made). Putting a disclaimer that the statement was off the record, Kubota added that if Japan had not gone into Korea, China or Russia would have taken over the peninsula (*Asahi Shinbun*, October 23, 1953; Takasaki 1996:51). He even mentioned that he did not believe that Koreans were "enslaved" by the Japanese during the war.

<sup>29</sup> *Sekai no Ugoki*, No. 6, 1953 and *Mainichi Shinbun*, October 22, 1953. Foreign Minister Okazaki stated that Kubota had said the matter was self-evident.

<sup>30</sup> The left-wing members of the JSP stated the ROK was not the only (Korea) with which the Japanese government could consult (*Mainichi Shinbun*, October 19, 1953).

political climate in Japan drove the Japanese government to keep enforcing the Alien Registration Law as well as the Immigration Control Law against Koreans, creating a hostile environment for the Korean residents in Japan. Facing the deteriorating situation, the president of a pro-South Korean organization in Japan known as the Mindan (or Association for Korean Residents in Japan), Kim Chae-wha, made several recommendations to President Rhee how he could help to promote the welfare of the Koreans in Japan (Lee and De Vos 1981:97). Despite such desperate plea, the Rhee government never responded to these recommendations. Meanwhile, Korean violators of these laws were facing imprisonment in a camp known as the Omura camp which was located in Kyushu, a southern island of Japan. Established in December 1950, the camp came to be known as a Korean prison, as the majority of violators housed were Koreans.<sup>31</sup> The number of Korean detainees at the Omura camp reached its peak when the ROK-Japanese negotiation talks were broken off in October 1953.

Compared with the South's policy, the North Korean government employed a rather conciliatory and practical policy in approaching Japan. While South Korea continued to be engrossed with Japan's colonial past, North Korea aimed to gain political recognition and prevent any reopening of the ROK-Japanese talks by gaining the trust of the frustrated

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*Asahi Shinbun* editorial (October 22, 1953) criticized Seoul for knit-picking the details and stagnating the normalization talks while *Yomiuri Shinbun* (October 22, 1953) denounced the South for bringing in the not-directly pertinent issue into the property and claims discussion. *Mainichi Shinbun* was the only mainstream newspaper that adopted a cautionary tone towards the Kubota statement (October 22, 1953). According to the *Yomiuri Shinbun* editor at the time, only seventeen out of 460 letters received from their readers were critical of the Japanese government's position (Takasaki 1996:60).

<sup>31</sup> The treatment of the prisoners were notoriously inhumane at the Omura camp.

Koreans in Japan as well as fostering an emerging economic relations. The Hatoyama government's policy of normalization of relations with Communist countries in early 1955 prompted a favorable response from the DPRK. Taking advantage of the breakdown in the South Korean-Japanese negotiation talks for normalization and Hatoyama's willingness to open trade with the Communist bloc,<sup>32</sup> North Korea made a proposal to the Japanese government on starting a trade and cultural exchange (Lee and De Vos 1981:97; Takasaki 1996:72), and the North Korean Foreign Minister Nam Il went so far as to assert that the Hatoyama government represented the Japanese people, implying its recognition (Chung 1964: 791). The first Japanese mission was sent to North Korea in May 1955 and an unofficial trade agreement was signed between the DPRK's Kim Che-Son, from the Korean Association for the Promotion of International Trade, and Mamoru Tanabe, director of the Soviet-Japan Trade Association (Lee and De Vos 1981:98). A pledge to work towards normalizing relations, establishing a permanent trade mission, and opening a channel for free travel between North Korea and Japan was made by the vice-president of the Presidium of the North Korean Supreme People's Assembly and Sadao Furuya, a Socialist member of the Japanese House of Representatives (Lee and De Vos 1981:98).<sup>33</sup> In order to gain the trust

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<sup>32</sup> Prime Minister Hatoyama was known to have completely reversing the hostile attitude expressed by his predecessor, Prime Minister Yoshida, releasing a series of conciliatory messages to South Korea to the point that he created a "Hatoyama boom" in South Korea (Asahi Shinbun June 23, 1955; Takasaki 1996:72). However, his comment during the Diet session on March 26, 1955 that he was considering recognition of North Korea, along with other comments provoked a violent criticism by the South Korean government, ending the Hatoyama boom in the Republic of Korea.

<sup>33</sup> Knowing the political influence of Japan's fishermen, the North Korean government used the issue as a diplomatic instrument by offering the Japanese government that it would welcome the Japanese fishermen in the external waters of North Korea (Chung

of the Koreans living in Japan as well as to improve its image, the North Korean government started funneling funds to the Ch'ongnyon in April 1957 (Lee and De Vos 1981; Chung 1964:801). It was estimated that between April 1957 and July 1963, Pyongyang sent US \$7,667,000 to the Ch'ongnyon, which supported Koreans financially, promoted Korean education, conducted campaigns against illiteracy, and sponsored cultural activities (Chung 1964:801). An estimated two billion yen was also being spent annually to support Socialist and Communist members of the Diet who were sympathetic towards the North (Lee and De Vos 1981:108). North Korea certainly succeeded in narrowing the political and economic gap between Tokyo and Pyongyang by fostering the North Korean lobby among both Japanese and Koreans in Japan.

#### **Towards the 1959 Repatriation to North Korea**

An early grass-roots repatriation movement by the Koreans in Japan can be traced back to August 1953 when a group known as the Minchon (the United Democratic Front in Japan for Unification of Korea), a precursor to a pro-North Korean organization, later known as Ch'ongnyon, decided on a resolution to send Koreans to North Korea to help reconstruct the war-torn country (Lee and De Vos 1981:98). Yet the North Korean response was rather ambiguous about accepting repatriates from Japan. In September 1955, Kim Il-sung promised that the DPRK would arrange repatriation for the Koreans in Japan but also suggested that they establish their livelihood in Japan and work toward the unification of Korea through a close relationship between North Korea and Japan (Lee and De Vos

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1964:793).

1981:99). In a letter addressed to the Ch'ongnyon, the North Korean government did not indicate any immediate action towards initiating repatriation.

In January 1954, in order to inquire about the Japanese nationals living in North Korea and to repatriate them back to Japan, the Japan Red Cross (JRC) contacted the North Korean Red Cross via the Committee of the International Red Cross (CIRC) for their help.<sup>34</sup> In the message to the North Korean Red Cross, the JRC indicated that if North Korea would allow the repatriation of the Japanese, the JRC would consider repatriating the Koreans who wish to return to North Korea on the vessels that the JRC was going to assign for the Japanese repatriates (Chun 1995:97). In December 1955, the North Korean Red Cross (NKRC) agreed to negotiate on the repatriation of the Japanese nationals and told the JRC to send representatives to Pyongyang. Prior to the JRC's visit to North Korea, the Ch'ongnyon lobbied the Japanese government and the JRC by demanding that their people be repatriated to North Korea (Yan 1994:193). While the Japanese Foreign Affairs Ministry did not respond to the demand, the JRC assured that the issue would be brought up at the Pyongyang meeting. The repatriation of the 36 Japanese nationals from North Korea was agreed to and they were later returned to Japan in April 1956. Despite the word the JRC gave to the Ch'ongnyon, when the issue of the Korean repatriation was brought up by the NKRC after the Japanese repatriation issue was settled, the JRC was hesitant about discussing it, stating that the JRC was not given any authorities to discuss the issue (Yan 1994:195).

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<sup>34</sup> A group of Japanese families whose relatives were detained in North Korea continued lobbying the Japanese government, the GHQ, the Japanese Red Cross, and the Ch'ongnyon for their help in repatriating their family members. Their effort finally moved the Japanese Red Cross to contact the North Korean Red Cross in 1954 (Yan 1994:192).

Learning the news, a group of 300 Koreans resorted to a sit-in tactics at the JRC office, demanding to be put on the repatriating vessel to North Korea. They were denied boarding the ship by the JRC, as there was not an official permission issued by the Japanese government (Pak 1995:97-8; Kojima and Sato 1995:44-5; Yan 1994:195).

At the 13th liberation memorial day gathering on August 11, 1958 sponsored by a local chapter of the Ch'ongnyon in Kawasaki, sixty Koreans gathered and wrote a letter to Kim Il-sung, voicing their desire to repatriate to North Korea (Takasaki 1996:91; Yan 1994:197; Chun 1995:96). The Ch'ongnyon presented a demand to the Japanese government to establish relations with North Korea; to call off the South Korean-Japanese normalization talks; to let Koreans detained in the Omura camp to repatriate to the country of their choice; and to set up a repatriation program (Lee and De Vos 1981:99). Kim Il-sung responded to the letter and pronounced that repatriation of Koreans in Japan must be administered immediately and the DPRK was ready to receive all the Koreans and to assure them of conditions for a stable living after repatriation.<sup>35</sup> This statement was soon followed by their official announcement that the North Korean government would pay for all the travel expenses regarding the repatriation. Responding to this letter, the central committee of the Ch'ongnyon decided to mobilize a nation-wide repatriation movement and to appeal repatriation as a humanitarian issue to the Japanese Red Cross, the Committee of International Red Cross, and the Japanese government (Yan 1994:197).

The Ch'ongnyon's nation-wide campaign with a series of demonstrations and petitions, was successful. October 20 was designated as the "demand day for the realization

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<sup>35</sup> *Asahi Shinbun*, February 5, 1959.

of repatriation" by the Ch'ongnyon. An overwhelming spontaneous support for their repatriation not only came from the liberal segment of the Japanese society but also from a wide array of political organizations, and groups, including members of the Liberal Democratic Party (LDP), the Japan Socialist Party (JSP), and the Japan Communist Party (JCP).<sup>36</sup> The wide coverage on the repatriation campaign by the mainstream Japanese media boosted the movement. The idea of organizing the Korean Repatriation Association (KRA) was suggested by the JSP general secretary, Inejiro Asanuma and its original members included a group of bipartisan national political leaders such as Ichiro Hatoyama, ex-prime minister and LDP member, Sanzo Nosaka, chair of the JCP, Nobuyuki Iwamoto, former vice-speaker of the House and LDP member, Kaoru Oda, chair of the General Council of Trade Unions of Japan or Sohyo, and Taiko Hirabayashi, an author (Lee and De Vos 1981:101).

The first meeting of the Korean Repatriation Association was held at the House of Councillors building, and was attended by representatives from Sohyo, the Ch'ongnyon, the Japan Communist Party, the Women's Democratic Club, the Japanese Socialist Party, the Japan Postal Workers Union, the General Federation of Private Railway Workers' Union of Japan, the Japan-Soviet Association, the Asia Solidarity Committee, the Japan Teachers' Union, the Japan Coal Miners' Union, the Japan National Railway or Kokutetsu, and the Japan-North Korea Association. The participants agreed that the repatriation issue should

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<sup>36</sup> According to *Akahata* (October 1, 5, 21, 1958 and November 29, 1958), an official newsletter of the JCP called "Red Flag," the Ch'ongnyon asked the JCP for its support for the repatriation movement and the party officially decided to give its support in November 1958. The JSP also gave an official support to the movement in October 1958 (*Chosen Ch'ongnyon* October 20, 1958).

be dealt as a human rights issue guaranteed in the Japanese constitution; that they would appeal to the Japanese media to solicit the issue awareness as well as to the local and national governments in hope of initiating discussion among various social movements (*Akahata*, November 17, 1959).

At this point, according to the Ch'ongnyon statistics, 41,000 Koreans in Japan had submitted their applications to be repatriated to the Ch'ongnyon Repatriation Committee.<sup>37</sup> By January 1959, the successful repatriation movement precipitated 36 prefectural and approximately 300 local legislative bodies to adopt a series of resolutions supporting the repatriation (Kwo 1987:165).<sup>38</sup> An estimated 200,000 members of the Ch'ongnyon and Japanese sympathizers were said to have mobilized for the repatriation campaigning (Yan 1987:199). Facing the growing local governments' support, the Immigration Bureau Chief of the Justice Ministry issued a directive or *tsutatsu* to all local assemblies on December 10, directing them to just receive the repatriation petition and not to do any more than that. When criticized by the Ch'ongnyon, the Section Chief of Registration Monitoring of the Immigration Bureau of the Justice Ministry gave a statement that the directive was not meant to be an obstruction of the repatriation movement, and that the issue is the national government's policy agenda and not an issue that the local governments should decide.<sup>39</sup>

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<sup>37</sup> *Asahi Shinbun*, February 5, 1959.

<sup>38</sup> The final number of the local legislative bodies which passed a resolution for supporting the repatriation amounted to 337 of which 47 were prefectural, 219 city, 71 village-assemblies (Yan 1994:199).

<sup>39</sup> December 24, 1958, *Asahi Shinbun*. As a result of the directive, the Tochigi prefectural assembly postponed passing a resolution in favor of the repatriation. This directive was severely criticized by the Ch'ongnyon as the Japanese government's



Despite the overwhelming public support for the repatriation to the North, the Japanese government's initial reaction was cautious, given that Tokyo had been muddling through in its normalization talks with South Korea. In September 1958, the Foreign Affairs Vice Minister Yamada during his meeting with the South Korean Mission representatives expressed that the Japanese government would not let the repatriation to the North happen for a long time (Yan 1994:197; Takasaki 1996:92). This statement was made by Yamada in hope of setting the repatriation issue aside and reopening the normalization talks with South Korea.<sup>40</sup> In December 1958 when a well-known author, Taiko Hirabayashi, representing the Korean Repatriation Association, appealed to Foreign Minister Fujiyama for soliciting the government's cooperation in repatriation, Foreign Minister Fujiyama's response was still cautious. Adding that the repatriation issue of the Koreans who had been living in Japan before 1945 should be resolved from a humanitarian perspective, he explained that as soon as the ROK-Japan talks resume, he would decide on the government's policy on the matter.<sup>41</sup>

In order to counteract the Ch'ongnyon's repatriation campaigning a pro-South Korean group, the Association for Korean Residents in Japan or Mindan organized a "Countermeasure Committee for the Prevention of Forced Labor Recruitment to North Korea," claiming that the repatriation to the North as nothing more than a scheme to fill their

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obstruction to the repatriation.

<sup>40</sup> As a result, the negotiation was resumed on October 1.

<sup>41</sup> However, Fujiyama also stated that the illegal Korean immigrants held in the Omura Camp would be dealt separately from the repatriation issue (*Asahi Shinbun* December 3, 1958).

manpower shortage incurred by the mass escape to the South (Yan 1994:201; Lee and De Vos 1981:105). The South Korean Mission in Japan also warned Koreans not to sign any repatriation papers, as it would forfeit their legal rights as South Korean nationals in Japan when the South Korean and Japanese governments normalize their relations.

As a result of devoted lobbying by the cross-party lobbying group backed by the Japanese public opinion, the Japanese government made a tentative decision on proceeding with the repatriation to North Korea. At the press conference in January 1959, Foreign Minister Fujiyama expressed that the Japanese government would resolve the repatriation issue as soon as possible according to international norms.<sup>42</sup> The Foreign Affairs' official stance was that repatriation was a humanitarian issue, separate from the ROK-Japan normalization negotiation, thus limiting foreign nationals' decision to repatriate would go against international norms.<sup>43</sup> Fujiyama further explained that despite an anticipated harmful impact on the ROK-Japanese normalization talks, he thought, even if Tokyo yields to Seoul on the repatriation issue, that would not necessarily guarantee the South Korean elimination of the Rhee line; therefore the Japanese government came to decide to proceed with the repatriation to the North.<sup>44</sup> Although Prime Minister Kishi basically supported the MOFA's position, he made a point of stating that he still wanted to discuss the issue carefully with the

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<sup>42</sup> *Asahi Shinbun*, January 30, 1959.

<sup>43</sup> *Asahi Shinbun*, February 2, 1959.

<sup>44</sup> *Asahi Shinbun*, January 30, 1959.

Foreign Affairs Research Council of the LDP or *gaiko chosakai*, and also voiced his concern with an adverse impact it would have on the normalization negotiation with South Korea.<sup>45</sup>

Naturally, Foreign Minister's announcement on the repatriation provoked a disapproving response from the South Korean government, which in turn triggered a cautioning criticism within the LDP. At the press conference of January 31, 1959, the South Korean Foreign Ministry threatened that Japan's repatriation of Koreans to North Korea would provoke serious consequences including a breakdown of the normalization talks; continuation of seizing Japanese fishermen around the Rhee Line; and Seoul's refusal to release detained Japanese fishermen.<sup>46</sup> Later, the South Korean government started defining the repatriation issue in terms of the cold war framework, criticizing Japan for helping the Communist North Korea benefit and for damaging the political gain achieved by the members of the free world in the Korean War; and appealing to the world community.<sup>47</sup> South Korea considered the Japanese government's decision a violation of the South Korean jurisdiction over the Korean people and an aid to North Korea.

As the LDP's Foreign Affairs Research Council and the Committee on Public Peace met to adjust its policy stance on the repatriation, it became clear that the predominant opinion within the LDP favored the MOFA's argument that Tokyo's decision not to conduct repatriation would not necessarily improve the negotiation prospect with Seoul and that the

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<sup>45</sup> *Asahi Shinbun*, January 31, 1959.

<sup>46</sup> *Asahi Shinbun*, February 1, 1959.

<sup>47</sup> *Asahi Shinbun*, February 7, 1959.

issue would resurface in the future even if it were postponed this time.<sup>48</sup> This position was endorsed by the members of the Committee on Public Peace, which strongly urged the repatriation.<sup>49</sup> Though some members of the LDP did not express a strong objection to the repatriation to North Korea, they recommended exercising caution (on Tokyo's dealing with Seoul). For example, Naka Funada, a leading member of the LDP, the chair of the LDP's Foreign Affairs Research Council, and a South Korean sympathizer,<sup>50</sup> admonished that indiscreet disposition of the repatriation problem against the wishes of South Korea would throw the pending negotiation with Seoul into a difficult position (De Vos 1981:102). During the House Budget committee meeting, Funada raised the same question to which Prime Minister reiterated that the freedom of domicile (*kyoju no jiyu*) must be protected from

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<sup>48</sup> *Asahi Shinbun*, February 2, 1959.

<sup>49</sup> *Asahi Shinbun*, February 3, 1959.

<sup>50</sup> Naka Funada was one of the Japanese political and business leaders who were conferred a first class decoration by President Park Chun Hee in August 1970. The list included former Prime Minister Nobusuke Kishi (June 1970), former Prime Minister Eisaku Sato (April 1969), former Foreign Minister Etsusaburo Shiina (April 1969), and Mitsujiro Ishii (October 1970) (Sugiura and Suzuki 1976:79). It was around August 1956 when high-ranking LDP politicians such as Mitsujiro Ishii, the Vice President of the LDP and the chair of the National Policy Institute, Kazuo Yatsugi who was close to Kishi, began their under-the-water diplomacy with South Korea, as they felt that the ROK-Japanese talks was reaching the point it needed a "high political intervention and decision" (Takasaki 1996:87). Yatsugi was known to have been well connected with high-ranking LDP members and the big business; a former JSP Chairman, Sei-ichi Katsumata described him as "Japan's Kissinger" (Sugiura and Suzuki 1976:16). Beginning in 1956, Yatsugi secretly started meeting with the Minister of the South Korean Mission, a close associate of Syngman Rhee. Around the time when Yatsugi was invited to South Korea by Rhee in May 1958, a South Korean lobby within the LDP was gradually forming with an encouragement of Kishi of which Naka Funada became an important member (Togawa 1959:235).

the international humanitarian norms.<sup>51</sup> Later, Foreign Minister Fujiyama met with Funada and other high ranking members of the LDP's Policy Affairs Research Council (PARC) to seek consensus among the LDP members by reasoning that even if South Korea attempts to physically prevent Japan's repatriation of Koreans to the North as a last resort, such behavior would be a target of international criticism.<sup>52</sup> While recognizing the position endorsed by the MOFA and the LDP Committee on Public Peace, Funada cautioned that since discussion on the repatriation was provoking South Korea, the Japanese government should try not to be directly involved with the actual repatriation plan itself.<sup>53</sup>

Despite the Seoul government's additional threat and the Mindan's last ditch appeal to the MOFA to postpone the repatriation,<sup>54</sup> the ultimate decision on repatriation was finally reached at a cabinet meeting held on February 13, 1959. In hope of not inciting the South Korean government any more than it had already done, the Japanese government introduced its decision as the Cabinet "understanding" (or *kakugi ryokai*), and not as a Cabinet

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<sup>51</sup> *Asahi Shinbun*, February 2, 1959.

<sup>52</sup> At this point, despite its warning on "serious consequences (of the repatriation)," the South Korean government had not explained what counter-measurements it would pursue. Fujiyama thought that such South Korean ambivalence indicated their concern for international criticism (*Asahi Shinbun*, February 1, 1959).

<sup>53</sup> *Asahi Shinbun*, February 3, 1959.

<sup>54</sup> When the Minister of the South Korean Mission in Japan met with the Bureau Chief of Asian Affairs of the MOFA, he conveyed that in the realization of the repatriation of Koreans to North Korea, Seoul would not guarantee safety of the repatriation vessels (*Asahi Shinbun*, February 10, 1959). On February 12, 1959, 200 representatives from the Mindan visited the Japanese Foreign Ministry to ask them to postpone the repatriation.

decision.<sup>55</sup> The Ministry of Foreign Affairs justified its decision on the grounds that every individual is endowed with the fundamental right to choose his or her own domicile, as stated in the Universal Declaration of Human Rights (Art. 13, Sec. 2);<sup>56</sup> and to respect such fundamental rights is the basic obligation of all free and democratic nations. The Ministry of Foreign Affairs stressed, however, that its decision should not be construed as an implication of de facto recognition of the North Korean regime. By the same token, the ministry added, it was not a violation of the sovereignty of the Republic of Korea not did it constitute an unfriendly act against it (De Vos1981:102).

The Minister of the South Korean Mission demanded that the cabinet "understanding" be reversed to which the Japanese government did not respond. Additionally, Seoul made it clear that its counter-decisions against Japan included the indefinite suspension of the normalization negotiations, Seoul's continued policy of enforcing the Rhee Line (implying an automatic arrest of those who violate the Rhee Line), removal of the South Korean Mission from Japan, refusal to release detained Japanese fishermen, and no guarantee of the safety of repatriation vessels.<sup>57</sup> Seoul's objection to the repatriation was supported by virtually all political parties in South Korea. By February 23, an estimated 4 million people were reported to have participated in the anti-repatriation demonstrations in South Korea.<sup>58</sup>

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<sup>55</sup> *Asahi Shinbun*, February 3, 1959.

<sup>56</sup> The Declaration of Human Rights article 13 states that 1. (e)veryone has the right to freedom of movement and residence within the borders of each state; and 2. (e)veryone has the right to leave any country, including his own, and to return to his country.

<sup>57</sup> *Asahi Shinbun*, February 13, 1959.

<sup>58</sup> *New York Times*, February 15, 17, and 22, 1959.

The Japanese government did not want the repatriation of Koreans to North Korea to be used as a political advertisement by the North against the South. In keeping the unofficial nature of its dealings with the North Korean Communist regime, the Japanese government entrusted the repatriation effort to the Committee of International Red Cross via the Japanese Red Cross. Tokyo conveyed the JRC to ask the CIRC to provide an "impartial service" to determine the free will of those who wished to repatriate to North Korea. Given a rumor that Japan was attempting to send back Koreans to North Korea en masse regardless of their preferences, it was critical for the Japanese government to have a "politically neutral confirmation procedure conducted by the CIRC for determining the will of the repatriates so as to show that they are returning with their own free will. By involving the CIRC in the process, the MOFA intended to show that this repatriation program was going to be conducted in a "fair" manner and from a humanitarian concern, and not as a political maneuver.<sup>59</sup>

The North Korean Red Cross did not have a positive reaction to the JRC's suggestion of involving the CIRC. The NKRC and JRC agreed that if other organizations offered to aid the repatriation process (humanitarian aid such as food, lodging, medicine, etc), they would then welcome such help. Otherwise, the NKRC wanted to discuss the details of the repatriation without the CIRC, insisting that Japan and North Korea are the only countries involved regarding the repatriation after all. The NKRC also objected to that fact that the Japanese Red Cross's suggestion of surveying Korean people's choices of domicile, claiming

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<sup>59</sup> The Japanese Foreign Ministry denied such rumor in the press release (*Asahi Shinbun*, March 5, 1959).

that it would constitute a discrimination and violation of human rights.<sup>60</sup> For the NKRC, expressing the desire of repatriating to North Korea itself was a sufficient sign of their free will and it did not want the JRC to require any other "confirmation" procedure.

With the JRC's stalwart adherence to the original position of involving the CIRC in the process, it seemed that the repatriation negotiation was about to be stagnated. Yet, thanks to a lobbying effort made by Narita, the Director of the JSP General Affairs Bureau, a suggestion was made to Foreign Minister Fujiyama that the JRC agree to a JRC-NKRC direct preliminary meeting upon the recommendation by the CIRC to do so.<sup>61</sup> This way, Narita thought, was the only way to gain the NKRC's consent without really changing the JRC's position and giving an impression to the South Koreans that Japan was giving in to North Korea too much.<sup>62</sup> Another point of contention between the JRC and the NKRC was a phraseology of the CIRC's involvement in the repatriation process. While the JRC wanted to describe the CIRC's role as the entity giving "guidance and advice" to the participating parties in the repatriation, whereas the NKRC preferred phrasing it as "observation and advice."<sup>63</sup> While meeting to discuss Tokyo's response to the NKRC's demand, and searching

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<sup>60</sup> *Asahi Shinbun*, March 7, 1959.

<sup>61</sup> *Asahi Shinbun*, March 9, 1959.

<sup>62</sup> At the same meeting, Narita told Foreign Minister Fujiyama that the NKRC was greatly offended by the offensive statement made by Inoue, the Bureau Chief of External Affairs of the JR that the JR would conduct a thorough and complete survey on the repatriation intent of all the 600,000 Koreans in Japan, and that in the absence of such survey, it would not carry out the repatriation. Narita added that such extreme statement implying discrimination against Koreans, provoked the NKRC's negative reaction (*Asahi Shinbun*, March 9, 1959).

<sup>63</sup> *Asahi Shinbun*, May 30, 1959.



for a compromise between "guidance" and "observation," Foreign Affairs, and Welfare and Health ministry officials felt that the "observational" stance of the CIRC in the repatriation deviated from the official policy stance of the Japanese government. Due to the quite sensitive nature of the matter, the bureaucratic officials decided to leave the matter up to the political judgment of the political leaders.

The phraseology of the CIRC's involvement in the repatriation process caused a delay. Prime Minister Kishi, Chief Cabinet Secretary Akagi, Health and Welfare Minister Sakata, Foreign Minister Fujiyama, LDP Secretary General Fukuda, LDP chair of PARC Nakamura, Chair of the Foreign Affairs Committee Funada, the President of the Japan Red Cross, Shimazu, the Vice Foreign Minister Yamada, and the Welfare and Health Vice Minister Tanabe met at the LDP headquarter to discuss the phrasing. Prime Minister Kishi thought that the NKRC's demand for changing the phrasing was intended to take advantage of the upcoming the House election in Japan, implying the North Korean political calculation that the LDP did not want to risk the negotiation stagnation prior to the upcoming election.<sup>64</sup> While Kishi's basic stance was that changing the CIRC involvement to the role of "observer" meant simply disregarding their involvement, the conclusion they all reached was that as far as the final agreement clearly indicated the CIRC's guarantee that the repatriation procedure would be handled in a fair manner from a purely humanitarian concern, the Japanese government would not be too particular about the phrasing itself.<sup>65</sup> The NKRC, JRC, and the CIRC finally agreed that in organizing a registration organization in Japan, the CIRC

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<sup>64</sup> *Asahi Shinbun*, May 31, 1959.

<sup>65</sup> *Asahi Shinbun*, May 31, 1959.

would give some "advice"; conduct a necessary investigation to assure of the fairness of the registration organization; and give advice on administration of the organization.<sup>66</sup> The final agreement on "Voluntary Repatriation of Koreans in Japan," was signed in Calcutta, India on August 13, 1959.

Since the announcement of the February 13, 1959, the South Korean government had closed all the formal diplomatic channels. The important issue for the MOFA then was getting through to the South Korean government and getting 153 detained Japanese fishermen released. The problem of detained Japanese fishermen was a critical issue for the Kishi Cabinet as some of the detained fishermen and their affected families were from his own constituency in the prefecture of Yamaguchi (Takasaki 1996:77). With Seoul's refusal to release detained Japanese fishermen, the MOFA appealed the predicament to the CIRC via the JRC, and even entertained the thought of bringing the issue to the International Court of Justice (Takasaki 1996:95).<sup>67</sup>

Upon learning of Tokyo's appeal to the CIRC on the fishermen issue, the South Korean Mission replied to the Japanese via a press conference of March 6, that if Tokyo aborted the repatriation to the North, Seoul would agreed to discuss the status of the detained Japanese fishermen.<sup>68</sup> Concerned with the worsening diplomatic relations between South Korea and Japan, the U.S. Secretary of State, Christian Herter pointed out in March 1959 that the South Korean government's seizure and detention of the Japanese fishing in the public

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<sup>66</sup> *Asahi Shinbun*, July 9, 1959.

<sup>67</sup> *Asahi Shinbun*, February 26, 1959.

<sup>68</sup> *Asahi Shinbun*, March 7, 1959.

sea was deteriorating the ROK-Japanese relations, urging Seoul to reconsider the situation.<sup>69</sup> A month later, the Minister of the South Korean Mission in Japan indicated that Seoul would reopen the negotiation talks.<sup>70</sup> Although the two states managed to resume the talks in mid April 1959, the South Korean government did not stop detaining Japanese fishing around the Rhee Line, and still harbored a strong animosity towards Japan's progressing repatriation plans. Upon the JRC and NKRC's de facto agreement on the terms of repatriation signed on June 24, 1959, the South Korean government broke off the talks and resorted to a trade sanction against Japan.<sup>71</sup>

The South Korean government was determined to stop the repatriation to the North; it declared it would resort to various means in appealing to the international community to reverse the decision.<sup>72</sup> Seoul also appealed to the United States to mediate the dispute, and to General Malcolm Gruenther, director of the American Red Cross to block the

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<sup>69</sup> *Asahi Shinbun*, March 18, 1959.

<sup>70</sup> On April 8, the South Korean government decided to resume the talks with the Japanese. The MOFA suspected the following reasons for South Korea's softened attitude. The South Korean threat to refuse the negotiation talks did not upset the LDP greatly, not producing the result that South Korea expected. Second, the South Korean government was anticipating to be advised by the CIRC to start releasing the detained Japanese fishermen in Pusan (*Asahi Shinbun*, April 13, 1959). Takagi (1996:95) argues that Seoul's change of heart was their concern about the opinion of the international community.

<sup>71</sup> Seoul stopped issuing export permits to Japanese exporting industries. Yet, the MITI assumed as that South Korea's trade deficit with Japan was grave, such sanction only would only hurt the South Korean economy (*Asahi Shinbun*, June 11, 1959). This was the second time since August 1955 when the South Korean government put a sanction on the trade with Japan for 50 days, protesting to Japan's unofficial economic relations with North Korea.

<sup>72</sup> *Asahi Shinbun*, June 18, 1959.

repatriation.<sup>73</sup> While greatly concerned with the deterioration of the ROK-Japanese relations, the United States government was hesitant to get involved with the dispute due to the sensitive nature of the issue. The State Department made it clear that the United States would not mediate unless Tokyo also asked for the U.S. involvement.<sup>74</sup> A final blow to the South Korean government was an announcement disclosed in August 1959 by the United States on a conference between Secretary of States, Herter and the CIRC President Leopold Boissier held in Washington on July 21. The announcement revealed the United States had consistently endorsed the principles of voluntary repatriation based on full freedom of choice (Chun 1964:801).

Bitterly disappointed with the Japanese government's decision to repatriate Koreans to the North, the Mindan projected the defeat onto the home government of South Korea; on June 15, the Mindan passed a vote of no-confidence in the South Korean government under Rhee, blamed his policy toward the Koreans in Japan, and denounced his lack of concern for the welfare of the Koreans in Japan (Lee and De Vos 1981:108; Chun 1964:800).<sup>75</sup> Contrary to the Mindan's disappointment, the Ch'ongnyon's spirits were high with the hope of Koreans returning to their homeland. Already high pro-repatriation sentiment was being raised even more by the release of books and movies to praise North Korea. The Japan Communist

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<sup>73</sup> *The New York Times*, June 26, 1959. Despite the South Korea plea, nothing happened.

<sup>74</sup> *The New York Times*, June 18, 1959.

<sup>75</sup> The Mindan, which claimed a membership of 130,000 Koreans, issued a resolution declaring that it could no longer trust or support South Korea. It also stated that while the Mindan had been requesting funds from Seoul, it completely abandoned them in their struggle (Chung 1964:800).

Party's official newsletter, *Akahata* did a story on the visit paid by one of the directors of the Japan-North Korea Association to North Korea.<sup>76</sup> The report detailed the DPRK's preparation for receiving all the Korean repatriates from Japan, depicting the new modern facilities of the living arrangements made for the returnees. Various propaganda-like movies and books were promoted by the JSC, JCP, and Sohyo. Among them, the most influential book was titled, *North of the 38th Parallel*, written by Goro Terao, the Director of the Japan-North Korea Association in which North Korea was romanticized as a "paradise" on the earth.

With the signing of the repatriation agreement in August, it appeared that all the disputes were settled. Yet, one more obstacle in the implementation of the repatriation operation was surfacing. As soon as registration for repatriation started in mid September, the Ch'ongnyon protested to some points detailed in the "registration guide" for repatriates, written by the JRC. These points included the CIRC's reconfirmation of the free will of returning Koreans at the JRC repatriation center;<sup>77</sup> the prohibition of visiting outsiders at the JRC facilities in Niigata; and the prohibition to carry the flag of North Korea.<sup>78</sup> The Ch'ongnyon leaders insisted that these points be removed from the repatriation registration guidebook.

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<sup>76</sup> *Akahata*, August 14, 1959.

<sup>77</sup> According to the repatriation registration guide, each individual was supposed to be asked if his decision was made according to their own will.

<sup>78</sup> *Asahi Shinbun*, September 21, 1959.

Later, the NKRC along with the Ch'ongnyon protested to the JRC that the repatriation registration guide violated the agreement that had been previously reached. The NKRC contended that by the act of registering for repatriation, Koreans were already indicating their "will" for desiring to return to North Korea. Therefore, there were no need of "reconfirming" of their wills at the center.<sup>79</sup> In addition, they also objected that prohibiting the repatriating Koreans to meet with visitors and to go out of the facilities, and argued that was in violation of the spirit of the Red Cross. These rules, they contended, were a deviation from the principle of neutrality on which the JRC had been insisting.<sup>80</sup> Due to the Ch'ongnyon protest, many of the Koreans who came to the registration desks were cautious and just obtained the "registration guide" and most of them did not register. In Tokyo, a total of only 26 registered on the first day. Nobody registered in Osaka where about 140,000 Koreans lived. Only 10 registered in Kyoto and nobody in the greater Kyushu area.<sup>81</sup>

Concerned about the small number of registration, the North Korea-Japan Association representatives brought up the issue to the attention of the CIRC representatives on behalf of the Ch'ongnyon so that these rules would be slightly relaxed. The CIRC

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<sup>79</sup> It was the NKRC's understanding that on April 22, the JR had promised that it would not conduct "reconfirmation" of the repatriating Koreans. Responding to the NKRC's accusation, the JRC argued back that it had only stated that no background investigation on the repatriating Koreans would be conducted but it had never agreed not to reconfirm the will of Koreans. There was a large gap in interpretations of the JRC and the NKRC (*Asahi Shinbun*, October 11, 1959).

<sup>80</sup> *Asahi Shinbun*, October 10, 1959.

<sup>81</sup> *Asahi Shinbun*, September 21, 1959. Only 250 Koreans registered between September 21 (the day the registration began) and October 10 (*Asahi Shinbun*, October 11, 1959).

suggested regarding the first point that the JRC simply put posters at the JRC facilities letting Koreans know that they simply let the JRC officials know in case they change their minds about repatriating to North Korea. Regarding the flag issue, the CIRC ruled that the registration guide did not necessarily prohibit "carrying" flags of North Korea; Koreans were prohibited to hoist flags on the trains and at the JRC facilities in Niigata. Regarding the third point, the JRC insisted that in some special cases, visiting with outsiders was allowed while going out of the JRC facilities would be prohibited.<sup>82</sup>

Deputy Chief Cabinet Secretary Ogasawara met with officials from the Ministries of Foreign Affairs, Health and Welfare, Justice, and the JRC officials to conclude that the repatriation registration guide did not violate the repatriation agreement and decided to reply to this later. For the time being, the officials chose to send a telegram asking the NKRC to assign vessels to the Niigata port by November 11 so that the repatriates could leave on the following day.<sup>83</sup> For Japan, too much yielding to North Korea would jeopardize its relations with South Korea, which would naturally delay the release of detained Japanese fishermen. This was actually a delicate point for the Japanese government, as the ROK-Japanese talks that had been halted since June, finally resumed again on August 12<sup>84</sup> during which the

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<sup>82</sup> *Asahi Shinbun*, September 23, 1959.

<sup>83</sup> *Asahi Shinbun*, October 14, 1959.

<sup>84</sup> The Minister of the South Korean Mission suggested reopening of the talks on July 30, 1959, and even indicated South Korea's willingness to consider a release of detained Japanese fishermen. This sudden change of mind was due to the fact the South Korean government was concerned about the CIRC's decision to start looking into the issue of a Japanese detainee in Pusan and the American Ambassador to South Korea, Walter C. Dowling persuaded Seoul to reopen the talks to discuss another repatriation plan of Koreans to South Korea (Takasaki 1996:96).

MOFA just gained a tacit agreement from Seoul on the Japanese detainees; if Seoul guaranteed it would not arrest the Japanese fishing around the Rhee Line, Tokyo would strongly caution their people not to openly fish in the area.<sup>85</sup> In addition, Seoul wanted to encourage repatriation of Koreans to South Korea, hopefully signing a better repatriation agreement with Japan before the first ship left Japan for North Korea.<sup>86</sup> To this demand, the MOFA officials told the Minister during an unofficial meeting that as far as the South Korean government kept delaying the mutual release (exchange) of the Korean and Japanese detainees, a progress on the negotiation would not be made.<sup>87</sup>

The NKRC's response was a mixed one. In its reply to the JRC, the NKRC expressed an appreciation for the JRC's effort and sincerity to break the deadlock. Although the NKRC was still critical of the repatriation guide, it no longer criticized the details. However, the NKRC still blamed the delay of the repatriation on the JRC. The NKRC cautioned that it would expect the JRC to strictly follow the agreement and execute the repatriation by not giving into external pressure (from the South) without any further delay, subtly swaying the Japanese government not to give into the South Korea pressure.<sup>88</sup>

In hope of breaking the deadlock between the JRC and the NKRC, the JSP officials including the General Secretary Asanuma, and Iwamoto, a LDP member of the House and

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<sup>85</sup> *Asahi Shinbun*, September 1, 1959.

<sup>86</sup> *Asahi Shinbun*, October 20, 1959.

<sup>87</sup> *Asahi Shinbun*, November 11, 1959.

<sup>88</sup> *Asahi Shinbun*, October 20, 1959. On this message, the NKRC did not respond to the JRC's request for vessels.



also a member of the KRA became a liaison between the MOFA-JRC, and the Ch'ongnyon.<sup>89</sup> The cross-party lobbying group for repatriation consulted with the JRC in drafting a memo regarding the practical dealings with the repatriation procedures, detailing how they would relax some of the procedures which had been the focus of criticism by the Ch'ongnyon. Upon completion, the draft was sent to the Japanese government for the approval and was conveyed to the Ch'ongnyon via the cross-party lobbying group.<sup>90</sup> The draft included that in the repatriation registration process, no psychological pressure/burden would be placed on the applicants; that visiting friends and families, and going out of the JR facilities would be limited only in some extreme situations; and that the repatriates would be asked if they were aware of the freedom of choice in deciding their domicile.

The Ch'ongnyon and the JRC and the Japanese government came to agree on how to implement the repatriation registration guide. Initially the Ch'ongnyon showed a slight objection to the third point, yet they finally came to accept this discussion as fulfilling the principle based on the freedom of domicile/returning by the free people. As soon as the CIRC recognized the agreement, the Japanese government issued a directive regarding the new implementation. The Tokyo government and the JRC came to accept it by issuing a *tsutatsu* or directive regarding the "flexible implementation" of the rules based on the draft

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<sup>89</sup> *Asahi Shinbun*, October 16, 1959.

<sup>90</sup> *Asahi Shinbun*, October 17, 1959. The cross-party lobbying group consisted of Iwamoto (LDP), Hosoku (JSP) from the Korean Repatriation Association, members of the North Korea-Japan Association, and Hozumi, and the JSP chair of the Foreign Affairs Bureau.

"without formally changing too much of the content of the registration guide".<sup>91</sup> Keeping the text as original as possible was important for the Japanese government, since the South Korean government had been already critical of Tokyo's softened attitude towards North Korea.<sup>92</sup> As a result of the directive, the Ch'ongnyon stopped the registration boycott in late October. Finally, the registration was reopened on November 4; and the JRC and the Ministry of Health and Welfare released on November 14 a list of 10,003 repatriates to be on board on the first ship back to North Korea.<sup>93</sup>

On October 30, 1959, the US State Department released a statement supporting the Japanese government's stance on the repatriation of Koreans. This was a response to the final and desperate appeal made by the South Korean Ambassador in the United States to the American religious organizations, the American public, and the US Congress that the repatriation was a deportation. The press release stated that the repatriation was based on the free will of the Koreans in Japan, that the United States was aware of the freedom of choice these Koreans had in terms of remaining in Japan, or repatriating to North, South Korea or other countries; that such principle was clearly indicated in the "repatriation guidance" and the repatriation was based on their own will; that the CIRC agreed to participate in the

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<sup>91</sup> *Asahi Shinbun*, October 25, 1959.

<sup>92</sup> *Asahi Shinbun*, October 25, 1959. In fact the South Korea government told the Japanese that if Tokyo would respond to the NKRC demands of changing the content of the repatriation registration guide, that would hinder the ROK-Japanese negotiation efforts.

