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# Global Norms, Local Activism, and Social Movement Outcomes: Global Human Rights and Resident Koreans in Japan

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*The authors integrate social movement outcomes research and the world society approach to build a theoretical model to examine the impact of global and local factors on movement outcomes. Challenging the current research on policy change, which rarely examines the effects of global norms and local activism in one analysis, they argue (1) that global regimes empower and embolden local social movements and increase pressure on target governments from below, and (2) that local activists appeal to international forums with help from international activists to pressure the governments from above. When the pressures from the top and the bottom converge, social movements are more likely to succeed. Furthermore, these pressures are stronger in countries integrated into global society and on issues with strong global norms. The empirical analysis of social movements by resident Koreans in Japan advocating for four types of human rights—civil, political, social/economic, and cultural—demonstrates that the movements produced more successes as Japan's involvement in the international human rights regime expanded since the late 1970s, and that activism on issues with strong global norms achieved greater successes. The analysis also shows that lack of cohesive domestic activism can undercut the chances of social movements' success even with strong global norms on the issue. Keywords: social movements, globalization, human rights, Korean minority, Japan.*

Scholarship on social movements has accorded much attention to policy outcomes in recent years (Amenta, Dunleavy, and Bernstein 1994; Amenta, Olasky, and Caren 2005; Andrews 1997, 2001; Burstein and Linton 2002; Earl 2000; Giugni 1998; Giugni, McAdam, and Tilly 1999; McAdam and Su 2002; Soule and Olzak 2004). Integrating the impact of contentious collective action emphasized in sociology and the role of routine politics highlighted in political science, studies on social movement outcomes have generated new insights into how policy changes take place (McAdam and Su 2002; Meyer, Jenness, and Ingram 2005). The primary focus of the literature has been on how local social movements leverage national political contexts to produce policy changes in their favor. What is often lost in this *bottom-up* approach is the impact of global factors, which increasingly attract social movement scholars but have yet to figure in the movement outcomes research.

Meanwhile, the impact of global factors on local politics has been the main focus of the world society approach in sociology for many years (Meyer, Boli et al. 1997). This line of inquiry has produced many studies on the impact of global models and ideas on local policy changes (Berkovitch 1999; Meyer, Frank, et al 1997; Powell and DiMaggio 1991; Soysal 1994; Strang 1990). In recent years, scholars in this tradition and their brethren in international relations have examined how newly emerging global norms about human rights, environmentalism, and other progressive ideas influence local political outcomes, often with

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*Social Problems*, Vol. 55, Issue 3, pp. 391–418, ISSN 0037-7791, electronic ISSN 1533-8533. © 2008 by Society for the Study of Social Problems, Inc. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website at [www.ucpressjournals.com/reprintinfo/asp](http://www.ucpressjournals.com/reprintinfo/asp). DOI: 10.1525/sp.2008.55.3.391.

social movements as catalysts (Hafner-Burton and Tsutsui 2005; Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999). In contrast to social movement research, world society research takes a *top-down* approach and focuses on the impact of international treaties and agencies on local political practices.

Our study integrates insights from these two lines of research to explore how local social movements and global factors combine to produce policy outcomes in the area of human rights. The empirical context in which we examine the impact of local activism and global human rights is political mobilization by Korean residents in Japan (henceforth “resident Koreans”). Focusing on the post-World War II period, we trace the progression of their social movements along four broad types of human rights: civil, political, social/economic, and cultural rights. Although largely unsuccessful in the early post-war period, their political mobilization since the late 1970s has led to many policy changes that improved their human rights conditions. These successes were remarkable and paradoxical, if not unparalleled, because resident Koreans were a disenfranchised group that could not influence national politics directly. According to democratic theory and social movement outcomes research, in an advanced democracy like contemporary Japan, protest movements affect legislative outcomes to the extent that they can put pressure on elected officials to hear their preferences and demands. Resident Koreans’ success without voting rights and strong ties to political elites calls for an alternative explanation.

We argue that these recent successes can be attributed in large part to the growing influence of global human rights in Japan, which encouraged and facilitated resident Koreans’ mobilization.<sup>1</sup> As the Japanese government’s participation in the global human rights regime deepened since the late 1970s, legal and normative weights of global human rights combined with local mobilization by resident Koreans to produce the policy changes. A corollary to this argument is that resident Koreans’ social movements were more likely to succeed in areas with stronger global human rights norms. Our empirical analysis brings evidence to bear on these arguments, demonstrating the impact of increasing international pressures on the government to address human rights violations.

### **Impact of Local Activism and Global Factors on Policy Changes**

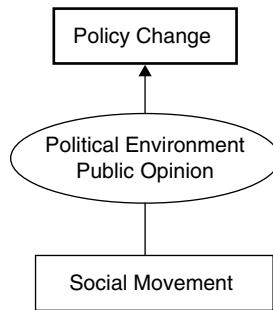
Our analysis of social movements by resident Koreans is informed by existing theories on policy changes. We combine the top-down model of the world society approach and the bottom-up perspective of social movement outcomes research to build a comprehensive theoretical model on how local activism and global forces affect policy changes in the contemporary world.

Social movement outcomes research has grown dramatically in recent years,<sup>2</sup> producing an impressive array of studies and quickly becoming a field onto itself.<sup>3</sup> These studies take a bottom-up approach and examine systematically how and under what conditions social movements influence policy-making processes (Amenta et al. 2005; Andrews 1997, 2001; McAdam and Su 2002; Soule and Olzak 2004). The literature has identified three domestic factors as particularly important in shaping policy outcomes: social movement cohesion and organization, political environment, and public opinion. First, social movements tend to have

1. Broadly defined, here, global human rights refer to a collectivity of international treaties, organs, nongovernmental organizations (NGOs), and activists that work to promote and protect human rights, as well as ideas, norms and vocabularies that these entities promulgate. There are various issues subsumed under the giant umbrella of human rights, each with varying degrees of legitimacy in international society.

2. To be sure, there were valuable earlier efforts by sociologists and political scientists to understand the ways in which social movements impact policy changes (Gamson [1975] 1990; Piven and Cloward 1977), which have provided important basis for the recent literature.

3. For reviews of the literature, see Giugni (1998), Earl (2000), and Burstein and Linton (2002).



**Figure 1 • Social Movement Outcomes Research**

greater impact if the activism is focused, organized, and sustained (Andrews 2001; Cress and Snow 2000; Giugni 1998).<sup>4</sup> If movement participants are not united in their goals and their mobilization is sporadic and disorganized, it is difficult for the movement to pressure the target effectively to produce a desired outcome.

