

Individual Lives under the Cold War: The Negotiations among the Delegations of Japan and ROK on the Future Nationality of Korean Residents in Japan

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Both Korean and Taiwanese people had the Japanese nationality before the end of World War II. The conventional views, which have been asserted by some Japanese legal professors and, lawyers, by many citizen activists, and by many Korean residents in Japan, are that the Japanese government unilaterally deprived Korean residents in Japan of their Japanese nationality on 28 April 1952, that is, the day the San Francisco Peace Treaty came into force (*Tōitsu Nippō* 9 August 1995, Kashiwazaki 2000, Akedo 2014). On the other hand, in contrast to the opinions above, a few academic critics amongst the second and third generation of Korean residents, who were naturalized in Japan, began insisting in the 2000s that “the ROK government unilaterally pushed the ROK nationality onto Koreans in Japan” (Tei 2001, Asakawa 2006, 167-168). However, both sides supported the same idea, that is, that the Republic of Korea (ROK) government took the stance that all Korean residents in Japan were ROK nationals.

Nevertheless, neither party has referred to the Japan-ROK conference from October 1951, in which the legal status of Koreans in Japan was discussed. For a long time, neither government disclosed the minutes of the conference, but, in 2005, the ROK released approximately 35,000 pages of minutes to the public and, since then, the Japanese government has gradually provided access to their minutes from the same conference. These extensive minutes have yet to be analysed thoroughly. Nonetheless, even a rough study of the minutes of the conference reveals that the nationality option, which gives the Korean residents in Japan the right to choose either Japanese nationality or ROK nationality, was discussed by both governments.

Based mainly on the minutes of both governments from October 1951 to April 1952, and supplemented by the Japanese governmental documents, I will argue that the ROK government’s treatment of Korean residents in Japan differed from the generally accepted view.

Behind the Superficial Accord of Japan and the ROK

Beginning immediately after the war, Korean residents in Japan repeatedly asserted that

they were not Japanese and should be treated as people of one of the Allied countries. Even the Supreme Commander for the Allied Powers (SCAP) was often overwhelmed by their stubbornness; for instance, SCAP retracted its press release that had said, “Koreans in Japan who refuse to return to their homeland under the SCAP repatriation program will be considered as retaining their Japanese nationality [...]” (SCAP Press release 5, 12, and 20 November 1946). Almost all of the people were fiercely against the idea of the nationality option and the policy to encourage naturalization in Japan. Although, at the time, 97.2% of Koreans in Japan originated from the southern Korean Peninsula, only 15.4% of them selected ‘ROK’ in the nationality column of their identification cards (MOJ 1965, ROK78).¹

As for the macro international political situation, in the autumn of 1951, when the Japan-Korea conference began, the Korean War had not ended, and the ROK government was still based in Pusan (now known as Busan). However, even though the ROK government did not govern the entire Korean Peninsula, the United States (US), due to its anti-Communist stance, allowed Japan to negotiate only with the ROK government, and not with the Democratic People’s Republic of Korea (DPRK). This situation led to a major misrepresentation in the negotiations, namely, that the ROK government represented the whole Korean Peninsula. It was in such an atmosphere that the negotiations of the Japan-ROK conference proceeded.

Both Japanese and ROK governments announced almost the same policy before the commencement of the conference, specifically, that “Korean residents in Japan will lose Japanese nationality and obtain ROK nationality” (*Yomiuri Shimbun* 29 September, and 10 October 1951). In addition, the preliminary session of the conference, which started on 20 October 1951, announced to the public an agreed outline policy two months later, saying, “Korean people who had been domiciled in Japan before the end of the war will lose Japanese nationality at the same time as the effectuation of the San Francisco Peace Treaty” (*Asahi Shimbun* 23 December 1951). For both ordinary Japanese and Korean people in Japan, it appeared that both governments were maintaining a consistent policy from the beginning to the end. However, the internal arguments of the conference became increasingly complicated, even after the outline agreement had been reached.

Possibility of Nationality Option: Inside the ROK Government

Onuma Yasuaki wrote, “It is difficult to imagine that the notion of Korean residents in Japan holding Japanese nationality could be acceptable to both the South and North Korean governments, who had stated that giving Japanese nationality was an expression of Japanese Imperialism” (Onuma 2004). However, internal opinions within the ROK government were not unanimous regarding this issue and, in fact, they had several searching and in-depth discussions in their preparations before the conference.

One document from the ROK stated that the aim of the Japanese government was to return

Korean residents in Japan to the Korean Peninsula and, therefore, the nationality option would be advantageous for the Japanese side because it was an international precedent that the people who exercised their rights and obtained ROK nationality could be returned to their original country (Article 20 of Treaty of Peace with Italy 1947, Yi 2007, 72-73). In contrast, the Director of the Ministry of Justice of the ROK claimed that the idea that all Koreans in Japan could obtain ROK nationality would lead to the wealthy Korean people with moderate views being naturalized in Japan. However, he continued, if such people were given the nationality option, the Japanese government would have to give its approval to any person who opted for Japanese nationality being considered Japanese and, on the other hand, “the people who have the patriotism to become a ROK national from their heart will choose ROK nationality” (ROK78, 114-119, Yi 2007, 77-80).