<sup>93</sup> *Asahi Shinbun*, November 22, 1959.

repatriation program in order to guarantee the principle of freedom of choice.<sup>94</sup> It also explained that the United States and the countries of the free world would rather gain support by recognizing such freedom of choice (of domicile); and that the United States government believed that Japan would follow the same principle.

The Japanese government and the South Korean Mission representatives tentatively agreed on the basic direction of the talks on the repatriation to South Korea and on the legal status of remaining Koreans in Japan, and were going to announce it, upon their home government's confirmation, in a form of a joint communiqué with all the details to be finalized in the following year. Yet, President Rhee rejected the idea of joint communiqué and told the South Korean Mission in Japan to protest to Tokyo against the repatriation to North Korea, and to continue negotiating with Tokyo until it could secure sufficient repatriation. At the press conference held on November 11, President Rhee appeal to the international community to prevent the repatriation of Koreans to the "area under the communist influence."<sup>95</sup>

As planned, the first group of 975 Koreans boarded chartered Russian vessels departed from Niigata for Ch'ongchi, North Korea on December 14, 1959. Since then, the agreement was renewed seven times in eight years during which over 93,000 people returned to North Korea.

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<sup>94</sup> *Asahi Shinbun*, October 30, 1959.

<sup>95</sup> *Asahi Shinbun*, December 12, 1959.

## **Conclusion**

The case of the 1959 repatriation was a rare case in which the interests of a majority of Koreans in Japan converged with that of the Japanese government officials. The mounting ethnic tension between the Koreans and the Japanese in addition to a series of demonstration by the Korean nationals under communist influence were viewed as the threat to the peace and order by the Japanese government and the American officials in the SCAP. The issue of the Korean nationals especially the communist sympathizers, became pronounced especially after the reverse course of the U.S. foreign policy towards East Asia in the late 1940s. By drafting laws such as the Alien Registration Law and the Immigration Control Law, the Tokyo government, with the tacit consent and support from the SCAP, made a conscious effort in closely monitoring the Korean residents who elected to remain in Japan despite the SCAP's early attempt to repatriate them to the Korean peninsula under the U.S. influence.

President Rhee's interest in the Korean minority in Japan stemmed from their political utility. The South Korean government's primary interest with Tokyo was to negotiate a normalization treaty so as to resolve various property and claims issues and attain a reparation from the Japanese government, necessary for rebuilding their war-torn economy. As a matter of fact, challenged by the Left at home, Rhee regarded repatriating the Koreans in Japan back to his country a potential threat to his rule. In order to favorably impress the United States, Rhee even criticized the Koreans who participated in the demonstration against Tokyo on the closing of Korean schools. For Rhee, the subject of the Korean nationals in Japan was nothing more than a bargaining chip for dealing with the Japanese

government and the United States. In a similar way, Kim Il-sung also saw a political expediency in the issue of the Korean minority in Japan, yet he took a more conciliatory approach to Tokyo. Taking advantage of the rift between Seoul and Tokyo, Kim appealed to the Japanese public, and the Korean minority, and successfully planted seeds for a reasonably influential North Korea lobby in Japan by funneling money into the Ch'ongnyon, a pro-North Korean organization. While Rhee continued to be engrossed with Japan's colonial past, Kim aimed to gain a political recognition and prestige to prevent the South Korean-Japanese rapprochement.

The repatriation of 1959 gave an opportunity to the Japanese government to skillfully play a two-Korea policy against Rhee, and fulfill their domestic interests, eventually creating a diplomatic disaster for the Rhee regime and depriving pro-South Korean residents of a chance to repatriate to South Korea. By repatriating Koreans to North Korea, the Japanese government managed to get rid of what it considered "unruly" communist elements, disrupting the social and political order. Since the repatriation movement was widespread and gained support from a wider spectrum of the society, Kishi's decision was well-accepted by the Japanese public with only the exception of Mindan, a pro-South Korean organization that denounced it as the "forced" repatriation to North Korea. Another group which suggested exercising caution in repatriating Koreans to the North was a South Korean lobby within the LDP, though it did not express a strong objection to the repatriation. For the government leaders, the repatriation meant not only eliminating the social and political liability on the Japanese system, but also lessening the welfare burden off the government. In addition, with the unanimous public support for the repatriation to the North, the Japanese

government under the conservative LDP leadership managed to mitigate the mounting political pressure coming from the political left. Domestically, the 1959 repatriation of Koreans to the North was a political marriage of convenience upon which the political left and the conservatives agreed.

Internationally, with the on-going negotiation between the JRC and the NKRC on the terms of repatriation, the Japanese government were in a position to be able to send a cautious, yet clear warning to South Korea that it would not hesitate to use the North Korea card against the South. At the same time, however, the Japanese government had to be careful not to step beyond the slowly emerging cold war alliance framework that the U.S. government was encouraging to construct between the Republic of Korea and Japan. Such political considerations of the Tokyo government for Seoul and Washington, D.C. manifested in its political maneuvers in dealing with the repatriation issue. One way was for Tokyo to announce the repatriation decision in a form of "Cabinet understanding," or *kakugi ryokai* as opposed to the Cabinet decision or *kakugi kettei* to slightly diminish the officiality of the decision as a diplomatic protocol for the South Korean government. In order not to imply a de facto recognition of the North Korean regime, the MOFA also insisted on entrusting the entire operation to the JRC and the supervisory involvement of the CIRC in the repatriation process, and kept the facade of non-official status. Political consideration also made Tokyo object to the NKRC's suggestion to handle the operation talks bilaterally (without the CIRC).

Moreover, to dispel the propaganda spread by Mindan and others that this was a "forced" repatriation of Koreans to the North, the MOFA made it a point of having a

politically neutral confirmation procedure conducted by the CIRC for determining the will of the repatriates. This way, the Japanese government would be able to show that the returning Koreans were doing so of their own free will. Finally, by framing the issue as "humanitarian," referring to the right to freedom of movement and residence in the Universal Declaration of Human rights, and insisting that the issue was separate from the ROK-Japanese normalization talks, the MOFA attempted to create a diplomatic front that the actual decision for the repatriation was made not from its political consideration toward North and South Korea. Yet, a failure of the Japanese government to institute a similar repatriation program to the South via the South Korean Red Cross indicated that Tokyo's decision to repatriate Koreans to the North did not emerge out of purely "humanitarian" concerns and their respect for the fundamental right to freedom of movement and residence, as it professed. The Japanese government's decision on the 1959 repatriation was a quick and convenient solution that solved domestic problems and achieved multiple international interests, that was fully supported by the majority of the Koreans in Japan as well as the Japanese public.

## CHAPTER V: THE 1965 REPUBLIC OF KOREA-JAPANESE NORMALIZATION TREATY

In the early 1960s, despite the prevailing sense of resentment and mutual suspicion between the South Koreans and the Japanese, both governments began moving towards restoration of relations under American pressure in the name of strategic concerns in East Asia. This change of political climate in East Asia culminated in the Republic of Korea (ROK)-Japan Normalization Treaty of June 22, 1965, which constitutes a second key case of policy change. This treaty defined Korean residents' legal status and rights and the treatment by the Japanese government. The agreement of the legal status of Koreans in Japan included provisions regarding scope and eligibility to apply for permanent residence, conditions for deportation, and subsequent legal treatment.<sup>1</sup>

One of the contentious portion of the agreement was the Japanese government's unequal treatment of Koreans who affiliated themselves with the Democratic People's Republic of Korea (DPRK). According to the agreement, the eligibility for permanent residence in Japan required a proof of nationality as a citizen of the Republic of Korea in addition to their residence in Japan. Another provision regarding the grounds for deportation

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<sup>1</sup> This treaty went into effect on December 18, 1965 and included other agreements on fisheries, property claims, and economic cooperation.



enabled the Japanese government to deport any Korean to South Korea<sup>2</sup>, even if they claim their nationality to be North Korean. This is because the South Korean government was obligated by the agreement to accept all Korean deportees. Moreover, although the agreement implies that the Japanese government would take into consideration matters concerning education, livelihood protection and national health insurance in Japan for those who acquired permanent residence, it did not guarantee that those residents would receive such basic services.<sup>3</sup>

The South Korea economy had been suffering from its enlarged military expenditure since the Korean War armistice in 1953. Maintaining a standing army of 600,000 troops, the Rhee regime was spending over 33 percent of its total budget for defense.<sup>4</sup> In order to enhance South Korean political stability and to support its massive ROK's defense expenditures, the United Nations Korean Reconstruction Agency (UNKRA) and the United States provided foreign aid which constituted a third of Seoul's total budget in 1954; this number rose to 58.4 percent in 1956, and 38 percent in 1960 (Savada and Shaw 1990:36).

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<sup>2</sup> Koreans were subject to deportation: if they are sentenced to imprisonment for a crime against the head of a foreign state, or a diplomatic envoy, which may be prejudicial to the interest of Japan; if they are sentenced to imprisonment for more than three years for violation of narcotics control laws; or if they are charged with crimes more than three times or are sentenced to more than seven years imprisonment of a violation of any Japanese law (Art. 3, pars. a,b,c, and d in Documents on the Statuses of Korean Residents in Japan) in *Koreans in Japan* by Lee and De Vos.

<sup>3</sup> For example, according to the administrative rule established by the Ministry of Health and Welfare, people who do not hold Japanese nationality were not eligible in obtaining insurance benefits, unless it is granted by an ordinance of their municipality.

<sup>4</sup> In the early 1960s the ROK government consistently spent approximately 30 percent of its budget for military expenditure (Kim 1971:85).

The United States government provided enormous economic aid for Seoul, which totaled more than \$4 billion for the period between 1953 and 1961 of which \$2.6 billion in economic assistance and \$1.8 billion in military aid (Lee and Sato 1982:23).<sup>5</sup> However, South Korea's tightening of fiscal and monetary policies in 1958, along with the decreasing assistance from the UNKRA program and the United States in the late 1950s, resulted in a shortage of raw materials for import-dependent industries, leading to economic decline (Savada and Shaw 1992:36).

With the end of Syngman Rhee's second term of office approaching in 1960, the Liberal Party managed to reelect Rhee and the vice presidential candidate Yi Ki-bung by the blatant use of force and fraudulent means by a narrow margin.<sup>6</sup> Rhee's use of force in sabotaging the election ignited a large-scale student and citizen demonstrations and civil disorders, which spread rapidly throughout the country, leading to the April 19 Student Revolution during which 186 students were killed, 6200 injured, 704 arrested by the police (Kwo 1987:71-79). Consequently Syngman Rhee resigned on April 1960 after the twelve years of rule and fled out of the country.<sup>7</sup>

The downfall of Rhee along with Seoul's rapid economic decline brought a dramatic change in ROK-Japanese relations and helped to break the protracted diplomatic deadlock.

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<sup>5</sup> The United States dispersed the equivalent amount of economic assistance to Japan from 1945 through 1961 (Lee and Sato 1982:23).

<sup>6</sup> Syngman Rhee gained 8.3 million votes against 8.1 million for the Democratic Party candidate, Chang Myon (Savada and Shaw 1990:36).

<sup>7</sup> Syngman Rhee died in exile in Hawaii on July 19, 1965 (*The New York Times*, July 20, 1965), and Yi Ki-bung and his family members committed suicide on April 27, 1960.

In hope of getting Japanese capital and technology transfer to rebuild the economy, President Yun Po-sun announced his decision of reversing Rhee's "isolation diplomacy" toward Japan by allowing Japanese business entry into South Korea<sup>8</sup> and suggesting that the ROK-Japanese foreign ministerial conference be held for the normalization of relations.<sup>9</sup> Responding to Seoul's initiative, Japanese Foreign Minister Zentaro Kosaka paid the first postwar official foreign ministerial visit to ROK in September 1960 during which he expressed a feeling of "regret" for the first time regarding the state of diplomatic relations between the two countries. During the press conference he announced Japan's readiness toward economic cooperation with South Korea by stating that economic development is the best policy against the spread of communism.<sup>10</sup> According to the former Treaty Bureau of the Ministry of Foreign Affairs Nakagawa, it was the summer of 1960 that the Foreign Affairs Ministry (MOFA) was solidifying an idea of solving Japan's claims and property issue with South Korea by substituting it with economic cooperation (Takasaki 1996:104). Moreover, the MOFA preferred that such economic cooperation be administered in the form of commercial goods, machineries, and buildings, which the MOFA calculated, would pave the way for increasing Japan's export to South Korea without hurting Japan's national interest. During this conference, Tokyo also informally communicated to Seoul that if the

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<sup>8</sup> The trade relations had been suspended by President Rhee since June, 1959.

<sup>9</sup> *Asahi Shinbun*, August 13 and 25, 1960. At the August 1 press conference, President Yun Po-sun expressed his stance on the foreign policy towards Japan by stating that the priority would be placed on establishing trade relations and economic cooperation between the two states (*Asahi Shinbun*, August 2, 1960).

<sup>10</sup> *Asahi Shinbun*, September 7, 1960.

ROK would yield on the issue of the Rhee Line, then the Japanese government would be willing to resolve the property and claims issue in the form of long-term loans.<sup>11</sup> This visit was followed by a Japanese economic delegation to South Korea and the return of 40 detained Japanese fishermen to Japan on October 5, 1960. The bilateral committee on the legal status of the Koreans, which had been established in October 1951, also met during which the ROK government insisted that Japan grant permanent residency to all the Korean descendants and waive the forced deportation clause for the Koreans in Japan. Yet, the Japanese representatives refused the ROK demands.

For the newly established weak democratic regime, the issue of normalization of relations with Japan was a major political liability. Neither President Yun Po-sun or Prime Minister Chang Myon had strong leadership qualities nor commanded the respect of the majority of the party elite.<sup>12</sup> When Prime Minister Chang made a progress report on the negotiation talks to the National Assembly session on January 14, 1961 in which he noted the Japanese government's anti-communist posture; a huge gap in the amount of claims between Japan and the ROK; and Japan's refusal to grant permanent residency to all the Korean descendants, he was severely criticized by the National Assembly for being too lenient to the Japanese (Takasaki 1996:112). The opposition was especially critical of Japan's attempt to resolve the claims' issue in the form of economic cooperation. On February 3, 1961, the South Korean National Assembly passed a resolution that the formal

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<sup>11</sup> *Asahi Shinbun*, September 15, 1960.

<sup>12</sup> Not being able to agree on the members of the Cabinet, the two leaders attempted to hold the coalition together by reshuffling cabinet positions three times within five months (Savada and Shaw 1990:37).

normalization of relations with Japan should take place only after the historical "liquidation" of the destruction and anguish caused by the Imperial government was achieved and all the historically significant issue resolved.<sup>13</sup>

Early on, the U.S. government started its effort to mediate the ROK and Japanese governments in the normalization process. The South Korean opposition's critical attitude was aggravated especially after the Japanese government's disclosure in March 1961 of the U.S. memorandum sent to Tokyo and Seoul in December 1957. The content of the memorandum indicated the U.S. government's position on the issue of property and claims between South Korea and Japan, stating that the Japanese government could not bring any claims to the old Japanese property in South Korea which had been stopped by the U.S. government immediately after Japan's surrender, and that the Japanese government's renunciation of the right to claim should be taken into consideration when the ROK and Japan discuss South Korea's right to claims and property in future negotiations.<sup>14</sup> The American position was officially affirmed by the Japanese government a month later, which implied the possibility of cancelling the ROK's claims against Japan.<sup>15</sup> This, in turn, exacerbated not only the South Korean opposition but also the ROK government's Foreign Ministry officials who had been insisting that the Japanese government's renunciation of the

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<sup>13</sup> *Asahi Shinbun*, February 4, 1961.

<sup>14</sup> *Asahi Shinbun*, March 6, 1961.

<sup>15</sup> *Asahi Shinbun*, April 9, 1961. Besides the point that Tokyo's renunciation of the right to claims should be taken into consideration in the negotiation, the MOFA added that Japan still maintained the right to property and claims in the area north of the 38th parallel; and that it would only receive the ROK's claims after December 6, 1945.

right to claim did not offset the ROK's right to claim. Such insincere attitude of the Japanese government, the ROK officials stated, would delay the negotiation talks and force Seoul to demand a large sum of reparations.<sup>16</sup>

Another set of actors who facilitated the ROK-Japanese negotiation process was a faction of pro-South Korean LDP members and a group of Japanese business leaders, largely known as Kansai Zaibatsu, which financed members of the LDP. Faced with another possibility of delay in the negotiation, Mitsujiro Ishii, the LDP vice president organized a consultative study committee within the LDP on the ROK-Japanese relations (known as *Nikkan Kaidan Suishin Kondankai*) to discuss and promote the normalization process and economic assistance. Among the members were Nobusuke Kishi, Naka Funada, Uichi Noda, Eiichi Tanaka, Kakuei Tanaka who were pushing the idea of building a defense against communism through economic assistance.<sup>17</sup> Funada and Kishi were one of the Japanese political and business leaders who were later conferred a first class decoration by President Park Chun Hee in August 1970 for their contribution to the promotion of the ROK-Japanese relations (Sugiura and Suzuki 1976:79).<sup>18</sup> The members of the LDP's ROK-Japanese relations committee members paid a visit to South Korea in May 1961 to discuss acceleration of the negotiation process, conclusion of an agreement regarding fisheries, and Japanese

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<sup>16</sup> *Asahi Shinbun*, April 9, 1961.

<sup>17</sup> *Asahi Shinbun*, April 26, 1961.

<sup>18</sup> The list of leaders who received a first class decoration by President Park Chun Hee included former Prime Minister Nobusuke Kishi (June 1970), former Prime Minister Eisaku Sato (April 1969), former Foreign Minister Etsusaburo Shiina (April 1969), and Mitsujiro Ishii (October 1970) (Sugiura and Suzuki 1976:79).

cooperation for the South Korean economy.<sup>19</sup> This visit paved a way for a series of Japanese economic survey missions to South Korea that included leading Japanese business leaders in industry and finance such as Kogoro Uemura and Toshio Doko, who eagerly explored development of new markets for their industrial products.<sup>20</sup>

The May 1961 visit by the LDP members to South Korea was also accompanied by the Asian Affairs Bureau Chief of the MOFA, Yujiro Iseki. During the meeting with the Seoul officials, Iseki agreed to cooperate with the ROK on economic development and suggested an idea of "grant" aid in lieu of the claims to South Korea.<sup>21</sup> This was the first time the MOFA officially presented the idea to the ROK of selecting the form of "grant" aid in resolving the claims issue. It was during the April and May conferences of 1961, the issue of individual compensation surfaced. The ROK demanded compensation from Tokyo for all the Koreans drafted by the Imperial government. The Japanese government expressed its willingness to give compensation on individual basis according to Japanese domestic law after normalization of relations with South Korea. Yet, the ROK government insisted that the compensation for individuals should be dealt with domestically and distributed by the

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<sup>19</sup> *Asahi Shinbun*, May 10, 1961.

<sup>20</sup> *Mainichi Shinbun*, January 27, 1962. The pro-South Korean business group in Japan included Japan's most prestigious and prominent business leaders, including Kogoro Uemura (the Chair of the ROK-Japanese Economic Association and Chair of the Federation of Economic Organizations or *Keidanren*), Toshio Doko (chair of Toshiba Corporation, who later became the president of *Keidanren*, and chaired a government commission on administrative reform, known as *Rincho* in the Suzuki Cabinet in 1980), and Toyoroku Ando (Senior Corporate Advisor to the Onoda Cement Co., Ltd.)(Kim 1971:88).

<sup>21</sup> *Asahi Shinbun*, May 10 and 13, 1961.

South Korean government. In a nutshell, the Seoul government wanted to adopt a method of distributing compensation to former Korean draftees from the lump-sum reparation which the ROK would receive from Tokyo. The ROK government officials suspected that Tokyo's "willingness" was a calculated result of its political assumption that Seoul would never be able to come up with a verifiable amount of individual compensation due to the scarcity of war-time governmental records regarding the accurate number of former Korean draftees; the Japanese government anticipated such impossibility of a calculated compensation on individual basis and was waiting for Seoul to abandon individual compensation demands altogether and to opt for a state-to-state political settlement (Takasaki 1996:110).

With the toppling of the Yun and Chang regime, the normalization talks between Japan and South Korea took another turn. Immediately after the May conference, the army under the leadership of Major General Park Chung Hee (1961-1979) carried out a coup d'état on May 16, 1961, overturning Chang's feeble democratic regime.<sup>22</sup> Park, who was a graduate of the Japanese Military Academy, who spoke Japanese and admired Japan's Meiji modernization model, became the acting president. Unlike Rhee, Park demonstrated an pronounced desire to improve relations and settle the claims issue with Japan; he saw Japan not as an enemy but as a model.<sup>23</sup> The pending issue facing President Park Hee had not

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<sup>22</sup> Yun Po-son sided with the junta and convinced the United States Eighth Army and the commanders of various South Korean army units not to interfere with the new regime. He stayed on as president for ten months after the coup to give legitimacy to the new regime (Savada and Shaw 1992:38).

<sup>23</sup> Asked how he intended to lead South Korea, Gen. Park told Japan's senior conservative politicians--Kishi Nobusuke and Ishii Mitsujiro--in November 1961 that he would attempt to build a nation in the same way that the Meiji patriots had done for Japan. He expressed his complete agreement with *ishin no shishi* (or leaders of the Meiji



changed since the fall of the Rhee regime; South Korea was faced with poverty, which called for a dire need for new economic policies. With extremely low domestic savings and the scarcity of domestic capital for industrial development, Park had to think of a way to obtain foreign loans and attract local capital into industries with a promise for future export (Savada and Shaw 1992:144). Despite the lack of domestic support for normalization and the South Korean hatred toward Japan, Park regarded economic assistance from Japan as essential for Seoul's rapid economic development and for the anti-communist campaign against North Korea.

President Park's ardent desire to expedite the negotiation process was driven by Seoul's urgent need for obtaining capital and technology transfer from Japan as soon as possible for the first five-year economic development plan, which was later announced on August 22, 1961. To reconstruct the economy, Park introduced a series of five-year economic programs, beginning in 1962. His First Five-Year Economic Development Plan (1962-66) which consisted of initial steps toward the building of a self-sufficient industrial structure that was neither consumption oriented nor overdependent on oil. Areas such as electricity, fertilizers, refined oil, synthetic fibers, and cement were the focus of Park's first economic program (Savada and Shaw 1992:144). In addition, the decreasing U.S. aid to the ROK, especially by the gradual replacement of grants with development loans, also increased urgency of President Park's concern on South Korea's swift economic growth. The U.S. aid

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Restoration); he was to use the same concept "ishin" or restoration for his reform measures in October 1972. see *Kaiso Hachijuhachinen* [Reminiscences: Eighty-Eight Years] by Ishii Mitsujiro, Tokyo: Karucha Shupansha, 1976:441-2.

had decreased from \$265.8 million in 1961 to \$194.3 million in 1965 (Kim 1971:85), forcing Seoul to search for other sources to alleviate the shortage of foreign exchange.<sup>24</sup>

The birth of a pro-Japanese administration in South Korea encouraged the pro-South Korean leaders in Japan to be more proactive towards the normalization talks. At a foreign press club party hosted to celebrate the beginning of his administration, President Park even made a comment that demanding Japan to apologize for the past is out-dated; and that it is wise that the two states should let the past go and concentrate on normalization talks.<sup>25</sup> Beginning his rule in June 1961, President Park wasted no time in sending a personal envoy to Prime Minister Ikeda to resume the negotiation talks which had been suspended since May 16.<sup>26</sup> The envoy met with the members of the LDP committee on the ROK-Japanese Relations during which he conveyed to the LDP members that Seoul wanted to obtain economic cooperation from Tokyo to achieve an early economic independence.<sup>27</sup> The members of the LDP Committee on ROK-Japanese Relations including Kojiro Ishii and a former Prime Minister Nobusuke Kishi, encouraged Prime Minister Ikeda who had been rather hesitant about the normalization talks due to a fear of provoking a nation-wide protest movement such as the one experienced in 1960 over the security treaty (Takasaki 1996:117).

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<sup>24</sup> South Korea was attempting to diversify their economic ties with other countries, such as France, West Germany, and Italy to fill the financial gap created by the decreasing U.S. economic assistance (Kim 1971:85).

<sup>25</sup> *Asahi Shinbun* , June 2, 1961.

<sup>26</sup> *Asahi Shinbun*, June 6, 1961.

<sup>27</sup> *Asahi Shinbun*, June 7, 1961.

Pressure for the rapid normalization came from the United States. Over Prime Minister Ikeda's visit to the United States in June 1961, he was encouraged by President Kennedy to move forward on the negotiation talks, to continue efforts to develop Japanese trade with Korea,<sup>28</sup> and to provide assistance for Korean economic development coordinated with American programs.<sup>29</sup> Especially with the Soviet-North Korean and Sino-North Korean defense treaties negotiated in the summer of 1961, acceleration of Japanese-South Korean normalization so as to secure Japan's economic assistance to Seoul became critically important for the U.S. strategic interest (Lee and Sato 1982:29). Around this time Ikeda was gradually becoming more forward on the issue; he was quoted to have stated that if Pusan falls under the communist influence, that would have a great impact on Japan's security. Therefore, Ikeda asserted, Japan must pay a closer attention to the anti-communist movement

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<sup>28</sup> At the summit meeting with Prime Minister Ikeda in June 1961, President Kennedy and State Secretary Rusk stressed the importance of Tokyo-Seoul rapprochement (*Waga Gaiko no Kinkyō* [Recent State of Our Diplomacy] 1962:104-5).

<sup>29</sup> Although the Kennedy Administration denounced Park's coup, it quickly saw it as the opportunity to hasten the Japanese-ROK rapprochement. The Task Force Report on Korea, prepared in June 1961 for the U.S. National Security Council, paid special attention to Japanese-South Korean relations. It recommended to "discuss with the Japanese Prime Minister during his forthcoming visit, the U.S. planning for Korea and the ways in which economic and political differences between Korea and Japan can be bridged, despite the recent changes of government. It should be understood that while the US will not participate actively in negotiations, it should be prepared to act as a catalyst in seeking a settlement. The Prime Minister should be encouraged to continue efforts recently begun to develop Japanese trade with Korea, and to provide economic assistance for Korean development coordinated with American programs." (The US should also urge the SCNR [Supreme Council for National Reconstruction in South Korea] to be responsive to Japanese overtures." *Investigation of Korean-American Relations: Appendixes to the Report of the Subcommittee on International Organizations*, vol. 1 (Washington, D.C.: USGPO, 1978), p.46. The Task Force report also authorized the US ambassador to "invite the chief of [South Korean] Government to Washington for an informal visit including conferences with the President and the Secretary of State."

in South Korea. To achieve the end, he stated, the Japanese government should actively aid South Korea and reopen the negotiation talks.<sup>30</sup>

The ROK-Japanese normalization negotiation talks were opened in September 1961, yet Seoul and Tokyo greatly disagreed on the amount and the title of the property claims payment from Japan. Kim Yu-taek, the South Korean Minister of the Economic Planning Board, insisted on getting \$800 million of compensation for the property claims, and presented a condition that the ROK would do away with the Rhee Line, if the Japanese would pay the amount.<sup>31</sup> On the other hand, the Japanese government offered only half a million in the form of economic aid. In order to negotiate a compromise, Kim Chong-pil, a relative of Park, the director of the Korean Central Intelligence Agency (KCIA)<sup>32</sup> was sent by President Park to Japan in October as an special envoy. He conveyed to Tokyo that Seoul would ask \$400 million for reparation, a half of what it had asked a month earlier. This was the first time the Japanese government suggested a method of payment in the forms of "loan, grant, and economic cooperation," instead of regarding the payment reparation. At the meeting Kim suggested a high-level negotiation by proposing that Ikeda invite Park to Japan. This meeting resulted in Park's subsequent visit to Japan on November 11, 1961.

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<sup>30</sup> *Economist*, July 18, 1961:11.

<sup>31</sup> *Asahi Shinbun*, September 2, 1961.

<sup>32</sup> The KCIA was created in June 1961 to prevent a counter coup and to suppress all potential enemies. It was to have not only investigative power, but also the power to arrest and detain anyone suspected of wrongdoing. The KCIA extended its power to economic and foreign affairs under its first director, Colonel (retired) Kim Chong-pil, one of the original planners of the coup against Chang Myon (Savada and Shaw 1992:38).

There was a huge gap between the two governments on the treatment and the legal status of the Koreans in Japan. The bilateral committee on the legal status of the Koreans in Japan began meeting in the end of October 1961 until the end of the year in which the main conflicting point between the countries was the scope of eligibility for permanent residency. The ROK insisted that the Japanese government grant permanent residency to all Korean descendants whereas the Japanese government was very hesitant towards this suggestion, as Tokyo was considering giving permanent residency only to those who had been born by the time the San Francisco Peace Treaty went into effect (Takasaki 1996:123). Another point of contention was the conditions for deportation. The Japanese government upheld that the Koreans in Japan should be monitored according to the general deportation clause set for all the foreign residents in Japan. On the other hand, the ROK government insisted on relaxation of the general deportation clause for the Korean residents, given the circumstance in which the Koreans had come to reside in Japan.

The United State's pressure to encourage the negotiation process was constant. The June 1961 meeting with Prime Minister Ikeda was followed by Dean Rusk's visit to Japan and South Korea on November 2, 1961 during which he urged the Japanese Prime Minister to seek an early diplomatic settlement with South Korea and to resolve the highly controversial issues of property and claims, thereby assisting South Korea's five-year economic plan. He conveyed a similar message to Park in Seoul (Yamamoto 1978:67-8). To this request, some high level LDP leaders including the LDP vice-president Banboku Oono cautiously responded that a political resolution on this matter must be something

practical and acceptable to the Japanese public.<sup>33</sup> A few days after Rusk's visit, Ikeda and Park met in Tokyo and agreed on a broad policy framework for the diplomatic and economic normalization. Specifically, they recognized that property and claims issues would be resolved in the form of "economic cooperation" rather than post-colonial restitution (Gaimusho 1962:77-9).<sup>34</sup> They also agreed that since the South Korean claims are not in the nature of reparation, the amount of payment should be calculated according to the available evidence and data and should not be arbitrarily and politically determined; and that Japan would give a flexible economic cooperation with favorable conditions to the ROK's five-year economic development plan.<sup>35</sup> The November meeting with Dean Rusk along with Park's suggestion was followed by Prime Minister Ikeda's request on January 9, 1962 to the Ministry of Foreign Affairs and the Ministry of Finance to estimate an exact amount of the payment the Japanese government should make. To this request, the MOFA presented their calculation, suggesting that Japan should pay \$70 million whereas the MOF indicated \$16 million. Since the gap between the MOFA and MOF numbers was so large, Ikeda could not use either figure (Takasaki 1996:126).

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<sup>33</sup> *Mainichi Shinbun*, November 9, 1961.

<sup>34</sup> The Ikeda-Park meeting was preceded by the exchange of high-level emissaries between Japan and the Republic of Korea. The South Korean emissaries to Japan included Kim Yu-taek (minister of the Economic Planning Board), Kim Chong-pil (director of the KCIA), Choe Dok-sin (future foreign minister), and Yi Yong-hi (professor of Seoul National University). A number of Japan's influential conservative leaders such as Yasuoka Masaatsu Yasuoka and Nobusuke Kishi--promoted the Ikeda-Park meeting (Lee and Sato 1982:51).

<sup>35</sup> *Asahi Shinbun*, November 13, 1961.

According to Reischauer's (1986:206-7) account as the U.S. Ambassador (1961-1966) in Japan in the early 1960s, it was the United States view that the normalization of relations was essential for the recovery of the Korean economy and valuable to Japan to give it a broader trading area and more sense of security. However, reaching an agreement was extremely difficult because of Korean demands for unrealistically high indemnities and exclusive fishing areas in international waters. Faced with the stagnation with the negotiation process, Reischauer pointed out to both the Seoul and Tokyo governments that stimulus of trade would be of far greater value to the Koreans in the long run than a higher indemnity and also that the Koreans need not be so demanding on exclusive fishing zones, since the modernization of the Korean fishing fleet through Japanese financial aid would help the Korean fisheries (Reischauer 1986:207). He also recalled that he had often talked to Sam Berger, the U.S. Ambassador to Korea; Berger felt that the U.S. should apply strong pressure on Japan to get Tokyo to give in to Korean demands, which Reischauer knew the Japanese would never do.<sup>36</sup>

Despite the bilateral pledge in November 1961 of not politically and arbitrarily deciding on the claims payment, it was extremely difficult to come to an agreement on the claims issue without political intervention. The ROK and Japanese foreign ministers met five times from March 12 to 17, 1962 without coming to any compromise. The main conflicting point was, again the official title of the claims payment itself. The ROK foreign

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<sup>36</sup> Reischauer suggested to Washington, D.C. that in the long run a small American contribution to "sweeten the pot" for both sides and thus hasten a solution would be a worthwhile investment; this met with flat rejection in Washington. As a result, the problem dragged on for years, and the normalization was not finally concluded until June 1965 (Reischauer 1986:207).

minister contended that the payment be reparation, as the evidence that the Japanese government was completely "liquidating" the past, whereas the Japanese side preferred not to use the term "reparation," insisting on calling it grants and loans, as Tokyo saw it as a way to celebrate the ROK independence, the normalization of relations, and to contribute toward a stability of the South Korean economy (Takasaki 127). Moreover, the Japanese foreign minister added that this claims issue would only concern the south of 38th parallel, excluding the claims by North Korea, and that South Korea should lower the payment, by taking into consideration all the Japanese property confiscated immediately after the war by the South Korean government.<sup>37</sup> To this, the ROK foreign minister responded that this claims issue included the North Korea claims, and that the ROK had already taken into consideration the matter of all the confiscated Japanese property. At this meeting the ROK demanded \$700 million for the payment which the Japanese would not accept (Takasaki 1996:128).<sup>38</sup>

The reshuffling of the Japanese cabinet in July 1962 gave an encouraging prospect for the normalization negotiation talks, placing Masayoshi Ohira as Japan's foreign minister. Ohira, a former MOF bureaucrat, declared his determination to resolve the property and claims issue without consulting finance specialists. He felt that it was wise for the Japanese government to conclude the negotiation talks with the pro-Japanese Park regime; and was thinking in line with the kind of economic trade-off Japan would gain in case of successful

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<sup>37</sup> *Asahi Shinbun*, March 18, 1962.

<sup>38</sup> Learning the failure of the negotiation in March 1962, Reischauer met with Foreign Minister Kosaka to pressure the Japanese government to increase the payment but Kosaka did not have a favorable response to Reischauer's suggestion (Takasaki 1996:128).



normalization of relations.<sup>39</sup> By August 17, Ohira had already come up with the bottom line figure of \$300 million for the payment in grants and loans which was approved by Prime Minister Ikeda.<sup>40</sup> During the August 1962 conference, the Japanese expressed its willingness to pay a substantial amount of money if the payment could be made in the form of economic cooperation (grant and loans) to contribute to the development of the South Korean economic stability. Tokyo made it clear that it was extremely difficult to give a grant in the name of "reparation." If it were given as reparation, the Japanese government was only able to pay less than \$50 million (Takasaki 1996:131). In turn, the ROK demanded \$300 million in reparation and \$300 million in grant. Yet, the Japanese offered \$300 million in grant to which the ROK responded that it would settle for \$300 million in grant and \$200 million in loans.

Faced with a huge gap in the amount of payment in the negotiation, Foreign Minister Ohira finally had a one-on-one private meeting with Kim Chong-pil, the director of KCIA in October 1962. During this meeting, Ohira offered to make a payment of \$300 million in economic aid or in the form of "celebration gift" for the Korean independence. In reply, Kim Chong-pil indicated that the ROK could not accept any figure under \$600 million in reparation. Ohira responded that if the payment must be called reparation, it would be politically difficult to even come up with 70 million, and repeatedly asked Kim for understanding the Japanese political climate which would find the term reparation difficult (Takasaki 1996:132). During the second private Ohira-Kim meeting on November 12, Ohira

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<sup>39</sup> *Asahi Shinbun*, July 29, 1962.

<sup>40</sup> *Asahi Shinbun*, August 18 and 21, 1962.

made an offer to Kim that if the ROK withdrew the reparation claims, then Tokyo was ready to commit a substantial amount for grant as economic cooperation toward South Korea (Takasaki 134). Then, Kim made a suggestion regarding the amount of \$300 million in grant; \$200 million in loans; and additional \$100 million in economic projects to which Ohira agreed.<sup>41</sup> A memo that Foreign Minister Ohira wrote down later came to be known as the "Kim-Ohira memo." The memo itself did not contain a term "property claims." The memo contained a phrase, "in agreement with the South Korean demand of claims," yet Ohira indicated that as the Japanese Diet and public would not accept the term "claims," the wording should be phrased as "economic cooperation." To Ohira's request, Kim told Ohira that his side would use the term "claims," given the South Korean public was not likely to accept the payment in the name of economic cooperation. However, Kim told Ohira to use the term, economic cooperation to the Japanese public, if he preferred such wording but not to reveal that they both agreed to economic cooperation (Takasaki 1996:136). This secret agreement of resolving the claims issue in the form of economic cooperation was formally presented by the LDP vice president, Banboku Oono, another pro-South Korean leader, to the South Korean government. And on December 17, Premier Ikeda officially recognized the agreement.<sup>42</sup>

Although the two governments agreed on the amount of the payment, the official phrasing of the agreement was yet to be resolved. In the subsequent meeting, the ROK and Japan's fundamental differences in their views on the nature of the agreement continued to

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<sup>41</sup> *Asahi Shinbun*, August 18, 1988.

<sup>42</sup> *Asahi Shinbun*, December 10, 1962.

manifest. In the negotiation meeting in November 1962, the Japanese government suggested that a name of the agreement be a "ROK-Japanese Economic Cooperation Agreement." Although the Japanese government inserted a phrase, "taking into consideration the ROK-Japanese negotiation process regarding the claims issue" into the preamble, it clearly desired to specify the nature of the payment as economic assistance in celebration for friendship and promotion of cooperation between the states. In reply, the ROK demanded a modification by rewording a phrase "in resolving the reparation issue and promoting economic cooperation" to the preamble. The Japanese delegation continued to argue that it was difficult to insert the term, "reparation" into the clause" (Takasaki 1996:137).<sup>43</sup>

The anti-normalization movement had started as early as January 1961 among the Socialist and Communist sympathizers as well as some pro-North Korean organizations including the Ch'ongnyon and the Japan-North Korean Association.<sup>44</sup> At the Diet, the JSP and JCP members of the Diet started expressing their positions against the normalization of relations with ROK. Yet, the voice of anti-normalization in a segment of the Japanese public did not become pronounced until November 1962 when the property and claims issue came to a de facto resolution due to the Kim-Ohira agreement. At the Diet, the JSP and JCP started raising objection to the ROK-Japanese normalization in January 1963. Having learned from the experience of dealing with the opposition to the renewing of the security

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<sup>43</sup> *Asahi Shibun*, November 23, 1962.

<sup>44</sup> *Asahi Shinbun*, January 13, 1961. Twenty-one organizations and groups including the Japan-North Korean Association, and the Chongnyon met to coordinate a movement against the ROK-Japan normalization.

treaty with the United States in 1960, the LDP pre-empted the opposition to the ROK-Japanese normalization by aggressively campaigning for the PR of the normalization and by forming a social PR committee on the issue on November 20, 1962. And in December 1962, the LDP framed the normalization issue as the "unity of the countries who support the free world," explaining the necessity of the normalization of relations with the ROK (Takasaki 1996:145). Along with the pro-South Korean lobbyists among the big business, the LDP spent between 500 million yen and 900 million yen, mobilizing over 150 related organizations and distributing over three million propaganda pamphlets in the PR campaign for the normalization.<sup>45</sup> Yet, sadly there were no serious mainstream nation-wide discussion on repentance on Japan's colonial rule over Korea among the pro-South Korean political leaders. Even the JSP which opposed the normalization and was critical of Japan's imperial history, for example, did not really focus on "liquidating" the colonial past. Instead, it argued that the Japanese payment of \$500 million in grant and loan promised to the ROK could have been spent for resolving other domestic issues such as the coal miner issue.<sup>46</sup>

At the bilateral committee meeting on the legal status of Koreans held in April, 1963, the Japanese government wanted to limit the scope of permanent residency eligibility to the South Koreans who had been continuously living in Japan since the end of the War, and who had been born by the date the San Francisco Peace Treaty went into effect. What the Ministry of Justice did not want was to confer permanent residency to the children of the first generation Koreans specified above; the Japanese government preferred to allow the second

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<sup>45</sup> *Asahi Journal*, September 26, 1965:5-8; and October 10, 1965:22.

<sup>46</sup> *Asahi Shinbun*, December 26, 1962.

generation Koreans to stay in Japan without permanent residency until becoming an adult. Seoul vehemently rejected the Japanese demand by contending that since the subsequent generations would be more likely to remain in Japan, they have a better reason to be granted permanent residence. In turn, Seoul offered a counter-suggestion that Japan offer permanent residence to the South Koreans who had been living in Japan prior to the ending date of the Pacific War, and who will be born by the 20th year from the date the normalization treaty goes into effect. And the status of those who will be born after the 20th year will be subject to consultation. The two governments attempted to compromise on granting permanent residency to those who were born on or after August 16, 1945, and within five years of the date on which the agreement enters into effect, yet the issue did not get settled.

The presidential election in October 1963 brought a victory to Park Chung Hee by a narrow margin and his Democratic Republican Party won in the subsequent November election for the unicameral legislature, solidifying the Park regime.<sup>47</sup> However, despite the South Korean government's pledge to build a self-reliant economy, Park's economic policies had not delivered any favorable results, putting South Korea to the continuing economic adversity.<sup>48</sup> The sharp inflation trend and the serious decline of foreign exchange reserves continued in 1964 as in the previous year. In May 1964, the currency was devalued by

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<sup>47</sup> Park, who ran as the Democratic Republican Party (DRP) won 46.6 percent of the vote, as compared with 45.1 percent for Yun Po-son, the New Democratic Party candidate (Savada and Shaw 1992:39). The DRP won 110 of the 175 seats in the November election for the unicameral legislature.