Second, the impact of social movements is circumscribed by the national political context (Amenta, Carruthers, and Zylan 1992; Amenta and Halfmann 2000; Amenta et al. 2005; Amenta and Young 1999). In general, political opportunity theories apply to the social movement outcome analysis as well (Soule and Olzak 2005:478): movements are more likely to succeed when the institutionalized political system is open to them, when ruling elite alignments are vulnerable, when activists have elite allies, and when violent repression is unlikely (McAdam 1996:27). The political mediation model specifies the political opportunities arguments further and predicts that, in democracies, the extent to which social movements have access to policy making circles of political and bureaucratic elites and the patronage system circumscribes their impact on policy decisions (Amenta et al. 2005). Studies on movement coalitions frame similar processes in terms of alliances of movement actors with political elites, such as government officials, politicians, and judges (Stearns and Almeida 2004).

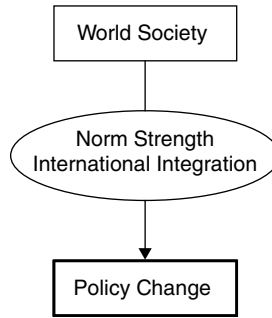
Finally, public opinion often mediates the impact of social movements (Burstein 1998; Burstein and Linton 2002; McAdam and Su 2002). Effectively staged social movements present their causes as reasonable and acceptable, and shift public opinion in their favor. Once this happens, public opinion pressures elected officials to change their policy preferences, leading to policy changes. In this process, public opinion is typically an intervening variable rather than an exogenous variable; social movements influence public opinion, which in turn impacts policy making.<sup>5</sup>

The existing movement outcome literature typically focuses on national politics along these three dimensions as summarized in Figure 1. The impact of a social movement's strength is represented by an arrow pointing to policy change, and the two other factors are in the intervening oval as mediating factors. A limitation of the literature lies in its exclusive focus on domestic factors.<sup>6</sup> We seek to enhance this existing model by incorporating global dimensions into the framework. Social movement scholars have recognized that in the

4. Disruptive behavior is often an effective tactic that helps pressure the target, although its effectiveness depends on the political context (Piven and Cloward 1977; Gamson [1975] 1990; Almeida and Stearns 1998).

5. Public opinion can also affect policy decisions independent of social movements: for instance, a major accident at a nuclear power plant can shift public opinion about nuclear energy, which in turn can influence policy decisions, independent of activism against nuclear technology.

6. To be fair, when scholars examine social movements that seek to change national foreign policy, not domestic policies toward movements' constituents, they do pay attention to international dimensions (Joseph 1993; Knopf 1993; Marullo 1994; Meyer 1999).



**Figure 2 • World Society Approach**

increasingly globalizing world, even seemingly local social movements cannot be understood fully without taking international dimensions into consideration (Bandy and Smith 2004; Della Porta, Rucht, and Kriesi 1999; Della Porta and Tarrow 2004; Guidry, Zald, and Kennedy 2000; McAdam 1998; Smith and Johnston 2002; Stiles 2000; Tarrow 2005; Tsutsui 2006). Given this trend in the literature, it seems logical and necessary to extend the scope of outcome analysis to the global level.<sup>7</sup> Here, the world society approach should be useful; it also aims to explain policy changes, but from a top-down perspective.

The world society approach has produced many studies that examine the impact of global norms and models on local policy changes. The main argument of this approach is that ideas that acquire strong legitimacy in international society become taken-for-granted models, or the blueprint, and shape local policy making. Such ideas include broad abstract concepts such as progress and rationality as well as more specific concrete issues such as human rights and organizational accountability. In this process, two factors circumscribe the impact of global models. First, the impact of global models is stronger for countries that are tightly linked to international society (Berkovitch 1999; Meyer, Frank et al. 1997; Powell and DiMaggio 1991; Soysal 1994; Strang 1990). Integrated countries are more likely to be exposed to global models and are more vulnerable to international pressures to comply with global standards. Second, global norms that have greater legitimacy in international society are more likely to have impact on local society because they tend to be accompanied by stronger international political institutions, nongovernmental activist networks, and global public opinion pressures. Causes such as human rights and environmentalism are on more solid footing in international society than emerging norms against tobacco or genetically engineered food, and therefore are expected to have greater influence on local politics. Even within human rights and environmentalism, some issues have greater degrees of international legitimacy than others, and are therefore more likely to influence local policy-making processes. These world society arguments are summarized in Figure 2.

We contend that these two approaches, both insightful in their own right, present a partial picture of contemporary politics around social movements and policy changes, and we propose an integrated theoretical model as summarized in Figure 3. This model has several hypotheses embedded in it. The top half (arrow IV) represents the world society arguments: we hypothesize that (1) the more integrated a country is into the international system, the greater the impact of global regimes on local policy outcomes; and that (2) the greater the international legitimacy of an issue, the greater the impact of the relevant global regime.

7. Interestingly, research on social movement outcomes has moved from national to local (Amenta et al. 1992; Andrews 1997, 2002), but not to global.

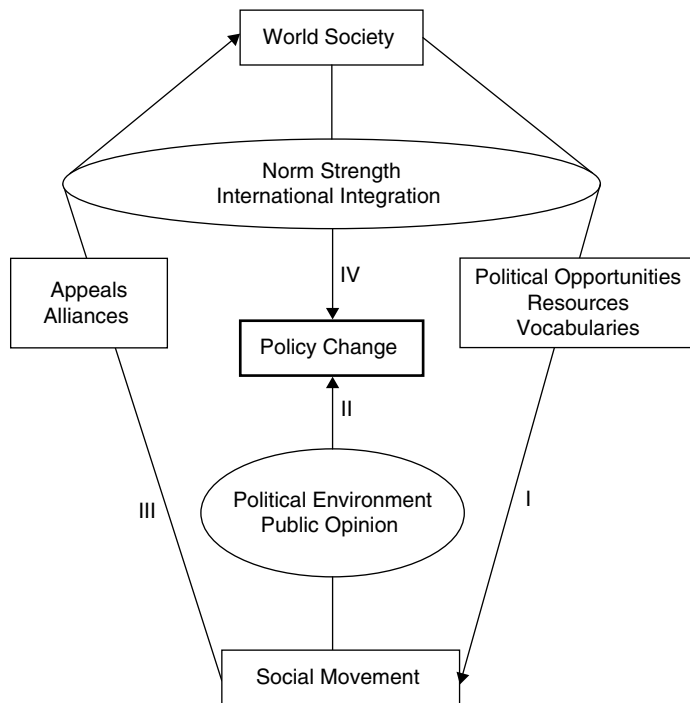


Figure 3 • *The Integrated Theoretical Framework*

The bottom part (arrow II) summarizes arguments drawn from the social movement outcomes research: (1) cohesive and sustained social movements have greater chances of producing policy changes; (2) favorable political environment, such as presence of supportive political parties and bureaucrats, facilitates policy changes; and (3) public opinions in favor of movement claims increase pressure on governments to make policy changes.