Before the commencement of the conference, President Rhee himself finally made a decision, after seven hours of debate, not to employ the idea of the nationality option (JAPAN120). However, a reversal within the ROK occurred during the New Year break. According to the Japanese minutes, in the first meeting after the break, one of the ROK representatives, Yu Chin-o stated what had happened as follows:

In fact, inside the ROK [government], there are two factions: the idealists, who advocate jus sanguinis and are mostly old, and the utilitarians, who espouse the nationality option and are mostly young. [...] Subsequently, the opposition faction has continued maneuvers, and as you already know, at the beginning of this year, the president was finally persuaded by them and decided to insist on the nationality option, even temporarily. (JAPAN120)

It should be noted that, as far as I have found, this counterattack was not stated in the ROK minutes.

Subsequently, still in the conference recess, the old idealists launched a further attack in Pusan and got the second turnaround. However, the younger group did not give up after Yu’s counterattack; the Japanese minutes recorded Yu’s complaints thereafter (JAPAN120).

Nevertheless, even Yu, “the old idealist”, was not convinced that Korean residents in Japan who were given ROK nationality would pledge sustained loyalty to the ROK. According to the Japanese minutes, Yu stated that “in practice, I think that the descendants of people who obtained permission to stay permanently in Japan will probably be naturalized” (JAPAN119).

Meanwhile, in the Japanese government, for seven years after the war, various possible measures concerning the future nationality of Korean residents in Japan had also been examined, with each ministry having different intentions and policies. In December 1951, around the same time as the outline agreement concluded the forfeiture of Japanese nationality, the Head of the Treaty Bureau of the Ministry of Foreign Affairs in Japan commented, at the inter-ministry discussion, “If the [ROK] insists on the nationality option, it should be

mentioned in the treaty” (JAPAN861). That is, the two governments were not unified under one policy, and if the ROK delegations officially insisted on the nationality option, the Japanese government was possibly ready to accommodate this option.

President Rhee Syngman and Korean residents in Japan

The ROK maintained some other falsehoods, for example, that the Japan-Korea Annexation Treaty was invalid, and that the Korean people had never obtained Japanese nationality (ROK76). Yu repeatedly argued that as Koreans had “never obtained Japanese nationality, the wording the Japanese insist on, that is, ‘the forfeiture of Japanese nationality by Korean residents in Japan,’ was not correct” (ROK81, 255, 258, 329). His argument seemed to be that the ROK government regarded keeping face as being more important more than the future stable legal status of Koreans in Japan.

In addition, the conference addressed several economic negotiations other than the legal status of Korean residents in Japan. Before the conference, the Japanese government had feared that the ROK government just aimed to benefit significantly from the economic topics (Yoshizawa 1973, 38, ROK77). Actually, one document from the ROK materials, which was written before the conference, states that “the vested interest” of approximately 600,000 Korean residents living in Japan was “very great”, and that “protecting this vested interest should be deeply considered from the view of the nationals” (ROK76). Yi Yang-su, who introduced this document to Japan, interpreted these sentences as meaning that:

“ The ROK government would like to make maximum use of the existence of Korean residents in Japan as a tool to make the Japan-ROK conference beneficial to the ROK. However, if they asserted too much that Korean residents in Japan were ROK nationals, it would raise the dilemma that they could also be subject to deportation [...]” (Yi 2007, 71).

President Rhee made no secret of his indifference or, indeed, his dislike regarding the Korean residents in Japan who were in poverty or who supported the anti ROK government; he repeatedly asked the Japanese government not to send back the “poor Koreans” to the Korean Peninsula, but to send back the communist sympathisers to be punished (ROK81, JAPAN119).²

At the end of April 1952, just before the effectuation of the San Francisco Treaty, the conference broke down. Although the Japanese side indicated that they would like to sign only the treaty of the basic relationship and the agreement on the legal status of Korean residents in Japan, the ROK side rejected the negotiations (JAPAN402). The minutes of the ROK side reveal that, for them, the legal status issue was also a bargaining tool to be used during the discussion on the other economic topics (ROK81).

The Japanese government considered that the disagreement would be of short duration

(Diet minutes, MOF 1952). Hereupon, Rhee reversed his attitude and began claiming that “ROK nationality [of Korean residents in Japan] is not confirmed until the establishment of an agreement” (MOF 1956, 26). Then, in May 1952, he began refusing to accept the deportees who had resided in Japan before the end of the war and who had criminal records because, the ROK insisted, their nationality was not settled, although, until then, the ROK had received such deportees without any queries (MOF 1956, 26-27). It appeared that the role of Korean residents in Japan had ended as far as Rhee was concerned. The effect of the split of the conference on the individual lives of Korean residents was significant; they were in Japan with an uncertain legal status and many of them, in practical terms, remained stateless for thirteen years.

Conclusion

The actual process the documents reveal was not simple. There were various complicated opinions and motivations within both governments, and there has been no evidence yet to prove that President Rhee kept to the assertion that all Korean residents in Japan were ROK nationals.

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Notes

- 1 Morita Yoshio, the Japanese official at the time, confirmed that there was no use in trying to establish the ratio between supporting the DPRK or the ROK based on these statistics and introduced four opinions by others concerning the approval percentage of the DPRK or the ROK, all of which, however, showed that support for the DPRK was relatively high (Morita 1975, 188).
- 2 In 1951, the Prime Minister Yoshida said to the US Ambassador Dulles that "[MacArthur] had opposed [the] forced repatriation [of Koreans], partly on the grounds that they were mostly North Koreans and 'would have their heads cut off' by the ROK" (FRUS 1951 1007-1008).