<sup>48</sup> Although South Korea achieved a relatively high economic growth rate of 5.9% in 1963, much of this was attributed to substantial investment in plants and equipment and a high rate of growth in secondary industry (Lee 1964:28).

almost half, from 130 won to the dollar to 255, precipitating further increases in the prices of commodities (Lee 1964:28). To stave off depletion of foreign exchange reserves, the government curtailed imports, but the lack of critical imports seriously hampered industrial activities. All these factors contributed to further deterioration of people's livelihood.

The added pressure on the Park regime was the voice of anti-normalization that was growing among Park's political opposition in South Korea. Under U.S. pressure,<sup>49</sup> the ruling Democratic Republican Party expressed its determination to sign the treaty with Japan in May and ratify it in July.<sup>50</sup> Yet, the negotiation talks were stagnated by the escalation of anti-normalization demonstration led by Park's political opposition such as Yun Po-sun's Civil Rule Party or *Min jong-dang* (Chong-Sik Lee 1965:26). A coordinated anti-normalization movement had been at work since May 1963 when thirteen opposition leaders including the former President Yun denounced Park's attempt to resolve the normalization issue with Japan under the military regime. Criticizing Kim's allegedly impetuous approaches in the negotiations, the opposition insisted that the resolution needed to be conducted by a democratic government. As the government had not announced the details of the so-called Kim-Ohira memorandum, the opposition demanded revealing of the Kim-Ohira memo by the Park government regarding the property and claims issue. With little information they had on the Kim-Ohira terms and a great concern over the sudden inroad of Japanese

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<sup>49</sup> Robert F. Kennedy, the U.S. Attorney General and the State Secretary Dean Rusk visited South Korea on January 18 and on 29, 1964 respectively to urge an early conclusion of the normalization of relations with Japan.

<sup>50</sup> *Asahi Shinbun*, March 8, 1964. In Japan, Foreign Minister Ohira made a similar announcement on February 25, 1964.

enterprises in Korea, the opposition parties denounced the Kim-Ohira agreement terms as excessively conciliatory to Japan.<sup>51</sup>

In the South Korean public, fishermen were one of the first groups to join the opposition in the anti-normalization movement, and demonstrate against the removal of the "Peace Line," demanding that the limit of the territorial waters should be at least 40 miles, not 12, and that the sum of Japanese compensation to the Koreans should be \$2.7 billion.<sup>52</sup> This made the ROK government's position on the fisheries issue very tough towards the Japanese government. The anti-normalization movement grew rapidly throughout the country in March 1964; university students started protesting against their own government's "humiliation diplomacy" and demanded that the ROK government make the Japanese government recognize the colonial aggression and to apologize for the past.<sup>53</sup> Responding to the growing anti-normalization movement, President Park made an announcement in March that he sympathized with the students' patriotic feelings and stated that he had instructed the South Korean Mission in Tokyo to reflect the students' demands in the

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<sup>51</sup> Lee (1965:26) described the main concern of the demonstrators as their suspicion of Japanese motives in South Korea, besides their distrust of and disappointment with the military junta's record. For example, a deep impression was made by the main negotiator Kim Chong-pil's remark that he would risk being called the second Yi Wan-Yong in bringing about the normalization of relations. Yi was the Korean premier who signed the treaty of annexation with Japan in 1910 and has been branded by Korean historians as the foremost national traitor. Such comment raised the students' suspicion towards the Park regime and the Japanese government, which of course did not help the cause of either Kim Chong-pil or the ROK-Japanese negotiations (Lee 1965:26).

<sup>52</sup> *Donga Ilbo*, April 2, 1964.

<sup>53</sup> *Asahi Shinbun*, March 26, 1964. On March 21, there were 40,000 participated in the demonstration in Seoul. On the following day 3,500 students joined the march. On March 26 and 27, 60,000 people took place in the demonstration each day.

negotiation with Japan.<sup>54</sup> At the same time, President Park dispatched Kim Chong-pil, president of the National Congress of the DRP and the former KCIA director, to Tokyo to oversee the work of the official government delegation and spur the stagnated negotiations. Despite Park's appeal, the demonstration did not calm down. When a number of scandals in the high-ranking government officials and the Democratic Republican Party members were revealed, the opposition was intensified and the sphere of charges broadened (Lee 1964:26). Consequently, Park made a partial concession to the students on April 4 by recalling Kim Chong-pil from the negotiation talks in Japan, suspending the negotiation process once again.<sup>55</sup> When Park's government's attempt to subdue the spreading protest movement by force triggered a series of hunger strikes by students in Seoul, and prompted the demonstrators to demand the resignation of the President, Park imposed martial law in the capital, prohibited assemblies, severely censored the media, and closed universities.<sup>56</sup>

Meanwhile, an unofficial bilateral negotiation between high level officials resumed in June 1964, with Prime Minister Ikeda's appointment of Etsusaburo Shiina as Japan's foreign minister. He was a good friend former Prime Minister Nobusuke Kishi, an advocate of normalization and economic diplomacy of Japan. With the addition of a pro-South Korean foreign minister, the Cabinet managed to make a decision on two economic cooperation projects towards South Korea on July 28, 1964. President Park's lifting of the

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<sup>54</sup> *Asahi Shinbun*, March 26, 1964.

<sup>55</sup> Kim chong-pil left for his "exile" in June to attend a seminar at Harvard.

<sup>56</sup> *Asahi Shinbun*, June 3, 1964. South Korea was under complete control of the military from June 3 to July 29 (Lee 64:27). Lee described that the movement was becoming more anti-Park regime and anti-American at this point.



martial law on July 29 in hopes of creating a climate for resuming the ROK-Japanese negotiations, gave the confidence to the Japanese government on Park's rule (Ushiba 1984:29-30).<sup>57</sup> This was followed by a Cabinet decision on August 14 to start economic aid to Seoul in goods and services. The Secretary General of the LDP was Kakuei Tanaka who was actively supporting the ROK-Japanese normalization, as he also saw the ROK as a line of defense against the spread of communism.

The Vietnam War began to escalate in the first week of August 1964, when North Vietnamese torpedo boats were reported to have attacked two U.S. destroyers in the Gulf of Tonkin. The Senate passed the Tonkin Gulf Resolution on August 7, which enabled President Johnson to begin the retaliatory bombing of military targets in North Vietnam. Faced with the expansion of the Vietnam War, the newly appointed U.S. ambassador to the ROK, Winthrop G. Brown met with the ROK foreign minister Lee Dong-won to urge the conclusion of the normalization talks for the "contribution to the free world,"<sup>58</sup> by letting him know that the United States would assist in an "appropriate way" in bringing about the earliest possible settlement between Tokyo and Seoul.<sup>59</sup> On August 20, the U.S. Ambassador Brown met with the ROK premier and advised on the issue of the Rhee Line.<sup>60</sup>

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<sup>57</sup> *Ushiba Nobuhiko Keizaigaiko heno Shogen* [Nobuhiko Ushiba: Testimony on Japan's Economic Diplomacy] Diamond Sha: Tokyo, 1984. He was the Deputy Vice Foreign Minister in charge of the Korean negotiations, who was also a cousin of the U.S. Ambassador Edwin Reischauer's wife, Haru Reischauer.

<sup>58</sup> *Asahi Shinbun*, August 18, 1964.

<sup>59</sup> *Korean-American Relations, 1943-1976*, ed. by Se-Jin Kim, Seoul: Research Center for Peace and Unification, 1976:284.

<sup>60</sup> *Asahi Shinbun*, August 20, 1964.

On August 29, U.S. Assistant Secretary, William P. Bundy was sent to Japan to explain the U.S. strategic perspective regarding the regional security (Yamamoto 1978:69) and to urge the Japanese government to conclude the treaty negotiation in the following spring (Takasaki 1996:158). Bundy recalled later that after assuming the position of the U.S. Assistant Secretary in March 1964, he did play an active role in mediating between the ROK and Japan in the normalization negotiation process (Lee and Sato 1981:51). Moreover, in urging the South Korean public in October 1964 in the joint communiqué to recognize the national interest,<sup>61</sup> Bundy attempted to help the South Korean government, which was under extraordinary pressure from political and popular opposition to the normalization with Japan.<sup>62</sup>

Prime Minister Ikeda's resignation on October 25 due to his illness<sup>63</sup> led to the Eisaku Sato Cabinet on November 9. Sato was the younger brother of a former Prime Minister and ardent advocate of the normalization, Nobusuke Kishi. On a November 21 press conference, Prime Minister Sato announced the normalization of relations with the ROK was the prime

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<sup>61</sup> The joint communiqué was issued on October 3, 1964 by the U.S. Assistant Secretary, William Bundy and the South Korean Foreign Minister Lee Dong-won (Lee and Sato 1982:47; Kim 1976:285-5).

<sup>62</sup> A number of influential daily newspapers boycotted President Park's message on the anniversary of national liberation, August 15 (Lee 1964:27). The government retaliated by suspending special privileges of reporters, pressuring the banks to suspend credits of opposition newspapers, and threatening their operations. This was met by organized boycott committees among the opposition. However, the Park government announced a truce on September 9.

<sup>63</sup> Diagnosis of cancer prompted Prime Minister Ikeda's resignation on October 25. On November 9, the LDP appointed Eisaku Sato as the LDP candidate for the premier position, who was elected on the same day in the 47th extraordinary Diet session.

priority by appointing Etsusaburo Shiina, a long time friend of Kishi, and Kakuei Tanaka, another staunch supporter of the normalization and a member of the LDP South Korean lobby, as the Foreign Minister and the Finance Minister respectively. There was another addition of a pro-South Korean lobbyist to the Japanese negotiation delegation. Shin-ichi Takasugi, a representative from the private business sector recommended by former Prime Minister Kishi, joined the negotiating team in January 1965. Takasugi had been known as strong normalization supporter, who was sympathetic to the ROK's fight against communism and was one of the leaders in Japan's powerful Federation of Economic Organizations or *Keidanren*.<sup>64</sup> The newly established Sato Cabinet filled with the sympathizers seemed to have improved the prospect for the early conclusion of the normalization treaty.

At the press conference at the Foreign Press Club in Tokyo on January 7, 1965, Takasugi commented that despite the prevailing criticism on Japan's past colonial rule over Korea, Japan attempted to help Korea. He went on justifying the *soshi kaimei* as Japan's way of assimilating the Koreans to treat them equally with the Japanese and argued that it should not be construed as a way of exploiting the Koreans.<sup>65</sup> Learning about Takasugi's statement, Kim Chong-pil told the Japanese delegation to deny having made such a derogatory statement and warned that this would furthermore delay the negotiation for a few years (Takasaki 162). Although the statement was not publicized in the mainstream Japanese

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<sup>64</sup> *Asahi Shinbun*, January 7, 1965. In the past, Takasugi even criticized former Prime Minister Ikeda for not being able to conclude the treaty with the ROK.

<sup>65</sup> *Akahata*, January 21, 1965.

media, *Akahata*, a Japan Communist Party newsletter published Takasugi's statement,<sup>66</sup> condemning it as an immense insult to the Koreans. This was picked up by a South Korean newspaper in South Korea,<sup>67</sup> and the opposition used it against the Park government. The South Korean Foreign Ministry denounced the statement as a conspiracy created by the communists. On January 20, Takasugi himself denied having made such a comment, and the incident was kept off the record and was not printed in the news media in Japan.<sup>68</sup> On February 15, Foreign Minister Shiina was questioned regarding the Takasugi statement at the Diet meeting, he denied the statement being made. Sensing the heightened sensitivity of the South Korean public, the Foreign Minister Shiina made a statement upon arrival at the Kimpo Airport in Seoul in February 1965 that it was extremely regrettable that the unfortunate period existed between the two countries and this should be reflected with a deep atonement. This was the first time a Japanese Foreign Minister expressed a sense of regret regarding the past. Although it was phrased in an ambiguous manner as to who is expressing the sense of atonement, Shiina's statement softened the anti-Japanese feelings of the South Korean public.<sup>69</sup>

The pending issues for the February ROK-Japanese conference on the legal status of the Koreans in Japan were: the scope of eligibility for permanent residency, welfare and

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<sup>66</sup> *Akahata*, January 10 and 20, 1965.

<sup>67</sup> *Toa Nippo*, January 19, 1965.

<sup>68</sup> Despite his remarks, Takasugi was accorded the decoration by President Park in August 1969 for his contribution to the promotion in economic cooperation between the ROK and Japan (Sugiura and Suzuki 1976:79).

<sup>69</sup> *Asahi Shinbun*, February 21, 1965.

social security benefits, and conditions for forced deportation. The ROK and Japan agreed on granting permanent residency to those with a South Korean nationality who had been living in Japan prior to or since the end of the war. Yet, regarding the legal status of the subsequent generation Koreans, the Japanese government upheld that only those who were born before April 28, 1952 (on the day the San Francisco Peace Treaty went into effect) would be given permanent residency, whereas the ROK government insisted that the Japanese government grant permanent residency to all subsequent generation Koreans. Regarding the benefits for the South Koreans with permanent residence in Japan, the ROK government demanded that they receive all the same benefits Japanese citizens receive except for the right to vote and eligibility for becoming a public servant. In reply, the Japanese government argued that it would only grant welfare and public education benefits. Regarding conditions for forced deportation for the Korean residents, the both governments agreed that the Korean permanent residents in Japan would be deported to South Korea only if they committed a crime falling under the following categories: insurrection, crimes concerning foreign aggression (excluding a person whose sentence has been suspended or one who has been punished on charges of joining in an insurrection), crimes relating to diplomatic relations (such as crimes against the chief of State, a diplomatic envoy, or a diplomatic mission of a foreign country), violation of Japanese laws and ordinances concerning control of narcotics for the purpose of gain.<sup>70</sup>

At the March 17 meeting on the legal status of the Koreans in Japan, the Tokyo government expanded the scope of permanent residency eligibility to include those who are

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<sup>70</sup> *Asahi Shinbun*, February 24, 1965

born within five years of the date of which the normalization treaty goes into effect. Yet the ROK still insisted that the Japanese government grant permanent residency to all the lineal descendants of the Koreans who had been living in Japan prior to August 16, 1945.<sup>71</sup> The reason why the ROK did not concede on its position was the strong pressure coming from a South Korean organization in Japan, the Association for Korean Residents in Japan, or the Mindan to forcefully negotiate for obtaining permanent residency for all the (South) Koreans in Japan. At the meeting of March 26, the Japanese government finally replied that the Tokyo would make a moral promise (without legal binding force) that all the subsequent generation Koreans would permanently reside in Japan if they desire to do so. However, the ROK government insisted that Tokyo attach a clause that has a legal binding force to their "moral promise."<sup>72</sup> Finally, Foreign Minister Shiina suggested a compromise that Japan and the South Korean governments would enter into consultations (if requested by the South Korean government) to determine the status of the remaining Korean offspring within 25 years of the date on which the normalization treaty enters into force. The ROK government finally accepted the compromise on March 27.

Both governments had a vested interest in concluding the agreement as early as possible. Seoul wanted to wrap up the talks in March to officially sign the treaty in mid May before President Park's scheduled visit to the United States.<sup>73</sup> Tokyo aimed to sign the treaty at the latest at the end of May, the time President Park's return from the United States, as the

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<sup>71</sup> *Asahi Shinbun*, March 17, 1965.

<sup>72</sup> *Asahi Shinbun*, March 27, 1965.

<sup>73</sup> *Asahi Shinbun*, April 4, 1965.

LDP wanted to hasten the process to have the treaty ready before the 7th House of Councillor elections on July 4.<sup>74</sup> Yet, another contentious issue regarding the legal status of the Koreans in Japan was delaying the negotiation process, which was the scope of social security and welfare benefits for the Koreans with permanent residency. The Tokyo government did not want to grant any benefits beyond welfare and public education to the Koreans, whereas the ROK government continued demanding that their people be allowed to join the Japanese government's national health care and national pension plans. At this point, the Japanese government wanted to initial the two points on which the ROK and Japan had already agreed (i.e. the scope of permanent residency eligibility and the forced deportation clause) in the agreement regarding the legal status of the Koreans in Japan. Yet, Seoul refused to initial those two points without coming to an agreement on social security and welfare benefits for the South Koreans in Japan. The South Korean government was under pressure from Mindan that was greatly opposed to the ROK getting the compromise on the social benefits,<sup>75</sup> while the Ministry of Education and the Ministry of Health and Welfare were entirely opposed to granting such benefits to the South Koreans in Japan.<sup>76</sup> The negotiation on the legal status of the Koreans in Japan appeared to be deadlocked; both governments were not able to move beyond the discussion on the social and welfare benefits. Foreign Minister Shiina expressed his willingness to write in the communiqué upon initializing the agreement

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<sup>74</sup> *Asahi Shinbun*, April 4, 1965. As soon as Foreign Minister Shiina wrapped up initializing agreements on April 3, he flew to Iwate, his constituency for the up-coming election campaign.

<sup>75</sup> *Asahi Shinbun*, March 29 and 30, 1965.

<sup>76</sup> *Asahi Shinbun*, March 29, 1965.

that the pending issue of social and economic benefits would be discussed by the two government at a later time, if the negotiation did not reach a consensus soon. To this, Prime Minister Sato expressed caution, stating that due to the intricate nature of the issue that greatly affects both the Korean and Japanese citizens, the point of social benefits should be completely resolved so that it would not leave any complications for the future.<sup>77</sup> In the end, Shiina's proposal to initial the already-agreed points and continue discussing the social and economic benefits was accepted by the South Korean government.<sup>78</sup> This issue was finally resolved at the June 18 meeting with the Japanese government's decision to grant eligibility for the South Korean permanent residents for the national health care plan to the South Koreans in Japan.<sup>79</sup> Seoul and Tokyo finally managed to decide on March 31 to initial the agreement on the legal status of the Koreans in Japan.<sup>80</sup>

Sato's caution reflected the attitude of the regulatory ministries, and the result of the negotiation on the legal status of Koreans in Japan was seen by the Japanese public as a major concession. Newspaper editorials expressed a concern about creating minority group

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<sup>77</sup> *Asahi Shinbun*, March 30, 1965.

<sup>78</sup> *Asahi Shinbun*, March 31, 1965. Aside from the discussion on social and economic benefits, the Minister of the South Korean Mission visited the MOFA officials to gain the Japanese government's informal assurance that South Korean families could stay together in Japan even if their legal status of members differ. The Mindan and the South Korean government were greatly concerned that signing of the agreement on the legal status of Koreans in Japan would create different legal status among members of Korean families in Japan. The Minister of the South Korean Mission wanted, at least, the Japanese government's guarantee that Korean family members with different legal status could stay together in Japan.

<sup>79</sup> *Asahi Shinbun*, June 19, 1965.

<sup>80</sup> *Asahi Shinbun*, April 1, 1965.



issues for the future by giving such welfare and educational benefits to the South Koreans in Japan;<sup>81</sup> and setting an "unfavorable precedence" that would bind the state sovereignty and affect subsequent dealings with South Korea.<sup>82</sup> Regarding the agreement, an official in the Office of Cabinet Investigation stated that granting the Koreans legal status equivalent to Japanese citizens would absolutely go against the assimilation policy, as the Koreans might benefit from both being a foreign resident and receive the benefits only granted to Japanese citizens (Takasaki 1996:180). In his writing, the Immigration Bureau official of the Justice Ministry, Ikegami Tsutomu, expressed the view on the issue of naturalization and assimilation that if the Korean residents truly wish for real future happiness, naturalization was the best means to achieve their end. "It is self-evident that holding onto his own nationality while living in Japan causes some degrees of friction with the Japanese society in areas such as education, employment, and marriage" (Igegami 1967:122-3). From the viewpoint based on international law, he continued, those who failed to or refused to obtain permanent residency would be at the mercy of the Japanese government; the government could do whatever it desired to do (Ikegami 1967:167).<sup>83</sup>

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<sup>81</sup> *Asahi Shinbun*, March 31, 1965.

<sup>82</sup> *Asahi Shinbun*, March 27, 1965.

<sup>83</sup> The literal translation of Ikegami's view on the Japanese authority over the Korean residents would be that [the residents] were under the total discretion of the Japanese government. If I were to comment from the view based on the international law, it is completely up to [the Japanese government] whether it would cook and eat [them] or bake and eat [them]. Japanese scholars agree that this is a fairly significant statement that succinctly captures the essence of the government's postwar policy towards the Koreans in Japan (Isomura 1985:53; Yoshioka 1988:67).

The treaty was formally initialized on April 3, 1965 by the ROK and Japanese governments. "Foreign Minister Lee explained the sentiments of Korean people toward Japan arising from the unfortunate relations between the two nations during a certain period in the past. Foreign Minister Shiina also expressed his regret over such relations in the past, saying that he was giving much thought thereto. The two Foreign Ministers expressed their desire that the present discussions on the legal status and treatment of the Korean residents in Japan would bring about a fruitful result and that thereby they would lead a peaceful, happy and secure life. They further noted that a satisfactory solution of this problem would become an important bridge in promoting the friendly relationship between the peoples of the Republic of Korea and Japan.<sup>84</sup> On the same day, the *Mindan* released a comment stating that it welcomed the normalization yet the initialized agreement (on the legal status of the Koreans in Japan) failed to meet the demands that they had made. The *Mindan* pledged it would continue their effort to reflect their demands in the signing of the treaty.<sup>85</sup>

In the beginning of June 1965, the first legal specialist meeting was held to discuss the name of the agreement concerning the property and claims issue. The Japanese government suggested, "Basic Agreement and Grant Agreement" to which the ROK insisted on the "Agreement Regarding Resolution of the Right of Claim and Economic Cooperation." The Japanese government came back with an idea of the "Basic Agreement regarding Administrating Grant Economic Cooperation." The Japanese government kept refusing to include the term the "right of claim." However in the end, the both governments

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<sup>84</sup> *Kokusai Mondai*, No. 62, May 1965:54-7.

<sup>85</sup> *Asahi Shinbun*, April 4, 1965.

compromised on the "agreement concerning the settlement of problems in regard to property and claims and economic cooperation."

The movement of "anti-humiliation diplomacy" toward Japan was growing in Seoul where 70,000 citizens participated in demonstrations over two days in March. The South Korean media and students denounced Japan's ambiguity regarding its responsibility for the colonial rule over Korea, insisting the Japanese government pay a larger amount of "reparation." Students were also very critical of the "underhanded method" of the negotiations itself as well as suspicious of possible Japanese economic exploitation of South Korea, which reverberated their prevailing deep-rooted distrust of Japan.<sup>86</sup> In a survey conducted among a representative sample of 1,468 university students from ten universities in Seoul, the respondents showed that 31% said the demonstrations were motivated by fear that Korea would be subjected again to Japan's economic and political exploitation (Kim 1966:37).<sup>87</sup> Students in other large cities, such as Pusan, Taegu, Chonju echoed the sentiments of the Seoul demonstrators in a wave of rallies and scuffles with police that continued until March 28. The recall of Kim Chong-pil from Tokyo, immediate cessation of the negotiations, and the upholding of the "Peace Line" were demanded by the demonstrators (Chong-Sik Lee 1965:26). As soon as the three agreement were initialized on April 3, the student movement protested, vocalizing the "nullification of the initial

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<sup>86</sup> *The New York Times*, August 1, 1965

<sup>87</sup> According to the research conducted by Sungmyong Women's University Research Office of Educational Psychology (Kim 1966:37), twenty percent of the respondents expressed it was because of distrust of the present regime; fifteen percent because of the distasteful method of negotiations; thirteen percent because of opposition to the removal of the Peace line (Kim 1966:37).

signing," and "defending the Rhee Line to the last." One demonstrator's death by the South Korean police amplified the intensity of the movement even more, resulting in a series of massive demonstrations. Students at the 11 universities in Seoul formed an united front on June 9. Immediately before the signing of the treaty and agreements, the ROK government declared martial law.

Defying the martial law placed by the Park government, 25,000 Koreans participated in the demonstration on the day of the treaty signing. However, they failed to prevent normalization. The Treaty on Basic Relations between Japan and the Republic of Korea along with four agreements on fisheries, property and claims, Korean residents in Japan, cultural assets and settlement of disputes, were signed on June 22, 1965 and went into effect on December 18, 1965.<sup>88</sup> Despite the Japanese Foreign Minister Shiina's statement in April deeply reflecting on the "unfortunate past," the treaty and agreements themselves included neither a formal apology, a "reparation" clause or mentioning of Japan's colonial rule over Korea. Instead, through the agreement concerning the settlement of problems in regard to property and claims and economic cooperation, Japan would provide \$800 million (\$300 million in grants and \$500 million in loans and credits at an annual interest rate of 3.5% payable over 20 years after a seven year grace period) over ten years. These payments were considered essential by the Park government for its economic development plans, but were greatly criticized by opposition groups inside South Korea as being poor compensation for

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<sup>88</sup> On the disputed claims to the small uninhabited rock islets known as Takeshima or (Tokdo in Korean), for which the South Korean government declared sovereignty in 1952 by stationing a small garrison on the islets, the two governments agreed to disagree (Bridges 1993:11).

their past sufferings under the Japanese colonial rule. While the agreement on fisheries abolished the controversial Rhee Line which had been the South Korean delineation of territorial waters since 1952, and established a joint fisheries commission to enforce the details of conservation in the joint fishing areas, conflicts over the fishing activities between the two states has never completely disappeared (Bridges 1993:11; Kim 1966:35). In the agreements concerning delivery of cultural assets and cultural cooperation, Tokyo agreed to return the cultural assets listed in the accompanying document within six months from the date on which the agreement goes into effect. The agreement concerning the legal status of Koreans gave those who officially registered as citizens of the Republic of Korea could obtain permanent residence in Japan as well as some welfare and education benefits.<sup>89</sup>

The Park administration wanted to ratify the treaty in August when universities were to be closed due to summer recess, reducing student participation in the movement against the ratification.<sup>90</sup> Park's political opposition, the Civil Rule and the Democratic parties, formed a united front in opposition to the normalization, creating the People's Party or *Minjung-dang*. However, the *Minjung-dang* suffered from a political split at the outset; the Democratic party majority faction led by Yun Po-son took a moderate position to be a "parliamentary opposition," while the Civil Rule party minority faction under the leadership of Madame Park Sun-ch'on favored radical means (Kim 1966:36).<sup>91</sup> When the 51st

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<sup>89</sup> However, only about half of the approximately 650,000 ethnic Korean residents in Japan qualified for the clause; the remainder were left in ambiguous legal status.

<sup>90</sup> *Asahi Shinbun*, June 20, 1965.

<sup>91</sup> Kim (1966:35) explains that the split within the opposition party leaders eventually led to a contest for leadership within the party.

extraordinary National Assembly session was called on July 12, it met the great protest from the opposition. The representative from the *Minjung-dang* met with Park and they both agreed to close the pending session briefly and to reopen a session at the next Assembly meeting to discuss the ratification. As a result of the agreement between President Park and the moderate wing of the *Minjung-dang*, this session was closed on July 21.<sup>92</sup>

Upon the reopening of the 52nd National Assembly special session on July 29, former South Korean Foreign Minister Tong Won Lee explained the content of the treaty to the Assembly, emphasizing that by Japan's confirmation of the nullification of all the treaties signed before 1910 and recognition of the ROK as the sole government of the Korean peninsula, the South Korean government succeeded in liquidating the unfortunate past, establishing international status and prestige, and eliminating any possibility for the Japanese government to pursue the "double sided diplomacy" or the "two Korea policy" of Japan (Takasaki 1996:182-3)<sup>93</sup> The ROK government also explained to their public and opposition that the payment of \$300 million in grant was considered as a reparation; that the ROK government effectively negotiated for the 12 mile area, enabling the ROK government to totally exclude the Japanese fishermen in the area; and that the ROK's demands prevailed in almost all the items regarding the legal status of the Koreans in Japan.

Despite the intensified anti-normalization movement, the Park regime received a favorable evaluation on over-all job performance and foreign affairs according to a survey

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<sup>92</sup> Former President Yun resigned from the *Minjung-dang* as a protest against closing the National Assembly session, and this resulted in the resignation of the 56 opposition members (Kim 1966:36).

<sup>93</sup> *Nikkan Nippo*, August 4, 1965.

conducted by *Dong-a Ilbo* in December 1964 in which 45 percent of the respondents favored normalization of relations with Japan.<sup>94</sup> In addition, Park had solid support from the U.S. government and his own party along with the South Korean military forces. Around this time, the South Korean public also seemed to have been increasingly concerned about the intensifying security tension in East Asia due to the nuclear experiment the People's Republic of China conducted in 1964 and the further escalation of the Vietnam war; the South Korea public feared being left alone without the normalization of relations with Japan.<sup>95</sup> On August 14, a day before the 20th anniversary of liberation from the Japanese rule, the normalization legislation was steam-rolled through the Assembly for ratification by Park's Democratic Republican Party. At the time of ratification, all 111 of the Democratic Republican members of the National Assembly were present, and each voted for ratification, with one abstention whereas no opposition party members were present as they had previously turned in their resignations to the Assembly as a protest against the treaty (Kim 1966:35).

Contrary to the South Korean opposition, the Japanese anti-normalization movement did not really gain momentum. The JCP and JSP, the Sohyo and the *Zengakuren* (the National Federation of Students) opposed the normalization treaty on the grounds that the normalization of relations with South Korea would hinder the unification of Korea; antagonize the People's Republic of China and North Korea, intensifying the tensions in East Asia; and bring neocolonial exploitation of the Korean people by Japanese capitalists

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<sup>94</sup> According to the survey published on the January 11-14 issues of *Dong-a Ilbo* (Kim 1966:37).

<sup>95</sup> *Asahi Shinbun*, July 23, 1965.

(Hatada 1965:10-4; Sakamoto 1966:18-31). The JSP's contention that the normalization would be a prelude to the "NEATO" or North East Asian Treaty Organization could not convince the Japanese public, as most Japanese largely believed the LDP line of argument that it was appropriate to normalize relations with a neighboring country.<sup>96</sup> While the JSP, Sohyo, and the JCP coordinated their efforts against the normalization, organizing meetings and demonstrations, they were more engaged in the anti-Vietnam and anti-nuclear movement, protesting against the US nuclear submarine port calls at U.S. bases in Japan. For example, the JCP hosted another demonstration on September 12, protesting the ratification of the normalization treaty with the ROK, the Vietnam War, and the U.S.-Japan security treaty. Yet, the focus of the JCP was clearly on solidifying their ground for the US-Japanese security treaty renewal in 1970. The JCP viewed the anti-normalization movement as a stepping stone for attacking the US-Japanese security treaty.<sup>97</sup> Unlike the anti-security movement, the student movement for anti-normalization did not spread to the general public, as it was, in general, indifferent to the normalization of relations with South Korea.

The LDP also had started its PR campaign for the normalization of relations with South Korea. Learning from the experience of the anti-US-Japanese security treaty movement in the early 1960, the LDP had established a headquarters for the pro-

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<sup>96</sup> *Asahi Shinbun*, April 5, 1965.

<sup>97</sup> According to the statements released by the JCP central committee, the JCP regarded the ROK-Japanese normalization as one of the United States' stratagem (along with the Vietnam War, and the Japanese Self-Defense Forces' "Three Arrows Study") for its "imperial invasion" of Asia. It was argued that since the U.S.-Japanese security treaty is the very foundation that supports these U.S. stratagems, the ultimate political target for the JCP was to obliterate the security treaty (The Japan Communist Party Central Committee 1965a; 1965b; and 1965c; Miyamoto 1965).



normalization movement in January 1965, presenting a counter-argument against the anti-normalization propaganda. In July, the LDP released an article titled, "Explaining the ROK-Japanese Treaty and the Relating Agreements" in *Seisaku Geppo* [LDP Monthly Political Policy], July 1965.<sup>98</sup> Also the LDP spent 200 million yen printing 800,000 "policy pamphlets" on the issue.<sup>99</sup> The mainstream mass media in Japan was relatively neutral or slightly favorable towards the normalization. An *Asahi* editorial wrote that the normalization would bring the two neighboring states opportunities to cooperate.<sup>100</sup> A *Mainichi* editorial attributed the success of the normalization to the Sato Cabinet's effort, resolving one of the most important pending diplomatic issues.<sup>101</sup> The *Yomiuri* editorial emphasized the significance of establishing the foundation of the friendship.<sup>102</sup>

The 50th (extraordinary) Diet session was called on October 5 in which Prime Minister Sato emphasized that the normalization treaty would resolve the fishery issues and achieve peace and friendship between the ROK and Japan, denying the JSP and JCP's accusation of the future possibility of military alliance with South Korea.<sup>103</sup> On October 26, the House of Representative Special Committee on the ROK-Japanese Normalization had

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<sup>98</sup> See Kan-ichi Ishii, "Hijun wo matsu Nikkan no Joyaku shokyoteito no kaisetsu" [Explaining the ROK-Japanese Treaty and the Relating Agreements] in *Seisaku Geppo* [Monthly Political Policy], July 1965:64-69.

<sup>99</sup> *Asahi Shinbun*, October 7, 1965.

<sup>100</sup> *Asahi Shinbun*, June 23, 1965.

<sup>101</sup> *Mainichi Shinbun*, June 23, 1965.

<sup>102</sup> *Yomiuri Shinbun*, June 23, 1965.

<sup>103</sup> *Asahi Shinbun*, October 13, 1965.

its first meeting. During the session, Foreign Minister Shiina was asked by Sosuke Uno, a LDP member, the nature of the payment to which Shiina answered that it was economic cooperation, not reparation or claims.<sup>104</sup> As soon as the special committee meeting was closed on November 6, the bill was almost pushed through to pass by the LDP at the House of Representatives with support of the Democratic Socialist Party's (DSP) which had decided on November 5 to vote for the normalization. As the LDP-DSP attempt to pass the bill at the special committee on the ROK-Japanese relations at the House of Representatives, the anti-normalization movement grew. This attracted about 28,000 demonstrators during the day and by night 150,000 participated in the demonstration. However, the number of people who signed the petition against the normalization was 180,000, smaller than 330,000 recorded for the anti-security petition.<sup>105</sup> Finally, the treaty was ratified at the House of Representatives on November 12 and on December 11 at the House of Councillors.

### Conclusion

The signing of the agreement on the legal status of the Koreans upon the ROK-Japanese normalization, which brought the unequal treatment of North and South Korean residents in Japan, truly reflected the political reality of the international climate in East Asia. The policy was a consequence of Tokyo's "economic diplomacy" or *keizai gaiko* and Seoul's economic development diplomacy, also criticized as a "humiliation diplomacy" carried out under the U.S. pressure for creating a strategically vital, triangular coalition in East Asia. As

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<sup>104</sup> The 50th Diet Session the House of Representatives Special Committee on the ROK-Japanese Normalization, October 26, 1965.

<sup>105</sup> Asahi Shinbun, November 11, 1965.

indicated in a former U.S. Ambassador to Japan from 1961 to 1966, Edwin O. Reischauer's statement (1986:206), the ROK-Japanese normalization of diplomatic relations was considered by Washington "essential" for the recovery of the Korean economy and valuable to Japan to give it a broader trading area and more sense of security. The Japanese Ministry of Foreign Affairs, as early as the summer 1960, saw in the normalization process of settling the property and claims issue with Seoul, an opportunity of paving the way for Japan's export to the South Korean markets. At the same time, the South Korean government under the leadership of President Park was faced with rapidly decreasing U.S. aid cut by one half since 1960,<sup>106</sup> and saw the need for reversing Syngman Rhee's "isolation diplomacy" toward Japan in order to obtain capital and technology transfer in hope of remedying the impoverished South Korean economy. As a result of the normalization treaty, in the immediate post-1965 period, the South Korean economy witnessed a significant growth in trade levels with Japan and an influx of Japanese capital into South Korea; from 1966 until 1979 Japan became South Korea's largest trading partner, and during most of that period South Korea was Japan's second largest export market.<sup>107</sup>

However, the normalization process, which had been started in 1952, was complicated and protracted due to numerous political, economic, and historical obstacles. The wide scope of issues to be resolved in the normalization negotiations generated a new

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<sup>106</sup> American aid had rapidly decreased since 1960, and it was about \$71 million in 1965, less than one half of the amount of 1960 (Kim 1966:38).

<sup>107</sup> The South Korean economy witnessed a significant growth in trade levels with Japan from a \$150 million in 1964 to \$3 billion in 1973 and an influx of Japanese foreign direct investment (FDI) into South Korea rising from \$4.7 million in the 1962-66 period to \$37.4 million in the 1967-1971 period (Bridges 1993:12).

set of concerns for the relevant regulatory bureaucratic ministries of the Japanese government. For Japan's Justice Ministry, the normalization negotiations meant recognizing a special legal status for those who identify themselves as South Korean nationals, clearly defining the scope of permanent residency eligibility, and delineating a more lenient set of forced deportation clause for them. The Ministry of Health and Welfare, and the Ministry of Education were forced to consider providing health care, pension, and education benefits for the South Korean residents. The Ministry of Finance, which had been unwilling to pledge a large sum of restitution to South Korea, had to be convinced by the Foreign Affairs Ministry and the pro-South Korean LDP leaders to provide a total of \$800 million in grants and loans to settle the property and claims issue. The ruling LDP government also had to counteract the anti-normalization movement brought on by the JCP, JSP, Sohyo opposition that argued against the normalization on the ground that it would intensify the already existing tensions in the region, possibly leading to the creation of a East Asian version of the North Atlantic Treaty Organization (NATO).

The anti-normalization movement supported by Park's political opposition, the People's Party, and university students, posed an even greater threat to the Park regime, suspending the negotiation talks several times as well as recalling Park's trusted secret envoy, Kim Chong-pil. The Park administration was severely criticized for Kim Chong-pil's secret and hasty approaches in negotiating the terms of the property and claims issue with Japan's Foreign Minister Ohira and Seoul's lack of effort in pressuring Tokyo to recognize the colonial aggression and apologize for the past. Moreover, the supporters of the anti-normalization movement were greatly concerned about Japan's penetration into the Korean

economy in the name of "economic cooperation" and possible economic "exploitation" that certainly reverberated their already existing deep-rooted hatred and distrust of Japan. In Japan, over-all reaction of the general public was rather favorable towards the normalization of diplomatic relations with South Korea per se, while provision of social and welfare benefits to the Korean residents in Japan was seen as a major concession that Japan made. Granting of social security, welfare, and education benefits to the South Koreans provoked a concern among the media as well as the officials of regulatory bureaucratic ministries and the Office of the Cabinet, as they felt such provision would make it easy for them to live in Japan without "assimilating" to the society, thereby perpetuating the existence of the Korean minority group in Japan.

The bilateral administrative-level discussions on the extensive range of complicated issues often met with deadlocks, requiring high-level political interventions and sometimes secret personal negotiations by a group of pro-South Korean LDP members, including Nobusuke Kishi, Mitsujiro Ishii, Naka Funada, Uichi Noda, Ei-ichi Tanaka, and Kakuei Tanaka. These members, who formed a solid alliance with Japanese business leaders in industry and finance, were successful in facilitating the rocky negotiation process by sending several economic survey missions to South Korea and initiating discussions on bilateral economic cooperation. Prominent contributors among the pro-South Korean LDP leaders were the Ikeda Cabinet's Foreign Minister Ohira as well as pro-South Korean Kishi's younger brother, Sato Cabinet's Foreign Minister Shiina. It was Kim Chong-pil and Masayoshi Ohira who broke the impasse on settlement of property and claims. The historically emotional and financially intricate nature of the issue called for a semi-private conference between the two

high-ranking leaders to strike the political resolution that a series of formal and administrative-level formal negotiations had not been able to resolve. Foreign Minister Shiina was successful in breaking the impasse in the final negotiation talks on the legal status of the third and fourth generation Koreans and their social security and welfare benefits by suggesting compromises and adjusting interests with the Justice Ministry.

The South Korean government's demand of "accommodation" towards the legal status of the Koreans in Japan and provision of welfare and social security for them had met resistance from the Japanese regulatory bureaucratic agencies since 1952. However, with the birth of a pro-Japanese Korean leader, President Park in Seoul, the normalization negotiation talks, which included the agenda of the legal status of Koreans, for the first time, faced a serious prospect for resolution. Such a demand of "accommodation" was aided by the South Korean organization, Mindan, and was facilitated by the group of pro-South Korean sympathizers within the LDP. The pro-Seoul LDP leaders were in alliance with Japanese business leaders in search of export markets in South Korea as well as the Foreign Affairs Ministry in pursuit of its commercially-oriented diplomacy. In short, the MOFA and the ruling LDP leaders, who were under cross-pressure from South Korea and the United States, found the resolution of issues of the Korean minority and property and claims (along with others) to be instrumental in advancing Japan's economic interests, at the same time, satisfying the U.S. strategic interest of establishing a triangular coalition in East Asia. In the process, the weariness and resistance of Justice, and Health and Welfare Ministry officials about perpetuating the existence of the Korean minority group, came to be reconciled by the LDP leaders; these regulatory bureaucratic agencies' force of "assimilation" of the Koreans

in Japan was, as a result, deterred by the logic of the *keizai gaiko* in pursuit of Japan's "national interests."

CHAPTER VI: THE INTERNATIONAL HUMAN RIGHTS COVENANTS IN 1979  
AND THE CONVENTION RELATING TO THE STATUS OF REFUGEES AND  
THE PROTOCOL RELATING TO THE STATUS OF REFUGEES IN 1981

My third key case of policy change concerns a series of changes made in law concerning the treatment of Korean residents in the early to mid 1980s. These changes came about as a result of Tokyo's efforts to bring Japanese law into conformity with international law, namely the International Covenant on Economic, Social and Cultural Rights (hereafter referred to as the E.S.C. Covenant) and the International Covenant on Civil and Political Rights (hereafter referred to as the C.P. Covenant) ratified by the Japanese government in June 1979, and the Convention Relating to the Status of Refugees (the Refugee Convention) and the Protocol relating to the Status of Refugees (the Refugee Protocol) ratified in June 1981.<sup>1</sup> While the scope of discussion in this chapter will be broader than the question of the Korean minority and less directly associated with it, it still advances my main argument. When the issue of ratifying the Covenants and Convention emerged in the mid 1970s, opposition came from segments of the regulatory bureaucratic agencies and the conservative portion of the LDP. Despite such opposition, ratification of the two Covenants as well as the

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<sup>1</sup> The Japanese government signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights on May 30, 1978. The Japanese Diet approved them on June 6, 1979 and ratified them on June 21, 1979.