In addition to these hypotheses, we propose two new hypotheses about the interplay between world society and social movements, as summarized in Figure 3. World society increasingly provides mobilizational resources such as material support, strategic advice, and vocabularies for effective framing, thus directly enhancing local activists' capacity for effective mobilization. It also presents activists with new political opportunities for claim making, such as the United Nations Human Rights Committee (UNHRC) and the Intergovernmental Panel on Climate Change (IPCC), which encourage and solidify local social movements.<sup>8</sup> Through these processes, world society strengthens local activism (arrow I) and increases pressures on the government from the bottom (arrow II). On the other hand, as local activists make appeals to these international forums and to sympathetic foreign governments and international elites (arrow III), often with help from international nongovernmental organizations (NGOs) such as Amnesty International and Greenpeace, the publicity they generate in world society serves as global pressures on local governments from top down (arrow IV).<sup>9</sup>

8. For a more nuanced treatment of the processes through which local actors may or may not adopt international norms, see Liu (2006).

9. As Bob (2005) documents well, this process involves "marketing" on the part of activists to secure limited resources for mobilization.

These pressures are largely normative by way of “naming and shaming,” as international instruments often lack enforcement mechanisms. In some cases, however, more tangible incentives and sanctions follow such normative pressures, as in the anti-Apartheid campaign.

These interactions between world society and local social movements, often mediated by “rooted cosmopolitans” (Tarrow 2005), are also conditional on the strength of the relevant norm and the degree of international integration of the country as depicted in Figure 3; internationally accepted norms entail more resources and political opportunities, which are more readily available for activists in globally integrated countries. If the relevant global norm is weak, it does not provide much leverage for local activists to generate either bottom-up or top-down pressures. Furthermore, citizens in globally isolated countries face greater limitations in their access to globally legitimated frames, international political opportunities, and mobilizational resources, rendering them less capable of creating top-down or bottom-up pressures. Based on these arguments, we hypothesize (1) that the stronger the global norm and the more integrated the country, the more likely the norm is to empower and embolden local social movements and increase pressure for policy changes on target governments from below, and (2) that the stronger the global norm and the more integrated the country, the more likely local activists’ appeal to international forums is to generate pressure on the governments from above to make policy changes.

### **The Empirical Case: Resident Koreans’ Rights in Japan Since 1945<sup>10</sup>**

We examine how these global-local dynamics played out in policy changes regarding resident Koreans’ rights in Japan since 1945.<sup>11</sup> Our empirical analysis focuses on the processes through which global human rights and local social movements combined to produce policy outcomes, successes, and failures.

#### ***Historical Background***

Most of the resident Koreans are descendants of colonial immigrants who came to Japan between 1910 and 1945, when Korea was Japan’s colony. During the colonial era, all Koreans were granted Japanese citizenship and enjoyed basic citizenship rights, although they were discriminated against and disadvantaged in practice. By August of 1945, when World War II ended, over two million Koreans lived in Japan. In the few years that followed, many of them returned to the Korean peninsula, leaving about 600,000 in Japan. After several years of undefined status, those remaining Koreans officially lost their Japanese citizenship in 1952, when the Japanese government designated them as aliens.

Their unstable legal status and wide-spread poverty presented many obstacles to effective political mobilization in this period. In addition, cold war politics created a deep division between those who supported South Korea and those who pledged allegiance to North Korea, forestalling cohesive mobilization by all resident Koreans. This division is symbolized by the existence of the two largest resident Koreans’ organizations in Japan, one for resident South Koreans, called the *Mindan* (Korean Residents Union in Japan, established in 1946) and the other for resident North Koreans, the *Chongryon* (General Association for Korean Residents in Japan, established in 1955). As the relationship between South Korea and Japan improved, it became increasingly more advantageous for resident Koreans to be affiliated

10. For basic background information about resident Koreans in English, see Chung (2000), Field (1993), Fukuoka (2000), Hicks (1997), Lie (2001) and Ryang (1997).

11. For studies on similar global-local dynamics in Japanese politics, on other issues than resident Koreans’ rights, see Chan-Tiberghien (2004), Fujioka (2003), Miyaoka (2004), Neary (2003), Osa (2003), Reimann (2003) and Tsutsui (2006).

with South Korea.<sup>12</sup> The differential treatment further deepened the chasm between North and South Koreans in Japan, undercutting collaborative social movements for a long time. As a result, activism by resident Koreans in this period was limited primarily to defensive social movements to prevent further deterioration of their rights situations.

Circumstances began to change as the era of global human rights arrived in Japan, with the ratification of the two key International Covenants on human rights in 1979, and as second and third generation Koreans emerged into the political scene in the late 1970s. Resident Koreans began to see Japan as their primary country of residence and started seeking more rights in Japan. Global human rights discourses were instrumental in this process as they enabled resident Koreans to see their problems as universal human rights issues that affected all of them. This allowed resident North and South Koreans to find common ground and prompted more effective and frequent collective action among them.<sup>13</sup> In addition, resident Koreans used international political forums to pressure the Japanese government and leveraged the provisions of the human rights treaties in domestic debates, thus successfully changing the government's approach from treating resident Koreans as noncitizens undeserving of rights to providing them with universal human rights that anybody living in Japan deserves. Consequently, resident Koreans have gained many rights in the last few decades, although their disadvantages have not been eradicated.

### *Analytic Strategies and Data*

Our empirical analysis examines four types of human rights—civil, political, social/economic, and cultural—in order to systematically examine global human rights norms and the diverse impact of political mobilizations by resident Koreans on policy outcomes, defined as legislative changes.<sup>14</sup> For each type of right, we focus on an issue that has been the most salient: (1) fingerprinting practice in civil rights; (2) alien suffrage in political rights; (3) national pension issue in social/economic rights; and (4) ethnic education in cultural rights. Our analysis uses as evidence discussions in international human rights forums, debates in the Japanese Diet and courts, and activist communications. We have thoroughly examined publications by activists and scholars, all relevant parliamentary debates and court proceedings in Japan, as well as reports and proceedings of the UNHRC regarding resident Koreans' rights. Appendix A lists the data sources that we examined.

Our methodological approach offers a few key analytical advantages. First, we overcome the difficulties inherent in definition and operationalization of social movement success, which have plagued scholars in the field because of diverse actors and interests involved (Earl 2000), by defining successful social movement outcomes as legislative changes that reflect resident Koreans' claims. While resident Koreans were far from a monolithic entity, we can reasonably deem their activism as one distinguishable set of social movements over the past sixty years, because a group of individuals were relatively clearly demarcated as resident Koreans and faced similar socioeconomic discrimination and legal exclusions, and because most of them shared the goal of improving living conditions in Japan. We focus on legislative changes because the main goals of Koreans were to secure legal rights in Japan.

12. For instance, the 1965 normalization treaty between South Korea and Japan encouraged all resident Koreans to claim South Korean nationality, which gave them many privileges over North Koreans.

13. Several new Korean associations also emerged in this period: most notable among them was the *Mintouren*, which aimed to overcome the North-South division and to collaborate with the Japanese, signaling changes in the political approach among resident Koreans.

14. In using these four groupings, we follow the specification in the two key human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These four groupings also correspond to the typology developed by Marshall (1950). However, we do not employ his model of unidirectional evolution of citizenship rights here.



Second, by examining social movements of one ethnic group in one country, we control for many factors that might affect movement outcomes, such as national-level political and economic conditions and group-level cultural diversities and resource availability. This helps address another difficulty in social movement outcomes research, namely that of identifying the nonspurious impact of social movements on policy outcomes (Earl 2000).

Third, by focusing on one country and comparing policy outcomes in four rights areas, we bring the impact of global norm strength into sharp relief. Unlike in cross-national comparison, where degrees of international integration (often measured by memberships in international organizations) vary across cases, our analysis holds the impact of embeddedness in international society constant across four cases, enabling us to highlight the impact of varying strengths of global norms across different issue areas. We note that there is temporal variation, as Japan's integration into international society deepened and global human rights norms in general grew stronger over time.<sup>15</sup> This affected all four types of rights, increasing resident Koreans' activism in general since the late 1970s, but the policy outcomes varied across the four types. Thus, we focus on global norm strength and social movement cohesion as the two key independent variables in predicting movement outcomes.

### *Strength of Global Human Rights Norms*

Before we evaluate the impact of global human rights on outcomes of resident Koreans' activism, it is important to understand the varying degrees of international legitimacy of the four types of rights. Following Jack Donnelly (1998), we focus on the International Bill of Rights, the three foundational documents of global human rights—the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR)—to gauge the level of international agreement about the four specific rights issues.<sup>16</sup> Since these treaties (ICCPR and ICESCR) have been ratified by a vast majority of countries in the world (147 and 144 countries, respectively, as of 2001), provisions codified in them ought to have high degrees of legitimacy in international society (Wotipka and Tsutsui forthcoming).

We examined every single article in the three documents to identify all relevant provisions (see Appendix B for the full text of all the relevant articles), using as a guideline Donnelly's (1998:6) summary of internationally recognized human rights. We also perused other key international human rights treaties.<sup>17</sup> Based on this research, we characterize global norms on the right to national pension and the right to ethnic education as very strong, the anti-fingerprinting claim as strong, and alien suffrage as weak. The right to national pension has strong grounding in international human rights law because specific provisions exist to guarantee the right to social security "including social insurance" to "everyone, as a member of society." The right to ethnic education is specified as the right of "everyone" to education and as parents' right to choose the kind of education for their children in the UDHR. Furthermore,

15. Japan was deeply embedded in international society by the 1980s and grew more integrated in subsequent years. Its membership counts in intergovernmental and international NGOs, the standard measures of a country's embeddedness in international society in the world society tradition, were 53 and 636 respectively in 1976 and increased to 58 and 1222 by 1986 and 61 and 1889 by 1996 (Union of International Associations 1976, 1986, 1996).

16. We note here that global norms have evolved since the mid-1970s, when the two International Covenants entered into force, and discuss any relevant recent developments in the empirical analysis.

17. We examined those treaties that are considered to wield greater influence than others because they have monitoring bodies. These treaties are: the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, and the International Convention on the Rights of the Child (CRC).

the Convention on the Rights of the Child (CRC) has a provision on the right of every child to enjoy one's own culture and language.<sup>18</sup>

On the anti-fingerprinting practice, both the UDHR and the ICCPR provide that "no one shall be subjected to . . . cruel, inhuman, or degrading treatment or punishment." Korean activists have made a strong case invoking these provisions and arguing that the fingerprinting practice constitutes "degrading treatment" because of its incriminating implications. However, to the extent that the provisions do not refer specifically to the fingerprinting practice and that activists made that link, unlike in social security rights and the right to ethnic education, we see the global norm as strong but not very strong.

On alien suffrage, the global norm is weak. The provisions regarding suffrage specify rights to participate in representative politics for "every citizen" or "in his country," rather than "everyone" or "in his society" as on most other rights issues, suggesting that noncitizens or aliens might be excluded from representative politics of the country. This conditions the debate about suffrage for noncitizens and presents great difficulty for activists in leveraging international human rights law for their activism. While in recent years a limited number of European countries have granted alien suffrage in local elections, few would disagree that the global norm on this issue is weak.

### **Impact of Resident Koreans' Social Movements and Global Human Rights on Policy Changes for Four Types of Rights**

We look at how global norms, combined with resident Koreans' activism, have produced specific policies. We also investigate each type of right and examine alternative explanations to help assess the validity of our arguments.

#### *Civil Rights*

Fingerprinting practice has been arguably the most salient symbol of discrimination against resident Koreans, because of its symbolic implication that all resident Koreans are potential criminals. The practice started with the enactment of the Alien Registration Law in 1952. It required all aliens age fourteen and above to register all of their fingerprints every three years by the "rotating" method, which was the method reserved for criminal suspects.<sup>19</sup> Since then, the degrading practice underwent several revisions, until it was completely abolished for all aliens in 1999.<sup>20</sup>

From the beginning, resident Koreans opposed the Alien Registration Law, engaging in political mobilization in 1952, which delayed the actual implementation of the fingerprinting practice by three years (Kang 1994:111–5). Then, in the next two decades, they successfully

18. CRC Article 30: "In those States in which ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."

19. Any violations of this law, including refusal to submit one's fingerprints, were subject to punishments such as imprisonment (less than a year) and a fine (less than 30,000 yen), which were equivalent to the punishments levied for second degree manslaughter or illegal gambling (Ohnuma 1993:478–80).

20. In 1971, a revision made the print of the left index finger the only requirement. Then the 1982 revision raised the age limit for the practice from 14 to 16 and extended the interval from three to five years, while at the same time raising the fine for refusal to 200,000 yen. The 1985 Revision attempted to further "reduce the psychological pressure felt by aliens at the time of fingerprinting" (Iwasawa 1998:154–55) by replacing the "rotating" method using a thick black ink with a "flat" fingerprinting using a colorless ink. In 1987, fingerprinting became a requirement only at the initial registration, and in 1992, the government announced that it would terminate the practice for permanent residents including most resident Koreans and then in 1999 for all alien residents. As the new law took effect in 2000, the fingerprinting practice for alien residents ended in Japan.

prevented most of the proposed revisions of the law that sought to tighten control over them with increased penalties and more burdensome registration procedures (Zainihon Daikanminkoku Mindan Chuou Honbu 1997).<sup>21</sup> The activism was largely defensive, however, seeking primarily to prevent worsening of the fingerprinting practice. In this period, most Koreans reluctantly complied with the fingerprinting practice mainly because of the severe punishment.