Refugee Convention and Protocol were urged by the Japanese Ministry of Foreign Affairs, and the Japanese NGOs. In other words, when international criticism of the Japanese government's passive attitude towards the acceptance of Indo-Chinese refugees was raised, and other countries were quick to point out that most of the UN human rights had not been ratified by Japan,<sup>2</sup> the MOFA made it its ministry's priority to ratify the human rights Covenants and the Refugee Convention. This was the MOFA's attempt to eliminate any diplomatic embarrassment on its lack of position on human rights issues and to attain more prestige appropriate for its *taikoku* status.

As a result of Japan's ratification of the E.S.C. and C.P. Covenants,<sup>3</sup> Koreans in Japan became eligible in 1980 for public housing as well as loans from the Public Housing Loan Corporation. Moreover, major legal changes were made as a result of Japan's ratification of the Refugee Convention and Refugee Protocol. These changes included revisions of the Immigration Control Order,<sup>4</sup> the National Pension Law; and the Children's Allowance Law, relaxing the immigration restrictions for attaining permanent residency and enabling the

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<sup>2</sup> See Yasuhiko Saito's "Japan and the Human Rights Covenants," in *Human Rights Law Journal* Vol.2, No. 1-2, 1981: 93.

<sup>3</sup> The Japanese government's first report on the Civil and Political Covenant was submitted to and examined by the UN Human Rights Committee in 1981. Japan became a member of the Commission on Human Rights for the first time in 1982. In 1984 a Japanese expert (Professor Masayuki Takamoto) became a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

<sup>4</sup> This allowed many Koreans to obtain permanent residency and eliminated several conditions for deportation. See Iwasawa's "Legal Treatment of Koreans in Japan: The Impact of International Human Rights Law on Japanese Law," in *Human Rights Quarterly* May 1986: 179.

Koreans in Japan to be eligible for the Japanese government's pension plan and financial assistance for raising children.

### **Initiation of Discussion on the International Human Rights Covenants**

Both the E.S.C. Covenant and the C.P. Covenant were adopted in December 1966 at the 21st United Nations General Assembly, which were opened for signature in the same year, and went into effect in January 1976 and March 1976, respectively. As far as the Japanese government was concerned, no initiatives towards the signature of the Covenants were observed in the 1960s.<sup>5</sup> A consorted grass-roots movement in Japan<sup>6</sup> for ratification of the International Human Rights Covenants emerged as early as December 1973 upon the 25th anniversary of the Universal Declaration of Human Rights, when numerous NGOs<sup>7</sup>

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<sup>5</sup> In the early period, the Japanese government contracted in the late 1960's a constitutional scholar, Kinuko Kubota to do research on points of contradiction between the International Human Rights Covenants and Japan's domestic laws and regulations. In her report submitted to the government in 1970, Kubota concluded there were no contradictions in principle and even some questionable points of conflict would be resolved by interpretation and implementation (Kodera 1979:100-1).

<sup>6</sup> As early as in October 1968, the Japan Federation of Bar Associations passed a resolution regarding the Japanese government's early ratification of the Human Rights Covenants at the conference on Human Rights held in Nagasaki (Wajima 1982:84; "Jinken" 1988:21).

<sup>7</sup> Amnesty International Japan; University Women's Association; Women's International Peace and Freedom Association, Japan; Pan-Pacific Southeast Asian Women's Association Japan Committee; Liberty and Human Rights Association; Catholic Commission on Justice and Peace; U.N. NGO Domestic Women's Committee; Japan Women Lawyers' Association; the League of Women Voters of Japan; Japan Women Doctors' Association; Japan Women Nurses' Association; Japan Christian Women's Group; Japan Christian Women and Youth Group; Japan Christian Associations; Committee on Society, Development and Peace (SODEPAX) of Japan; Japanese Committee of the World Conference of Religion for Peace, Asian Human Rights Center and the International Human Rights Committee of the Tokyo Bar Association altogether appealed to the Diet for Japan's ratification of the International Human Rights Covenants

made a strong appeal to the Japanese government for an early ratification of the International Human Rights Covenants and the Convention on the Elimination of All Forms of Racial Discrimination. Especially, with the initiative of the Human Rights Protection Committee of the Japan Federation of the Bar Association, Amnesty International Japan, Japan Civil Liberties Union, and National Christian Council of Japan joined together from 1975 to 1979, and launched a series of campaigns to promote awareness of the Japanese public as well as to pressure the Japanese government to take immediate measures to ratify the covenants.<sup>8</sup> Such conviction was echoed among some progressive members of the Japanese Diet. At the 72nd ordinary session of the Diet in 1974, the question regarding Japan's ratification of the Covenants was raised for the first time by the Clean Government Party's (or *Komeito*) Ichiro Watanabe in the Committee for External Affairs of the House of Representatives. As seen in the statement made by Fumio Suzuki, then the Bureau Chief of the United Nation Affairs of the MOFA, implementation of the two covenants was under an early examination by several ministries, yet the government was not ready to reach any conclusion regarding ratification.<sup>9</sup>

The MOFA's had been very supportive of an early ratification of the covenants since the mid 1970. Even before the E.S.C. Covenant and C.P. Covenant went into effect in January and March 1976, the MOFA officials in charge of human rights issues clearly stated

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(Saito 198189; Wajima 1982:85).

<sup>8</sup> *Jinken Shinbun* [Human Rights Newspaper], January 25, 1977, and May 25, 1979.

<sup>9</sup> The House of Representative External Affairs Committee, at the 72nd session of the Diet on April 24, 1974.

that the Ministry wanted to ratify the covenants, as Japan's non-member status (to the covenants) embarrassed the Ministry officials at a table of international discussion on human rights issues with other state representatives.<sup>10</sup> During the Committee on the Cabinet in the Diet session in May 1976, a MOFA representative, in his response to Sadao Wada, attributed the delay in the government's decision to ratify the Covenants to the prolonged inter-ministerial adjustment despite the MOFA's steadfast effort to hasten the process towards ratification.<sup>11</sup> Since the ratification of the two covenants would affect an extensive scope of laws under the jurisdictions of many ministries, the MOFA was forced to coordinate with other bureaucratic agencies regarding the feasibility of conforming Japanese law with the covenants. When Foreign Minister Miyazawa was asked to give an estimate on the time of ratification at the same committee meeting, he stated that he was not so sure as to how soon his ministry could convince the Ministry of Finance, the Ministry of Health and Welfare and the Ministry of Education. He also mentioned that the Justice Ministry was cautiously taking time and examining "congruity" between the covenants and the Japanese Constitution; and that given the extensiveness of the covenants, it was not "unreasonable" that the ministry was taking time. Allowing ample time to bring Japanese law in conformity, especially with the C.P. Covenant, was deemed necessary, the MOFA official explained, particularly because

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<sup>10</sup> *Asahi Shinbun*, December 25, 1975.

<sup>11</sup> The House of Representatives Cabinet Committee on the International Covenants of Human Rights at the 77th Diet session on May 7, 1976.

it stipulated immediate domestic measures to be taken upon ratification, while the E.S.C. Covenant only required "progressive" domestic measures.<sup>12</sup>

On the contrary to the MOFA's willingness to work towards ratification, other regulatory ministries showed reservations about ratifying the covenants. The Ministry of Justice expressed a concern regarding article 20 of the C.P. Covenant, which calls for the prohibition of national, racial, or religious hatred advocacy or war propaganda.<sup>13</sup> While supporting the spirit of the article, the Justice Ministry was completely opposed to the article by arguing that it would interfere with the article 21 of the Japanese Constitution that assures the freedom of speech and expression.<sup>14</sup> The Ministry of Health and Welfare stated that the ministry was "basically in support for ratification (Wajima 1982:136-7) but it opposed to article 9 of the E.S.C. which recognizes the right of "everyone" to social security, including social insurance.

The Ministry of Labor voiced its formal reservation to two articles of the E.S.C. Covenant: the rights of trade unions and the right to remuneration for public holidays.

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<sup>12</sup> Article 2(1) of the International Covenant on Economic, Social and Cultural Rights provides: "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."

<sup>13</sup> Article 20 of the International Covenant on Civil and Political Rights states that:  
1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

<sup>14</sup> The Foreign Affairs Committee meeting of the House of Representatives on May 25, 1977 at the 80th Diet session.

Article 8 of the E.S.C. Covenant ensures the rights of trade unions, which corresponds to article 28 of the Japanese Constitution, which guarantees the right of workers to organize and to bargain and act collectively. Although the rights to organize, conduct collective bargaining, and dispute labor matters with employers (including strike and sabotage) are guaranteed to all workers under Japanese law, some categories of workers in Japan are denied one or more "labor rights," under the Japanese Public Corporation, Etc. Labor Relations Law. For example, police officers, fire fighters, and prison officers are denied all three rights, whereas the clerical workers of the national and local public service entities are only allowed to organize. The non-clerical employees of national public service and the employees of public enterprises<sup>15</sup> have the right to organize and to conduct collective bargaining but not the right to strike (Kawashima 1978:58). The Labor Ministry also expressed a reservation against article 7(d) of the E.S.C. Covenant, which ensures "rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays." It was argued that since remuneration for public holidays was properly a matter to be agreed upon between employers and employees, the enforcement of remuneration for public holidays by law was considered to be out of place (Gaimusho 1978:6).<sup>16</sup>

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<sup>15</sup> These public enterprises included the Nippon Telegraph and Telephone Public Corporation, Japan Tobacco and Salt Public Corporation, and Japan National Railway.

<sup>16</sup> While working conditions recognized in the article 7 of the E.S.C. Covenant such as minimum wages, safe and healthy working conditions, working hours, rest, and periodic holidays with pay are recognized by the Minimum Wages Law, the Labor Safety and Hygiene Law and the Labor Standards Law, respectively, no statutory provision in Japanese law guarantees leisure or remuneration for public holidays (Kawashima 1978:57). Therefore, Japan made a reservation regarding the segment of the article 7 of

The Ministry of Education expressed its opposition to article 13(b) and (c) of the E.S.C. Covenant that stipulates that secondary and higher education be made accessible by the progressive introduction of free education at the high school and college levels. Since neither sub-paragraphs (b) or (c) of the Article 13 in the E.S.C. Covenant appeared to have excluded private schools from its application, the Ministry of Education argued that such case would force education expenditures to increase substantially, thereby putting a burden on the states as well as adversely affecting the fundamentals of the private school system (Gaimusho 1978:6-7; Peek 1991:10).

At time of the first year anniversary after the E.S.C. and C.P. Covenants went into effect in 1976, there were 42 and 40 signatories for the E.S.C. and C.P Covenants, respectively, leaving Japan, the United States, and France as the only non-signatories among industrialized nations.<sup>17</sup> In Japan, the pending issue of the ratification was still stagnated at the stage of "inter-ministerial" adjustment. When the MOFA officials were questioned by Takuzo Ueda about the treatment of the Koreans in Japan in light of the covenants (especially their eligibility for the national pension plan) at a Diet session in March 1977, they simply gave the same explanation as the previous year, emphasizing the importance of making an honest effort towards ratification.<sup>18</sup> During a meeting in May 1977 with

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the E.S.C. Covenant at the time of signing the Covenant. Due to the large number of public holidays in Japan, the decision against article 7 by the government appeared to have been made for substantial savings in public and private sector wage payments (Peek 1991:9).

<sup>17</sup> Only 15 states signed the Protocol.

<sup>18</sup> The House of Representatives, the second subcommittee of the Budget on March 15, 1977 in the 80th Diet session. At the meeting, Foreign Minister Hatoyama stressed that

representatives from an Osaka-based human rights NGO,<sup>19</sup> Foreign Minister Hatoyama indicated that the ratification issue was no longer an administrative issue and it required a high level political judgement (Wajima 1982:134). The U.K. and West Germany's ratification of the covenants, as well as the Carter administration's signature of the covenants in October 1977 left France and Japan as the only non-signatory states among industrial states, thereby increasingly putting pressure on the MOFA. The Bureau Chief of the UN Affairs of the MOFA, Ohkawa stated that in this international climate, Japan could no longer postpone ratification of the covenants (Wajima 1982:135). In responding to President Carter's signing of the covenant, the MOFA officials reaffirmed Japan's intention to soon become a signatory to the covenants, as they were already anticipating increased international criticism directed toward Tokyo for not having signed the Covenants.<sup>20</sup>

Japan's non-signatory status on the international human rights covenants was an embarrassment and a serious concern to the MOFA officials, as this was also the time the international community began demanding the Japanese government to become an active participant in international politics. During a U.S.-Japan summit meeting in March 1977, President Carter encouraged Prime Minister Fukuda that Japan should exercise political influence in East Asia commensurate with its economic power, and expressed his administration's support for the Japanese government's candidacy for permanent membership

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the Japanese government must make a honest effort towards ratification.

<sup>19</sup> The NGO is known as the Osaka Citizen's Conference on the Promotion of Japan's Ratification of the International Human Rights Covenants.

<sup>20</sup> *Asahi Shinbun*, October 6, 1977.



on the U.N. Security Council. To this rising expectation of an increased role of Tokyo in the world politics, Prime Minister Fukuda reassured the United States that Japan would become a *keizai taikoku* (economically great nation) without weapons.<sup>21</sup> The similar sentiment was also expressed at the U.S.-Japan Private Sector Conference held in September 1977. Some members of the Japanese Diet conceded that the overall reaction of the U.S. participants at the conference was to urge Japan to come to realization of its position and influence in the world politics and to clearly define its role in the world and act accordingly. Senator Glenn, the chair of the subcommittee on East Asia and the Pacific, of the Foreign Affairs Committee, complaining about Japan's free-ride on the U.S. security umbrella, presented a wide scope of demands to the Japanese government that included trade-surplus reduction, increased foreign aid, and expansion of defense expenditures. It was reported that his statement summarized the overall reaction of the U.S. participants that Japan should question their current style of diplomacy of pursuing economic benefit via its inactive (translated as *shokyoku-teki*) diplomacy.<sup>22</sup>

### **Emergence of the Vietnamese Refugee Issue**

The Ministry of Foreign Affairs was under pressure from the United States on another front in 1977. In response to the growing influx of Vietnamese refugees, the U.S. government had been accepting the largest number of Vietnamese refugees and informally asking other major states, including Japan to accept Vietnamese refugees for permanent

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<sup>21</sup> *Asahi Shinbun*, March 23, 1977.

<sup>22</sup> *Asahi Shinbun*, September 5, 1977.

settlement.<sup>23</sup> The United States maintained that the issue be solved internationally, and Washington informally urged Tokyo to improve its "refugee policy."<sup>24</sup> In the past, the Japanese government refused to admit any permanent settlement of refugees on the ground of limited space, large population and homogeneity of the society in Japan. The Justice and Foreign Affairs Ministries explained to the international public opinion that Japan was placed under an "unusual circumstance," arguing that it did not have any tradition of accepting immigrants in the past or possessed a governmental agency or facilities dealing with refugees;<sup>25</sup> a limited land space with a large population, left Japan with no space for any additional immigrants. In addition, the government argued that it would be difficult for refugees to assimilate into the Japanese society, as it is a homogeneous nation.<sup>26</sup> It was doing

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<sup>23</sup> *Asahi Shinbun*, August 5, 1977. The U.S. Under Secretary of State Richard Holbrook testified at a hearing of the House subcommittee on Immigration, Citizenship, and International Law of the Judiciary Committee that the U.S. government had asked other states informally to accept Vietnamese refugees and made clear that the U.S. government were going to make an official appeal. At this point, the United States had been accepting 146,000 Vietnamese refugees. This meeting was held to gain understanding and support from the congress on accepting an additional 15,000 refugees from Vietnam and Laos. According to Holbrook, as the government anticipated the emergence of debate on refugees as a result of admitting 15,000 Vietnamese into the United States, he indicated that the United States would also make a diplomatic effort to ask other states to share the burden.

<sup>24</sup> *Asahi Shinbun*, September 15, 1977.

<sup>25</sup> Refugee matters used to be handled by the U.N. Affairs Bureau of the MOFA. The Japanese government did not establish any departments related to refugees until 1979 when the MOFA designated a desk on "Southeast Asian Refugee Issues" (or *Tonan Ajia Nanmin Mondai Taisakushitsu*) within the MOFA's Asian Affairs Bureau. Five years later the desk was absorbed into the Human Rights and Refugee Section within the U.N. Affairs Bureau of the MOFA.

<sup>26</sup> To these excuses, an article titled, "What Will Japan Do About Vietnamese Refugees," in *Asahi Shinbun* on September 15, 1977 introduced the international response

its best, Tokyo emphasized, to accommodate refugees by extending the temporary stay period in Japan for those refugees other countries were not willing to accept.<sup>27</sup>

In response to the mounting international criticism and an arrival of 1,125 Vietnamese refugees in Japan, Justice Minister Fukuda convened an emergency meeting in September 1977 in which Foreign Minister Hatoyama, and the Cabinet Secretariat Sonoda discussed Japan's fundamental stance on the increasingly intensifying refugee issue by considering the possibility of their "permanent settlement" or *teiju* in Japan.<sup>28</sup> The arrival of the Vietnamese refugees forced the Justice Minister to quickly outline the ministry's course on the issue and to consider examining all the existing government facilities for hosting refugees; giving technical and occupational training for refugees to gain employment; and increasing budget for refugees. For the case of Vietnamese refugees, they decided to modify the rule by increasing financial assistance to the UN activities for the Vietnamese refugees; providing occupational/practical/agricultural training for refugees; extending a 30-day temporary stay period; and securing public facilities for refugees who were already in

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that Japan was not exactly a homogeneous nation, given the presence of the Korean minority, with the lowest unemployment rate. Assimilation will always be a problem for any country, no matter where refugees decide to settle. The article criticized the Japanese government's real concern, which was the government's decision to allow the Vietnamese refugees' permanent settlement in Japan would trigger a series of other political refugees from other countries, causing political problems for Japan. Of 1125 Vietnamese refugees who arrived in Japan, three hundred and forty requested to go to the United States and other countries. The remaining refugees were temporarily hosted at the religious and non-governmental organizations' facilities.

<sup>27</sup> *Asahi Shinbun*, September 15, 1977.

<sup>28</sup> *Asahi Shinbun*, September 12, 1977. At the September 9th press conference, the Cabinet Secretariat Sonoda stated that there were two ways of dealing with refugees; one was temporary stay (*taigu*) and the other, permanent settlement (*teiju*).

Japan.<sup>29</sup> However, considering the "limitations" and "special circumstance," the Ministers, at this point, decided to continue the old strategy of not accepting refugees' permanent "settlement" as a general rule.

The government's emergency remedies, however, were criticized by the Japanese media as superficial, thereby not alleviating the international criticism of Japan's "non-human rights diplomacy."<sup>30</sup> The government's temporary strategies of dealing with the Vietnamese refugees was also questioned by the opposition in the parliament. Foreign Minister Hatoyama, in his answer to a question posed by a JSP leader, Takako Doi, during the House of Representative Foreign Affairs Committee meeting, expressed the difficulty of coming to any decisions regarding on the permanent settlement of the Vietnamese refugees in Japan, indicating its passive stance on the issue.<sup>31</sup> In order to fend off such international and domestic criticism and to search for immediate solutions for the Vietnamese refugees temporarily staying in Japan, the Asian Affairs Bureau Chief of the MOFA called for immediate measures, such as setting up governmental living facilities for refugees, simplifying immigration procedure, and giving a financial assistance for refugees' medical care.<sup>32</sup> When the Joint Ministerial Conference on the Vietnamese Refugees (or *Vietnam nanmin taisaku renraku kaigi*) was established within the Office of the Cabinet Secretariat to coordinate efforts on improving the treatment of the Vietnamese refugees arriving in

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<sup>29</sup> *Asahi Shinbun*, September 15, 1977.

<sup>30</sup> *Asahi Shinbun*, September 9 and 15, 1977.

<sup>31</sup> *Asahi Shinbun*, September 17, 1977.

<sup>32</sup> *Asahi Shinbun*, September 17, 1977.

Japan, the first meeting was held among the Justice, Foreign Affairs, Finance, Health and Welfare, Transportation, Agriculture, Forestry and Fisheries, Home, and Labor Ministries along with the Prime Minister's Office. While the Joint Ministerial Conference decided to continue securing public shelter facilities; relaxing immigration requirements for refugees; supplying medical care; increasing the budget for the Vietnamese refugees; and providing occupational practical/technical and language training, they could not come to an agreement on allowing the Vietnamese refugees permanent settlement in Japan due to the strong opposition of the regulatory ministries.<sup>33</sup>

The MOFA was also frustrated with the Justice Ministry's adamant adherence to the strict immigration restrictions regarding refugee's entry into Japan, which was creating a chaos. The Justice Ministry was especially sensitive to extending the duration of refugees' temporary stay in Japan, as it was concerned with the cost it would incur and the possibility of their indefinite stay in Japan. With the pressing Vietnamese refugees situation in September 1977, the Justice Ministry finally decided to extend the 30-day limit to their stay in Japan, and to waive other old requirements, as the old procedure became too time-consuming and other countries started complaining about Tokyo's strict immigration restrictions.<sup>34</sup> The only requirement the Justice Ministry still insisted was the guarantee

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<sup>33</sup> *Asahi Shinbun*, September 18, 19 and 20, 1977.

<sup>34</sup> In the past, it had been a customary procedure for the Justice Ministry to request to the governments whose boats rescued the refugees the cost of their temporary stay (not exceeding over 30 days) in Japan as well as the cost of transporting them to the country of their settlement, in addition to a guarantee of relocation from the host country of the refugee's choice. Unless these requirements were fulfilled, the Justice Ministry never allowed refugees to enter into the country in the past. Since the Office of the U.N. High Commissioner for Refugees (UNHCR) decided to provide its financial guarantee to

from the host countries' guarantees of relocating refugees to their countries, as the ministry was afraid of refugees staying in Japan indefinitely.<sup>35</sup>

In October 1977 at its peak, the Japanese government was confronted with 850 Vietnamese temporarily staying at 30 private facilities.<sup>36</sup> Despite the government's decision to explore governmental facilities for hosting and provide technical and occupational training for the Vietnamese refugees, no improvement was observed on the treatment of the refugees; all the Vietnamese refugees were still staying at NGOs' temporary facilities with no prospect for settlement in Japan. At the LDP's executive council (or *Somukai*) in November 1977, the LDP members criticized the bureaucratic agencies for their failure to institute concrete policy projects on the issue, and pronounced that the LDP would proactively consider accepting Vietnamese refugees, and allocating a budget for medical care, living facilities, and occupational training for refugees and communicated its policy stance to the government.<sup>37</sup>

Responding to the UNHCR's request to allow employment as well as to secure public living facilities for the Vietnamese refugees, the Joint Ministerial Conference on the Vietnamese Refugees within the Office of Cabinet Secretariat decided in December 1977 to allow employment for those who were staying in Japan temporarily. Under the new rule, the

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Tokyo for the Vietnamese refugees' temporary stay, the Justice Ministry stopped asking for the reimbursement.

<sup>35</sup> *Asahi Shinbun*, September 18, 19 and 20, 1977. On the other hand, the MOFA still insisted that such requirement of getting a guarantee from the UNHCR was not necessary as the UNHCR offered a guarantee of settlement assistance for refugees or (*teijuu assen hoshō*). This issue was to be discussed later at the inter-ministerial meeting.

<sup>36</sup> *Asahi Shinbun*, December 22, 1977.

<sup>37</sup> *Asahi Shinbun*, November 11, 1977.

Vietnamese refugees became eligible for gaining employment through the employment security office, if such arrangement did not "disturb" the community living environment at the refugee facilities. The Head of the Immigration of the Justice Ministry, Tadamasa Kuroki maintained that allowing employment for refugees were by no means permission to settle in Japan. Only in case of a prolonged temporary stay, refugees, if so they desire, were allowed to have a temporary employment. The Immigration Section Chief Yamano of the Justice Ministry, who had been strict on employment of foreign residents in Japan, stated that as far as their employment did not pose a threat to the society, the Justice Ministry would not oppose such arrangement.<sup>38</sup> As of December 21, 1977, 469 Vietnamese were living at 19 facilities. It was expected about 300 people were going to stay in Japan for the winter, qualifying for the extension of their temporary stay.<sup>39</sup>

The Japanese government's decision to allow the Vietnamese refugees' permanent settlement was finally made in prior to the U.S.-Japanese summit meeting scheduled on May 3, 1978. The Cabinet understanding (*kakugi ryokai*) was finally reached on April 28 to allow permanent settlement to the Vietnamese refugees who were regarded by the Japanese government to be a "conscientious participant" to the Japanese society, and/or an orphan. With the United States announcement of their plan to accept more Vietnamese refugees in January along with its demands on Japan for an increased effort for the refugee issue, the Japanese government had been considering the permanent settlement of refugees in Japan. This Cabinet understanding was to deflect the U.S. and international criticism on Japan's lack

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<sup>38</sup> *Asahi Shinbun*, December 11, 1977.

<sup>39</sup> *Asahi Shinbun*, December 22, 1977.

of cooperation in dealing with the Vietnamese refugee issue.<sup>40</sup> During the U.S.-Japan summit meeting, the discussion was focused on the roles of the United States and Japan in the world, especially on how the two countries would share responsibilities in the international community. President Carter reconfirmed the U.S. commitment to the security of Asia while Prime Minister Fukuda pledged to increase Japan's foreign aid, especially grants to developing nations by doubling the current foreign aid within three years. Prime Minister Fukuda, in response to President Carter's human rights diplomacy, indicated the Japanese government's effort by giving financial assistance to the Vietnamese refugees.<sup>41</sup>

### **Ratification of the C.P. and E.S.C. Covenants**

In order to lobby for an early signature of the International Human Rights Covenants, Foreign Minister Sonoda made an urgent appeal at the House of Representatives Budget Committee meeting on February 1, 1978 that in order to smoothly conduct diplomacy with many states, it was essential that the Japanese become more internationalized and work hard towards an early signing of the human rights covenants.<sup>42</sup> Yet, the signing the covenants was especially being delayed by the Labor Ministry's opposition to remuneration for public holidays, the right to strike of workers at the public enterprises, fire-fighters' right to collective bargaining and the right to dispute matters with employers as well as the Education Ministry's progressive introduction of free education at high schools and universities.<sup>43</sup> In

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<sup>40</sup> *Asahi Shinbun*, May 2, 1978.

<sup>41</sup> *Asahi Shinbun*, May 4, 1978.

<sup>42</sup> *Asahi Shinbun*, February 2, 1978.

<sup>43</sup> *Asahi Shinbun*, February 14, 1978.



addition to these ministerial opposition, the government officials were also concerned that the Covenants' provision on equal treatment of all peoples and a clause on non-discrimination would force the government to examine the rights and benefits, and the legal status of the Korean residents in Japan.<sup>44</sup> After a long period of inter-ministerial adjustment, the ministries reached a tentative compromise to attach a reservation regarding the points of contention to the Covenants upon signature.<sup>45</sup>

Meanwhile, the MOFA officials were seriously concerned about Japan's lack of non-signatory status to the Covenants. After the Carter Administration of signature of the Covenants in October 1977, Japan and France were going to be the only non-signatories among the industrial nations. However, since France had already been a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which the MOFA regarded to be a more rigorous human rights treaty, the officials felt that Japan was virtually the only industrial nation that was not a member of the Covenants and were determined to persuade other ministerial opposition as soon as possible.<sup>46</sup> In addition, as some high-ranking MOFA officials revealed, Japan's signing of the Covenants was considered absolutely critical so as not to lose any more trust of the international community; it was the MOFA officials' perception that the Tokyo government came under a harsh

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<sup>44</sup> Hiroshi Honma (1978:34), a member of the Legislation Research Bureau of the National Diet Library, attributes one of the reasons for the long inter-ministerial "adjustment" to the government's unwillingness to be subjected to the consideration on the rights and legal status of Korean residents in Japan.

<sup>45</sup> *Mainichi Shinbun*, January 30, and February 2, 1978.

<sup>46</sup> *Mainichi Shinbun*, May 28, 1978.

international criticism in handling the Vietnamese refugee issue because Japan had not even signed the International Human Rights Covenants.<sup>47</sup> The MOFA had a convincing reason to be worried about the progress of the negotiation. In the beginning of 1979 on the occasion of the opening of the resumed session of the Diet, Foreign Minister Sonoda was planning to emphasize the importance of human rights in his foreign policy statement. Since he was firmly convinced that the promotion of education on human rights was meaningful, he felt the principle of non-discrimination should have been stressed in his speech with a view to promoting the awareness of the Japanese people to international affairs, in which human rights started playing an increasingly crucial role.<sup>48</sup> He was, however, forced to abandon the idea of immediate ratification, when he met with strong opposition from a segment of the LDP.

In general, the LDP members of the parliament did not show enthusiasm towards ratification of the Covenants. According to the survey conducted by the Amnesty International of Japan in summer of 1978, among the members of the Diet regarding on the covenants, it was revealed that the members of the LDP had shown themselves much less interested even reluctant in the early ratification of the two Covenants than the members of

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<sup>47</sup> *Mainichi Shinbun*, February 2, 1978.

<sup>48</sup> The House of Councillors Foreign Affairs Committee on February 16, 1978. At the same meeting, Foreign Minister Sonoda also conveyed the urgency of ratifying the human rights covenants so as not to lag behind other states, thereby being isolated in the international community. In order to truly move onto the center stage of the international stage, he continued, Japan must internationalized itself. He contended that the reason behind the "unfair criticism" Tokyo had been receiving on the issue of Vietnamese refugees was mainly due to such stall in Japan's internationalization.

the opposition parties.<sup>49</sup> The delay in signing the covenants generated criticism from the opposition at the parliament. At the House of Representatives Budget Committee meeting, pointing out that Japan was the only industrialized nations which had not signed the covenants, the JSP's Shin-nen Tagaya urged the Foreign Minister to sign the Covenants. Sonoda agreed with Tagaya that it was not respectable that Japan fell behind other states on this matter; and that he would lobby hard to bring the domestic legal system in accordance with the covenants soon (so that Japan would be able to sign the covenants).<sup>50</sup> At the same House of Representatives Budget Committee meeting, the Secretary General of the Clean Government Party (or *Komeito*), Yano questioned the government how it planned to resolve the issue of the public sector workers' right to strike, pressuring the government to recognize their basic labor right. Drawing attention to the West European leaders' criticism on Japan's substandard labor conditions, Yano criticized the government for not meeting the international standards set by other industrialized nations, and warned not to further strain Japan's relations with them that had been already hurt by trade friction.<sup>51</sup>

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<sup>49</sup> *Yomiuri Shinbun*, May 17, 1978.

<sup>50</sup> *Asahi Shinbun*, February 2, 1978.

<sup>51</sup> *Asahi Shinbun*, February 2, 1978. This was the first time the Komeito touched upon the labor strike issue at the Diet session. This was a result of the Komeito's agreement with the Japan Postal Workers' Union in the summer of 1977 to form a cooperative relationship; since then, they had been adjusting their interests on the issue of the public sector workers' right to strike. The questioning by Yano was a step towards expanding the scope of the debate on the strike which the JSP had been working on all along. The Komeito had been supporting the public sector workers' right to strike under certain conditions (taking appropriate measures such as notifying the public and the employers so as not to disturb the public order and citizens' lives and protect the public interests) since 1975.

When the ministerial proposal was forwarded to the LDP for an approval for the later submission to the parliament, the reaction of the LDP Diet members was divided. The most members of the LDP Foreign Affairs Research Council approved the inter-ministerial proposal, while it was met with a strong resistance from the members of the Policy Affairs Research Council's Labor Division on allowing the right of public workers to strike.<sup>52</sup> In hope of adjusting the differences among the LDP parliamentarians, the Foreign Affairs Research Council Subcommittee on International Human Rights was newly established.<sup>53</sup> The subcommittee discussion was focused on whether the government would allow fire-fighters and police officers the right to collective bargaining in light of the article 8 of the E.S.C. covenant to which the members of the LDP Labor Division who remained strongly opposed.<sup>54</sup> Besides the issues of the public workers' right to strike and remuneration for public holidays, and progressive introduction of free education at senior high schools and universities, there was also a strong sentiment among a segment of the LDP against granting the national treatment to long-term foreign residents in Japan in the area of social security, and allowing them to be engaged in political activities.<sup>55</sup> Hiroshi Honma, a member of the Legislation Research Bureau of the National Diet Library, attributed one of the reasons for

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<sup>52</sup> *Asahi Shinbun*, February 14, 1978, and *Mainichi Shinbun*, February 13, 1978.

<sup>53</sup> *Mainichi Shinbun*, February 14, 1978. The Subcommittee on International Human Rights consisted of 30 LDP parliamentarians, including the members of the PARC Divisions of Labor, Education, Local Governments, Judicial Affairs, and the Foreign Affairs.

<sup>54</sup> *Asahi Shinbun*, February 14, 1978.

<sup>55</sup> *Asahi Shinbun*, February, 25 and May 28, 1978.

the delay in signing the Covenants to the government's unwillingness to consider on the rights and legal status of Korean residents in Japan (1978:34). After two weeks of deliberation, the subcommittee as a whole decided to second the ministerial proposal, however with a disclaimer that the government would continue its probe regarding the issue of granting the national treatment to long-term foreign residents in the area of social security.<sup>56</sup>

On February 24, 1978, the MOFA announced that the government was able to submit the ratification legislation for the concurrent session of the Diet, and Foreign Minister Sonoda signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights at the UN Headquarters in New York on May 30, 1978. The final decision came with three reservations and one declaration of interpretation. Japan reserved the right not to be bound by "remuneration for public holidays" referred to the provisions paragraph (d) of article 7 of the Economic Covenant; the right not to be bound by the provisions of sub-paragraph (d) of paragraph 1 of article 8 of the Economic Covenant except in relation to the sectors in which the right referred to in the said provisions is accorded;<sup>57</sup> and the right not to be bound "in particular by the progressive introduction of free education" referred to the provisions of sub-paragraph (b) and (c) of paragraph 2 of article 13 of the Economic Covenant (Saito 1981:79).

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<sup>56</sup> *Mainichi Shinbun*, March 1, 1978.

<sup>57</sup> This sub-paragraph is to ensure the right to strike, provided that it is exercised in conformity with the laws of the particular country.

On June 14, 1978 at the 84th session of the Diet, the government submitted for the approval by the Diet legislation providing for ratification of the Covenants. The ratification was debated in the Diet at the House of Representatives, Foreign Affairs Committee, 87th Diet session, from March 16 to May 8, 1979, and at the House of Councillors, Foreign Affairs committee, 87th Diet session, from May 8 to June 5, 1979. At the meetings, questions regarding the delay in decision to sign the covenants were repeatedly raised by members of the Committee. At the time when the legislation was finally introduced, Foreign Minister Sonoda attributed the major reason for delay in the ratification decision to the "objections" expressed by several ministries.<sup>58</sup> The MOFA's UN Affairs Bureau Chief also explained the delay by pointing to the extensive nature of the two Covenants dealing with a wide scope of human rights concerns, thereby taking some time to ensure article-by-article agreement from the various ministries concerned, depending on the kind of human rights involved (Saito 1981:95).<sup>59</sup>

During the Diet session, Foreign Minister Sonoda spoke in detail about the development of the international environment in which human rights as an issue had moved to the center stage of international relations to the point that the Japanese government would not effectively pursue its diplomacy with other states on an equal footing without being a

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<sup>58</sup> The House of Representative Foreign Affairs Committee on June 14, 1978 at the 84th Diet session. At the same meeting, Foreign Minister Sonoda specifically mentioned the objections to specific areas in the covenants were raised by the Health and Welfare Ministry and the Justice Ministry. Yet, he also added that the Justice Ministry, in the end was cooperative.

<sup>59</sup> The House of Representatives Foreign Affairs Committee on March 23, 1979 at the 87th Diet session.

party to the Covenants.<sup>60</sup> Pointing to the international criticisms on the lack of Japan's contribution to the issues on human rights and refugees, he also repeatedly emphasized the importance of adjusting the domestic legal system in accordance with the progressing values of the international society, which Sonoda believed to be in the interest of the Japanese people.<sup>61</sup> In response to a question regarding the benefits to be gained from Japan's ratification of the covenants, Sonoda stated that besides the improved human rights guarantees in terms of domestic law, Japan would contribute to the universalization of the protection of human rights by urging other states which had not yet become parties, to take part in the community of the states parties to the covenants (Saito 1981:94).<sup>62</sup> Criticizing the three-point reservations to be made upon signature, Sonoda regretted the fact that due to the lack of time, agreement had not been reached among the ministries concerned. By appealing to the Diet for approval of ratification after thorough and speedy deliberation, he affirmed that the government would do its best to remove the reservations at the earliest appropriate

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<sup>60</sup> The 87th Diet session the House of Representatives Committee on Foreign Affairs on March 16, 1979. The similar view was also confirmed by the MOFA's UN Affairs Bureau Chief attending an conference on the international human rights covenants sponsored by various NGOs in April 1979, who commented that the ratification of the C.P. and E.S.C. Covenants were a minimum-standard [law] of the international community to which Japan should conform (*Jinken Shinbun* on May 25, 1979).

<sup>61</sup> The House of Representatives Foreign Affairs Committee at the 87th Diet session on March 16, 1979. At the same meeting Foreign Minister Sonoda also criticized the diplomacy of distributing money without getting itself committed to the human rights and refugee issues.

<sup>62</sup> The House of Representative Foreign Affairs Committee on June 14, 1978 at the 84th Diet session.

time (Saito 1981:95).<sup>63</sup> Regarding the Optional Protocol, the MOFA's UN Affairs Bureau Chief stated that while questioning the effectiveness of the individual-communication system provided in the Protocol, the Japanese government would pursue a "wait-and-see" policy on the matter for the time being, as it did not want to lag behind others in valuing the examination system by the Human Rights Committee.<sup>64</sup>

While being enthusiastic about the ratification of the human rights covenants, the MOFA representatives' responses to the questions raised regarding the treatment of the Korean residents were rather lukewarm. During the House of Representatives Foreign Affairs Committee in May 1979, the MOFA officials were asked how the ratification would benefit the Korean residents in Japan. Foreign Minister Sonoda, in essence, answered that the MOFA intended to work on the pending issues of housing, pension, and welfare for the Korean residents, however, the ratification of the covenants would not immediately resolve them due to the budgetary problems. The UN Affairs Bureau Chief of the MOFA pointed out the difficulty of immediate resolution to these issues, as they would involve interministerial consultation.<sup>65</sup> The E.S.C. and C.P. Covenants were ratified by the Japanese

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<sup>63</sup> The House of Representative Foreign Affairs Committee on March 16, 1979 at the 84th Diet session.

<sup>64</sup> The House of Representatives Foreign Affairs Committee on March 23, 1979 at the 87th Diet session. The MOFA's UN Affairs Bureau Chief appeared to have taken comfort in the fact that only 21 states had signed the Optional Protocol in justifying Japan's abstention in signing the Protocol. The MOFA seemed to have considered the Protocol merely as a supplementary measures of implementation of the covenants.

<sup>65</sup> The House of Representatives Foreign Affairs Committee on May 8, 1979 at the 87th Diet session.



Diet on June 21,<sup>66</sup> right before Japan's very first Tokyo summit meeting scheduled in the end of June, 1989. As a result of the ratification, the Ministry of Construction decided to grant eligibility for taking loans from the Public Housing Loan Corporation and the Japan Housing Corporation and for application for the public housing which had been closed to all the foreign residents in the past.<sup>67</sup>

### **Upgrading the Government Effort for the Vietnamese Refugees**

While endorsing the ratification of the international human rights covenants, Foreign Minister Sonoda, along with Prime Minister Fukuda, was also faced with international pressure to influence the Tokyo government to increase contribution to the quickly mounting Vietnamese refugee issue. Prior to attending an international conference on the Southeast Asian region refugees hosted by the UNHCR in Geneva in December 1978, Foreign Minister Sonoda was compelled to present a new direction by increasing financial assistance to the UNHCR. It was the Minister and the MOFA's judgement that if Japan allowed any further delay in upgrading its effort of grappling with the refugee issue, then it would negatively affect Japan's diplomacy with Asian states.<sup>68</sup> At the refugee conference in which 36 country representatives participated, the Japanese government announced to give \$10 million as an

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<sup>66</sup> These covenants entered into force on September 21, 1979.

<sup>67</sup> *Asahi Shinbun*, June 15, 1979. At the House of Representative Foreign Affairs Committee meeting on May 8, 1979, the Housing Bureau Chief of the Construction Ministry commented that his ministry would be considering granting to foreign residents loan eligibility for the Public Housing Loan Corporation and application eligibility for public housing in light of Japan's ratification of the human rights covenants. The eligibility used to be limited to the Japanese by the Construction Ministry due to the scarcity of affordable housing for the middle class Japanese citizens.

<sup>68</sup> *Asahi Shinbun*, December 11, 1978.

emergency measures to support the Vietnamese refugees, in addition to its prior pledge of \$1.4 million.<sup>69</sup> Although Japan's financial assistance towards refugees was large, its lack of commitment to actually accepting refugees for long-term settlement struck a contrast to other states' pledged to do so. For example, the U.S. government announced that it would increase the number of refugees for settlement to 51,000 by the following spring and raised its financial assistance of \$5 million (totaling \$13 million); since April 1975 the United States had already accepted 175,000 Indo-Chinese refugees.<sup>70</sup> France announced it would accept 12,800 refugees; Australia, 10,500; Canada, 3,400; West Germany, 1,700; New Zealand, 600; the U.K., 500; Austria, Belgium, Denmark, Norway, Switzerland each decided to host 200-400 refugees. Yet, the Japanese government gave an excuse that the reason why Japan only accepted three Vietnamese refugees for permanent settlement was that very few refugees indicated their wish to settle in Japan, and stated that Tokyo's cooperation would be limited to financial assistance.<sup>71</sup>

Criticized by other governments especially of the ASEAN nations for its passivity toward actively grappling with the issue at the Southeast Asian region refugee conference, the MOFA pushed for a further relaxation of refugee settlement requirements; and a

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<sup>69</sup> The MOFA was also considering giving financial assistance to the medical and aid facilities for refugees located in Thailand and Malaysia as well as accepting an increased number of refugees for settlement in Japan (*Asahi Shinbun*, December 11, 1978).

<sup>70</sup> *Asahi Shinbun*, December 12, 1978.

<sup>71</sup> *Asahi Shinbun*, December 14, 1978.

substantial increase in financial assistance to the UN, Malaysia, and Thailand.<sup>72</sup> At the December 26 Cabinet meeting, Foreign Minister Sonoda announced the Japanese government planned to provide an additional \$2.5 million by the end of the fiscal year for refugee financial assistance to the UNHCR, and would provide \$10 million in the following fiscal year to the UNHCR. In addition to this assistance, Sonoda lobbied other ministries to make it easier for refugees to settle in Japan.<sup>73</sup> His effort was enhanced even more when the MOFA officials learned that the U.S. government would officially initiate as an agenda Japan's "burden-sharing" in the refugee issue at the upcoming Carter-Ohira summit meeting scheduled in May 1979. The MOFA decided to disburse its emergency financial assistance to Thailand prior to Prime Minister Ohira's visit to the United States. Pointing out to the international criticism on non-signatory status of Japan to the Refugee Convention, Sonoda appealed to other ministries that as the ratification was a matter of humanitarian issue critical for the stability of Southeast Asia, it is advisable to adjust the domestic legal system for an early ratification of the Refugee Convention.<sup>74</sup> Anticipating the "*gaiatsu*" at the forthcoming Tokyo Summit meeting, the MOFA decided to allow permanent settlement of 500 refugees

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<sup>72</sup> Although Japan's financial assistance of \$ 7.7 million ranked the second to the U.S. assistance of \$8.5 million, the number of refugee settlement in Japan was conspicuously low (*Asahi Shinbun*, December 15, 1978).

<sup>73</sup> *Asahi Shinbun*, December 26, 1978.

<sup>74</sup> *Yomiuri Shinbun*, March 27, 1979.

in Japan,<sup>75</sup> and Sonoda successfully persuaded other ministries to accept 500 Vietnamese refugees for permanent settlement in Japan.<sup>76</sup>

A pre-Tokyo summit meeting held in May 1979 between Prime Minister Ohira and President Carter was one of the catalysts in inciting Japanese leaders' *taikoku* consciousness. Interviewed on his meeting with President Carter, Prime Minister Ohira revealed that in the course of the meeting, he had come to realize how highly the United States evaluated Japan's influence and role in the world community and how influential and powerful Japan was. An awareness of the intensifying dissatisfaction of the U.S. government with Japan's lack of political responsibilities commensurate with its economic power was raised during Ohira's meetings with members of the Congress; the Prime Minister was specifically told by some members that Japan's answers to U.S. dissatisfaction should be replied in concrete action

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<sup>75</sup> According to Fukuda (1979:23) from the U.N. Public Relations Center in Tokyo, she observed a drastic change in Japan's "no refugee (acceptance)" policy of 1978 right before the Tokyo summit meeting and attributed this drastic decision to allow refugee settlement in Japan to the government's anticipation of *gaiatsu* on Tokyo to contribute more to the refugee crisis.

<sup>76</sup> *Asahi Shinbun*, April 3, 1979. At the Cabinet meeting (*kakugi ryokai*) in April 1979, it was decided to accept 500 Vietnamese refugees to permanently reside in Japan. The cabinet understanding was reached on the following three points; admitting 500 Indo-Chinese refugees for settlement; waving the requirement for having a sponsor in Japan for refugees in good health with means to make an independent living in Japan; and providing refugees with occupational training and assistance for job search. Priority for refugee settlement was decided to be placed on the Indo-Chinese refugees who have been temporary staying in Asian countries with some sort of ties to Japan, including via marriage or familial ties to those who have been living in Japan; experiences of having worked for Japanese corporations and embassies over a year; and experience of having studied in Japan over a year. Exchange students (foreign students) from Vietnam, Cambodia, and Laos who entered Japan before 1975 for the purpose of studying and had not been able to return home were also to be given a special consideration and status (besides from the refugee status stated above) for settlement in Japan.

(such as reducing the enormous trade surplus with the United States) and not in words (of promises). This, Ohira continued, deepened his realization that political responsibilities in the world politics must come with economic influence. While Ohira pledged to resolve the U.S.-Japan "trade friction" or *keizai masatsu*, Carter reaffirmed the U.S. commitment to the Asian security by maintaining its political, economic, and security presence in Asia. The pending issue in the region, Carter pointed out to Ohira, was the issue of the Vietnamese refugees whom the U.S. government had been making an effort to accept for permanent settlement in the United States, and President Carter asked for Japan's cooperation in the matter.<sup>77</sup>

Prior to the first Tokyo summit meeting hosted by the Japanese government, a series of international pressures to take more initiatives in accepting the Vietnamese refugee were being placed on Tokyo. The focus of attention was placed on the Japanese government for not doing enough for the refugee issue. While Ohira was visiting President Carter, the U.N. Secretary General Walheim, during his visit to Asia, stopped by in Japan on May 4 to meet with Minister of International Trade and Industry Ezaki (on behalf of Prime Minister) to make an official plea for Japan's support and cooperation on establishing a temporary refugee center (planned by the ASEAN states) under the UNHCR. Ezaki replied that the Japanese

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<sup>77</sup> *Asahi Shinbun*, May 4, 1979. According to the House of Representatives Foreign Affairs Committee meeting record on May 8, 1979 at the 87th Diet session, Foreign Minister Sonoda commented that President Carter specifically pointed out to Sonoda the fact that Japan had allowed only three Vietnamese refugees for permanent settlement, which reaffirmed Sonoda's realization that human rights were increasingly becoming the integral element of diplomacy. Sonoda also stated on the MOFA's stance that Japan's domestic system characterized by insularity must be changed into something more open to the protection of human rights with Japan's signature of the international human rights covenants.

government was very much interested in resolving the Vietnamese refugee issue and would work towards cooperating with other states.<sup>78</sup> Soon after the Waltheim visit, the MOFA learned that Prime Minister Thatcher was going to introduce the refugee issue as a formal agenda at the Tokyo summit meeting scheduled on June 28 and 29. Bombarded with an influx of refugees into Hong Kong from the greater Vietnam area, the U.K. had asked the Japanese government to increase its cooperation for dealing with the refugee issue. The MOFA also learned that Prime Minister Thatcher wrote to the U.N. General Secretary Waltheim to address the refugee issue as an international issue and suggest an international conference on the subject matter.<sup>79</sup> At the height of the Vietnamese and Cambodian refugee crises in 1979 and as a host of the Tokyo summit meeting in June 1979, the Japanese government had no choice but to make a serious pledge commensurate with Japan's responsibility as an economically influential state.<sup>80</sup>

Prior to President Carter's arrival in Japan for the Tokyo summit meeting, the MOFA announced a new policy of accepting 500 refugees for permanent settlement in Japan.<sup>81</sup> During his meeting with the U.S. Secretary of State Vance, Foreign Minister Sonoda explained that the Japanese government was going to appeal to the Vietnamese government to take appropriate measures to stop the outflow of refugees and would substantially increase

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<sup>78</sup> *Asahi Shinbun*, May 4, 1979.

<sup>79</sup> *Asahi Shinbun*, June 7, 1979.

<sup>80</sup> An excerpt from an article written by a former Section Chief of Human Rights and Refugees, the U.N. Affairs Bureau of the MOFA, Toshio Tsunozaki (Tsunozaki 1992:51).

<sup>81</sup> *Asahi Shinbun*, June 29, 1979.

financial assistance to the UNHCR.<sup>82</sup> Prime Minister Ohira was again asked by President Carter to contribute to financial burden-sharing for the refugee matter.<sup>83</sup> And finally, Chief Cabinet Secretary Tanaka announced the Tokyo's determination to work towards resolution of the refugee issue by relaxing the conditions for refugees' temporary stay in Japan; increasing financial assistance to the UNHCR; and expanding the scope of assistance to the ASEAN temporary refugee centers.<sup>84</sup> The summit ended with a communiqué regarding the refugee issue to appeal for a more coordinated effort to take appropriate measures to welcome refugees from Vietnam and its neighboring area into their countries in which Prime Minister Ohira and President Carter agreed to coordinate efforts to deal with the refugee issue.<sup>85</sup>

Contending that such growing importance of Japan's diplomacy, as confirmed in the Tokyo summit meeting, generated an expanded workload and increasingly multi-faceted duties, the MOFA lobbied to increase the number of its ministry officials by 150 percent, up to 5,000 within five years, starting from 1980. Despite the increased number of staff of 3,400 personnel brought about by the previous year's budget increase, the MOFA argued that the number was extremely small compared to that of the United States (13,600), the U.K.

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<sup>82</sup> *Asahi Shinbun*, June 26, 1979.

<sup>83</sup> *Asahi Shinbun*, June 27, 1979.

<sup>84</sup> After the Tokyo Summit, the Japanese government decided to finance roughly 50% of the UNHCR's 1979 Indo-Chinese (Vietnamese) refugees rescue plan; Tokyo spent \$89.92 million in 1979 and \$100 million in 1980 for the Vietnamese refugees-related aid (Sakuragawa 1981:64).

<sup>85</sup> *Asahi Shinbun*, June 29, 1979.

(10,200), France (6,800), West Germany (6,000), and Italy (5,300).<sup>86</sup> However, the Finance Ministry (MOF) and the Administrative Management Agency (AMA) were hesitant about increasing the budget of the MOFA, as they were moving towards carrying out the administrative reform without tax increases in the late 1970s. While emphasizing the growing importance of diplomacy in the time of internationalization, the MOF and AMA argued that they could not agree to the MOFA's drastic demand of increasing the staff members by 150 percent within six years.<sup>87</sup> Growing importance of Japan's multi-faceted diplomacy gave the MOFA an immense justification and opportunity to expand the institution that had been traditionally considered weak due to its lack of domestic policy constituencies.

#### **The First Step Towards Ratification of the Refugee Convention and Protocol**

Since the emergence of the Indo-Chinese refugee issue, Japan's policy on refugee had been under international criticism for its passivity (Sakuragawa 1981:64). The MOFA's intention to introduce a legislation relating to the Refugee Convention and Protocol was expressed by Foreign Minister Sonoda's announcement in March 1979. It was also indicated by a statement made by Ambassador Sawaki, the chief of the Japanese delegation to the 30th session (1979) of the Executive committee of UNHCR Program on October 9, 1979, that preparations were under way for Japan's early accession to the 1951 Convention and the 1967 Protocol. While the MOFA received cooperation from the ministries of Labor, Education,

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<sup>86</sup> *Asahi Shinbun*, July 30, 1979. The MOFA maintained 158 embassies throughout the world of which 60% had only less than 7 embassy officials, and demanded to increase the number to at least 8 staff members per embassy.

<sup>87</sup> *Asahi Shinbun*, July 30, 1979.



and Construction to guarantee the national treatment to refugees in the areas of labor conditions, compulsory education, and public housing, the Health and Welfare Ministry (HWM) uncompromisingly refused to grant the national treatment, specifically eligibility for the national pension plan and the child rearing allowance to foreign residents, including refugees. This caused a major delay in the MOFA's attempt for an early submission of legislation relating to the Refugee Convention and Protocol to the parliament.<sup>88</sup>

The issue of granting the pension plan eligibility was once questioned during a Diet session as early as March 1977 by the opposition party in light of Japan's ratification of the international human rights covenants.<sup>89</sup> However, basing its argument on the National Pension Law and the Children's Allowance Law that limited the eligibility only to Japanese citizens, the Ministry of Health and Welfare had been refusing to grant eligibility to foreign residents in Japan including refugees, and refused to consider any changes for the following reasons: First, bringing the domestic laws into conformity with the Convention and Protocol was considered by the HWM to be a very complicated and difficult procedure. Second, the Health and Welfare Ministry argued that since the pension plan requires an individual to pay in at least for 25 years by the age of 60 to start receiving the pension benefit, foreign

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<sup>88</sup> Granting of the national treatment to foreign residents meant provisions of eligibility for the following: the national pension plan, the national health plan, child-related allowances, and social welfare. Since the MHW considered granting eligibility was a matter of administrative level change, it was not made an issue. As for health care, since the national health care plan was administrated by local governments, it was up to local governments' discretion to determine eligibility for foreign residents. There were some local governments which included the Korean residents into their local plans (*Asahi Shinbun*, October 24, 1980).

<sup>89</sup> The 2nd Sub-Committee of the Budget Committee, the House of Representatives on March 15, 1977 at the 80th Diet session.

residents and refugees had to stay in Japan for at least 25 years to qualify and must be under the age of 35 years. According to the MHW's logic, since settlement of refugees in Japan did not necessarily indicate their permanent settlement in Japan, the pension plan eligibility might not mean much to refugees (Muramatsu 1980:36).<sup>90</sup> Third, once the government starts providing eligibility to refugees, then eventually it would be forced to extend the pension plan to long-term foreign residents including the Korean residents in Japan, posing a financial burden on the government. Despite past consultations with Health and Welfare Minister Noro to adjust these issues, Foreign Minister Ohkita was not successful in persuading the MHW.<sup>91</sup>

Despite the new Foreign Minister Ohkita's strong plea to the Health and Welfare Minister Noro, it appeared most unlikely in early May of 1980 that the refugee convention-related legislation would be submitted in the upcoming Diet session due to the MWH's refusal to grant the eligibility. At the Cabinet meeting on May 8, Health and Welfare Minister Noro decisively stated that his ministry might consider a partial adjustment of the laws in the future in accordance with the convention but at the moment it was impossible to completely comply with the refugee convention. However, Noro stated that his ministry would not oppose joining the Convention and the Protocol as long as reservations were

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<sup>90</sup> These comments were anonymously given to Muramatsu during his interviews with the officials, a news reporter of the political desk of the Asahi Shinbun or Asahi Newspaper.

<sup>91</sup> *Asahi Shinbun*, May 4, 1980.

attached regarding the eligibility for the pension plan and the child allowance.<sup>92</sup> For the MOFA, such alternative was totally unacceptable; the MOFA bureaucrats considered joining the Convention without reservation to be absolutely necessary for Tokyo in order to improve its image towards the international community (Muramatsu 1980:36).<sup>93</sup> Faced with the deadlock with the MHW and being under increasing international criticism to contribute more for the refugee issue, Foreign Minister Ohkita decided to strongly demand the government take appropriate measures regarding the situation, and referred the issue to the attention of Cabinet Secretary Ito for mediation. For the MOFA officials, not becoming a signatory to the Refugee Convention was a matter of losing face in the international community; "the ratification of the Refugee Convention also meant an opportunity for Japan's legal system to be fundamentally reformed" (Muramatsu 1980:33).

Meanwhile the MOFA kept intensifying its effort to better deal with the refugee issue. At the UN Cambodian National Rescue Conference held in Geneva on May 26, Foreign Minister Saburo Ohkita strongly supported an idea expressed by the Thai government of establishing an international surveillance system by increasing the number of officials as well as creating safe haven for refugees in the border of Thailand and Cambodia. A promise of contributing \$100 million was pledged by the Japanese government for the fiscal year of

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<sup>92</sup> *Asahi Shinbun*, May 10, 1980. Insisting on the impossibility of quickly extending the pension plan eligibility to refugees, the MHW officials had been contending since April 1980 that the Japanese government should ratify the Refugee Convention with a the reservation attached regarding pension (Muramatsu 1980:36).

<sup>93</sup> The MOFA officials were quoted to have said that as the world community was closely observing how Tokyo would respond to the Refugee Convention, Japan must not attach reservations upon signature. In order to improve its image, the Tokyo government needed to join the Convention immediately (Muramatsu 1980:36).

1980, including emergency aid of \$20 million in distribution of rice; \$60 million for the UNHCR; and \$20 million to the Thai and international organizations.<sup>94</sup> In June 1980, the Japanese government under the Prime Minister Ohira's initiative doubled the quota of refugees for permanent settlement in Japan from 500 to 1,000 as well as expanded the scope of high priority refugees.<sup>95</sup>

The House of Representatives passed a resolution initiated by the Japan Socialist Party of no-confidence against the Ohira Cabinet in May 1980.<sup>96</sup> The emergence of the new Suzuki Cabinet in July 1980 brought an appointment of former Foreign Affairs Minister Sonoda to the Minister of the Health and Welfare, casting a bright prospect to the conflict with MHW for the MOFA, as Sonoda had strongly supported Japan's ratification of the refugee convention and protocol in the past. To resolve the continuing disagreement between the UN Affairs Bureau of the MOFA and the Pension Bureau of the MHW over the

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<sup>94</sup> *Asahi Shinbun*, May 27, 1980.

<sup>95</sup> *Asahi Shinbun*, June 13, 1980. At the meeting on Indo-Chinese refugee (*Indochina nanmin taisaku renraku chousei kaigi*) on June 12, 1980. This decision was a result of Prime Minister Ohira's promise he made during the U.S.-Japanese conference. In the past, the government gave a priority to refugees who had sponsors in Japan who assure the means of earning a living in Japan. This time, the Japanese government decided to include refugees who had been employed by the Japanese in the past; had participated in technical training provided at the facilities established by the Japanese government's economic assistance; had worked with Japanese in the past; and were able to speak Japanese.

<sup>96</sup> The JSP, a minority opposition, was able to pass the no-confidence resolution against the Ohira Cabinet with the vote of 243 to 187 on May 16, 1980, as a result of the factional conflict; sixty-nine LDP members of the Fukuda-Miki faction were absent from the voting in protest of the largest Ohira-Tanaka faction. The Prime Minister quickly dissolved the House and called for a general election for the House of Representatives, leading to the emergence of the Suzuki Cabinet on July 17, 1980. The former Prime Minister Ohira unexpectedly passed away on June 12 during the election campaign.

controversy of granting refugees eligibility for the national pension plan, Foreign Minister Ito and Health and Welfare Minister Sonoda agreed to meet in the end of October 1980 to search for a compromise. Wanting to submit the legislation regarding the ratification of the Refugee Convention and Protocol to the following Diet session, the MOFA was lobbying the issue even harder whereas the HWM was still insisting that the issue should be resolved at the administrative-level, not as a political compromise.<sup>97</sup>

While the negotiation process did not move as fast as the MOFA officials expected, Sonoda's influence in the capacity of the Health and Welfare Minister slightly precipitated the course of ministerial conflict towards a solution in favor of the MOFA. From a humanitarian point of view, Sonoda stated, granting foreign residents the national treatment was preferable, yet, the MHW was hesitant because of the complexity of adjusting the domestic laws in conformity with the convention and protocol, and unpredictability of their length of stay in Japan. To this point, the MOFA suggested that the government establish a special alternative shorter pension plan into which short-term foreign residents are allowed to pay a premium for ten years. However, the MHW would not accept the suggestion on the ground that such system would not be fair, as it would give great benefits to foreign residents.<sup>98</sup> Finally, Sonoda pointed out that the most difficult point regarding the pension

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<sup>97</sup> *Asahi Shinbun*, October 23, 1980.

<sup>98</sup> Establishing such an alternative pension plan only for short-term foreign residents would not be fair to other Japanese citizens who have been a long-term overseas resident and/or are age 35, therefore, not being able to technically pay into the pension plan for 25 years, as specified in the National Pension Law of 1959. They protested on the "incompleteness" of instituting a modified plan to include all the foreign residents in Japan, stressing the point that even such plan would not be able to accommodate foreign residents over age 35 who will not be able to pay the premium for the duration of 25 years

issue would be that granting eligibility to refugees would force the government to extend the same to the Koreans and Taiwanese in Japan, thereby posing a financial burden on the budget. Initially, Sonoda did not yield in the discussion, thereby producing no compromise, yet the both ministers agreed on setting the deadline for adjusting these differences by the end of November 1980 so as to be able to submit the ratification legislation to the Diet for the following parliamentary session.<sup>99</sup>

At the last meeting in October 1980, the interministerial conflict over the pension plan for the foreign residents moved towards resolution under Minister of Health and Welfare Sonoda's initiative. The MHW officials persistently insisted that the Japanese government sign the Refugee Convention and Protocol by-passing the pension issue and attaching a reservation upon signature. The MOFA officials strongly protested to the Health and Welfare Ministry's idea of attaching a reservation to the clause on social security, namely the pension plan, on the ground that such conduct would be considered discriminatory towards refugees in the area of social security. Foreign Minister Ito stated "that would certainly fail the Western industrial and other Asian states' expectation on Japan (or fall short of), thereby giving a very negative impact to Japan's foreign policy."<sup>100</sup> As a former foreign minister of Japan, Health and Welfare Minister Sonoda expressed his understanding towards the MOFA's position and in the end, ordered his Ministry to come up with a concrete

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before turning 60 to receive pension benefits. Allowing these older foreign residents to join the plan would be unfair to other Japanese citizens.

<sup>99</sup> *Asahi Shinbun*, October 24 and 25, 1980.

<sup>100</sup> *Asahi Shinbun*, November 1, 1980.

compromise solution of equal treatment without "creating inconsistencies" within the Japanese pension system to accommodate all foreign residents including refugees. Though the MHW decided to come up with a solution and forward it to the Minister's advisory organization, known as the National Pension Advisory Council (or *kokumin nenkin shingikai*) for a review, the MOFA worried about being able to get the legislation submitted on time to the following Diet session, as the opposition to grant the eligibility to foreign residents for the national pension plan was so pervasive in the Ministry of Health and Welfare.<sup>101</sup> It was, in the end, a political judgement of Sonoda that in order to fulfill responsibilities as a member of the international society, it was important for the Japanese government to join the convention, thereby reversing the Health and Welfare Ministry's prevailing argument that Japan should join the convention with a reservation on a provision regarding social security (Sakuragawa 1981:65).

The review process was also prompted by Health and Welfare Minister Sonoda's determination to resolve the issue during his appointment at the MHW and supported by special interest groups, a pro-North Korean group, the Chongnryon and the pro-South, the Mindan in Japan. Setting aside their ideological differences, they joined together in lobbying the MHW and Sonoda to immediately grant the pension eligibility to all the Koreans residing in Japan. The minister replied that Japanese law tended to be exclusive (to non-Japanese citizens), which posed many problems in the past, and that the government should not be discriminatory towards Koreans who had been forcibly brought to Japan.<sup>102</sup> Finally, on

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<sup>101</sup> *Asahi Shinbun*, November 1, 1980.

<sup>102</sup> *Asahi Shinbun*, November 7, 1980.

December 10, 1980 the MHW decided to remove the nationality requirement for the national pension and welfare plans so that the Refugee Convention-related legislation would be submitted to the parliament as soon as possible. Although the decision made by the MWH opened the national pension plan for refugees as well as other foreign residents in Japan, including Koreans, it left out those who are not able to fulfill the 25-year premium requirement before reaching an age of 60.<sup>103</sup> The revision of the National Pension Law would allow eligibility to refugees as well as 660,000 Koreans residing in Japan. However, according to the MHW statistics, it was estimated that there were at least 220,000 older Koreans who could not fulfill this requirement. And no accommodating measures were planned for this group of Koreans in Japan.<sup>104</sup>

In the wave of accommodating the domestic system fit for the international standards expected of industrial nations, the Justice Minister Okuno announced in March 1981 its plan to make relevant changes in the Immigration Control Law in preparation to be a signatory to the Refugee Convention, thereby submitting a legislation regarding the newly-revised Immigration control Law to the parliament. The decision was made by the Justice Ministry at this time, as it decided to relax the stringent permanent residency requirements for refugees in order to ratify the Refugee Convention. The newly revised law was introduced by the Justice Ministry as the "new immigration policy appropriate for the new era," as it made it easy for foreign residents to apply for permanent residency in Japan by relaxing some requirements such as removing background check for political activities and for the ability

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<sup>103</sup> *Asahi Shinbun*, December 11, 1980.

<sup>104</sup> *Asahi Shinbun*, March 13, 1981.



to make a living in Japan.<sup>105</sup> Under the new Immigration Control Law, the Justice Ministry became officially in charge of authorizing the refugee status. Authorized refugees are granted, for traveling purposes, a one-year refugee passport with multiple entry into Japan.

Soon after the Justice Ministry's announcement to revise the Immigration Control Law, submission of the legislation regarding the ratification of the Refugee Convention and Protocol to the Diet was officialized by the Cabinet decision. As a result of the Cabinet understanding (*kakugi ryokai*), the Justice Ministry submitted a legislation to modify the Immigration Control Law; the Ministry of Health and Welfare submitted a legislation for modified National Pension Plan and the Children's Allowance Law.<sup>106</sup> The ratification of the Convention Relating to the Status of Refugees and of the Protocol Relating to the Status of Refugees were approved by the House of Representatives and the House of Councillors on June 3 and 5, respectively. During the same parliamentary session the Law Consolidating the Immigration Control Order and Other Related Laws in Connection with Accession to Convention and Protocol Relating to the Status of Refugees was adopted by the Diet, which secured the law to implement the Convention and Protocol. This turned the Immigration Control Order into the Immigration Control and Refugee-Recognition Act and affected as well the National Pension law, Children's Allowance Law, Child Rearing Allowance Law, Special Child Rearing Allowance Law. In accordance with Article 43 of the Refugee Convention and Article 8 of the Refugee Protocol, the Convention and Protocol went into

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<sup>105</sup> *Asahi Shinbun*, March 2, 1981.

<sup>106</sup> *Asahi Shinbun*, March 13, 1981.

effect on January 1, 1982, thus making Japan a member in the community of nations contracting these two instruments.

### **Conclusion**

The signing of the International Human Rights Covenants, and the Refugee Convention and Protocol, which consequently conferred to the Koreans the eligibility for public housing and housing loan as well as for the national pension plan and child allowance, was truly a result of the long and arduous negotiations and consultation between the Ministry of Foreign Affairs and its political supporters on one hand, and the regulatory bureaucratic agencies, the Ministries of Labor, Education, and Health and Welfare on the other. Embarrassed by its non-signatory status of the Japanese government to the Covenants, the MOFA and the Foreign Affairs Minister Sonoda insisted that the Japanese government would not be effectively pursue its diplomacy with other states on an equal footing without being a party to the Covenants, and made it the highest priority to sign the Covenants. The MOFA officials perceived the U.K. and West Germany's ratification as well as the Carter Administration's signature of the Covenants in October 1977 to have indicated a ripe time for Japan not to lag behind other industrial countries in the human rights issue. And also this was the time Tokyo started coming under an enormous U.S. criticism for "free-riding" accompanied by Japan's large trade surplus, and an immense international pressure to commit itself not only financially but also in terms of concrete policy actions, in handling the mounting Vietnamese refugee issue. However, the MOFA's drive to become signatory to the Covenants met with the hesitation and resistance of the regulatory bureaucratic agencies including the Justice, Education, and Labor Ministries. Especially the Labor and

Education Ministries were persistently opposed to the Article 8 and 13 of the E.S.C. Covenants, respectively, which significantly delayed Japan's signature of the Covenants. The Labor Ministry's solid alliance with the Labor Division of the LDP's policy affairs research council coupled with the LDP parliamentarians' lack of enthusiasm about human rights deadlocked the negotiation with the MOFA. This, in the end, led to a political compromise of signing the Covenants with reservations attached regarding the points contended by the Labor and Education Ministries.

The negotiation between the MOFA and the Health and Welfare Ministry over the signing of the Refugee Convention illustrated a different version of the conflict between the forces of "accommodation" and "assimilation." The international forces of "accommodation" for the Vietnamese refugees, coming from the United States, West European and Southeast Asian nations as well as the United Nations were perceived to be the most urgent diplomatic agenda of the Japanese government and was translated by the MOFA into the domestic policy-making arena; and the importance of adjusting the domestic legal system for an early ratification of the Refugee Convention was repeatedly stressed by the internationally-minded Foreign Minister Sonoda. According to the MOFA officials, forces driving the Japanese government towards the ratification of the Refugee Convention were "two kinds of *gaiatsu*": the influx of the Vietnamese refugees into Japan; and what was described as the "most decisive *gaiatsu*" that convinced the MOFA was international criticism from the United States and the West European states in 1979 (Muramatsu 1980:34).<sup>107</sup> For the MOFA, not

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<sup>107</sup> These comments from the MOFA officials were given to Muramatsu on the basis of anonymity.

becoming a signatory to the Refugee Convention was a matter of losing face in the international community; the MOFA officials who were in charge of the refugee policy commented that anxiety of being criticized [by other states] again in the future motivated them to quickly move towards an early ratification (Muramatsu 1980:34).<sup>108</sup>

While the MOFA received cooperation from the ministries of Labor, Education, and Construction to guarantee the national treatment to refugees and foreign residents in the areas of labor conditions, compulsory education, and public housing, the Health and Welfare Ministry uncompromisingly refused to grant eligibility for the national pension plan and the child rearing allowances. This was because ratification of the Refugee Covenant would entail granting the same eligibility to the Korean residents in Japan, imposing a financial burden on the government. Again, the eligibility issue for the national pension plan faced an impasse due to the adamant position of the Health and Welfare Ministry that the Japanese government should sign the Refugee Convention with a reservation attached regarding the debated point. In the end, the conflict between "accommodation" sanctioned by the U.N. Affairs Bureau of the MOFA and "non-accommodation" (read "assimilation") endorsed by the Pension Bureau of the HWM was reconciled by the high political judgement of the newly appointed Health and Welfare Minister Sonoda, who had tenaciously worked for Japan's ratification of the International Human Rights Covenants and the Refugee Convention in the capacity of the previous Foreign Affairs Minister. Despite the HWM's complaint that the issue should be resolved strictly at the administrative-level, the conflict

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<sup>108</sup> According to the interview, some MOFA officials even commented that the ratification of the Refugee Convention also meant an epoch-making opportunity for Japan's legal system to be fundamentally reformed.

had to be politically resolved by the Health and Welfare Minister's discretion in which the logic of "accommodation" prevailed. The international community's rising criticism on Japan's hesitation of accepting the Vietnamese refugee settlement on its soil contrasted with its commercially-oriented diplomacy, in addition to the MOFA's anxiety to be subjected to further criticism by other industrial nations compelled the political leaders to project the image of a nation that "value" human rights by signing the International Human Rights Covenants and the Refugee Convention and Protocol.

## CHAPTER VII: THE 1992 ABOLITION OF FINGER-PRINTING

Under the Japanese Alien Registration Law of 1952<sup>1</sup>, foreign residents past age fourteen, who planned to stay in Japan more than one year, were required to be finger-printed and register with local authorities. Finger-printing was required at each renewal of their registration every five years for three documents: the original register for storage with the local authorities, the registration certificate for personal use, and the fingerprint register for storage by the Ministry of Justice. The initial rationale behind the finger-printing practice was to prevent Korean residents from obtaining multiple registration certificates and selling the surplus certificates to Koreans who illegally entered into Japan in the chaos of the post-war period. Despite the movement of finger-printing refusers that had emerged in the mid

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<sup>1</sup> Alien Registration Law was enacted on April 18, 1952 and stipulated: 1) an alien resident must register a change of address with the mayor of the city or town of his or her new residence within 14 days after any move; and 2) the alien registration card must be carried at all times and it must be produced upon request of any proper authority. Despite the Japanese government's effort to begin enforcing the finger-printing requirement in April 1953, the implementation was postponed until April 1955, as it was Tokyo's political judgement in 1953 that enforcing the finger-printing against the strong will of Koreans in Japan might jeopardize sensitive normalization negotiations with South Korea. The implementation was postponed again in 1954 due to a budgetary concern. A former Immigration Bureau officer of the Justice Ministry indicated that the Ministry chose April 1955 because it desired to begin enforcing finger-printing before the first wave of massive alien registration renewals in 1956 (Hida 1987:10-11).

1980s,<sup>2</sup> and the nation-wide protest of municipal assemblies and Korean organizations in Japan, the Ministry of Justice and National Police Agency (NPA) had resisted eliminating of the finger-printing system until the South Korean government expressed concern and this abolition issue became entangled with other diplomatic issues for Japan. The Japanese government's actual decision to abolish the practice of finger-printing Koreans in Japan was made in April 1990. Subsequently, the Tokyo and Seoul governments signed a memorandum, the 1991 memorandum between the Republic of Korea and Japan, on January 10, 1991. Based on this memorandum, the Revised Alien Registration Law was introduced as a legislation into the Diet on February 7, 1992, and was passed in the Japanese parliament on May 20, 1992, becoming effective in January 1993. As a result, the finger-printing requirement for all the Korean residents in Japan was abolished.

It has been the Justice Ministry's view that the prime purpose of the Alien Registration Law was to maintain a fair and just monitoring/control of foreign residents living in Japan.<sup>3</sup> According to the 1980 edition of a book titled, *The Recollection and Survey of Immigration Control* (Ministry of Justice 1980:89) published by the Japanese Justice Ministry, the finger-printing requirement was considered the only effective means of preventing illegal issuance and obtaining of alien registration proofs, and functioned to assure foreign residents' interests and legality. In other words, the Justice Ministry claimed

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<sup>2</sup> According to Herzog, the number of finger-printing refusers rose to 14,000 in 1985 (Herzog, 1993:91).

<sup>3</sup> This was the working understanding of the Chief Bureau of Immigration of the Justice Ministry explained during the House of Councillors Judicial Affairs Committee meeting at the 96th Diet Session on August 3, 1982.

that the finger-printing, which was the only effective way of identification confirmation, would prevent illegal residents from duplicating alien registrations of legal foreign residents, thus actually benefitting illegal foreign residents living in Japan.<sup>4</sup>

Among the regulatory agencies, the National Police Agency has been the strongest proponent for the finger-printing requirement, as it also considers the finger-printing method as the most effective way of confirming the identification of foreign residents in Japan.<sup>5</sup> The close consultation and communication between the NPA and the Justice Ministry on policy making and its implementation prompted many anti-finger-printing activists to question the pertinence of finger-printing to the police activities. Although the NPA insisted that finger-printing was used only in the case of identification confirmation of foreign residents, and strongly denied using the record of foreign residents' finger prints for criminal investigation,<sup>6</sup> the high frequency of the NPA's inquiries about (and requests for) the finger-printing records kept at the local governments generated doubts among foreign residents and local

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<sup>4</sup> The remark was expressed by Shunji Kobayashi, the Chief Bureau of Immigration of the Justice Ministry, during the House of Councillors Judicial Affairs Committee meeting held on September 10, 1987 during the 109th Diet Session.

<sup>5</sup> While grudgingly agreeing to the exemption of finger-printing for the third and subsequent generation Koreans in April 1990, the National Police Agency strongly opposed till the end to including the first and second generation Koreans for the exemption. Due to the NPA's avid opposition, the requirement of carrying the alien registration at all times was not completely abolished in the April 1990 decision of the Japanese government.

<sup>6</sup> The official stance of the NPA was repeatedly confirmed by NPA officials during discussion on the Revised Alien Registration Law at the House of Councillors Judicial Affairs Committee meeting on April 10, 1992.



government workers about the NPA's possible violation of the residents' privacy.<sup>7</sup> The record of finger-prints is not allowed to be disclosed to other governmental agencies including the NPA unless the police follows a proper procedure indicated in the penal code.<sup>8</sup> However, there were many cases reported in which the police often conducted an "informal inquiry" regarding the alien registration record (Ogawa 1987:54-55).

There had been a quiet struggle among the Korean residents against the practice of finger-printing since the 1950s. But it was not until September 1980 that the first foreign resident, a Korean living in Japan, refused to be finger-printed in Tokyo. In 1984 a petition of 1,800,000 solicited by Mindan was submitted to the Diet (Onuma 1993:277; Kajimura 1987:17-25; Niimi 1987:136-44). The movement gradually developed into a semi-mainstream issue in the mid 1980s<sup>9</sup> when a guilty verdict was handed to Kathleen Morikawa, an American residing in Japan who had refused to be finger-printed. The issue caught the attention of the Japanese media especially when a series of foreign missionaries living in

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<sup>7</sup> Once, there was a large group of police inquires to branches of the Tokyo local government regarding Korean residents prior to the South Korean President Chun Doo Hwan's state visit to Japan in September 1984. According to the Japan Local Governments' Labor Union's research, there was a drastic increase of police inquiries (ranging from informal to formal) regarding the information of Koreans and their requests for the copies of finger-prints exceeded over 100 at once (*Asahi Shinbun*, August 1, 1984).

<sup>8</sup> Under the Japanese Criminal Code Article 197-2, the police is required to indicate the purpose of their official investigation for inquiring any information (or finger-prints of foreign residents in this case).

<sup>9</sup> Shunji Kobayashi, the Chief Bureau of Immigration of the Justice Ministry commented during the House of Councillors Judicial Affairs Committee meeting on September 10, 1987 that he considered Japan's ratification of the Human Rights Covenants in 1979 is one of the catalysts for the growing movement of finger-printing refusal.

Japan started refusing to be finger-printed in the mid 1980s.<sup>10</sup> In response to the Morikawa verdict, Foreign Minister Abe commented that the finger-printing requirement is not a particularly burdensome obligation demanded of foreign residents in Japan, and indicated no change of rules in the government's future dealings.<sup>11</sup>

During the mid 1980s, despite repeated appeals and pressure coming from the South Korean government to reconsider the finger-printing practice, the Japanese government persistently refused to treat it as a diplomatic agenda. The issue was formally initiated by South Korean President Chun Doo Hwan during his state visit to Japan in September 1984. President Chun asked that the requirements of finger-printing and carrying the alien registration card at all times be eliminated. The Japanese Justice Ministry, citing the October 1982 revision of the Alien Registration Law, replied that the effort had been made to lessen the burden of foreign residents and moreover, the requirements were essential for the fair monitoring of resident aliens in Japan.<sup>12</sup>

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<sup>10</sup> The social movement against finger-printing was greatly supported by foreign missionaries both Catholic and Protestant. Famous cases of finger-printing refusal include a Belgian priest, Etienne de Guchteneere, who came to Japan as a Catholic missionary in 1956, refused to be finger-printed and was threatened to be deported by the Justice Ministry. Despite the Catholic Bishops' Conference's intervention to plead the case, the Japanese government would not change its stance over the issue. In the end Father Guchteneere agreed to be finger-printed to avoid deportation (Sato 1987:184-90; Herzog 1993:93).

<sup>11</sup> *Asahi Shinbun* 4 July, 1998. During the Diet committee session, Foreign Minister Abe also commented that the finger-printing practice exists for foreign residents in other countries; and it is not necessarily unique to Japan.

<sup>12</sup> *Asahi Shinbun* 6 September, 1984.

The movement to refuse finger-printing spread quickly and a number of local governments were, in general, sympathetic towards refusers. Especially personnel of local governments with a large concentration of Korean residents such as Osaka and Kawasaki, tended to be more understanding of their predicament because of frequent contacts with Korean residents over a long period. In addition, such difference in attitude of some local governments stemmed from their perception of Koreans as area residents to whom they provide public services whereas the Ministry of Justice saw them as the subject to control and monitor (Ogawa 1987:83). By the end of 1984, a total of 82 finger-printing refusers were reported while only 15 of them had been charged and eight prosecuted. An estimated six hundred municipal assemblies and prefectural councils passed a resolution to abolish the finger-printing practice. There were a considerable number of municipal and local governments neglecting to charge refusers<sup>13</sup> to which the Justice Ministry gave a stern warning for the inappropriate implementation of the law, and an order to immediately report any cases of finger-printing refusers to their attention. As of March 31, 1985 there were already a total of 184 finger-printing refusers. And the number of local assemblies which had passed the resolution to request a revision of the Alien Registration Law totaled to 655

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<sup>13</sup> Mayor Ito of Kawasaki City, a city with a large Korean population declared in February 1985 that his city government would not charge refusers, as the practice violates human rights of foreign residents. In the same month, the heads of 26 wards from Osaka City submitted a petition to the Justice Ministry to abolish the finger-printing practice, simplify the registration procedures, and lessen the penalty for violating the law. In the following month, Machida City and Nara City governments follow Kawasaki City Mayor's decision of not notifying the police of cases of finger-printing refusers, and made clear that the practice should be abolished.

of which were 11 prefectures, 321 cities, 14 wards, 273 towns, and 37 villages (Sato 1987:169).

Frustrated over the growing nation-wide non-compliance of municipal assemblies and local governments, and anticipating a large number of registration renewal approaching in July 1985, the Justice Ministry struck a pre-emptive measure by modifying technical aspects of the registration process. Under the new rule, black ink for finger-printing was replaced by colorless ink and the left forefinger needed to be pressed, not rolled in the ink.<sup>14</sup> A new penalty for refusing to finger-print under the 5.14 directive or *tsutatsu* now included the local government's refusal to issue a proof of registry which is an equivalent of Japanese citizen's family registry or birth certificate.<sup>15</sup> The Justice Ministry's "carrot and stick" strategy was

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<sup>14</sup> *Asahi Shinbun*, 14 May, 1985. The official notice (or *tsutatsu*) known as the 5.14 notice issued by the Justice Ministry also required all the local governments to check newly provided fingerprints against the old ones at the time of renewal. Under the 5.14 notice, all the finger-printing refusers were given a one-month period to think over their decision and a new alien registration would not be issued for three months during which refusers were then required to report to the local/municipal government once a month. In a case of still refusing to finger-print, the foreign residents had to report to the local government accompanied by two Japanese sponsors living in the same municipality so that they could acquire a renewed alien registration card marked "finger-printing refused." Upon the receipt of the specially marked alien registration, the refuser's status would be immediately reported to the police by the local government.

<sup>15</sup> Prior to the 5.14 *tsutatsu*, the Justice Ministry simply refused to issue a reentry permit to Japan as an immediate penalty for not finger-printing. A proof of registry had to be periodically renewed and was an important document necessary for obtaining legal documents such as a marriage certificate, and driver's license. It is estimated that about 1,000,000 proofs were being issued to foreign residents in Japan every year upon their registration renewal (*Asahi Shinbun*, 14 May, 1985). According to *Tokyo Shinbun* (31 August, 1985), a Korean resident in Fukuoka, who had refused to finger-print, was denied by the local government his request for his newborn's birth registration.

intended to "alleviate the emotional burden" of foreign residents and to put a halt to the number of ever-increasing finger-printing refusers.