More proactive movements emerged in the 1980s, when global human rights vocabularies enabled resident Koreans to reframe their claims in terms of universal human rights rather than particular citizenship rights. They began to refuse fingerprinting and filed lawsuits to condemn the practice, framing it as a violation of universal human rights inflicted on all resident Koreans, North or South.<sup>22</sup> The first refusal in this period that attracted much attention was by Han Jong-Suk in 1980, who explained his refusal by referring to “equal rights of all human kind” and “the international human rights treaty, which the Japanese government has signed and ratified in September 1979” (Hitosashiyubi no Jiyuu Henshu linkai 1984:123). Armed with this globally legitimated frame that encompasses all resident Koreans, they staged massive refusal campaigns across the nation, orchestrated by national associations such as the National Committee of Lawsuits against Fingerprinting (established in 1983), and human rights groups such as the Japan Federation of Bar Associations and the Japan Civil Liberties Union (Jiyuu Jinken Kyokai 1984; Kim 1983). Consequently, the number of objectors increased to 21 in 1982 and more than 80 in 1984 (Park 1999:54), and in 1985, more than 10,000 of about 360,000 resident aliens (nearly 3 percent) who renewed their alien registration refused fingerprinting (Iwasawa 1998:150).

As the issue gained increasing publicity through these mobilizations, public opinion began to shift, as evidenced in a campaign that collected 1.8 million signatures in support of abolition of fingerprinting, and in resolutions requesting abrogation or amelioration of the practice adopted in about 1,000 local assemblies throughout the mid- and late-1980s (Zainihon Daikanminkoku Mindan Chuou Honbu 1997:61).

Resident Koreans also utilized access to international political forums to pressure the Japanese government with a great deal of help from international human rights activists. In 1980, the International Human Rights Law Group made appeals about human rights conditions of Koreans in Japan to the UN, and the International Commission of Jurists also expressed concerns about their problems in 1979 and 1982 (Iwasawa 1998:3). The first appeal initiated by resident Koreans took place in 1981, when Choe Chang-Hwa, a resident Korean, used the 1503 procedure, which allows individual complaints to be examined in the UN Commission on Human Rights. Then, in 1984, Kim Dong-Hoon, a Korean legal scholar in Japan, made a similar appeal to the UN. The government vigorously defended its practices to the Commission, but the fact that Japan was under examination by the Commission was an embarrassment in itself since few developed countries had been examined there (Gurowitz 1999:429), and this put much pressure on the Japanese government to make a policy change (Kim 1984:67).

The UNHRC, the monitoring body of the ICCPR, was another main forum of debate. The Committee requires that party states submit periodical reports. Japan has submitted four reports (1980, 1987, 1991, and 1997), and the Committee has examined each report in increasingly greater detail. Armed with information from NGOs, Committee members began

21. The only revision to pass in this period was the one in 1971, which reduced the psychological and practical burden on Koreans.

22. Examination of discourses employed by activists in this period clearly demonstrates the impact of global human rights ideas. For instance, publications produced in the late 1970s by Korean activist groups, such as *Osaka Zainichi Chousenjinn no Jinken o Mamorukai* (Association for the Human Rights Protection of Resident Koreans in Osaka), explicitly argued that the fingerprinting practice was a violation of human rights, directly citing the UDHR. Furthermore, those charged with refusing to be fingerprinted argued before courts that the practice violated Article 7 of the ICCPR as degrading treatment as well as Article 14 of the Japanese Constitution and Articles 2 (1) and 26 of the ICCPR as discrimination against aliens (Iwasawa 1998:102). For more detailed discussion of this point, see Shin and Tsutsui (2007).

questioning the Japanese government about the legitimacy of the fingerprinting practice in the second round of examination in 1988.<sup>23</sup> The Japanese government's representative (from the Ministry of Foreign Affairs) defended the practice as a necessary means to ensure accuracy of alien registration that is practiced in "many other countries" (Buraku Liberation Research Center 1989:119), but the Committee urged the government to halt the practice.

Adding to the pressure was involvement of an influential international ally, the South Korean government. As the Japanese and South Korean governments started negotiating the legal status of third-generation Koreans residing in Japan in the mid-1980s, the South Korean government, influenced by strong ties with resident Koreans, urged the Japanese government to abandon fingerprinting for all resident Koreans in 1990 (Mindan 2007). Then, in the 1991 Memorandum, Japan agreed to halt the practice of fingerprinting to resident Koreans by the end of 1992 (Iwasawa 1998:155–6).

While this was a major shift in Japan's immigration policy, it still allowed fingerprinting for aliens that are not permanent residents. This issue was pointed out in the discussion of the next (fourth) report to the UNHRC in 1998. The government representative cited recent court decisions in Japan that upheld the law and also emphasized that the government had been trying to minimize the psychological impact by making the practice less "degrading," adding that the practice was abolished for most resident Koreans. Yet, a strong objection was raised to this continuing practice for aliens (Okamoto 1999:114–5). Following this debate, the Japanese government decided to abolish fingerprinting practice once and for all in 1999.

The influence of global human rights on the complete success of the movement is evident. First, the refusal campaigns by resident Koreans frequently and specifically referred to the ICCPR, framing the issue as a violation of universal human rights. Using these global human rights vocabularies, resident Koreans overcame the North-South divide, and even encouraged cooperation from Japanese citizens arguing that Japan will be left behind from international society unless it changed the discriminatory Alien Registration Law (Zainihon Daikanminkoku Seinenkai 1985:17, 35–6). Thus, global human rights norms created an effective way of framing the issue and pushed the movement forward, increasing the bottom-up pressure for policy change.

Second, Koreans' appeals to the international political forums with support from international activists pressured the Japanese government to change its approach to the issue. Debates in the Diet and contentions made in the international forums show that, until the early 1980s, government officials and cabinet members vigorously defended the practice as a necessary and legitimate procedure to control aliens. For instance, the head of the immigration control office of the Ministry of Justice defended the validity of the fingerprinting practice in 1980, stating that "fingerprinting prevents falsification and modification of the alien registration card . . . and therefore we find it necessary to continue the fingerprinting practice as it is" (91st session of the House of Representatives: Justice Committee 3: February 20, 1980; National Diet Library Full-Text Database System for the Minutes of the Diet).