The Justice Ministry's pre-emptive measure was criticized for its superficial revision by the mainstream Japanese and South Korean media as well as the South Korean government.<sup>16</sup> During his visit with Japan's Foreign Minister Abe, the South Korean Foreign Ministry Asian Bureau Chief brought to Abe's attention to the fact that South Korean public opinion had become extremely critical of Japan's finger-printing practice, which he was concerned, would be questioned at the Korean parliament by President Chun's opposition. It was conveyed to the Tokyo government that bringing an early abolition of fingerprinting and starting a negotiation regarding the legal status of the 3rd and subsequent generation Koreans living in Japan<sup>17</sup> at the earliest possible time would be a concrete way of showing to the South Korean public an improvement in diplomatic relations resulting from President Chun's state visit in September 1984. The issue was brought up again at the bilateral cabinet conference in August 1985 to which the Japanese government responded that the 5.14

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<sup>16</sup> *The Asahi Newspaper* editorial criticized the Japanese government for not working towards a fundamental change of the system per se (15 May, 1985) while *The Yomiuri Newspaper* pointed out that the new rules actually requires a stricter penalty and more complicated procedures (15 May, 1985).

<sup>17</sup> Third-generation Korean Residents in Japan are those ROK nationals who were born after January 17, 1971, and who have since lived in Japan. They are descendants of "South Koreans" who were ensured to live in Japan permanently based on Article 1.2 of the Agreement between Japan and the Republic of Korea concerning the Legal Status and Treatment of the People of the Republic of Korea Residing in Japan signed on June 22, 1965 as a part of the Treaty on Basic Relations between Japan and the Republic of Korea. This normalization treaty included two other agreements: the agreements concerning fisheries, and the settlement of problems regarding to property and claims and economic co-operation.

directive was the very best the government could do at the moment, as it was regarded by the Tokyo government that the finger-printing issue was a domestic issue which should not be scrutinized at the place of diplomacy.<sup>18</sup> Surprisingly, the South Korean government's response to the Tokyo's firm attitude was more moderate than the Tokyo government expected. Seoul's response was attributed to the Seoul government's desire to further establish economic collaboration with Japan in preparation for the successful 1988 Olympic Games.<sup>19</sup>

Domestically, the 5.14 directive triggered a series of "uncooperative" behaviors and criticism on the part of local and municipal governments in Japan. Some major local governments openly defied the 5.14 directive from the Justice Ministry while others, claiming "administrative" difficulty, quietly ignored the new procedure.<sup>20</sup> To deal with local governments' noncompliance, the Justice Ministry quickly issued a detailed, step-by-step follow-up implementation plan for the 5.14 directive<sup>21</sup> to local governments. In order to

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<sup>18</sup> *Asahi Shinbun*, 30, August 1985.

<sup>19</sup> *Asahi Shinbun*, 31 August, 1985.

<sup>20</sup> Major cities with a large Korean population such as Osaka, Kyoto, Nishinomiya, Kobe, Tokyo, Yokohama, Kawasaki, Nagoya, and Hiroshima were conducting alien registration according to the old system while Ageo City of Tokyo announced that implementation of the 5.14 directive created new discrimination against refusers and simply ignored the new procedure (*Asahi Shinbun*, 8 and 15, June 1985). Governor of Kanagawa submitted a petition to the Justice and Home Affairs Ministries as well as Prime Minister Nakasone, asking for the abolition of finger-printing and the Governor of Osaka also submitted a similar petition to the Justice Ministry, asking to protect human rights of foreign residents living in Japan.

<sup>21</sup> The directive II outlined directions regarding filing of a report to the Justice Ministry regarding a refuser and formatting of a petition letter by Japanese sponsors for the refuser (*Asahi Shinbun*, 11 June, 1985).

assure the appropriate and complete implementation of the directive, a nation-wide workshop was hosted for local civil servants in charge of alien registration by the Justice Ministry. Bureau Chief of Immigration Hayashi stated that the new revision was the Ministry's utmost effort to lighten the burden of foreign residents who were willing to obey the law (and not for the refusers) and maintained that local governments' failure or negligence to report refusers only encouraged such acts of violation.<sup>22</sup> This effort was followed by the Ministry's pressure on local governments to actively report refusers to the police so that investigation could take place<sup>23</sup> as well as distribution of instructional booklets for local government employees to properly comply with the Ministry's guidance.<sup>24</sup>

The issue was escalated into a negotiation stage and was thoroughly publicized in South Korea when a South Korean student studying in Japan, who had been refusing to finger-print since September 1985, was denied his request for extension of his stay by the Justice Ministry in June 1986. A group of international leaders submitted a petition to the Japanese government on behalf of the South Korean student. This was widely reported by

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<sup>22</sup> *Asahi Shimbun*, 11 June, 1985.

<sup>23</sup> The Justice Ministry clearly stated that the Alien Registration Law does not require a formal reporting (of refusers) from local governments for the police investigation to take place. Therefore, the police could go ahead with investigation without any reports on cases of finger-printing refusers (*Asahi Shimbun*, 13 June, 1985). This indicates an increased coordination with the National Police Agency.

<sup>24</sup> *Asahi Shimbun*, 15 July, 1985. The booklet issued by the Justice Ministry contained the new fingerprinting procedure, attempting to answer questions emerging earlier from local civil servants in charge of alien registration. In the booklet, the Ministry makes clear its disapproval by stating that refusals of finger-printing must not be ignored...not taking proper action against such violation will create disorder in our society..it is a civil servant's legal duty to report violators.

the South Korean media and prompted editorial criticisms on the Japanese government's finger-printing practice in four major South Korean newspapers. Various South Korean non-governmental organizations (NGOs) mobilized to criticize the finger-printing practice, charging that the Tokyo government's refusal to fundamentally revamp the system from a more humanistic point of view would generate anger among the Koreans, jeopardize the South Korean-Japanese diplomatic relations, and invite global criticism. The South Korean criticism of Japan's finger-printing practice spilled over to the issue of the prevailing Japanese attitude toward its bitter past with the Korean peninsula. The South Korean Christian Youth Council attempted to identify the finger-printing issue as a legacy of the colonial and militarist past which Japan has not squarely faced in order to reconcile with her Asian neighbors.<sup>25</sup> NGOs' framing of the finger-printing issue as a historical and political issue proved successful in touching the nerve of South Koreans. South Korean Embassy officials met with the Bureau Chief of Immigration in Japan's Justice Ministry and asked him to handle the situation as carefully as possible, as it was not a good idea to stir up the South Korean public opinion at the time of re-emergence of the school textbook issue.<sup>26</sup>

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<sup>25</sup> *Asahi Shinbun*, 18 June, 1986. South Korean Christian Youth Council made a statement that distortion of history in Japanese school textbooks as well as Japan's Justice Ministry's decision not to issue a permit for an extension of stay to the South Korean student went beyond the violation of human rights. They regarded it as an act of destroying beliefs and principles of peace and justice. The groups made it clear that if the practice was not abolished, they were ready to escalate their domestic and international movement to pressure the Japanese government and prevent the Japanese Emperor's visit to the Republic of Korea.

<sup>26</sup> *Asahi Shinbun*, 23 June, 1986. There had been some quarrels between Japan and South Korea since the late 1970s regarding descriptions in Japanese history textbooks of the colonial period. The issue surfaced again in June 1982 and developed into a major diplomatic issue when the Japanese media reported that the Ministry of Education's



The issue was brought up to a new height of controversy in September 1986 when Japan's Education Minister made a statement in an interview with a magazine that Korea was partially responsible for Japan's 1910 annexation of Korea.<sup>27</sup> His statement was widely reported by the Korean media and provoked various criticisms, developing as a major diplomatic issue between the two states. South Korean Foreign Minister called over the Japanese Ambassador in Seoul and formally protested the Fujio statement, asserting that the statement was a serious diplomatic issue that inflamed South Korean national feelings. He demanded the Japanese government take appropriate measures regarding the situation (meaning firing the Minister); postponed the bilateral Foreign Ministers Meeting which had been scheduled to be held in the same month.<sup>28</sup>

The Fujio statement created a diplomatic liability to the Tokyo government in its dealing with South Korea, and had an unexpected impact on the finger-printing issue. In order to restore relations damaged by the Fujio statement, Prime Minister Nakasone, accompanied by the Bureau Chief of Immigration of the Justice Ministry, visited South

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Textbook Authorization Committee had forced changes in the wording of references to the Japanese invasion of North China to "advance" and the 1919 Korean independence movement to a "riot" to which the South Korean and Chinese governments protested (Bridges 1993: 61). This controversy pitted the conservative bureaucrats in the Ministry of Education, and the LDP "education tribe" (or *bunkyo-zoku*) who support a more patriotic reading of the history on one hand, and the LDP pro-South Korea lobby and the radical Japan Teachers' Union on the other.

<sup>27</sup> Putting a disclaimer that the following was his personal view, Education Minister Masayuki Fujio made a statement that despite the pressure exerted by the Japanese government on Korea, the annexation was a result of diplomatic agreement between Japan and Korea, and that if Japan had not annexed Korea, Russia or China would have "touched" the Korean peninsula.

<sup>28</sup> *Asahi Shinbun*, 8 September, 1986.

Korea immediately and delivered an apology to South Korean President Chun. Nakasone also communicated new accommodations his government made regarding the finger-printing requirement. The revision initiated by Nakasone included that finger-printing would only be required once at the time of initial registration at age sixteen and that a laminated card would replace the registration certificate to which the fingerprint taken at the initial registration is transferred. This initiative was evaluated as an "important first step" in the right direction by the South Korean officials. The new revision was severely criticized by anti-finger-printing NGOs in Japan for falling short of abolition and being used by the Japanese government as a political deal to repair the deteriorating South Korean-Japanese diplomatic relations.<sup>29</sup>

Despite the mounting criticism and protest voiced by anti-fingerprinting NGOs, the Japanese government, namely the Justice Ministry, managed to stone-wall the NGOs and citizens' movement. As a matter of fact, the Justice Minister and his officials were called to the Diet interpellation by opposition party members time and time again to be questioned regarding the finger-printing requirement and penalties for refusers.<sup>30</sup> After enhancing

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<sup>29</sup> *Asahi Shinbun*, 25 September, 1986. In response to the new revision, the South Korean Christian Church in Japan hosted a conference on human rights in Osaka and announced their objection to the newly created rule of "one-time fingerprinting requirement," reproaching the new rule as only reinforcing the control of the government over foreign residents. "Preservation of the existing system only aggravates ethnic discrimination and keeps fostering anti-foreign chauvinist sentiment in the Japanese society" (*Asahi Shinbun*, 23 September, 1986).

<sup>30</sup> On November 11, 1986 at the House of Representative Budget Committee meeting, Justice Minister Endo was questioned on the newly revised finger-printing rules and expressed his stern disapproval of finger-printing violation. In the following month, Kobayashi Bureau Chief of Immigration of the Justice Ministry in the House Committee meeting on the Judicial Affairs firmly reinforced the Ministry's position that even after

coordination with the Justice Ministry,<sup>31</sup> the National Police Agency started pressuring local governments unwilling to cooperate with the police investigation. Issuing a compulsory search warrant for the first time in December 1986, the Osaka Police forced the cities of Higashi Osaka, Takatsuki, Toyonaka, and Hachio to submit the registration copies of finger-printing refusers for investigation. The Tokyo police followed Osaka in forcing major wards of the Tokyo City government into handing over registration copies of refusers (Sato 1987: 200).

No new revision was seriously considered by the Japanese government until the South Korean government started re-initiating the finger-printing issue again in terms of diplomatic negotiation regarding the legal status of the 3rd and subsequent generation Koreans in Japan. The legal status of the 3rd and subsequent generation Koreans in Japan was left undecided under the 1965 South Korean-Japanese normalization treaty in which the two governments agreed to negotiate their legal status 25 years later.<sup>32</sup> The December

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the new revision of the law takes effect, the current violators would not go unpunished.

<sup>31</sup> At the joint meeting attended by officials from the Foreign Affairs, Home Affairs, Justice Ministries, and the National Police Agency on the finger-printing issue, the Bureau Chief of Security from the NPA insisted on the importance of reducing the number of finger-printing refusers and charging them with appropriate penalty before the new revision took place. Kobayashi Bureau Chief of Immigration from the Justice Ministry responded by assuring that the Ministry would issue another *tsutatsu* or directive to ensure cooperation of local governments with the police investigation and to persuade refusers to finger-print (*Asahi Shinbun*, 16 September, 1986).

<sup>32</sup> According to Article II, 1 of the Agreement between Japan and the Republic of Korea concerning the Legal Status and Treatment of the People of the Republic of Korea Residing in Japan signed on June 22, 1965, the South Korean and Japanese governments agreed to enter into consultations on the residential status of the third generation nationals of the Republic of Korea born in Japan as a lineal descendant of a person who had been permitted to reside permanently in Japan, if requested by the Seoul government within 25

meeting held in 1988 was the beginning of a series of bilateral administrative meetings in preparation for what later came to be known as the 1991 agreement under which the fingerprinting requirement for the Korean residents in Japan was abolished.

The South Korean government's nine demands regarding legal status of Korean residents in Japan included: automatic granting of permanent residency to all the subsequent generations of Koreans in Japan; elimination of the deportation clause<sup>33</sup>; abolition of the re-entry permit system; abolition of finger-printing and the requirement of carrying registration cards at all times; deletion of the nationality clause for employment in civil service; deletion of the nationality clause for employment in public schools; administrative guidance in eliminating employment discrimination; administrative and financial support for ethnic education; and voting rights in local government.

Despite a year of negotiation, no substantial agreements were reached on any of the demands presented by the South Korean government. When asked about the time of President Roh Tae Woo's visit to Japan, frustrated Seoul officials commented that a Presidential state visit would take place after the issue was resolved.<sup>34</sup> The negotiation was deadlocked for another three months. The non-compromising attitude of the Japanese

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years.

<sup>33</sup> According to the South Korean-Japanese 1965 agreement, the ground for deportation for the South Korean residents in Japan was receiving a penalty of imprisonment of more than seven years up to life sentence. On the other hand, the Korean residents affiliated with North Korea would be subject to deportation upon receiving a sentence of one-year or more.

<sup>34</sup> *Asahi Shinbun*, 21 December 1989. South Korean officials were quoted that they did not wish to entangle the 3rd generation legal status issue with President Roh's visit to Japan, although they might be forced to do so.

government finally prompted the South Korean government to clearly link President Roh's state visit and the negotiation by stating that the South Korean-Japanese relations would be seriously jeopardized if the issue is not resolved before Roh's visit to Japan, and that the likelihood of the visit depended on the progress in the negotiation on the 3rd generation issue.<sup>35</sup> The seriousness of the matter was fully conveyed to the Japanese Ministry of Foreign Affairs, as seen in the statement made by the Section Chief of East Asia, the Asian Affairs Bureau of the MOFA that taking fully into consideration the historical background of the Koreans in Japan and assuring them of stable living in the society are imperative in further promoting the relations between Koreans and Japanese as well as the Korean and Japanese governments.<sup>36</sup> With President Roh's state visit to Japan postponed twice, the MOFA, concerned about another diplomatic embarrassment, simply could not afford to have the May visit postponed again.<sup>37</sup>

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<sup>35</sup> *Asahi Shinbun*, 29 March, 1990. The South Korean government communicated its frustration with the negotiation process during Chairman of Clean Government Party (Komeito) Ishida's visit to South Korea in March 1990.

<sup>36</sup> This statement was made by the section chief of East Asia, the Asian Affairs Bureau of the Japanese Foreign Affairs Ministry during the interpellation during the House committee meeting on Judicial Affairs, at the 118th Diet session on April 17, 1990.

<sup>37</sup> President Roh's visit in May 1990 was going to be the second Korean head of state visit to Japan. Prior to 1989, the South Korean and Japanese government decided to postpone the presidential visit due to the Showa Emperor Hirohito's illness. The visit by President Roh to Emperor Hirohito's funeral in February 1989 was not realized due to the controversy over who should represent the South Korean government; considerable media and public discussion of Hirohito's role in Japan's colonial policies divided the South Korean public (Bridges 1993: 63-4). In the end, Prime Minister Kang Young-hoon was sent to the funeral (*Korea Newsreview* January 14, 1989).

In March 1990, two months before the scheduled state visit of President Roh, the Japanese Foreign Ministry under increasing pressure from the South Korean government, indicated the difficulty it was having with the Justice and Home Affairs Ministries, yet assured to Seoul that the Japanese government fully intended to finish the bureaucratic interest adjustment by the time of Roh's scheduled visit. The Ministry of Justice was extremely resistant to the South Korean demands that the re-entry permit requirement and the deportation clause be removed while the Foreign Affairs Ministry claimed that the Justice Ministry was hung up on the "complete" control over foreign residents in Japan and that the treatment of Koreans in Japan should be differentiated from the rest of foreign residents, given how they came to live in Japan. Both the Justice Ministry and the National Police Agency were most resistant to eliminating the finger-printing requirement as they insisted that finger-printing was the most accurate and necessary means of identifying foreign residents for immigration purposes. The Foreign Ministry was also uncomfortable with the Justice Ministry's policy of deporting Korean residents who committed crimes to South Korea where they had never even lived. The Foreign Ministry also endorsed the idea of employment of Koreans as public school teachers to which the Home Affairs and Education Ministries were strongly opposed. Given the nature of South Korean demands that questioned Japan's fundamental historical awareness of the Korean residents at the core of the Japanese legal institutions monitoring the residents, the issue came to be known among the Foreign Ministry officials as "the other SII."<sup>38</sup>

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<sup>38</sup> *Asahi Shinbun*, 2 April, 1990. The Structural Impediments Initiative (SII) in 1989 refers to trade talks between the United States and Japan that addressed cross-sectoral structural trade issues such as *keiretsu* (or corporate groups).

The MOFA's framing of the fingerprinting issue as the "other SII" reflects its gradual realization of the necessity of conforming the domestic norm regarding treatment of Koreans to international standards. In the section on the International Community and Japan in the 1990 Japanese Diplomatic Blue Book, the MOFA emphasizes the importance of not being exclusionary in way of thinking and self-righteousness.

It is also necessary for Japan to develop a domestic system capable of coping with the ever increasing flow of people, goods, money and information. Japan has to accommodate its economic and social systems to those in the rest of the world, even though it may prove to be a painful process sometimes for Japan (Diplomatic Blue Book 1990:119).

In the same Blue Book, the Ministry revealed their view of the world by stating that Japan is usually regarded as a reliable and friendly nation and other states have great expectations on roles Japan should play in the world;

At the same time, however, Japan should realize that the sense of distrust and fears for Japan has tended to increase as its economic power and influences grow. In the United States, in particular, the enormous trade imbalance with Japan has caused frictions not only in the economic field but also in social and cultural areas....it is increasingly important for Japan to make its position and policies understood accurately by foreign countries...in order to develop the international environment favorable to Japan and achieve its diplomatic goals (Diplomatic Bluebook 1990:118-9).

In order for Japan to gain trust from South Korea, to avoid criticism, and to assure more harmonious relations, the regulatory bureaucracy's logic of non-accommodation, in MOFA's view, had to be relinquished.

As the bureaucratic interest adjustment process was hitting an impasse, members of the LDP's Special Committee on Public Peace intervened to lend their support to the National

Police Agency and the Justice Ministry. They bolstered their support to the bureaucratic agencies by asserting that the finger-printing issue was an administrative issue and not a political one, thus deserving very careful attention. The overall stance of the Committee members was to employ cautiousness in resolving the finger-printing issue (i.e. not totally scrapping the system).<sup>39</sup> An LDP Diet-member, Seiichi Ota, a senior member of the House Judicial Affairs Committee, was one of the proponents who argued that most of the nine-point demands made by Seoul fell under the scope of the Japanese state sovereignty and were not issues to be discussed at the diplomatic table.<sup>40</sup>

Yet, the LDP's overall inclination on the issue was not exclusively influenced by the attitude of the Public Peace Committee. Former Prime Minister Takeshita, who had been doing the ground-work for exploring a long term stabilization of the South Korean-Japanese relations since 1988,<sup>41</sup> visited President Roh in April 1990 to amend the deteriorating relations with South Korea and expressed his view that the legal status issue should be politically resolved at the earliest stage, as delayed resolution would only damage the bilateral relations and unnecessarily stir South Korean public opinion. The Seoul government under the Roh administration was increasingly getting irritated with the fact that

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<sup>39</sup> *Asahi Shinbun*, 11 April, 1990.

<sup>40</sup> The 118th Diet Session, the House Judicial Affairs Committee, April 17, 1990. Ota also indicated that the remaining Korean residents in Japan should be naturalized and assimilated into the Japanese society, otherwise they should consider "other alternatives" available to them (indicating that they should return to their homeland).

<sup>41</sup> He had established in February 1988 the South Korean-Japanese Council to mainly grapple with bilateral economic issues, as Japan's trade surplus was exceeding \$51 billion with South Korea in mid 1980s and was becoming a stifling diplomatic problem between the two states.



no concrete progress had been made regarding the issue. President Roh's inability to push through the demands to the Japanese was being criticized by his political opposition and the South Korean Foreign Ministry revealed to Tokyo that the delayed negotiation process was hurting the President's domestic political position.<sup>42</sup> President Roh emphasized to Takeshita that in order to remove "historical stains" such as Hideyoshi Toyotomi's Korean invasion of 1592<sup>43</sup> and the 1910 Japanese annexation of Korea, and to move on to better future diplomatic relations, it was necessary to politically settle the legal status of Koreans in Japan immediately, implying the historical significance of the current pending issue in the bilateral relations.<sup>44</sup> Takeshita's diplomatic effort and sentiment were echoed by Prime Minister Kaifu who immediately announced that he would certainly take into consideration the historical background of the Korean residents and plan to bring an expedient resolution. After Prime Minister Kaifu's press conference, the Justice Minister made it known that it was desirable to politically resolve the pending issue, and the Home Affairs Minister commented that the Ministry was aiming to expand the scope of employment in local government for Koreans in Japan.<sup>45</sup>

At this point, an alternative list of suggestions was presented by the Japanese government. Tokyo was willing to: grant the 3rd and subsequent generation Koreans permanent residency similar to those given to the first and second generations; relax

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<sup>42</sup> *Asahi Shinbun*, 17 April, 1990.

<sup>43</sup> Hideyoshi (1542-1616) dispatched a force of 150,000 to Korea in 1592 and 1597.

<sup>44</sup> *Asahi Shinbun*, April 16, 1990.

<sup>45</sup> *Asahi Shinbun*, 17 April, 1990.

conditions required for a re-entry permit;<sup>46</sup> ease the deportation clause; expand the scope of employment in local civil service; and actively deal with employment discrimination. However, Seoul stuck to their original demands, including automatic granting of permanent residency to all (the third and subsequent) Korean descendants; abolition of all the conditions for a re-entry permit; and elimination of the deportation clause and finger-printing. After failing to come to a compromise, Tokyo and Seoul decided to postpone the fourth administrative meeting. The postponement was mainly due to the difficulty the Japanese bureaucratic ministries were having in adjusting differing interests among themselves.

South Korean media reports on the latest negotiation were extremely critical of the delay in resolution due to Japan's bureaucratic split, criticizing that Japan's inability to come to bureaucratic consensus and resolve the issue stemmed from a lack of appropriate historical awareness regarding the presence of Koreans in Japan, and calling for Japan's re-examination of historical consciousness. In order to mediate interests and break the deadlock within the bureaucratic circle, the LDP's special council on the South Korean-Japanese relations<sup>47</sup> came up with an alternative suggestion to eliminate the finger-printing requirement for only the third and subsequent generation Koreans. The elimination of finger-printing for the younger generations, they argued, would satisfy the South Korean demand, but at the same time it

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<sup>46</sup> The Justice Ministry was willing to extend the re-entry period up to 2 years from the original one year.

<sup>47</sup> The official title of the council is known as the Japan-Republic of Korea Legislative Members Council, which was established by Former Prime Minister Takeshita in February 1988.

would delay the starting time and give the Ministry of Justice at least 16 years<sup>48</sup> to come up with a substitute measure for finger-printing.

The alternative suggestion by the LDP members of the South Korea-Japan relations council was resisted by the Justice Ministry which complained that it could not make such a decision based on the assumption that the Ministry would be able to find an equivalent measure to finger-printing in the next decade. In addition, it contended that the Ministry would have a problem with giving preferential legal treatment to the 3rd and subsequent generation Koreans by eliminating the finger-printing requirement only for them.<sup>49</sup> While the Justice Ministry was hesitant about giving preferential treatment only to the third and subsequent generation Koreans, the National Police Agency opposed treating the South and North Korean residents equally.

Meanwhile the South Korean media started widely reporting on the possibility of the Seoul government suspending President Roh's visit to Japan due to apparent diplomatic impasse that both governments were facing. This reflected an almost unanimous South

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<sup>48</sup> All the resident aliens in Japan are required to be registered upon their 16th birthday. Finger-printing is part of this process.

<sup>49</sup> The South Korean-Japanese bilateral negotiation technically concerned only the third and subsequent generation Koreans who officially affiliated themselves with the South Korean government by holding South Korean passports. Therefore, even in a case of Seoul and Tokyo agreeing to wave the finger-printing practice for the specified group, that would create an unfair situation for other Koreans, namely the first and second generation South Koreans, all North Korean residents, Taiwanese and Chinese residents (whose ancestors had been brought to Japan in the same manner during the war), and other foreign residents who must still finger-print at the time of alien registration. This was one of the situations the Ministry of Justice wanted to avoid creating, as it is extremely important for the Justice Ministry to maintain legal coherence in terms of fair treatment of foreign residents.

Korean public opinion that unless the finger-printing issue was resolved, Roh's visit to Japan should not take place. While denying the widely reported cancellation of the presidential visit, the South Korean government's scheduled official announcement of Roh's trip was postponed due to the stirred public opinion.<sup>50</sup> This rekindled anti-Japanese sentiment was conveyed to Prime Minister Kaifu during his brief meeting with the South Korean counterpart of the South Korean-Japanese Legislative Council in which he was told to take into consideration that the South Korean media, public, and the political opposition were paying close attention to the Tokyo government's decision. The next day, the Bureau Chief of Asia of Japan's Foreign Affairs Ministry flew to Seoul to communicate that the Tokyo government was heading toward "re-examining" the finger-printing system per se. Although he avoided using the phrase, "exemption" of finger-printing in his communication to Seoul, this was regarded as Tokyo's attempt to placate South Korean sentiment.

Just two days before Japan's Foreign Minister's scheduled visit to South Korea to attend the bilateral meeting, Foreign Affairs Minister Nakayama met with Prime Minister Kaifu to make a final adjustment regarding the finger-printing issue. He made a final plea that Japan must take into consideration the history behind the Korean residents and suggested an exemption of the finger-printing requirement for the third and subsequent generation Koreans. It was the Prime Minister's political judgement supported by the Foreign Affairs Ministry that prevailed in the end. This agreement created a basic framework upon which both South Korea and Japan could agree. It included: the exemption of finger-printing for

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<sup>50</sup> *Asahi Shinbun*, 25 April, 1990. Several major South Korean newspaper editorials called for the postponement of the Presidential visit to Japan unless a clear historical resolution was reached.

the third and subsequent generation Koreans; and the simplified procedure for attaining permanent residency.<sup>51</sup> On the day Japanese Justice Minister Hasegawa announced that his ministry would consider applying the new agreement to those who share similar historical/ancestral backgrounds, including the first and second generation South Koreans, and the Taiwanese and North Korean residents living in Japan, the Seoul government formally announced President Roh's state visit to Japan which took place in the end of May 1990.

Although the finger-printing requirement was eliminated from the alien registration process, the South Korean government did not win all it demanded, including the complete deletion of the requirements to carry alien registration card at all times, and the deletion of the deportation clause and the re-entry permit system.<sup>52</sup> This was due to the avid opposition coming from the National Police Agency, which insisted that the registration is the only effective way to identify legal alien residents from illegal ones. It was speculated that since the Japanese government compromised on the most contentious issue of finger-printing, the South Korean government agreed to delay the discussion on the requirement of carrying an

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<sup>51</sup> Under the first basic agreement made on April 30, the conditions for deportation came to be limited to crimes of civil rebellion (that would hurt Japan's diplomatic interests) or crimes equivalent in significance. The re-entry permission period was extended up to five years. Regarding the requirement to carry alien registration form at all times, both governments agreed to come up with an alternative solution sensitive to the Korean residents. Since the Japanese government compromised on the finger-printing issue, the South Korean government appeared to have agreed to delay the decision on the matter.

<sup>52</sup> In other words, the Korean residents must still carry an alien registration card with them at all times; the re-entry period for all the residents was extended to 5 years; and the deportation clause was relaxed.

alien registration card at all times, and the issues of ethnic education, employment in local civil service and public schools, and voting rights in local elections. The Japanese government formally decided to exempt the first and second generation Koreans (including those affiliated to North Korea) from the finger-printing requirement in November 1990. This was made formal in order to avoid a possibility of the issue becoming further politicized at the time of the Prime Minister's scheduled visit to South Korea in early 1991. Concerned that Japan's on-going national debate on its participation in the UN Peacekeeping operations was causing a grave concern for a possible "reemergence of Japanese militarism" among South Koreans, the Foreign Affairs Ministry officials opted to show more willingness toward resolving the remaining issues of the negotiation. The Prime Minister's Office also commented that the type of domestic security threat anticipated by the National Police Agency and the Justice Ministry in the past would be less of a threat due to the easing of tensions between North Korea and Japan as well as the end of the Cold War. The decision to exempt all Korean residents, regardless of their affiliation, from finger-printing also came from progress being made in the North South dialogue on the peninsula as well as in Japan's normalization negotiation with North Korea, indicating general relaxation of tension in East Asia.

The South Korean-Japanese administrative meeting in November 1990 posed another set of challenges to the Japanese government regarding the timing of the abolition of finger-printing.<sup>53</sup> Seoul demanded the immediate abolition of finger-printing while Tokyo insisted

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<sup>53</sup> Other South Korean demands included eliminating the requirement to carry an alien registration card, expanding the scope of employment in civil service for Koreans including teaching in public schools, and practicing medicine in national university

on taking a longer time to ease into it. At the press conference at the end of the bilateral administrative meeting in Seoul, the Justice Minister revealed that Seoul asked Tokyo to temporarily suspend the finger-printing for Koreans and to take provisional measure until the abolition became legally instituted. Japan's Justice Minister made it clear that unless they could come up with a substitute measure for fingerprinting, the Ministry would not take such a provisional step. While the Foreign Minister expressed his willingness to develop an appropriate substitute as soon as possible, the Justice Minister pointed out the technical impossibility of developing such a means immediately.<sup>54</sup> During the meeting with the Japanese representatives, President Roh expressed that he regarded these pending issues as a "symbolic" issue between South Korea and Japan that needed to be immediately resolved. He asked the Japanese delegation for the further improvement while positively evaluating the effort being made so far by the Japanese government.

The Japanese government's decision to abolish finger-printing as of January 1993 was made in time for Prime Minister Kaifu's scheduled visit to South Korea. Initially the Justice

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hospitals. The Home Affairs Ministry was still resisting to hire them for general administrative staff positions. The Education and Home Affairs Ministries were adamant about not deleting the nationality clause for employment in civil service. The Ministry of Education was willing to hire Koreans for substitute teachers' positions but not for full-time positions.

<sup>54</sup> *Asahi Shinbun*, 27 November, 1990. Exemption of fingerprinting for the 3rd generation was not an urgent matter for the Japanese government as the oldest 3rd generation Korean was only one-year old at the time. However, the Justice Ministry argued that suspending the fingerprinting requirement immediately for the second and third generation Koreans would cause an instant chaos. The idea of incorporating the family registry into alien registration as a substitution for fingerprinting, the Justice Ministry claimed, would be a good idea but it would take at least several years since the Ministry must do an extensive search on the Korean residents' family histories to create family registration records for them.

Ministry claimed that it was going to take at least three years to complete the system. However, at this point it was imperative for the Japanese government to immediately come up with a new measure, however incomplete they might be, so as not to jeopardize its diplomatic relations with South Korea.<sup>55</sup> In January 1991, Kaifu communicated to Seoul via the South Korean Ambassador that the decision to abolish finger-printing would take effect in January 1993.

### **Conclusion**

Despite the regulatory bureaucratic ministries' resistance to accommodate the Korean residents, Japan's policy toward the Korean minority has become a more approving one compared to the past. The emerging social movement in the early 1980s and the nation-wide petition of 1984 for the abolition of finger-printing to the Diet solicited by the South Korean residents' organization, the Mindan and widely reported by the Japanese media brought the issue to the awareness of both the South Korean and Japanese governments. The issue was formally initiated as a diplomatic agenda by South Korean President Chun to the Japanese government soon after the nation-wide movement in Japan, although the Japanese government insisted that the finger-printing requirement for long-term foreign residents in Japan was strictly a domestic issue which should not be scrutinized at a place of diplomacy. Even in the face of a growing social movement, Japan's Foreign Ministry did not regard the

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<sup>55</sup> *Asahi Shinbun*, 27 December, 1990. Around the same time the Home Affairs Ministry decided to expand the scope of employment in local civil service. The decision did not include high and middle level civil service but the Ministry showed a willingness to hire Koreans at technical or lower level civil service.



finger-printing practice as a particularly burdensome obligation demanded of Koreans in Japan.

Only after the various South Korean NGOs successfully identified the finger-printing issue as a prestige issue—a legacy of the colonial and militarist past with which Japan has not squarely faced and psychologically reconciled with other Asian neighbors, and after Fujio's statement on Japan's colonial rule over Korea further angered the South Korean public, did Prime Minister Nakasone hesitantly decide to make new revisions regarding the finger-printing practice alone and to personally apologize for the Fujio statement. The finger-printing issue was initially framed as a prestige issue by the anti-fingerprinting NGOs, but it was also used by the Japanese government as a diplomatic instrument in order to amend the deteriorating South Korean-Japanese bilateral relations.

Despite the on-going social movement by the Korean residents and Japanese NGOs against the finger-printing practice, opposition expressed by municipal assemblies, and non-compliance in implementation by local governments, the Ministry of Justice and the National Police Agency persistently enforced the policy of "assimilation" by issuing a series of directives to local governments for the complete implementation of the Alien Registration Law, and pressuring them to report on finger-printing refusers. This domestic power configuration remained in favor of the regulatory bureaucratic agencies until the South Korean government started re-initiating the finger-printing issue in the context of diplomatic negotiation with the Japanese government over the legal status of the third and subsequent generation Koreans which had been left undecided under the 1965 South Korean-Japanese normalization treaty.

The Japanese government's uncompromising stance on the most contentious finger-printing issue deadlocked the negotiation talk, eventually causing the South Korean government to threaten Tokyo by hinting the possibility of canceling President Roh's scheduled state visit in May if no resolution came about. With President Roh's scheduled visit postponed twice already, Japan's Ministry of Foreign Affairs could not afford to risk a diplomatic disaster and started actively translating *gaiatsu* or external pressure coming from Seoul into the domestic policy arena conventionally dominated by the Justice Ministry and the National Police Agency. The international (and partially domestic) forces of "accommodation" towards the Korean nationals via the Foreign Affairs Ministry was set in motion against the force of "assimilation" driven by the regulatory bureaucratic agencies. At this point, the issue was clearly made to spill beyond the traditional domain of pure "domestic" policy-making by the deliberate entry of the Foreign Affairs Ministry into the game, resulting in inter-bureaucratic battle.

In addition, this bureaucratic impasse also pitted segments of the LDP against each other, namely conservatives in the Special Committee on Public Peace, lending their support to the National Police Agency and the Justice Ministry on one hand, and the pro-South Korean lobby pushing a "political" resolution (as opposed to "administrative" resolution) to finger-printing and backing the Foreign Affairs Ministry and the local governments on the other. And as one of the Japanese bureaucrats put it, the finger-printing controversy that required a sophisticated political judgement was left up to the Prime Minister's decision. At the end of the negotiation, the South Korean media, the public, and the South Korean President's framing and publicizing of finger-printing as a "symbolic" prestige issue that

would test the Japanese government's "political correctness" of its historical view fit for civilian global leadership bolstered Japan's Foreign Affairs Ministry's claim about the necessity of taking into consideration the historical background of the issue and the importance of gaining and affirming Japan's "prestige" as one of the global leaders, altering the domestic political power configuration in favor of eliminating the fingerprinting practice.

When asked about the Justice Ministry's official stance on the finger-printing practice in the newly proposed Alien Registration Law during the Diet session in March 1992, the Chief Bureau of Immigration of the Justice Ministry responded that it was the Justice Ministry's understanding that from now on, Japan's immigration administration must be conducted from a more internationalist point of view based on the awareness of its increasing responsibility in the international community and the legislation bill was drafted in accordance with this principle and moreover, in response to the domestic administrative demands.<sup>56</sup> As seen in this statement, the Justice Ministry's stance on the finger-printing requirement changed drastically compared to its earlier position expressed in the mid 1980s.

And such change indicates the international logic of "accommodation" endorsed by the MOFA somewhat prevailed in the inter-bureaucratic discussion on finger-printing in the end. I use the word "somewhat" because the logic of accommodation on finger-printing did not completely prevail, as the same requirement was not waved for other "non-Korean" foreign residents in Japan, due to the strong objection voiced by the National Police Agency.

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<sup>56</sup> Immigration Bureau Chief of the Justice Ministry, Seiji Takahashi commented as stated when he was asked to comment on Japan's future immigration policy in the era of internationalization during the debate on the legislation of the Revised Alien Registration Law at the House Judicial Committee meeting of the 123 Diet Session held on March 27, 1992.

Yet, the reversed position of unyielding Justice Ministry indicates the Japanese political leaders' (i.e. the prime minister and a segment of the LDP) over-riding political concern for the better diplomatic relations with South Korea, and the growing sensitivity of its international reputation. The Japanese Foreign Ministry responded to the international logic because it mattered in order for Japan to gain trust from South Korea, to avoid criticism, and to assure more harmonious relations. As it stated in the 1990 Diplomatic Blue Book, Japan is usually regarded as a reliable and friendly nation and other states have great expectations on roles Japan should play in the world. And to play such expected role in the international community, the MOFA regarded that it was critical for Japan to develop a more accommodating system by "not being exclusionary in way of thinking and self-righteousness" (Diplomatic Blue Book 1990:119). Regardless of the sincere concerns of Japan's Foreign Affairs Ministry for the Korean nationals in Japan, it was important for the Ministry to express its understanding of the historical background regarding finger-printing of Koreans in Japan because the issue signified what quality a "normal" adult state needs in the international community to be respected and trusted by other states and especially by its important trade partner and immediate neighbor.

## CHAPTER VIII: THE 1994 ESTABLISHMENT OF APOLOGY PROGRAM FOR COMFORT WOMEN

During World War II, the Japanese government is said to have conscripted over 100,000 women from the Korean Peninsula, Taiwan, China, Burma and the Philippines to serve as "comfort women" or *jugun ianfu* for the Japanese military troops between 1932 and 1945.<sup>1</sup> Despite the claims for compensation and lawsuits by former comfort women and various non-governmental organizations (NGOs) against it, the Japanese government did not admit its military's involvement in the establishment of brothels until some classified documents were found by a scholar in 1992, revealing the Imperial Army's institutionalized prostitution.<sup>2</sup> Seeking to resolve the issue, the government under Prime Minister Murayama finally decided in August 1994 to commit \$1 billion and establish an apology program for

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<sup>1</sup> *Jugun Ianfu* in Japanese (*chonggun wianbu* in Korean) is an euphemism for war-time sexual slavery for the Imperial military troops. See Ken-chi Takagi's *Jugun Ianfu to Sengo Hoshō* [Comfort Women and Their Postwar Compensation] Tokyo: San-ichi Shobo, 1992:4-5. The estimated number of women who served as comfort women for the Japanese military during the war varies from 80,000 to 200,000.

<sup>2</sup> *Chicago Tribune*, January 13, 1992 and Takagi's *Jugun Ianfu To Sengo Hoshō: Nihon no Senso Sekinin* [Comfort Women and Postwar Compensation: Japan's War Responsibility], p. 105. Finally, the Japanese government acknowledged on January 13, 1992 that Japan's Imperial Army was involved in abducting and detaining the comfort women, mostly Korean as prostitutes to Japanese soldiers during the war. The acknowledgement came right before Prime Minister Miyazawa's visit to Seoul in January 1992.

historical studies and exchanges with Asian nations. Although the program does not include direct compensation to former comfort women, the Japanese government's "symbolic" compensation program is considered the first significant step in acknowledging the scope of its wartime brutality and responsibility.<sup>3</sup> Although the question of war reparations between Japan and South Korea is considered to have been diplomatically solved upon the signing of the 1965 normalization treaty, the attitude of Japan's general "establishment" toward its past has always been a source of uneasiness in their relations.

The development of this case reveals a dilemma that accompanies a country which aspires to rehabilitate its past image and to gain respect and credibility under the new foreign strategy. On one hand, the Tokyo government reached the stage of readiness and desire to be involved in world affairs. On the other, it still shies away from a critical issue of the past such as comfort women. In addition, the issue also illustrates how a seemingly powerless group of a few former Korean comfort women, by successfully utilizing the prominent status of the Japanese government in the systemic opportunity structure, advanced its cause to finally attain the formal admission of and apology for the Japanese government's extensive involvement in the recruitment of comfort women and the private fund to informally compensate the former comfort women.

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<sup>3</sup> *The New York Times*, August 31, 1994 and *The Japan Time Weekly International Edition*, Vol. 34, No. 37, September 12-18, 1994.

## **The Historical Background**

Comfort women as an institution first started immediately after the Shanghai Incident in 1932<sup>4</sup>, which resulted in a number of rapes of Chinese women by Japanese soldiers. As a way of halting such vicious attacks and escaping international criticism on the savagery, the Imperial government attempted to contain their soldiers' violence against the Chinese women by instituting military prostitution. However, contrary to the Imperial government's estimation, the number of atrocities committed by Japanese soldiers on Chinese women rapidly increased, especially after the 1937 Rape of Nanking. This provoked international criticism towards the Japanese government and also escalated the anti-Japanese protest movements among the Chinese.<sup>5</sup> Recruitment of comfort women by coercion or deception was commonly done through the police and local governments. Sometimes private individuals were hired by the Japanese authorities for the purpose of recruitment. As the demand for comfort women grew, forced official recruitment was frequently conducted under the National General Mobilization Regulations (Hicks 1994:20).