Within a few years, however, as international criticisms mounted and as refusals of fingerprinting spread like wildfire, the government began to change its approach. A revision in 1982 marked such a shift in the government's approach, from implementation of tighter control to protection of universal human rights of resident Koreans. Two years after the statement above, the (new) head of immigration control office of the Ministry of Justice explained the 1982 revision of the Alien Registration Law in the Diet. Referring to the changing international political environment, he stated: "in the era of globalization, we have ratified the International Covenants and the Refugee Convention. Recognizing the trend in

23. In the first round of examination in 1981, the Committee did not discuss the fingerprinting practice, although other issues about resident Koreans were briefly mentioned. This is because NGOs' input was limited in the first round and the Committee members did not have good understanding of all the key issues resident Koreans faced.

contemporary politics, we had to be concerned about reducing burdens on resident aliens . . . We would like to emphasize once again that the revision is in line with the said trend" (96th session of the House of Councilors: Justice Committee 14: August, 3 1982; National Diet Library Full-Text Database System for the Minutes of the Diet). Yet, the Japanese government was still reluctant to abolish the practice altogether at this point.<sup>24</sup> Then, another improvement took place in 1985 "in the face of mounting protests in and outside Japan" (Iwasawa 1998:154). This momentum carried over to the drastic change in 1992 and the final abolition of the practice in 1999. As Japan's involvement in the international human rights regime deepened since the 1980s, the government became increasingly more vulnerable to international criticisms on its human rights practices. Because the norms about civil rights had been firmly established in the international regime, resident Koreans could effectively leverage international opportunities. As we discuss in greater detail below, the domestic political environment did not see dramatic changes after the 1980s, and public opinion was moved by the social movements and did not have independent effects. Thus, we conclude that this is a case in which global human rights facilitated a strong social movement, which used global human rights frames to create domestic bottom-up pressures and took advantage of international human rights instruments and networks to produce top-down international pressures. These pressures combined to produce the desired outcome.<sup>25</sup>

### *Political Rights*

Resident Koreans' pursuit of suffrage, which they lost four months after the end of World War II (Mizuno 1996), forms a stark contrast to the case of anti-fingerprinting activism; despite intensifying activism in the last few decades, they have yet to see any significant success. Domestic activism for suffrage was slow to develop, compared with resident Koreans' activism on other issues. Although some Korean activists protested the revocation of their suffrage in 1945, they prioritized other more imminent issues such as securing their labor and residential rights (Kim 1997:142–4). Furthermore, many resident Koreans deemed suffrage as acceptance of the Japanese sovereignty and denouncement of their Korean identity (Mizuno 2005). This view continues to exert influence among some of the resident North Koreans even today. Increasingly, however, resident Koreans seek suffrage in local elections, framing it as a human right that they deserve as a result of their fulfillment of civic duties such as taxation. Heartened by the practice in some European countries, where foreign long-term residents vote in local elections, they incorporate global framing in their activism as they seek to establish universal human rights as global citizens (Lee 1993). This global orientation is succinctly summarized in the organizational publication released by Mindan: "Today's resident Koreans . . . would continue to remain in Japan as members of local communities in Japanese society. Hence, in order to proactively contribute to the advancement of their local communities, they are mobilizing themselves to acquire local suffrage. As truly global citizens, we the members of Mindan wish to become a bridge between the two countries . . . People

24. For example, see the following debates in the Diet for the government's reluctance: (1) House of Councilors, Committee on Account Settlement, 98th Diet, May 11, 1983, No. 11; (2) House of Representatives, Committee on Account Settlement, 98th Diet, July 7, 1983, No. 8; and (3) House of Representatives, Committee on Account Settlement, 101th Diet, April 19, 1984, No. 8 (National Diet Library Full-Text Database System for the Minutes of the Diet).

25. This argument is in line with that of the leading Japanese scholar on the impact of global human rights on this case: "Undeniably the forceful campaigns that invoked international human rights law have prompted the revision of the [fingerprinting] system" (Iwasawa 1998:157). Other scholars also concur: "after countless adjustments in the face of international, Korean, and domestic protest, fingerprinting was eliminated for permanent residents" (Gurowitz 1999:431); "the Japanese government was forced to abolish the fingerprinting practice because of the fearless resistance by individual resident Koreans, political mobilization by civil society groups in Japan that supported the refusers, and the international condemnation that encouraged and bolstered these activities" (Kim 1997:228–9).

have been calling for the borderless world for some time. The European Union is now discussing delegation of national sovereignty. We would like to continue to observe this reality as global citizens" (Zainihon Daikanminkoku Mindan Chuou Honbu 1997:142).

The first visible campaign for suffrage began when Choe Chang-Hwa started seeking suffrage in a local city council representative election in Kitakyushu city in 1975, and then in the following year in an election for governor of the Fukuoka prefecture. Then, in the mid-1980s, as the Japanese government started negotiating the treatment of resident South Koreans with the South Korean government, Mindan added to its list of demands the issue of resident Koreans' suffrage in local elections (Kang 2002:598). The 1991 memorandum, which was the product of the negotiations in the 1980s, noted that the South Korean government requested the Japanese government to consider granting suffrage in local elections to resident Koreans (Min 1994:230). Following this, other Korean organizations also adopted the issue on their agenda, and many resident Koreans as well as other aliens in Japan started campaigns for alien suffrage in earnest, organizing symposiums and filing lawsuits (Min 1994:224–5). In 1989, an English man named Alan Higgs sued the government in Osaka District Court for being ineligible to vote in the national House of Councilors election. In 1990, Kim Jeong-Kyu and ten others sued the government for not being on the voters' list in Osaka, and in 1991, Lee Jin-Chul and three others filed a similar lawsuit in Fukui. In 1992, Lee Young-Hwa also filed a lawsuit to become eligible to run for a national election for the House of Councilors, only to see his candidacy denied. Meanwhile, from the early- to mid-1990s, Korean and Japanese activists across the nation organized various symposiums on the issue of suffrage for resident aliens (Lee 1993).

Although the movement was hampered by the North-South division for a long time, as the Chongryon, the North Korean organization, continued to equate enfranchisement in Japan with disloyalty to North Korea, the mobilization in recent years has been significant, attracting many supporters not only within the Korean community, but also among recently migrated foreign residents from Western countries as well as Japanese citizens. Yet, success has been elusive on this issue. To be fair, the movement has put the issue on the political map and made some progress. In 1995, the Japanese Supreme Court ruled that granting suffrage to foreigners was not against Japan's constitution, but it was a "matter for the national legislative policies," leading to many resolutions by local assemblies in favor of Koreans' suffrage (Hirota 2001; Iwasawa 1998:161). The issue has even reached the level of national politics when, in 2000, *Komei-tou* (the Clean Government Party) and *Jiyu-tou* (the Liberal Party), two parties in the ruling coalition, proposed bills to recognize suffrage of long-term resident aliens to the Diet. Although it was voted down, the fact that it reached the national level politics was a step forward for the movement. The movement has yet to make much progress since then, however, and has been a relative failure among Koreans' movements in that no legislative changes have taken place.