Another reason for the institution of the military prostitution was to contain sexually-transmitted diseases among the Japanese soldiers. Sexually-transmitted diseases were a serious health issue among the soldiers, critically incapacitating their ability to serve in the military. In order to prevent the spread of diseases, the military opted for monitored

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<sup>4</sup> Imperial Japan occupied Manchuria in 1931. There was the anti-Japanese protest movement in Shanghai and the Japanese army instigated an attack on a factory that was a center of anti-Japanese sentiment.

<sup>5</sup> For more detailed accounts in English, see George Hicks, *The Comfort Women*, chapter 2. In Japanese, Ken-ichi Takagi's *Jugun Ianfu to Sengo Hosho Nihon no Sengo Sekinin*. Tokyo: San-ichi Shobo, 1992.

prostitution within the Army<sup>6</sup> (Takagi 1992:74). The Imperial government was hesitant to send Japanese prostitutes to the frontlines as most of them, from long years of prostitution, were considered diseased, presenting a health hazard to the battalions (Takagi 1992:77).<sup>7</sup> Young non-Japanese women, their age ranging from 13 to 28, were the target of deceitful recruitment, kidnapping and raid, as they were most likely to be disease-free. Also, by using young, mostly Korean, women and not Japanese, the Army avoided the loss of morale among the Japanese soldiers (Takagi 1992:78). Young Japanese women would remind the Japanese soldiers too much of their sisters, wives, and daughters whom they left behind.

Some argue that by establishing military prostitution, the Imperial Army attempted to prevent acts of espionage. The Army was looking for different ways to cut off contacts between its military personnel and the local population, restricting the scope of their action. By opening the comfort houses the Army attempted to eliminate possible outside contacts of the soldiers (Takagi 1992:75).

### **Towards the Resolution of the Comfort Women Issue**

After the Japanese surrender to the Allied forces in 1945, the atrocities committed through the military sexual slavery got lost and destroyed by Japanese military personnel in the post-war chaos and the crisis of the Korean war and did not even come to trial. During the American Occupation, in December 1948, the South Korean government was allowed

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<sup>6</sup> The army doctors gave comfort women weekly medical and/or monthly (depending on the comfort houses) check-ups for possible infections and pregnancy so that they could maintain a "healthy" supply of women. Pregnant comfort women were usually forced to abort upon the detection of pregnancy.

<sup>7</sup> According to Takagi's estimate, there were a small percentage of Japanese comfort women existed, mostly coming from background of prostitution.



by the Supreme Commander for the Allied Powers (SCAP) to install the Korean Mission in Japan, which continued to remain even after the conclusion of the US-Japanese Peace Treaty in San Francisco in 1952, pending the signing of a separate treaty settling unresolved issues between the two countries. Due to deep-seated resentments and grievances bred by the 35 years of Japanese exploitation of Korea, a diplomatic normalization process had to face many obstacles. Under the US initiative, bilateral negotiation between South Korea and Japan started in October 1951, however, the process became stagnated when South Korean President Syngman Rhee declared the "Rhee Line" in January 1952.<sup>8</sup>

Reacting to the Rhee Line, the Japanese government started strictly enforcing the alien registration law and immigration control law against Korean residents in Japan. The more the Japanese government protested against the South Korean government, the more stringent the Korean Coast Guard's enforcement of the Rhee Line became. As a result, the diplomatic talks between the two countries were adjourned in April 1952. Their diplomatic negotiations were further stymied by the Taiho Maru incident and the infamous Kubota remark and were suspended for four and a half years until 1957.<sup>9</sup> Meanwhile, the Korean

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<sup>8</sup> He proclaimed that the territorial waters of South Korea extended an average of 60 miles from their coast rather than a customary 3 miles at the time. Fishing was an important industry for both countries. Even before the announcement of the Rhee Lines, Japanese fishermen often were seized by Korean authorities for crossing into Korean territorial waters (Lee and De Vos 1981: 92-3).

<sup>9</sup> The Taiho Maru incident took place on Feb 4, 1953 when two unarmed Japanese fishermen were seized by the Korean Coast Guard. One Japanese crewman was killed (Lee and De Vos 1981:93). The Kubota remark was expressed during the October negotiation session when the chief Japanese delegate, Kubota Kan-ichiro, out of frustration, commented that Japan's colonization had actually benefitted Korea. As a result, the Korean delegation walked out of the session (Lee and De Vos 1981:93).

government continued seizing Japanese fishermen while the Japanese government kept tightening its control of Korean residents in Japan.

Taking advantage of the rift between South Korea and Japan and Japan's Hatoyama government's hope to open trade with the Communist bloc, North Korea took a conciliatory approach toward Japan in February 1955, attempting to gain the allegiance of the frustrated Koreans in Japan and to prevent any reopening of the South Korea-Japanese talks. The prospect for North Korean-Japanese rapprochement prompted the Rhee regime to refrain from further escalation of tension with Japan and to finally make a proposal to Japan concerning detainees held by both governments. By seeming to incline toward Pyongyang, Tokyo played its card to get a better position on concession from the Rhee regime. After the North Korean government's ardent appeal to Korean residents in Japan and its announcement to bear all the travel expense necessary for the Koreans' return to North Korea, the Japanese government in February 1959 decided to repatriate the Koreans who wished to return and entrusted the repatriation service to the Japanese Red Cross.

Following the resignation of Korean President Syngman Rhee who rejected normalization with Japan in 1960, the Republic of Korea (ROK) under General Chung Hee Park's leadership and Japan were pressured into an "alliance of necessity" by the concerned United States against the spread of communism in East Asia. By signing the 1965 Japanese-South Korean Basic Treaty, the two countries settled the long-standing property claims issue;<sup>10</sup> the Tokyo government provided South Korea a total of \$800 million, of which \$200

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<sup>10</sup> By the treaty of 1965, the South Korean government is considered to have renounced individual claims.

million was in the form of public loans, \$300 million in grants, and \$300 million in commercial credits over a ten-year period starting in 1966 (Dal-Joong 1992:509). The impending security concern over the Cold War in East Asia took priority in the South Korean-Japanese relationship over issues such as Japan's imperial past, comfort women, and remaining Korean residents in Japan. Although the two governments made necessary concessions on these issues, they never sought a fundamental solution for them (Chang 1992:523). The issue of comfort women never surfaced on the official agenda between the countries, and thus never became part of the negotiation discussion for the normalization treaty. Whenever the issue of comfort women was sporadically brought to the Japanese government's attention by individual scholars, journalists and NGOs, Tokyo strictly denied the Imperial government's involvement in any way in military prostitution.

Early investigation on comfort women dates as early as 1962 when journalist Kato Senda started collecting information on the issue and finished his book called *Military Comfort Women*, which was later published in 1973 (Hicks 1994:194). Despite other books on comfort women being published throughout the 1980s<sup>11</sup> and long-standing activities on the issue by a former Japanese soldier, Seiji Yoshida, who wrote a book, *My War Crimes: The Forced Draft of Koreans*, the movement did not really develop until the 1990s; Yoshida's lecture tour to South Korea was halted by the ROK government for a fear of agitation and was ignored by the Japanese authorities (Hicks 1994:195-6). It was only after

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<sup>11</sup> Hicks (1994:194-5) cites the following books published in the 1980s: *Tenno no Guntai to Chosenjin Ianfu* [The Emperor's Forces and Korean Comfort Women] by Kim Il Myon; Yun Chung Mo's *My Mother Was a Military Comfort Women* (1982); Seiji Yoshida's *Watakushi no Senso Hanzai: Chosenjin Kyosei Renko* [My War Crimes: The Forced Draft of Koreans] (1983).

the weakening of the military regime which brought democratization that activist groups emerged in South Korea and the gradual antiquation of the Cold War alliance in East Asia opened the Pandora's box of suppressed issues between South Korea and Japan.

Hicks (1994) traces the emergence of the first group to take action on the issue of comfort women in early 1988. this group formed within the South Korean Church Women's Alliance led by Professor Yun Chung Ok of Ehwa Women's University (Hicks 1944:173). Starting with a protest against sending an official mission of condolence to Emperor Hirohito's funeral in February 1989, Professor Yun and the activists started conducting a campaign to publicize the comfort women issue (Hicks 1994:177-80). Yun established a coalition of 16 organizations with some 300,000 members to petition the Japanese government for redress and brought up the comfort women issue to the state level by addressing a joint statement to President Roh Tae Woo prior to his visit to Tokyo in May 1990. During his visit, Roh requested the names of Korean laborers, although not specifically in the category of "comfort women."<sup>12</sup> Roh's request brought a discussion on comfort women in the Japanese Diet, however, the Japanese bureaucrats did not admit to any knowledge of them.<sup>13</sup>

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<sup>12</sup> The list given to the ROK included 140,804 draftees' names.

<sup>13</sup> According to an interview with a policy staff working for a Socialist Diet member, Shoji Motooka, prior to Professor Yoshiaki Yoshimi's discovery of the historical documents containing detailed information on comfort women, Motooka and his policy staff members had repeatedly asked the Ministry of Labor to do a thorough research on the issue, submit any governmental documents, and present a specific number of women drafted as comfort women. Yet the Ministry answered that there was no such record showing the existence of comfort women.

This denial by the Japanese government officials triggered a mobilization of various South Korean NGOs on comfort women. The coalition of these NGOs established a permanent coordinating body known as the Korean Comfort Women Problem Resolution Council (Hicks 1994:183). The group sent a letter in October 1990 to the Tokyo government, demanding Japan's admission of the forced draft of Korean women, a public apology, disclosure of information on the issue, and compensation (Hicks 1994:185). While the letter arose sympathy of some Japanese Diet members, the ROK government did not display any interest in the matter. Despite an effort made by a Social Democrat, Shoji Motooka to question the Japanese government at Diet meetings, Tokyo kept repeating that it had very little concrete information to reply to such questions. Meanwhile the Korean NGO threatened to broaden its campaign if it did not receive any satisfactory answer from Tokyo (Hicks 1994:186). Finally, the Japanese government sent a reply to the Korean group in April 1991, stating that there was no evidence of the forced draft of Korean women. The Japanese embassy in Seoul's attempt to distribute copies of this reply was halted by the South Korean government for fear of agitation. The Council reacted to the Japanese response by broadening the scope of activities and strengthening its ties to the Japanese counterparts.

The Japanese government's denial provoked the anger of Kim Hak Sun, a 67 year-old former comfort woman, who came out to speak publicly and brought the issue to the level of formal legal action. On December 8, 1991 Kim Hak Sun and two other former comfort women from the ROK filed a suit against the Japanese government for the first time with the Tokyo District court for 20 million yen.<sup>14</sup> The plight of comfort women won wide

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<sup>14</sup> *Jiji Press*, December 10, 1991.

international attention because of this lawsuit. The ROK government reacted to this lawsuit by urging Tokyo to take sincere actions regarding the issue and requesting Japan to provide a list of comfort women. The Tokyo government softened its previous attitude by commenting on "suffering and scars that were inflicted under past circumstances."<sup>15</sup>

Prior to the Japanese Prime Minister Miyazawa's scheduled visit to South Korea on January 1992, Asahi Newspaper<sup>16</sup> reported that a Japanese professor found the evidence from the Self-Defense Agency Library that the Imperial Army was deeply involved in the military prostitution, forcing the Japanese government to officially acknowledge the fact. The newly revealed facts led to Miyazawa's apology at the ROK's National Assembly.

During the course of the three-day meeting, the South Korean posture over the comfort women issue toughened from its previously lukewarm attitude. When the Japanese government made an apology to the sexual enslavement of Korean women prior to the Miyazawa visit, the Korean government acknowledged that the announcement was "a step in the right direction," and that the government was likely to withhold official reaction until the Prime Minister's visit.<sup>17</sup> At that point, the comfort women issue was not on the ROK-Japan agenda.<sup>18</sup> The major pending concerns for the South Korean government were Japan's participation in the UN peacekeeping operation and South Korea's enormous trade deficit

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<sup>15</sup> *Report From Japan, Inc.*, December 12, 1991

<sup>16</sup> *Asahi Shimbun*, January 11, 1992.

<sup>17</sup> *Agence France Presse*, January 14, 1992.

<sup>18</sup> *Jiji Press Ticker Service*, January 14, 1992 reported that Seoul conveyed this message to Tokyo after the Japanese government issued an official apology on January 13.

with Japan in the midst of a business downturn and sluggish Korean export.<sup>19</sup> Especially on trade, President Roh urged Japan to redouble efforts to redress the large bilateral trade imbalance and to accelerate the transfer of advanced Japanese technology to South Korea.

The bilateral talks did not produce any satisfactory results. Despite Roh's request to Tokyo to take more concrete solutions to the issues, Miyazawa did not offer immediate answers to Roh's call in increase for more imports or technical transfers.<sup>20</sup> He only agreed to be engaged in further negotiations and to continue working on the "action plan" including measures to open the Japanese market and to expand Japanese investment in South Korea. On the third day of the visit, delivering the most profuse apologies ever delivered by a Japanese leader, Miyazawa was informed by Roh that friendship was conditional on rectifying the worsening trade imbalance between the two countries.<sup>21</sup> Miyazawa's reaction to the trade issue confirmed Korean leaders' distrust that Japan does not keep its promises. In the aftermath of the bilateral talk, the Roh administration decided to formally demand that the Japanese government compensate Korean comfort women. It appears that the ROK turned tough on the compensation issue because the bilateral talks did not bring any concrete solutions to the trade and technical transfers issues. Some speculate Seoul planned to take

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<sup>19</sup> As much as \$8.1 billion out of the previous year's South Korean trade deficit of \$9.6 billion came in trade with Japan. *Jiji Press Ticker Service*, January 16, 1992.

<sup>20</sup> Roh was quoted by Japanese officials as telling Miyazawa that Japan is in a stronger position economically, and Seoul expects Tokyo to make generous concessions in these areas. Miyazawa responded that the South Korean economy is no way weak and he believes that the trade imbalance will not last very long. *Jiji Press*, January 16, 1992.

<sup>21</sup> *Japan Economic Newswire*, January 18, 1992.

the upper hand, by using the compensation issue, in the forthcoming negotiation terms of an action program which they agreed to establish for settling economic problems.<sup>22</sup>

Meanwhile the sixth round of normalization talk between North Korea and Japan started in Beijing in January 1992. In the course of the talks the issue of comfort women again became a political football between the parties. Despite the year-long continued efforts to normalize the relations, the positions taken by both states remained far apart on various issues including Pyongyang's compliance with the nuclear safeguards, validity and legality of past treaties, home visits by Japanese wives<sup>23</sup> and compensation for Korean forced laborers.

At this round, the North Korea negotiator took up the comfort women issue for the first time and claimed that the Japanese government had failed to display sincerity over historical responsibility during previous negotiations. For North Korea, which was in desperate need for economic and technical aid after a cut-off in Soviet aid, the compensation issue was a powerful diplomatic weapon. North Korea and Japan both remained divided over data which would be the legal basis for compensation and for the assessment of damages. Tokyo proposed that Pyongyang forfeit its right to seek property damages, and in return, receive a corresponding amount of economic cooperation. However, it has been said that North Korea was asking for an undisclosed amount which was much higher than what

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<sup>22</sup> *Japan Economic Newswire*, January 23, 1992.

<sup>23</sup> An estimated number of 6,000 Japanese women went to North Korea with their Korean husbands in the 1960s and the wives have not been allowed by the North Korean government to return to Japan even for a brief visit. This has been one of the biggest diplomatic issues between the countries.



had been offered by Tokyo.<sup>24</sup> The Japanese government was concerned that a too large amount of reparation could anger the South Koreans.

The deadlocked bilateral normalization talks between North Korea and Japan led the North Korean government to resort to a new strategy. In February, directly linking the comfort women issue to Japan's hidden ambition to be on the UN Security Council, a Pyongyang foreign ministry spokesman stated:

We consider that Japan can never be qualified for permanent membership of the U.N. Security Council without properly liquidating her past wrongs. As shown by North Korea-Japan talks in the past year, Japan does not sincerely apologize for her past crimes nor has the intention to (offer) compensation for the huge human and material damages she caused the Korean people. Furthermore, it was irrefutably disclosed recently that she drafted more than 200,000 Korean women as comfort girls for the army and forced them to serve as 'sex slaves' for the Japanese Imperial Army.<sup>25</sup>

This was rather a diplomatic embarrassment as it happened two weeks after Prime Minister Miyazawa expressed in his speech at the UN Security Council meeting (of the 15 UN Security Council member nations) the Japanese government's commitment to UN peacekeeping operations by passing the peacekeeping legislation and presented some proposals to strengthen the role of UN peacekeeping efforts (Diplomatic Blue Book 1992:399-405), hinting at Tokyo's interest in seeking a permanent seat on the UN Security Council. With this issue emerged, Pyongyang also attempted to form a pseudo-alliance with

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<sup>24</sup> *Inter Press Service*, January 29, 1992. For example, the Japanese government paid South Korea \$300 million upon normalization in 1965.

<sup>25</sup> *The Reuter Library Report*, February 14, 1992 reported the news that came from the North Korea Central New Agency (KCNA).

Seoul on the comfort women issue;<sup>26</sup> however, Seoul rejected the idea by saying that such a resolution would not help solve the comfort women issue.

Meanwhile South Korean and Japanese NGOs on comfort women started appealing to the UN Human Rights Commission to investigate the forced prostitution and support their demands for an apology and compensation from the Tokyo government in February and May 1992. Immediately after the second appeal in May, a UN working group on slavery supported compensation and rehabilitation of the former comfort women, calling the UN Secretary General to submit the findings of the group to Vitit Muntarbhorn, a UN special official on slavery.<sup>27</sup> On the following day the Japanese government showed its willingness to offer payment to former comfort women in North Korea but not in South Korea, as all the war claims were settled with South Korea in the 1965 Basic Treaty. Even at the seventh round of normalization talks with North Korea, the Japanese government expressed a more flexible attitude on the issue. At this point some political leaders expressed that the government should make a political decision.<sup>28</sup>

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<sup>26</sup> *The Daily Yomiuri*, February 21, 1992. North Korean Prime Minister Yon Hyong Muk suggested North and South Korea immediately issue a resolution demanding that Japan compensate forced Korean laborers and comfort women. Yet, as North Korea often utilizes this type of diplomatic rhetoric, it really did not appear to have expected to form an alliance on this matter with South Korea. He also stated that Japan is attempting to arm itself with nuclear weapons.

<sup>27</sup> *Japan Economic Newswire*, May 14, 1992.

<sup>28</sup> For example Foreign Minister Michio Watanabe stated that it is appropriate for the government to express visibly that Japan is sorry for the comfort women and that a political decision should be made.

Japan's official acknowledgement of the involvement of the Imperial Army in the recruitment of Chinese, Taiwanese, Filipino and Korean women into the military prostitution came as a result of the on-going investigation conducted by the Japanese government in July 1992. However, the government announced that it did not find any evidence to substantiate allegations by South Korea that the Army forced Korean women to work in brothels.<sup>29</sup> This announcement prompted neighboring Asian governments and their leaders to urge Tokyo to further investigate the issue and consider the possibility of compensation.<sup>30</sup> The Tokyo government's denial of the forceful recruitment of comfort women angered many former comfort women and the government was criticized by many not to have taken a serious approach to the matter.

The UN provided a forum where these angry comfort women and NGOs could appeal their plight to the world community as well as the place for NGO alliance. The Japanese government's report released in July made the former comfort women criticize Japan for failing to admit its use of force at an August sub-commission plenary session of the UN Human Rights Commission in Geneva where North and South Korean groups were to speak about the government's responsibilities and compensation.<sup>31</sup> At the session Professor Lee Hyo Jae, backed by the World Council of Churches, requested the passage of a resolution on

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<sup>29</sup> *The Daily Yomiuri*, July 7, 1992.

<sup>30</sup> The PRC government asked Tokyo to compensate former Chinese comfort women. A Philippine legislator, Edcel Lagman, urged President Fidel Ramos to demand compensation from Japan for the Filipino comfort women. And the Indonesian government appealed to Japan to thoroughly investigate the Indonesian comfort women issue.

<sup>31</sup> *Japan Economic Newswire*, August 18, 1992.

compensation and a fact-finding mission to the affected Asian countries. And this session inspired the following international public hearing held in December which gave a diplomatic blow to the Japanese government (Hicks 1994:255).

Furthermore, an on-going mobilization of comfort women NGOs and their publicity found them a powerful ally, namely, the War Amputations of Canada, which represents prisoners of war and survivors of forced labor. The initiation of former comfort women's petition to the UN human rights organizations encouraged the War Amputations of Canada to re-appeal the previous year's decision by the UN Sub-commission on Human Rights on the claims for compensation for the treatment of prisoners of war and internees by Japan in World War II. It was subsequently decided that its powers did not extend to the consideration of claims for compensation involving violations of the Geneva Convention. However, with a consultation from a Japanese lawyer representing the Korean comfort women claim, the War Amputations of Canada decided to re-appeal their case on behalf of war prisoners and internees, arguing that the claim on behalf of Korean women raises issues of international law which are in many ways parallel to the legal principles which apply in their claim.<sup>32</sup>

Moreover, the mobilization between the War Amputations of Canada and comfort women NGOs brought about an idea that Japan should establish an International Compensation Fund for indemnifying victims of war crimes committed by the Japanese government and that such fund could be administered by the UN or an international

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<sup>32</sup> *Canada NewsWire, Ltd.*, August 17, 1992.

organization such as the Red Cross;<sup>33</sup> later on this idea was partly incorporated by the Japanese government. These efforts made by the comfort women NGOs persuaded the UN Committee for Prevention of Discrimination and Protection of Minorities to appoint a special UN inspector, Theo van Boven, to North and South Korea in December to investigate and write a report on the comfort women issue. This put heavy political pressure on the Japanese government to take a position on the compensation.

While comfort women NGOs were busy appealing to the international community, the Pyongyang government appeared to have upgraded their linkage strategy, using the forced labor and comfort women issue. In September the North Korean Ambassador to Russia, Son Song-pil, bluntly criticized Japan as not qualified to become a permanent member of the UN Security Council because Japan was an enemy state and it had not taken clear measures to resolve a postwar issue. Instantly following his comment, the North Korean Ambassador to China also expressed that North Korea totally opposed Japan's bid to acquire a permanent seat on the UN Security Council.

It was the speech made by North Korean foreign minister at the UN General Assembly in September 1992 that embarrassed the Japanese government as Tokyo had been lobbying for a permanent membership during this Assembly session calling for UN reform and expansion of the Council.<sup>34</sup> During his speech at the 47th Session of the General Assembly, Japanese Foreign Minister Michio Watanabe demonstrated that Japan was worthy

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<sup>33</sup> *Canada NewsWire, Ltd.*, August 17, 1992. The War Amputations of Canada is representing prisoners and internees in Canada, the Netherlands, the United Kingdom, the United States, New Zealand and Australia.

<sup>34</sup> *The Reuter Library Report*, September 29, 1992.

to be considered for the permanent seat in the Security Council by publicizing its June decision to dispatch its self-defense forces to UN peacekeeping operations and its foreign aid contribution; proposing the UN reform; and subtly seeking to remove the out-dated, so-called "enemy state clauses" contained in the UN Charter (Diplomatic Blue Book 1992: 435-445).<sup>35</sup> Kim Yon Nam, North Korean Foreign Minister, without mentioning Japan by name, appealed to the UN General Assembly that it should not allow Japan to have a permanent seat on the Security Council.

We consider that a country which still fails to feel any responsibility for aggression and war crimes committed during World War II is not qualified to become a permanent member of the Security Council, even if the number of its permanent member states is to be increased.<sup>36</sup>

Pyongyang's international campaign against Tokyo continued; the Pyongyang's Committee on Comfort Women published an indictment and called upon other states, international organizations and public organizations to pay due attention to the Japanese government.<sup>37</sup> Obviously, this harsh statement made by North Korea did not help the

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<sup>35</sup> These are Article 107 and 53 of the UN Charter. Article 107 state that "Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action" (The United Nations 1987:262). Article 53 authorizes enforcement action against former enemy states under regional arrangements without the authorization of the Security council (Ueki 1993:367). Ueki notes that though this article has no practical meaning today, it "legally" (but of course, unlikely) allows room for military action against Japan without the Security council authorization, making Japan feel like a second-class citizen. Ueki also notes the article presenting Tokyo's possible fear that Russia might use these clauses to justify their rule over the disputed Northern Islands.

<sup>36</sup> *The Reuter Library Report* on September 29, 1992.

<sup>37</sup> The British Broadcasting Corporation reported on October 31, 1992, excerpts of news from Korean Central News Agency which was released on October 29, 1992

continuing normalization talks between Japan and North Korea which were being stalled by Pyongyang's alleged nuclear weapon program.

In the following month, striving to search for an alternate solution to formal compensation to close the issue,<sup>38</sup> the Tokyo government proposed to Seoul that Japan set up a fund to be administered by the Red Cross Society to assist former comfort women. The South Korean government, during informal talks in Seoul in October, expressed their demand to a representative from the Japanese Foreign Ministry that Japan make a more serious investigation of the issue before offering compensation. In November, the Japanese government decided to postpone its decision on compensatory measures for South Korean comfort women, which was originally planned to be made within the year. This delay was due to the unexpectedly stronger public opposition in South Korea and the South Korean official demand on Japan to conduct a more thorough investigation.

Another damaging blow to the already stained image of the Japanese government arose from the International Public Hearing on Post-war Compensation by Japan held in Tokyo in December 1992<sup>39</sup>. Participants included NGO representatives and former comfort

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<sup>38</sup> Chief Cabinet Secretary Koichi Kato was quoted in *Yomiuri News Service: Report from Japan* (October 12, 1992) saying that Japan must come up with some other method in lieu of compensation that would show Japan's sincerity, as the Tokyo government's position remained that compensation was settled by the 1965 Basic Treaty with South Korea. Also Japanese officials were cited that Tokyo would like to close the compensation issue before the end of the year.

<sup>39</sup> Other participants in the Public Hearing included Kinhide Mushakoji, former vice president of the UN University; Aneur Zemmali, legal advisor to the International Committee of the Red Cross; Wong Soon Park, member of the Board of Directors of the Korean Bar Association; Karen Parker, chief representative to the UN of the International Educational Development Inc.; and Totsuka Etsuro, East Asian Representative of the International Educational Development Inc and a member of the International League for

women from North and South Korea, China, Taiwan, the United States, the Philippines, and ten Japanese Diet members. They presented heart-wrenching often graphic testimony to a panel of human rights activists. At this hearing the first of a few non-Asian victims went public and shared her horrifying experience. She was also invited to a Japan's top-rated nightly news program to appeal the plight of comfort women, becoming the greatest public relations weapon for the movement.<sup>40</sup>

Professor Theo Van Boven, the Special Rapporteur of the Sub-commission on Human Rights, who attended the Hearing unofficially, led the discussion and stressed the importance of reparation to victims, saying: "If reparation to victims are not possible, similar ends might be achieved by commemorative acts and the full exposure of the facts" (Hicks 1994:259). Professor John Humphrey, who had helped to draft the Universal Declaration of Human Rights and played an important role in the adaptation of the International Covenant on Human Rights, commented at the Public Hearing that an apology is equivalent to an admission of guilt. The sooner the Japanese government compensated the victims, the better for Japan's image abroad (Hicks 1994:260). He reportedly alleged the Japanese government pressured members of the UN Sub-commission on Human Rights to drop compensation claims by those forced into sexual slavery for Japanese soldiers.<sup>41</sup> A spokesperson for the Japanese Foreign Ministry's Human Rights and Refugee Division denied the allegation. The organizing committee for the Public Hearing was later reorganized as the Preparatory

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Human Rights (Hicks 1994: 256).

<sup>40</sup> *The Age*, December 11, 1992.

<sup>41</sup> *UP International*, December 8, 1992.



Association for a Japanese War Responsibility Resource Center, pressuring the government on compensation and mobilizing public support by collecting petitions by a million people (Hicks 1994: 260).

The political climate changed for the South Korean comfort women when the ROK's new president, Kim Young Sam was elected in December 1992. Although he stressed that Japan needed to settle the compensation issue for comfort women, he also emphasized that the future of the ROK-Japanese relations was more important than past problems. In an exclusive interview with the *Daily Yomiuri* in February 1993, President-elect Kim was quoted:

Regarding the comfort women issue, it would be wrong to seek redress in the sphere of compensation. Our attitude will change with a full account of the historical facts, and an admission from the Japanese for their wrongdoing in the past.<sup>42</sup>

Kim Young Sam's message--Japan will not be expected to give compensation if it gave a straight, sincere apology--indicates his readiness to make a "political sacrifice" of the comfort women issue, which had long stymied relations between Japan and South Korea, and to focus more on better "future-oriented" relations. In March 1993 the ROK decided on its own compensation measures, including monthly subsidies and free medical care, starting the following year for their former comfort women. One hundred and three former Korean comfort women were designated as eligible for the compensation by the Korean Health and Social Affairs Ministry.

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<sup>42</sup> *The Daily Yomiuri*, February 22, 1993.

The new South Korean government under President Kim's strong political will to improve the Seoul-Tokyo relations prompted the Japanese government's decision in March to conduct for the first time hearings from Korean women allegedly forced into military prostitution. Tokyo had been hesitant to conduct such hearing, citing problems involving individual privacy and difficulty in confirming facts. By the end of March 1993, the Japanese government implied its intention to "concede" the South Korean claim that Korean women were recruited by force to serve in military prostitution,<sup>43</sup> and President Kim announced that South Korea would not seek compensation from Tokyo but it would instead press Japan to make full disclosure on the issue. Kim's rejection of monetary compensation was seen by Japanese diplomats as a goodwill gesture to start the relations with a clean slate.<sup>44</sup>

The improved diplomatic relations between Seoul and Tokyo had a positive effect on the Japanese government's stance on the comfort women issue and prompted its utmost effort to reflect and clarify the history. In May 1993, the Japanese Ministry of Education decided to allow history textbooks to mention the comfort women issue. Finally in August, the last day before the fall of the 38-year rule of LDP, the Japanese government released its report on the comfort women issue in which the government officially acknowledged the Imperial Army forcibly recruited and held Korean women against their will. The South

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<sup>43</sup> *JiJi Press Ticker Service*, March 22, 1993.

<sup>44</sup> *The Nikkei Weekly*, March 23, 1993 reported that the Japanese Foreign Ministry was approached by the South Korean government on the possibility of holding an exhibition of Japanese culture in Seoul in the fall 1994. This was very unusual given the ban placed on the importation of Japanese movies and songs by the South Korean government.

Korean government welcomed Japan's official admission of the use of force in recruiting comfort women and appreciated the Tokyo government's apology, assuring that South Korea will not raise the matter as a diplomatic issue as long as Tokyo continues its efforts at apology to the victims and at learning from the past in order not to repeat it.

The fall of so-called 1955 system in August 1993,<sup>45</sup> which was marked by the fall of the LDP rule and emergence of a non-LDP coalition government, moderately altered the political climate for the comfort women issue. The seven-party coalition, consisting of all former opposition parties (except the Communist party) and three new political parties, elected Prime Minister Morihiro Hosokawa, who was from the Japan New Party (JNP). This put seemingly a more progressive face on the Japanese government. The birth of this coalition also introduced an increased influence of the Socialist party, placing the new Social Democratic Speaker of the House, Takako Doi, who also participated in the Diet's Special Committee on the Forced Draft Problem. Soon after the new Prime Minister was elected he displayed his administration's willingness to settle the war responsibility and commented Japan had waged a war of aggression that was a wrong war.<sup>46</sup>

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<sup>45</sup> The 1955 system is known as a one-and-one-half party system in which one party dominates with other parties remaining a perennial minority. The Socialist party was the biggest opposition "one-half" party.

<sup>46</sup> *The Daily Yomiuri*, August 17, 1993. After the release of his statement, the prime minister's official residence was flooded with angry phone calls, protesting Hosokawa's characterization of Japan's role in World War II as "aggression." An influential conservative LDP Diet member expressed that Hosokawa had blasphemed Japanese history by his remarks, saying "Japan should reflect on its wartime conduct if it deserves remorse, but it is a blasphemy against our history to define Japan's war acts as aggression with all the responsibility for the war falling on Japan." See *The United Press International*, August 20, 1993.

At this point the new government appeared to have been divided over the compensation issue. The new government's official position was that although the comfort women issue is special, the government will not review the treaties. The compensation issue was separately treated from the issue of war responsibility. While others contended that Japan already settled reparation claims by Asian neighbors, except for North Korean and Taiwan, the Socialists insisted that the government must compensate comfort women.

Tokyo's admission caused a perplexing reaction among the people involved in the issue. Along with South Korea, the Philippines and Indonesia reacted positively to Japan's admission while the Taiwan government still pressed Japan for "humanitarian responsibility" and compensation. Contrary to the reaction of most of the governments, leaders of the NGOs were as critical as ever. Leaders of the South Korean Council for Comfort Women accused the Japanese government of trying to escape responsibility as well as urged President Kim to reverse his decision and seek compensation. The Korean Council for the Women Drafted for Sexual Slavery blasted the report, saying that Japan was making only a partial admission.<sup>47</sup> The Japanese War Responsibility Data Center proposed that a special committee to deal with and settle post-war issues be established at the Diet in coordination with the UN and that compensation should be arbitrated through a UN mediation organization.<sup>48</sup> On one hand, Japan's acknowledgement of the coercive and deceitful recruitment of comfort women gave them a firmer legal ground for making their case for

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<sup>47</sup> *The Nikkei Weekly*, August 9, 1993.

<sup>48</sup> *The Daily Yomiuri*, August 6, 1993.

compensation. On the other, the same acknowledgement also marked the official closure of the South Korean diplomatic avenue in pressing the case against the Japanese government.

While Japan's admission sanctioned a "fresh" start for Seoul and Tokyo, Pyongyang's criticism toward the Japanese government became even more stern. Since the severe clash at the 49th UN Conference on Human Rights in Geneva earlier in the year,<sup>49</sup> the North Korean government's appeal to the international community has become louder. Especially after the Japanese government's acknowledgement of the use of force in recruiting comfort women, Pyongyang called for criminal punishment against Japanese officials responsible for forcing comfort women as well as accused of the South Korean government of a "servile response" to Japan's admission.

The meeting held in August 1993 by the UN Human Rights Sub-commission on Prevention of Discrimination and Protection of Minorities of the UN Human Rights Commission was the ideal place for all the frustrated parties with the unchanged official attitude of the Japanese government on compensation. With their South Korean official diplomatic avenue to lobby the Japanese government for compensation closed, the last resort for the South Korean comfort women was the UN forum, where they could aggressively push forward and furthermore internationalize the issue to embarrass the Japanese government. During the four week-long Sub-commission meeting the comfort women issue was discussed as critically as Bosnian ethnic cleansing by the Sub-commission members. At the meeting

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<sup>49</sup> At the Conference in March 1993, North Korean Ambassador to Geneva, Yi Chol, lashed out at Japan for its human rights abuses of comfort women while Japan criticized North Korea for not allowing 1,800 Japanese wives of North Koreans to visit Japan. *The British Broadcasting Corporation*, March 10, 1993.

the UN-registered NGOs such as the International Education Development and the World Council of Churches demanded a thorough investigation into the issue and compensation by Japan. The North Korean government requested the UN appoint a special investigator to shed more light on the issue, as they claimed the Japanese government distorted the facts. Finally the Sub-commission unanimously adopted a resolution on launching their own investigation and appointed one of its members, Linda Chaves, an American, as a special investigator. Later in the meeting, the North Korean government submitted a report on the issue for deliberation at a UN General Assembly session starting in September and the report was delivered to the UN missions of all member countries.<sup>50</sup>

A major development on the comfort women issue did not take place until the following summer when Japanese Emperor Akihito's scheduled visit to Washington, D.C. New York, and Los Angeles in June 1994. Capitalizing on Emperor Akihito's visit for their public relations opportunity, a Chinese American-based organization, United Against Japan for Justice and True History and the Washington Council for Comfort Women Issues, an organization formed by Korean Americans, held a news conference in Washington, D.C. to appeal to the American public about the plight of comfort women by releasing a 100-page report on comfort women. They urged the Japanese government to pay compensation to them, and reminded Emperor Akihito of his moral responsibility to redress the wrongs Japan did to its Asian neighbors. Leaders also appealed to the US government and other UN

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<sup>50</sup> *Jiji Press*, August 26, 1993; *Japan Economic Newswire*, August 27, 1993; and *Agence France Presse*, August 28, 1993.

Security Council members not to grant Japan a permanent membership in the Security Council before Tokyo has sincerely repented of its wartime crimes.<sup>51</sup>

These Korean and Chinese American-based NGOs on comfort women successfully mobilized 1,000 protestors in Washington, D.C. upon Emperor Akihito and the Empress's arrival, demanding that Japan stop whitewashing its wartime atrocities in student textbooks and pay compensation to the surviving comfort women. The groups also collected 8,000 signatures calling for appropriate compensation and gave another petition to President Clinton, calling on him not to allow Japan to gain membership in the UN Security Council.<sup>52</sup> A similar protest demonstration took place in front of the United Nations in New York and Los Angeles.

On another front, the Japanese government was having difficulty defending its position on the comfort women issue. In a reference to the comfort women issue, a drafting committee for the Second Asia and Pacific Ministerial Conference on Women, scheduled to be held in June 1994, approved the Jakarta Declaration. The new declaration condemned organized violence against women during wartime and called on governments to punish those responsible. This declaration is considered significant as it actually sought punishment for those held responsible while the Vienna Declaration, adopted in at the UN World Conference on Human Rights in June 1993, only indirectly touches upon those conscripted for military prostitution. Despite the North Korean delegate's effort to have specific reference to Japan in the declaration, the committee in the end did not refer to any particular

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<sup>51</sup> *Central News Agency*, June 4, 1994.

<sup>52</sup> *Central News Agency*, June 13, 1994.

historical events. In response to the North Korean delegate, the Japanese delegate strongly demanded that the draft adhere to the main thrust of the conference, which is "advancement of the position of women, and not to dwell on past issues."<sup>53</sup> Japan faced open criticisms and opposition at the meeting and had difficulty defending its position.

With their country's prestige disgraced on two international fronts, the Tokyo government, under Prime Minister Murayama's leadership, in order to avoid ever-increasing international criticism, decided on a political solution: "substitute" measures to set up a fund for youth exchange with South Korea instead of paying compensation to Korean women. The government also decided to increase funding to assist Asian students in Japan, finance academic studies and preservation of historical materials and records concerning comfort women and other wartime issues. The government claimed that Japan decided to adopt these measures as South Korean President Kim Young Sam suggested measures that could expedite investigation, recognition and education concerning these historical facts.<sup>54</sup>

In order to "symbolize" its desire to help victims of Japanese troops in the Philippines, Prime Minister Murayama during his four-nation Southeast Asian tour, expressed its plan to set up an employment training center for women in the Philippines in lieu of compensation. The plan was indirectly intended to show sentiments of apology and remorse to the comfort women and promote the economic improvement for women, said the Japanese government. This proposal was welcomed by the Manila government. During the meeting the Philippine Foreign Under-Secretary Rodolfo Severino told Japan that Manila was

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<sup>53</sup> *The Daily Yomiuri*, June 12, 1994.

<sup>54</sup> *Japan Economic Newswire*, July 12, 1994 and on July 14, 1994.



not expecting or asking Japan for compensation for comfort women in the first place. For Manila, the focus of the meeting was elsewhere besides comfort women; Severino stressed that there were many other facets to Philippine-Japan ties besides Tokyo's wartime record and the issue of comfort women, as the Philippine government's main agenda was to boost trade with Japan and increase in foreign aid.<sup>55</sup> Contrary to the Philippine government's reaction, Filipino comfort women survivors are demanding compensation and staged protests against Prime Minister Murayama's visit.

Upon his return from a trip to Southeast Asia where he was constantly confronted by the past, Prime Minister Murayama declared its intention to "squarely face" its colonial aggression and the military prostitution of Asian women by launching a \$1 billion program intended as symbolic compensation. This official announcement of the programs named "Peace, Friendship and Exchange Initiative" which were outlined earlier in the month, was perceived as an insult to the survivors who were expecting the real compensation from the Japanese government under the Socialist Prime Minister. Tomiichi Murayama, the first Socialist Prime Minister in more than four decades, had been known as a leading critic of the policy successive conservative governments that ignored compensation claims by the victims of Japan's war crimes. However, being elected into office in June 1994 in a ruling coalition with its arch-enemy, the LDP, he appeared to have come to accept, under extreme pressure from the LDP conservatives, the fact that agreeing to compensate individual claims would open a diplomatic can of worms. A group of conservative LDP leaders such as former Environment Agency chief, Shin Sakurai, and former Justice Minister, Shigeto Nagao

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<sup>55</sup> *Inter Press Service*, August 24, 1994.

insisted on Japan's innocence in World War II. And a major mainstream magazine, *Shukan Shincho's* September coverage of Murayama's visit to Southeast Asia criticized it as "apology diplomacy." A journalist covered the Murayama visit likened him to "a frog in a well" who has no notion of what goes on outside the well. During his visit to Malaysia, Prime Minister Mahathir Mohamad responded to Murayama's apology, asking why keep on apologizing for wrongs committed half a century ago?<sup>56</sup>

By going on the politically cathartic trip to Southeast Asia by Prime Minister Murayama and establishing the apology programs, Japanese conservative leaders appeared to have felt that Japan's atonement was complete—complete enough for the Japanese government to formally announce its decision to seek a permanent membership in the UN Security Council. Murayama repeatedly emphasized that it is important to win the support of the public, as well as of the people of neighboring countries in Asia, for Japan's permanent membership in the Council.<sup>57</sup> The coalition government eventually agreed in early September to openly seek permanent membership in the UN Security Council. The official announcement of the Tokyo government's ambition was carried out by Foreign Minister, Yohei Kono at the 49th annual UN General Assembly in New York on September 27, 1994 in which he reaffirmed the country's determination not to participate in military activities, citing the constitutional limitation.

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<sup>56</sup> *Mainichi Daily News*, September 15, 1994. In the same issue of the magazine, a Japanese professor criticized Murayama's apology as a knee-jerk pacifism that dwells obsessively on Japan's past evils.

<sup>57</sup> *The Japan Times Weekly* International Edition September 26-October 2, 1994, p.7.

In its attempt to finalize the comfort women compensation issue, the Japanese government's subcommittee on the comfort women issue sought to complete its expression of national "atonement" by proposing a private-sector fund to compensate former comfort women. It was intended as part of Prime Minister Murayama's "Peace, Friendship, and Exchange Initiative," aimed at promoting understanding between Japan and the rest of Asia. While the government is against using public money directly for the establishment of the fund, it offers support for the fund's management. The Tokyo government planned an international organization such as the Red Cross Society to channel "sympathy money" to former comfort women abroad. This, the Tokyo government thought, would satisfy the compensation demands of the former comfort women without altering its official position that the compensation issue was settled when Japan normalized its relations with South Korea.

As a protest against Tokyo's announcement of establishing a private fund for comfort women, NGOs, once again resorted to the tactics of causing diplomatic embarrassment to the Japanese government by use of media. Comfort women's groups including the International Campaign to Realize Redress to Wartime Victims and the Taipei Women's Rescue Foundation took newspaper advertisements in 11 countries in December 1994 demanding that the Japanese government compensate comfort women.<sup>58</sup> One of the leaders made a statement that their goal is to make Japan compensate comfort women before they die, to prevent the Japanese government from soliciting donations from the private sector to form

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<sup>58</sup> *Deutsche Presse-Agentur*, December 7, 1994. The campaign took place in Japan, Taiwan, South Korea, the Philippines, the United States, Germany, Switzerland, Australia, Netherlands, New Zealand and Britain.

a fund to help comfort women, as they argued the money should be paid by the government. Their third goal was to urge the UN Security council not to admit Japan a member until the issue is solved. Also, a Korean-American human rights group, the Korean-American Coalition on Jungshindae (comfort women) presented a petition, containing 11, 000 signatures collected in the United States, to the Japanese and American missions to the United Nations and criticized the Tokyo government for blurring the issue of Japan's legal responsibility by establishing a private fund.<sup>59</sup>

Meanwhile during their annual month-long session in Geneva, the UN Human Rights Sub-commission on Prevention of Discrimination and Protection of Minorities asked two of its special investigators, El Hadji Guisse of Senegal and Louis Joinet of France to start an official investigation on the comfort women issue. This was initiated as a result of the recommendation made in a resolution adopted by the Sub-commission during its annual session in Geneva in August 1994.<sup>60</sup> The investigation resulted in their recommendations to the full 53-member UN Human Rights Commission in January 1995 that the Japanese government make formal compensation to the former comfort women. The report blamed Japan for not recognizing its abuse of those women as crime under international law of humanity, stressing making up for past conduct is a principle of international law.<sup>61</sup> Finally, the issue was taken up by the UN Commission on Human Rights in February and was followed up by a hearing and fact-finding research by a Sri Lankan attorney, Radhika

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<sup>59</sup> *Japan Economic Newswire*, December 23, 1994.

<sup>60</sup> *Reuters World Service*, August 19, 1994.

<sup>61</sup> *Jiji Press Ticker Service*, January 4, 1995.

Coomaraswamy, special rapporteur on violence against women.<sup>62</sup> At a special hearing at the UN Commission on Human Rights, ICJ harshly criticized Japan's policy again and the World Council of Churches, a Protestant organization urged the Tokyo government to settle the issue in a way that is acceptable to the victims before a UN Conference on Women's Rights in Beijing in September 1995. And such threat became reality at the 4th UN Conference on Women where the comfort women issue was once again linked to Japan's possible permanent membership in the UN Security Council by various comfort women NGOs and the North Korean government.<sup>63</sup>

By 1995, comfort women NGOs' strategy of linking the issue with Japan's entry into the UN Security Council appeared to have successfully mobilized the international opinion. According to an editorial in a monthly journal popular among UN officials, *The Diplomatic World Bulletin* in March 1995 expressed that Japan should settle the comfort women issue before aiming at a permanent seat in the UN Security Council. It said:

If Japan is determined to win a permanent seat in the Security Council, may we suggest that member states first impose a condition that Tokyo must publicly acknowledge its manifold offenses against international law committed in the name of Emperor Hirohito, and apologize for them. Better yet, start compensation procedures.<sup>64</sup>

With the 50th anniversary of the surrender of Japan in World War II drawing closer and its bid for a permanent seat in the UN Security Council placed, the Tokyo government

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<sup>62</sup> *Japan Economic Newswire*, February 20, 1995.

<sup>63</sup> *Asahi Shimbun*, September 5, 1995.

<sup>64</sup> *Japan Economic Newswire*, March 4, 1995.

is desperately seeking various ways to pay the debt for the past history and to improve its image.<sup>65</sup>

### **Conclusion**

Japan's decision to establish a symbolic apology program was a reaction to all the mounting pressure coming from the NGOs as well as other involved countries. Yet, upon close examination of the Tokyo government's intention, the case reveals that such policy decision was made in order to rehabilitate its imperial past and to establish its reputation and prestige as a credible leader in the international community.

The initial issue awareness was brought to the attention of government officials of South Korea by the NGO or the South Korean Church Women's Alliance, which emerged after the weakening of the military regime and the growing democratization in South Korea. Despite its hesitation of turning the comfort women issue into a contentious issue with the Japanese government, South Korean President Roh Tae Woo semi-formally set the agenda by asking the Japanese government for the list of Korean laborers and draftees' names, however not specifically in the category of "comfort women." The issue was not even formally brought up on the diplomatic agenda by the South Korean government even after the law suit against the Japanese government was filed by two Korean former comfort women in December 1991, and the newly discovered historical evidence by the Japanese

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<sup>65</sup> *The Daily Yomiuri*, March 16, 1995. As part of such effort, the Japanese government announced in March 1995, a project to help assist in the repatriation of South Korean who were stranded in Sakhalin at the end of World War II. The project, which will begin in April 1995, includes building apartment houses for those who want to relocate.

scholar on the extensive scope of the Imperial government's involvement in military prostitution was widely reported in January 1992.

At this point the major pending concerns for the Seoul government were Japan's participation in the UN peacekeeping operation and South Korea's enormous trade deficit with Japan. The comfort women issue was formally set as an agenda and intentionally brought up by South Korea only after the trade issue talk with Tokyo turned sour; the Seoul government formally demanded that Tokyo compensate Korean comfort women, thus linking it with the trade issue. By "linking" those previously unrelated issues, the South Korean government appeared to have attempted to improve prospects for a further opening of the Japanese markets, winning Japan's increased technical transfers to South Korea, and gaining Japan's expanded investment in South Korea.

In the initial stage of the development of the issue, the Tokyo government reacted to the demands of North and South Korea by simply apologizing for the military prostitution without admitting its governmental involvement and giving into the international pressure to admit. Tokyo's acknowledgement of the Imperial Army's involvement came only after the North Korean government "framed" the comfort women issue as a prestige issue by linking it to Japan's ambition to acquire a permanent membership in the UN Security Council, and the NGOs "internationalized" the issue by asking the UN Human Rights Commission to support their demands for an apology and compensation from the Japanese government.

The NGOs concerted effort to publicize the issue to appeal to a wider international community also attracted a powerful and visible Western NGO ally, the War Amputations

of Canada, thus turning the Asian issue into a more internationalized concern and further broadening the scope of the issue. The comfort women NGO alliance's "Anglonization" strategy, which later turned into "Americanization" of the issue, is similar to Putnam's "reverberation" except that this was used in a way to appeal to the silent, yet potentially powerful allies in the international community so as to bring an increased international pressure to the Japanese government. The "reverberation" strategy paid off, as the comfort women NGO alliance gained the support from the War Amputations of Canada; and the latter NGO also benefitted from this joint legal-resource sharing, as it was encouraged by the comfort women NGO alliance to re-appeal their case on behalf of war prisoners to the UN Sub-commission on Human Rights, on the old compensation claims. Since the Canadian group's claim raised issues of international law similar to that of the comfort women NGOs, the both groups strengthened each other's causes against the Japanese government.

Moreover, the mobilization between the War Amputations of Canada and comfort women NGOs, as a suggestion, "specified" the idea of establishing a compensation fund, which later the Japanese government took into consideration and partially incorporated the idea later on, although the actual fund was established as a private fund, not as a governmental compensation fund. This strategy was a variation of what Schoppa described as "alternative specification." Yet, the Japanese government did not wholly carry out the policy alternative that was suggested by the NGO alliance.

By considering establishing a foundation in South Korea to assist former comfort women, the Japanese government attempted to preempt further spreading of diplomatic embarrassment and to politically solve the comfort women issue at the earliest possible stage.



This move was suspended due to the cautious attitude of the South Korean government. However, the swift resolution of the issue appeared to be critical to the Japanese government as it was already considering placing a bid for a seat in the UN Security Council. It appears that the Tokyo government opted for the preemptive measure, as it was concerned about prestige and its image of the nation to the world community, especially to Asian neighbors.

Next, Tokyo admits the use of coercion in recruiting comfort women as a result of newly elected South Korean President Kim's "goodwill" decision toward Japan to make a "political sacrifice" of the comfort women issue and not to demand compensation; this was mainly the South Korean effort to save the long stymied relations between Japan and South Korea and to improve their worsening trade imbalance situation. Consequently, the angered NGOs and North Korea furthermore internationalized the issue by aggressively lobbying the UN Sub-commission on human rights. The issue developed to a more diplomatically salient "prestige" issue which questioned Japan's moral standing at the forum of the United Nations. Finally, with the fiftieth anniversary of the end of World War II approaching, the Tokyo government under the leadership of a Socialist Prime Minister, which is ready to formally place a bid for a permanent membership in the UN Security Council, came to a decision to establish a \$1 billion apology program to express its atonement for the victims. This could be considered Tokyo's attempt to reaffirm its prestige without changing its stance of not paying compensation.

As this case indicates, the Japanese government under the new foreign policy style appears to be fairly conscious of the prestige aspect of the comfort women issue. On one hand, if the Tokyo government cared less about its reputation and prestige, it could have

plainly apologized and ended its discussion by using its legal argument based on the 1965 Basic Treaty as far as South Korean comfort women are concerned. After all, the claimants of the prestige issue are not their domestic constituency supporters of the Japanese parliament. Yet, instead, the case shows that the Tokyo government has been susceptible to the *gaiatsu* because it was important for Japan to lighten the burden of history by repeatedly apologizing and expressing a sign of "remorse." Regardless of the sincere intention of the government, it was critical for Tokyo to express its contrition on the internationally publicized issue because this issue signifies what quality a credible state needs in the international community to be respected and trusted by other states. In order for Japan to attain a "respectable and credible" leadership as one of the influential states in the UN Security Council, it is necessary to rehabilitate its past image and gradually shape a new face of what Japan aspires to be—to fully gain and affirm its "prestige" as one of the global leaders. The comfort women issue is an interesting case in which the concept of "prestige" was operationalized both as a human rights issue which tested Japan's moral standing in the world forum and as an issue of Japan's notion of the past which examined the "political correctness" of its historical view fit for a civilian global leader.

In conclusion, the Japanese government's decision to initiate a political solution short of compensation without changing its original legal position on the comfort women issue as a result of Tokyo's intention to improve its image as a "prestigious" nation in response to external pressure or *gaiatsu*. The rising status of Japan as an economic and financial great power in the international system compelled Japan to reexamine its old foreign policy style and to start shaping a new and more appropriate strategy. Such shift to a new foreign policy

style indicates a different set of strategies, instruments, and motivations to attain the unchanged goal—economic growth and prosperity—without being criticized as a "free-rider" by the Western states or giving any impression of dominance to other Asian states. As Japan aspires to rehabilitate its past image and to gain respect and credibility under the new foreign policy strategy, "prestige" issues, such as comfort women and human rights, have become a salient and critical diplomatic agenda for the Tokyo government. Especially in the course of bidding for the permanent membership in the U.N. Security Council, the comfort women issue gained a high priority for Japan's diplomacy.

**CONCLUSION: CONTENDING THEORETICAL MODELS IN JAPANESE POLICY-  
MAKING AND INTERMESTIC ISSUE-AREA**

My research examined the interrelationship of domestic and foreign policy, focusing specifically on how Japan's rising economic status in the international system affects its domestic policy toward the Korean minority in Japan. With the assumption that domestic policy toward the Korean residents can be understood only in the context of international politics, I utilized Robert Putnam's "two-level games" as my broad analytic framework for the five longitudinal case studies to test the hypothesis that Japan's treatment of the Korean minority depends in part on the extent to which Japanese foreign policy makers are concerned with issues of the country's "prestige" or reputation in the international system. The more Japan is concerned with issues of international prestige, the more accommodating it becomes toward Korean minority interests. It is my argument that Japan's policy toward the Korean minority has been largely instrumentalized as a part of its foreign policy, and in the process of making my argument, I elaborated especially how the Japanese government reconciled the domestic bureaucratic regulatory forces of "assimilation" and the international forces of "accommodation" toward the Korean minority, facing distinctive strategic opportunities and dilemmas at the crossing point of the systemic and domestic logic. In short, the Tokyo government's Korean-related domestic policy from the postwar period throughout

the 1970s was greatly influenced by what is known among scholars in the Japanese studies as the commercially-oriented foreign policy or what I call the old foreign policy style. In this old foreign policy style mode, the social-welfare policy toward the Korean residents was merely a consequence of Tokyo's rather ad hoc diplomatic stance toward the Korean peninsula. On the other hand, due to Japan's rising international economic status, the same domestic policy towards Koreans in the 1980s and 1990s has been transformed into a politically salient intermestic human rights issue that Tokyo no longer could afford to simply ignore as an economically influential *taikoku*, a "mature" member of the international society.

The first case study of the Japanese government's 1959 decision to repatriate almost 100,000 Koreans to North Korea was a clear result of Japan's two-Korea policy against the South Korean Rhee government as well as Tokyo's attempt to rid of what the government and the SCAP considered "unruly and disruptive" communist elements in the Japanese society and to mitigate the mounting domestic political pressure coming from the political Left at the same time. The deteriorating relations between South Korea and Japan in addition to the anti-Japanese sentiments fostered by Syngman Rhee in the 1950s stirred the Japanese government to repatriate the Koreans to Kim Il-sung's North Korea, which was pursuing a conciliatory policy toward Tokyo. As the repatriation movement that initially had emerged among the pro-North Koreans in Japan gained a wide spectrum of support from the Japanese public and leaders including both the political conservatives and liberals, repatriating the Koreans to the North was a quick and convenient solution that would solve a domestic "security" problem easier than assimilation as well as an opportunity for Tokyo to send a cautious, yet clear warning to South Korea that Tokyo would not hesitate to use the North

Korea card against the Rhee regime. Yet, as Japan had to be careful not to step beyond the slowly emerging Cold War alliance framework that the United States was encouraging to construct between Seoul and Tokyo, the MOFA insisted on entrusting the entire operation to the Japan Red Cross under the strict supervisory involvement of the Committee of the International Red Cross so as not to imply its de facto recognition of the North Korean regime. By referring to the right to freedom of movement and residence in the Universal Declaration of Human Rights, the Japanese government framed the repatriation issue as strictly "humanitarian," yet, the Japanese government's failure to institute a similar repatriation program to the South via the South Korean Red Cross indicated that Tokyo's decision to repatriate to the North did not emerge out of humanitarian concerns. The 1959 repatriation was a rare case in which the interests of majority Koreans in Japan converged with those of Japanese government officials and political leaders.

The signing of the agreement on the legal status of the Koreans upon the South Korean-Japanese normalization in 1965, which brought the unequal treatment of North and South Korean residents in Japan, truly reflected the political reality of the international climate in East Asia. Despite the prevailing absence of willingness to normalize relations on both South Korea and Japan, the final decision for the normalization was a consequence of Tokyo's economic diplomacy and Seoul's development diplomacy carried out under the U.S. pressure in pursuit of creating a strategically vital, triangular coalition in East Asia; the normalization was considered by Washington to be essential for the recovery of the South Korean economy and valuable to Japan in broadening its trading area, creating a sphere of security under the U.S. influence in the region. The wide scope of issues regarding the legal

status and welfare of the South Koreans to be resolved in the process of normalization generated a set of concerns for some regulatory bureaucratic ministries of the Japanese government. For the Justice Ministry, the negotiation meant granting recognition of a special legal status for those who identify themselves as South Korean nationals in Japan, allowing them a permanent residence eligibility, and a more lenient set of forced deportation clause for the group. The Ministry of Health and Welfare, and the Ministry of Education were forced to consider providing health care, pension, and education benefits for the South Korean residents in Japan, which would create a further budgetary concern for the Finance Ministry in addition to the reparation of \$800 million in grants and loans to settle the property and claims issue with South Korea. Such bureaucratic obstacles, in addition to the anti-normalization movement by the Communist and Socialist parties and Sohyo opposition, could not have been removed without the high political intervention by the pro-South Korea members of the LDP in alliance with the business leaders to finalize the negotiation. The overall reaction of the general public to the normalization itself was favorable whereas provisions of social and welfare benefits to the South-Korean residents in Japan was seen as a major concession Tokyo made for Seoul and it created a concern among the media as well as the officials of the regulatory ministries and the Office of the Cabinet that such accommodations would make it easy for the South Koreans to live in Japan without assimilating into society, thereby perpetuating the existence of the Korean minority in Japan. In the case of the 1965 normalization treaty, the force of "accommodation" towards the Korean minority was exerted by the South Korean government, aided by the pro-South Korean Mindan in Japan, and facilitated by the groups of pro-South Korean sympathizers

within the LDP. These political elites in alliance with the Japanese business leaders in search of export markets in South Korea as well as the MOFA in pursuit of its commercially-oriented diplomacy found the resolution of issues of the Korean minority and property of claims to be instrumental in advancing Japan's economic interest, satisfying the U.S. strategic interests at the same time. In the process, the long-standing resistance of Justice, and Health and Welfare Ministries to accommodation and their attempt of "assimilating" Koreans prevailed by the logic of accommodation in the name of Japan's larger "national interests."

The signing of the International Human Rights Covenants in 1979 and the Refugee Convention and Protocol in 1981 by the Japanese government, which consequently conferred to most Koreans the eligibility for public housing and housing loans as well as for the national pension plan and the child allowance, was a result of the long and arduous negotiations and consultation between the MOFA and its political supporters on one hand, and the regulatory agencies, the Ministries of Labor, Education, and Health and Welfare on the other. The MOFA's sense of urgency for Japan's early signature of the Covenants was heightened by the U.K. and West Germany's ratification; and the Carter Administration's signature of the Covenants in October in 1977 was perceived by the MOFA officials to be the "ripe" time to sign the Covenants, and not to lag behind in the human rights issue. The timing coincided with the rising U.S. accusation of Japan's security "free-riding" accompanied by Japan's growing trade surplus and the influx of Vietnamese refugees into Japan. The MOFA's drive to become a signatory to the Covenants met with hesitation and resistance from the Justice, Education, and Labor Ministries. Especially the Labor and Education Ministries persistently opposed to remuneration for public holidays and the right



to strike of public sector workers, and the progressive introduction of free education at high schools, and universities, respectively. Yet, in this case, the resistance of the Labor and Education Ministries were not completely convinced by the MOFA's logic of accommodation due to opposition coming from the members of the Labor Division of the LDP policy affairs research council to the Covenants and the general lack of enthusiasm about human rights among the LDP members of parliament. The resulting outcome was the decision to sign the Covenants, yet with reservations attached regarding the points vigorously contended by the Labor and Education Ministries.

The next impending agenda of the MOFA quickly emerged and vocalized by the internationally-minded Foreign Minister Sonoda, as the Japanese government came under fire over the Vietnamese refugee issue. The old abstract discussion of the significance of adjusting the domestic legal system for an early ratification of the Refugee Convention was swiftly turned into a concrete reality that Japan had to face, by the continued influx of the Vietnamese refugees and the increasing "accommodation" *gaiatsu* from the United States, the U.K., the ASEAN nations, and the UN on Japan to contribute more to the pending refugee crisis. While the MOFA received cooperation from the Education and Labor Ministries for the signature of the Refugee Convention, the Ministry of Health and Welfare uncompromisingly refused to grant eligibility to refugees in Japan for the national pension plan and child assistance, as such "accommodation" would necessitate granting the same eligibility to the vast number of Korean residents in Japan, resulting in a financial burden on the government. Adamantly adhering to the non-accommodation stance, the Health and Welfare Ministry even suggested Japan's signature of the Convention with a reservation

attached exempting itself from granting the pension eligibility to any foreign residents. The MOFA's refusal to accept the MHW's "crippling" suggestion led to an impasse, which eventually had to be reconciled by the political intervention by the newly appointed Health and Welfare Minister Sonoda, who had been the former Foreign Affairs Minister and an advocate for the Convention. Despite the MHW's protest that the matter should not be "politically" resolved, the conflict was left for Health and Welfare Minister Sonoda's discretion in which the logic of "accommodation" prevailed over that of "non-accommodation" in the end. As it was revealed in the comments made by the MOFA officials, not becoming a signatory to the Refugee Convention was a matter of losing face in the international community where Japan had been already under much pressure to assume more responsibilities commensurate with its economic power; the anxiety of the MOFA officials of being criticized by other states motivated them to quickly and forcefully move towards the ratification of the Refugee Convention.

The Japanese government's decision in 1991 to abolish the finger-printing requirement was another case in which *gaiatsu* coming from South Korea was introduced via the MOFA into the domestic policy-making area strictly dominated by the Justice Ministry and the National Police Agency, altering the Japanese government's rigid finger-printing policy towards the Korean residents. Despite the emergence of the anti-fingerprinting social movement in the early 1980s and the nation-wide attention and support it received in the mid-1980s, the abolition of finger-printing did not even become Tokyo's policy agenda until South Korean President Chun formally initiated as a bilateral diplomatic issue in 1988. Initially, the MOFA also did not regard the finger-printing practice as a

particularly burdensome obligation demanded of the Koreans in Japan, and the Justice Ministry and NPA argued strongly that the finger-printing requirement for long-term foreign residents in Japan was strictly a domestic issue which should not be scrutinized at a place of diplomacy. It was not until Seoul started threatening to cancel the scheduled presidential visit to Japan and the South Korean media, public, and the President's frame of finger-printing as a symbolic prestige issue that the MOFA began forcefully pressing for the abolition of finger printing. The "strictly domestic issue" was transformed into an intermestic concern that would test the Japanese government's political correctness of its historical view fit for civilian global leadership. The issue also pitted segments of the LDP against each other, namely conservatives in the Special Committee on Public Peace, lending their support for the NPA and the Justice Ministry on one hand, and the pro-South Korean lobby endorsing a "political" resolution (as opposed to domestic "administrative" resolution) and backing the MOFA and the local governments, on the other. In the end, the finger-printing controversy entailed a high-level political judgement of Prime Minister Kaifu for the final resolution; the over-riding political concern for the better diplomatic relations with South Korea, and the growing sensitivity of its international reputation prevailed the NPA and Justice Ministry's unyielding logic of "assimilation."

The final case of the Japanese government's 1994 decision to establish an apology program for the former comfort women also illustrated the MOFA's growing sensitivity towards Japan's international reputation and how that affected (at least symbolically) the previous conservative treatment of its imperial past. The issue of the former Korean comfort women was semi-officially initiated by South Korea President Roh Tae Woo. The issue

became more politically salient with Seoul's diplomatic strategy of linkage; by linking other economic and trade issue to the comfort women, President Roh attempted to improve Seoul's prospects for a further opening of Japanese markets, winning Japan's increased technical transfers to South Korea, and gaining Japan's expanded investment in South Korea. The following simple apology by Tokyo without its admission of the governmental involvement in the forced recruitment of comfort women incited the North Korean government and other comfort women NGOs to frame the controversy as a prestige issue by linking it to Japan's ambition for a permanent membership in the UN Security Council. The NGOs consorted effort to publicize the issue to appeal to a wider international community and expand its alliance to other NGOs in the North America finally prompted the Tokyo government to halt the further spread of diplomatic embarrassment at the earliest possible stage by suggesting an establishment of a foundation to help the comfort women. Japan's swift resolution of the issued appeared critical to the Tokyo government, as it was seriously considering placing a bid for the UN Security Council membership. The Japanese government's admission of the forced recruitment came as a result of newly elected South Korean president Kim 's "goodwill" decision toward Japan to make a political sacrifice of the comfort women and not to demand formal compensation; this was Seoul's effort to save the long stymied Seoul-Tokyo relations and to improve their worsening trade imbalance situation. Finally, with the 50th anniversary of the end of World War II approaching, coupled by the angered NGOs' continued effort to lobby the UN Sub-commission on Human Rights, the Japanese government under the leadership of a Socialist Prime Minister Murayama came to a decision to establish a \$1 billion apology program to express its atonement for the victims. This was

seen as Tokyo's political solution short of formal compensation without changing its original "legal" position on the comfort women, so as to rehabilitate its image as a respectable and credible state as well as to attempt to lighten the burden of history. This supplemental case is relevant to the Korean resident issues, as the same perception among the foreign policy makers about Japan's international status and the world community's expectation of Japan, factored into the conservative domestic policy-making process for the policy on Korean residents and can be an indicator to measure the degree of dignities the Japanese government would give to the Korean minority—another legacy of Japan's imperial past.

As I hypothesized, Japan's treatment of the Korean minority depends in part on the extent to which Japanese foreign policy makers concerned with issues of the country's prestige or reputation in the international relations. The late 1950s and the mid-1960 policy changes came only as a result of Japan's diplomacy in pursuit of its narrow economic interests. In the 1959 case of repatriation, all the mainstream policy-makers were in consensus to repatriate what they considered the disruptive communist elements from the Japanese society to North Korea, which was largely supported by the political left as well as most Koreans in Japan. As a politically and economically inconspicuous state, Japan did not have to be concerned about reputation nor did the MOFA personnel see the need of intervening in the Justice Ministry's policy turf regarding Korean residents' issues; it was left alone to mind its own domestic policy regarding the Koreans even if that meant depriving the pro-South Korean nationals a choice to repatriate to the Rhee regime. Granting of preferential treatment to South Korean nationals in 1965 only came as a result of Japan's decision to pursue its economic diplomacy and normalize relations with Seoul under the U.S.

pressure; yet the total absence of providing benefits to the North Korean minority in Japan did not receive much international criticism. In the late 1970s, the MOFA and internationalists of the LDP were made aware of the international expectation of Japan and its role in the international community in the course of the "burden-sharing" debate. With its growing economic prominence, the MOFA officials came to perceive that it was no longer acceptable for Japan to be preoccupied with its narrowly defined economic interests, thereby simply holding onto the *keizai* diplomacy, the old foreign policy style. In the eyes of the MOFA officials, it was no longer viable or permissible to blatantly resort to the old economic strategy, not accepting Vietnamese refugees on their soil, or not signing the Human Rights Covenants and the Refugee Convention. The consequence of not changing its strategy would invite increased criticism, more pressure, and "Japan-bashing," causing a diplomatic embarrassment. The benefits received by the Koreans in Japan as a result of Tokyo's signature of the Covenants and the Refugee Covenant was a consequence of changing perception among the foreign policy makers, of Japan's international responsibilities as an economic great nation or *taikoku*.

Such changing perception of Japan's international responsibilities among Japanese political leaders and the MOFA was further reinforced at the wake of the Gulf War crisis by Ozawa's "normal nation thesis" in the course of the ongoing "*taikoku* debate," arguing in favor of Japan's expanded political role in world affairs as well as peacekeeping in the United Nations. Japan's soul-searching for a new role was forced to break away from what Ozawa called "self-centered pacifism" to "proactive pacifism" by allowing the SDF to participate in U.N. peacekeeping and humanitarian operations. While limiting the SDF personnel's

involvement in U.N. peacekeeping operations, political leaders and the MOFA bureaucrats reached a broad consensus that Japan must assume political and security responsibilities commensurate with its economic status as unavoidable "burden-sharing," in order to maintain its image as an important leader of the world community.

In the course of the *taikoku* debate, Japanese leaders and the MOFA bureaucrats became more willing to attend to "non-economic" issues which they had neglected in the past. Adjustment of the domestic legal system and norm regarding its treatment of the minority residents to the international standards was gradually brought about by the MOFA officials who had to defend Japan's position to the international community and explain to their domestic regulatory ministries why Japan needed to conduct such a domestic reform; the logic of "accommodation" was gradually introduced by the MOFA officials into the policy-area traditionally dominated by the regulatory ministries. Such perception adjustment of the MOFA officials became more acutely essential in the 1992 abolition of finger-printing case in which the issue was framed by outside actors as a "prestige" issue that would test the common sense and historical correctness of the Japanese government. Japan's "prestige," and its ensuing responsible behavior as a *taikoku* became critical for the Tokyo government to remain in the system as a trusted leader without losing credibility. Such strategy change of attending to "non-economic" issues was unavoidable for Tokyo to continue its pursuit of economic interest. Prestige became a shorthand for the internationally-minded politicians and the MOFA officials in calling for "internationalization" of the domestic norms and systems. The rising economic prominence of Japan's status in the international system changed the MOFA officials' perception and activated them to start introducing the force of

"accommodation." Japan's new status gave an increasingly pronounced position to the Ministry of Foreign Affairs, at least in the traditionally conservative Korean-related policy-making area and rendered the MOFA's reasoning for the necessity of accommodation more compelling to the LDP leaders and the Japanese public than the old logic of "non-accommodation" of other regulatory ministries.

The rationale used for the final "political" decisions made by the LDP leaders in the capacity of ministers, the PARC committees, as well as prime ministers, in resolution of bureaucratic impasse in the 1979 and 1992 cases also reflected their gradual recognition of Japan's economic influence and acceptance of its expected *taikoku*-like behaviors in the international system. Traditionally in the Japanese policy-making literatures, scholars (Okimoto 1988; Krauss and Muramatsu 1988) attributed the degree of policy-area politicization to the nature of the political transactions (namely the exchange of political goods and services) between the LDP and interest groups under each ministry's jurisdictions; the nature of exchange, in turn, affects the extent to which LDP parliamentarians are motivated to tread on bureaucratic turf or turf fights among ministries, as lobbyists on behalf of parochial interests. It has been argued that a policy issue area will be more politicized and the relevant bureaucratic agency more vulnerable to the LDP interference if the relationship between the LDP and interest groups under ministry's jurisdiction is very close. Yet, as the 1979 and 1992 cases revealed, the LDP political interventions in favor of the MOFA in the bureaucratic stalemate were not carried out on behalf of the type of "parochial interests" illustrated by scholars; the LDP leaders who intervened in favor of accommodation did not count on clientalistic votes of Koreans in Japan, reciprocal patronage, or financial



contributions. It was a much larger concern—a concern about responsible foreign policy behaviors expected of a *taikoku* that compelled the LDP leaders to side with the MOFA's logic of accommodation, a traditionally weak bureaucratic ministry without any domestic constituents, finally resulting in the diplomatically appropriate interest coordination fit for Japan as a respectable state. The Korean-related policy outcomes in the 1980s and 1990s elucidate Tokyo's political leaders' realization that Japan is no longer allowed to simply pursue its old commercially-oriented style diplomacy and is expected to attend to different facets of diplomacy.

Some speculate on impacts of the relentless recession on Japanese foreign policy style. The prolonged recession since the beginning of the 1990s has kept the Japanese government more preoccupied with a domestic agenda of political reform and economic stimulus, and forced the Japanese government to slightly curtail a budget for an important foreign policy tool such as the official development assistance (ODA). Yet, the MOFA continues to ardently convey to the public the importance of commitment to foreign aid by explaining why resource-scarce Japan cannot survive today unless the world is stable and prosperous to which ODA contributes. The scope of its commitment to U.N. peacekeeping operations and humanitarian assistance activities has expanded since September 1992 to include their participation in the UN missions to Angola, Cambodia, Mozambique, El Salvador, Zaire, Kenya, and the Golan Heights.<sup>1</sup> While it is possible the current recession

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<sup>1</sup> Japanese participation in UN peacekeeping operations include the United Nations Verification Mission II (UNAVEM II); the United Nations Transitional Authority in Cambodia (UNTAC); the United Nations Operation in Mozambique; the United Nations Observer Mission in El Salvador; international relief cooperation assignments for Rwandan refugees; and the United Nations Disengagement Observer Force (UNDOF).

might slow down the pace of Japanese participation in the UN activities in the future, the Tokyo government, so far, has not indicated any inclination to recede from the commitment it made in the early 1990s.

Yet, my argument does not necessarily indicate a transformation of human rights consciousness among the MOFA officials and the LDP's internationalists who are engaged in the foreign policy decision making process. These leaders have not yet taken an assertive enough role in formalizing the private fund for the former comfort women or prevailed in initiating a serious discussion for the formal compensation for the former comfort women from other Asian nations. No initiative has been taken by these leaders to completely abolish the finger-printing requirement for other foreign residents in Japan, or to accommodate the older Korean residents who did not qualify for the national pension plan which had been made available for the younger Korean residents in Japan in 1982. That might be an indication of the degree of their pragmatism towards "non-economic" issues; in other words, they would only attend to such potentially controversial matters that would question the extent of Japan's international commitment, as minimally as they require them to so as not to harm Tokyo's fragile international reputation.

Despite such possible "pragmatism" among the MOFA officials and LDP internationalists, I would conclude that the Koreans residents in Japan are gradually benefitting from the amount of international attention the Japanese government is receiving as a result of its economic prominence. Such international economic influence and resulting "visibility" placed the Japanese government in such a systemic position, extensively narrowing the scope of the acceptable domestic Korean-related policy choices. At least in

the eyes of the MOFA bureaucrats, who often are the transmitter of various *gaiatsu* and the interpreter of the rationale behind the international logic of accommodation, certain conservative policy-outcomes regarding the Koreans in Japan were regarded not acceptable to the international audience. The MOFA's transmitting of *gaiatsu* and interpreting of the logic of accommodation altered the domestic power configuration in the policy-arena traditionally dominated by the conservative regulatory bureaucratic agencies such as the Justice, Health and Welfare Ministries and the National Police Agency. As some bureaucrats called it as the second SII, the previously "domestic" issue was transformed into an semi-international, "intermestic issue" that called the Japanese government into question about its treatment of foreign residents, especially the Korean minority. Japan's fore-mentioned highly visible status rendered the logic of "accommodation" more compelling to the political leaders and the general public than the logic of "assimilation." In the end, it was judged by the LDP political arbiters that accommodation supported by the MOFA was more "politically" appropriate than the conventional "administrative," and non-accommodative solutions sanctioned by the regulatory ministries. The early theoretical literatures from the late 1970s and mid-1980s on Japan's domestic policy-making that used to glancingly subscribe to the "strong state" thesis were later called into question by a group of comparativists who found new evidence for "state followership" (as opposed to "state leadership") or a "penetrated state," arguing that such dichotomy is misrepresentative, therefore, the classification should be "policy area-sensitive." Even such a new approach ignores the international systemic source of domestic policy changes. In my research on the Korean-related domestic policy-making, the study not only revealed that designating such labels as "strong" and "weak" state

projects a very static view of the Japanese domestic policy-making, but also suggests that an outcome of a supposedly stable power configuration in a conservative domestic policy domain can be sensitive to the pending international context over time.

In the studies of Japanese political economy, the question as to how *gaiatsu* shapes policy outcomes has been explored in an attempt to introduce a systemic element into comparative analysis and bridge the gap between domestic and international politics by scholars along the line of Robert Putnam's analytical model known as "two-level games." Based on the assumption that negotiators attempt to do two things, seeking to manipulate domestic and international politics simultaneously, such theoretical formulation of international negotiation captures the dynamic nature of how international bargaining can create opportunities and constraints for negotiations to pursue different strategies aimed at reshaping politics in both their own and their counterparts' domestic arenas to make possible deals that would not have been possible without the interaction between the two levels (Schoppa 1993:353-4).

My research confirms that the two-level games approach provides a useful analytical framework in illustrating dilemmas that the Japanese Foreign Affairs personnel faced, being positioned between the domestic table with the regulatory ministries on one hand, and the international negotiation table with foreign actors on the other. The approach is valuable in elucidating "how" the Foreign Affairs Ministry officials, with a help of internationalist political leaders, reconciled the domestic and international logic. Yet, this approach does not fully reveal "why" the MOFA officials, who did not see the need of addressing "accommodation" for Koreans in the past, came to involve themselves in the seemingly

"domestic" policymaking arena in the first place, and "why" the MOFA decided to translate the international force and logic of "accommodation" into the policy turf and prevailed the opposition of the regulatory bureaucratic agencies.

In an attempt to investigate answers to these questions, I incorporated an examination of the recent foreign policy style changes in a more contextually and empirically informed systemic analysis supported by a discussion on its domestic philosophical discourse. I argue that such contextually embedded understanding of the Foreign Affairs Ministry officials' (subjective) perception of Japan's status and role in the international system manifested in the form of foreign policy style change is vital in explicating why they came to recommend reversing the conservative domestic norms regarding Tokyo's treatment of minority Koreans. Through analysis of MOFA officials and influential political leaders' changing perception of Japan's role in the world, which is at the core of the newly emerged foreign policy discourse, this research was intended to shed a light on these actors' "own" reasoning for change. Feeling the need of moving towards what they term a "*taikoku*" or "normal" state, they preached the necessity of adjusting the foreign policy strategy and instruments fit for their economic prominence. And in this very process of change, these key players were required to address "accommodation" towards ethnic Koreans, thereby intervening in the domestic policy turf. The study demonstrates how such changing perception of foreign policy leaders combined with an influence of international public opinion can have a strong impact on the politics of a state with a people who opted to isolate themselves from the world. This research not only illustrates the process in which borders of international and domestic politics are being permeated, but also strengthens Putnam's approach by

explicating such "blurring" process of international and domestic demarcation through probing into the changing worldview of key foreign policy actors.

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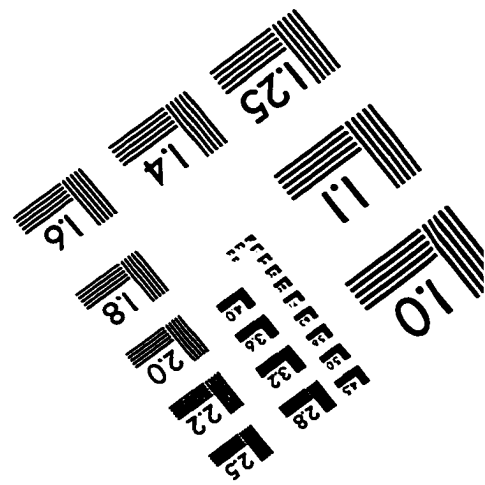
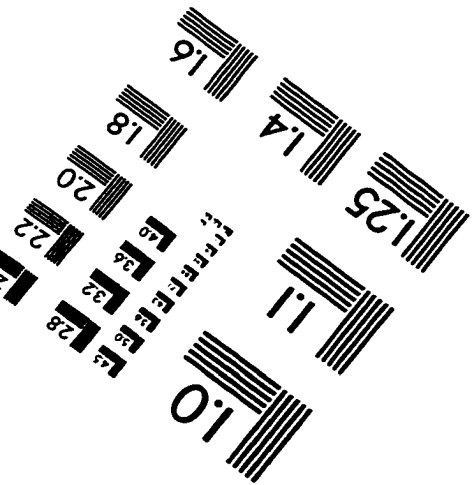
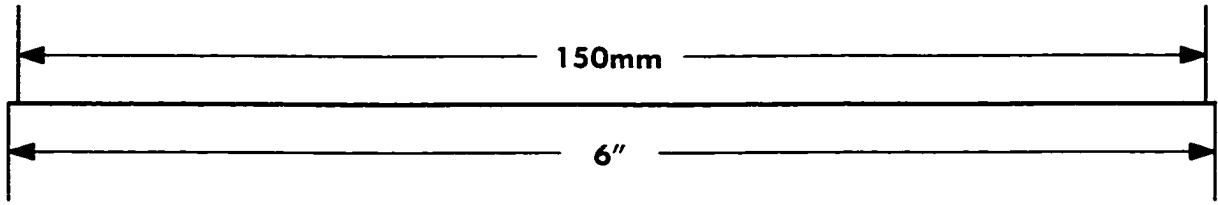
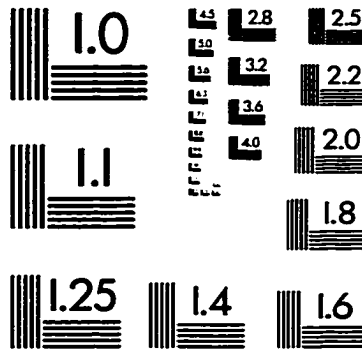
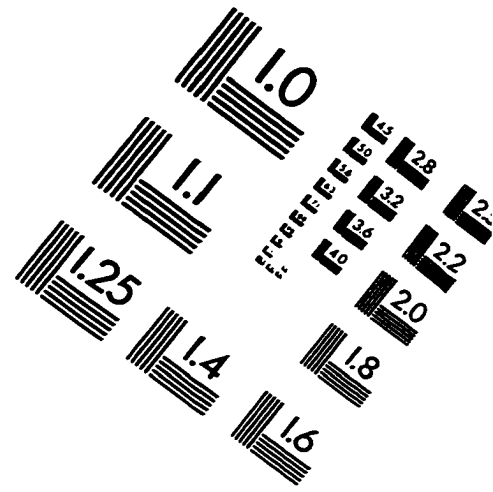
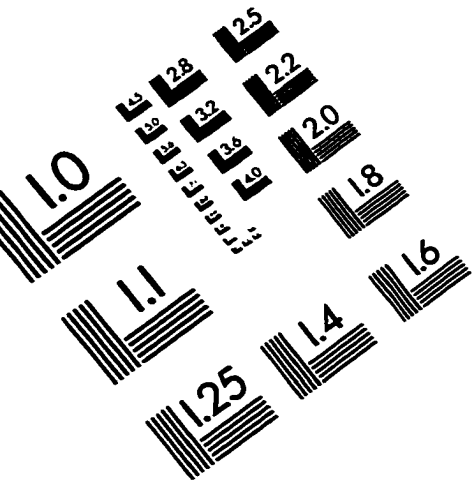
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