The lack of strong global norms on alien suffrage has hampered the movement significantly. As discussed above, international human rights law does not guarantee aliens the right to vote or to be elected in elections: it is considered the right of "every citizen" instead of "everyone," implying that suffrage can be limited to citizens (Iwasawa 1998:160). In practice, too, not many countries in the world today recognize alien suffrage. Although advocates for alien suffrage highlight the cases in Europe where alien suffrage in local elections is recognized, their argument is often countered by the fact that such cases are fairly rare (Min 1994:216–29). For example, the Minister of Internal Affairs, Hajime Ishii, argued against alien suffrage, citing the fact that other industrial countries do not grant alien suffrage: "I am aware of the rising demand for alien suffrage not only from Koreans, but also from Japanese . . . However, our research on past practices shows that it is a very complex legal issue. Furthermore, when we look at other countries, such as the United States, Germany, France, Italy, and the United Kingdom . . . even these industrialized nations seem to have restrictive situations [with regard

to alien suffrage]" (129th session of House of Representatives: Budgetary Committee: June 7, 1994; National Diet Library Full-Text Database System for the Minutes of the Diet).<sup>26</sup>

Unlike in the anti-fingerprinting movement, resident Koreans were unable to leverage global human rights norms to pressure the government. The inchoate nature of the global norms on the issue has hurt the movement critically. For instance, the issue of resident Koreans' suffrage was discussed briefly in the most recent round of discussion about Japan's report to the UNHRC. However, the Japanese government's contention that aliens cannot participate in policy making was met with no rebuttal, and the issue was not mentioned in the final statement by the Committee (Japan Federation of Bar Associations 1999). The utility of global norms for activists is quite limited on this issue, since global norms could not do much more than to specify that international law does not prohibit the Japanese government from giving suffrage to resident Koreans. We note that, despite the relative lack of cohesion, social movements have been more active and sustained than on social rights issues we examine below, which has led to a major success. Thus, this case serves as evidence that a lack of a widely accepted global norm could hurt the chances of success for social movements.

### *Social and Economic Rights*

There are two main types of government sponsored pension plans in Japan: employee pension plans and a national pension plan (Shin 1995:287). All employers are required to enroll employees in the employment pension plan except for those in service sectors, small companies, and temporary jobs, where resident Koreans are concentrated because of their disadvantages in job markets (Nakahara 1993; Yoshioka [1978]1995). The national pension plan, which started its operation in 1961, was intended to save those uncovered by the employee pension insurance. Administered by the Japanese government, the plan collects premiums from individuals and pays the benefits after 25 years of contribution and upon reaching age 65, or in situations of injury, illness, or death (Kousei Roudou Sho 2005). Resident Koreans, however, were not eligible for the national pension plan on the ground that they are not Japanese citizens.<sup>27</sup> This put them in a precarious financial position and forced them to save for rainy days on their own. In 1982, however, a sweeping change took place, making most resident Koreans eligible for the national pension plan virtually overnight. This change can be attributed almost entirely to global factors.

Activism on this issue was dormant until the mid-1970s mainly because few resident Koreans had reached the retirement age after fulfilling the required years of payment. When cases started emerging in which resident Koreans did not receive the benefits despite their timely payment of the premiums, activists started making claims around this issue.

For instance, one Korean, Kim Hyun-Jo, was denied the pension despite his timely payment of all the premiums and despite the fact that a canvasser convinced him to join the pension plan with the knowledge of him being a resident Korean (Iwasawa 1986:171). After his requests for reevaluation of his status resulted in denial of his eligibility, and the government notified him that he will only get back the premiums he had paid without interest and will not receive any pension payment, he filed a lawsuit against the Social Insurance Agency in 1979. It was the first lawsuit by foreigners regarding the national pension plan (Mainichi

26. For an example of this debate, see the following Diet Minutes: (1) House of Representatives, Budgetary Committee, No. 3 Working group, 129th Diet, June 7, 1994, No. 1.; and (2) House of Representatives, Local Government Committee, 129th Diet, June 3, 1994, No. 4 (National Diet Library Full-Text Database System for the Minutes of the Diet).

27. The Japanese government used the nationality-restriction clause to prevent Koreans from joining the National pension program, while at the same time it disregarded this clause for resident Americans in Japan based on the Japan-U.S. Treaty on Friendship, Commerce, and Navigation in 1953 (Yoshioka [1978] 1995).

Shinbun 1979).<sup>28</sup> A movement organization called “Group for Pensions for Koreans in Japan” emerged to support his case and to call for national-level solidarity and support. There was also a campaign for 100,000 signatures supporting national pension for Koreans from 1979 to early 1980 (Zainihon Daikanminkoku Seinenkai 1985:31). In June of 1980, the National Association of Governors in Japan adopted a resolution, supporting the national pension for foreigners (Kang 2002:552). These developments may have created some momentum for policy change but the scale of mobilization was limited compared to that on other issues such as the fingerprinting practice, and it had little tangible impact on policy makers.

Global factors were the dominant cause of the policy change on this issue. In 1982, during Kim’s trial, the Japanese government revised the National Pension Law and eliminated all the nationality restrictions, making Koreans as well as all other aliens eligible for the national pension plan. This abrupt change was a direct result of Japan’s accession to the Convention Relating to the Status of Refugees in 1981. The convention provides that party states extend social security protection granted to the nationals to refugees. The Japanese government, thus, opened the national pension to all aliens, including resident Koreans. The ratification took place in the context of the upsurge in refugees from Vietnam. The Japanese government was severely criticized in the international community for not accepting the refugees and had to show willingness to address the problem (Min 1994:119). This led to the ratification of the Refugees Convention, which resulted, as a matter of law, in resident Koreans’ eligibility to the national pension plan (Kang 1994:234; Shin 1995:302–3). Because international treaties are accorded higher authority than domestic law in Japan, the Japanese government had to make resident Koreans eligible for the national pension plan so that the domestic law is consistent with the international law. Although there were activities by resident Koreans to change this law, as discussed above, the ratification process had the largest direct impact on the change. One activist summarized this direct impact in an organizational newsletter as follows: “Exclusion from the national pension plan didn’t end even when those excluded Koreans like Mr. Kim sued the government agency. But it ended so quickly as a result of the ratification of the Convention Relating to the Status of Refugees. As one who participated in this movement, I felt somewhat powerless, seeing that the law that our activism could not change was so easily modified by the external pressure . . . Thanks to these newly arrived Vietnamese refugees, Koreans became also eligible for the national pension. What an ironic story it is” (Hida 2004:2).

As this statement articulates well, the government’s motivation for ratification of the Refugees Convention did not concern resident Koreans: the primary reason for it was to deal with refugees from Vietnam. Thus, this is a case in which the government’s involvement in the international human rights regime quickly produced a major success because of a strong global norm on the issue.<sup>29</sup>

### ***Cultural Rights***

Ethnic education was arguably the most important issue for resident Koreans in the immediate postwar period, and there is a long history of mobilization around it. Furthermore, global norms are strong on this issue, and the Japanese government has received ample criticisms about its practice on cultural rights of ethnic minorities in multiple international political forums. Yet, success for this issue has been slow to come by.

Denial of cultural rights in the colonial era made ethnic education a particularly significant issue for resident Koreans. Immediately after the end of the war, many emancipated

28. The lawsuit invoked Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICE-SCR), which Japan had ratified in 1979, in addition to Articles 14 and 25 of the Japanese Constitution.

29. Even after the policy change, some inequalities still remain between Japanese nationals and resident Koreans. For example, older resident Koreans who do not have more than twenty-five working years, i.e. premium paying years, which is required to be eligible for an old-age pension, cannot benefit from the 1982 revision. These problems further underscore the fact that the policy change was not made with resident Koreans as main beneficiaries (Kang 1994:234).



Koreans started establishing their own schools in Japan, despite their dire living conditions, to teach their children their language and history (Kang 1994:72–5). By October of 1947, there were 573 ethnic schools<sup>30</sup> with a total of about 62,000 students and 1,500 teachers attending them (Min 1994:28). Both American and Japanese authorities viewed the rapidly growing number of Korean ethnic schools as a sign of spreading communist ideology. In 1948, the Ministry of Education of Japan issued an order to clarify the legal obligation of all Korean parents to send their children to Japanese schools and ordered local authorities across the nation to forcefully close down all the ethnic schools in their province. Many school officials and parents stood in front of their schools to protect them causing many clashes between police and resident Koreans (Kim 1988; Nakayama 1995; Uchiyama and Cho 1989).<sup>31</sup> Within a few years after these violent incidents, the number of ethnic schools in Japan declined dramatically to about 160 (Min 1994:29). The government continued its attempt to tighten control over the ethnic schools, proposing bills to regulate their curriculum and operations more closely. Resident Koreans' activism, with help from liberal Japanese politicians and activists, defeated these bills and the ethnic schools' existence was secured by the 1970s (Kang 1994:84–6).

By then, however, only a small proportion of Korean residents, mostly those self-identified as North Koreans, sent their children to self-sponsored ethnic schools, while many other parents, especially resident South Koreans, sent their children to Japanese public schools. In 1988, 86.5 percent of resident Korean children went to Japanese schools, while 12.5 percent went to Chongryon-operated schools (affiliated with North Korea), and 1 percent to South Korean ethnic schools (Min 1994:33). These North Korean schools have not been accredited as "regular schools" within the meaning of Article 1 of the School Education Law of Japan; they are categorized as "miscellaneous schools" within the meaning of Article 83 of the same Law. As a result, children in the Chongryon-operated ethnic schools face various disadvantages in their advancement to tertiary education and eligibility for various student benefits.<sup>32</sup>

Activism around ethnic education has bifurcated since the 1970s. Many resident North Koreans sought to challenge the disadvantages their children in Korean ethnic schools faced. Resident South Koreans, on the other hand, were more concerned about promoting ethnic education in the regular Japanese schools that their children attended.<sup>33</sup> In addition, even where resident North Koreans agreed to promote ethnic education in regular Japanese schools, they wanted their children to take ethnic classes that were in line with courses at Chongryon-operated ethnic schools, which were quite different from what resident South Koreans wanted (Iwasawa 1998:192–9; Min 1994:28–32). This disunity among resident Koreans has hurt their movement, as they have been unable to present a coherent and convincing picture of desirable ethnic education in their movement. As a result, national-level policy changes have been sparse, and realization of ethnic education has been up to local institutions and educators, some of whom, especially those in areas where many resident Koreans reside, offer ethnic classes, although only as extracurricular courses (Lee 1995:178–82).

To break this impasse, activists have used international forums and have had some success. In 1995, a Korean student made an appeal to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities that Japanese national universities should admit Korean high school graduates (Iwasawa 1998:197). The debate on this issue centered around

30. Among 573 schools, 541 were elementary schools, 7 junior highs, 22 adult schools, and 3 academies.

31. In Osaka and Kobe, where a large number of Koreans were concentrated, protest turned particularly violent as the authorities reacted ruthlessly, using police force to disperse the demonstration. This series of violent clashes is known as the "Hanshin Education Struggle."

32. For instance, they are not eligible for additional educational assistance for destitute families and cannot enter Japanese universities unless they take corresponding courses and pass the special Exam.

33. That is, if they were concerned about ethnic education at all, when most of them were preoccupied with more practical matters of surviving in Japanese schools amidst a high juvenile delinquency rate and discrimination in the job market after graduation (Sasaki and Wagatsuma 1981; Sorano and Ko 1995).

Article 13 of the ICESCR and came down to whether the Korean schools “conform to such minimum standards as may be laid down” by Japan. In addition, since 1998, the UNHRC has repeatedly recommended that the Japanese government undertake necessary measures to rectify discrimination against all minority groups in education. This recommendation was based on the report on discrimination against foreigners in Japan, prepared by NGOs such as the Japan Federation of Bar Associations. The Committee also urged the Japanese government to recognize ethnic schools, particularly Korean schools, as regular Japanese schools. Furthermore, discriminatory practices against Korean children in education were explicitly criticized in the UNCRC in Geneva in 1998 as well as in the UN Committee on the Elimination of Racial Discrimination in 2001 (Kim 2003:188–9). These debates in international forums publicized the discrimination, encouraged political mobilization on the issue, and brought strong pressure on the government. For instance, in a discussion in the education committee of the House of Representatives in 1999, a representative of Komei-tou pointed out that the Union of Resident Korean Teachers appealed to UNESCO about the government’s refusal to allow ethnic school graduates to take the university entrance exam, calling the practice a violation of international treaties. She argued that “it would be undesirable for the Ministry of Education (MOE), if the world considers that Japan does not respect human rights [because of this policy]” and that as the ministry responsible for education, the MOE should lead the way toward educating children about “human dignity, human rights, equality, justice and so on” (145th session of House of Representatives: Education Committee 5: March 11, 1999; National Diet Library Full-Text Database System for the Minutes of the Diet).

Many improvements ensued as a result of this international pressure: an increasing number of both private and public universities recognize graduate certificates from Korean ethnic schools as qualification to take their entrance exams; the Japan Railways group corrected their discriminatory fares on discount commuting pass for students at Korean schools; and Korean students are now allowed to participate in various national athletic and cultural competitions. However, the success has been limited to voluntary changes by some universities, railway companies, and athletics associations, and national-level legislative changes that reflect resident Koreans’ claims have not materialized, in contrast to the anti-fingerprinting activism and the national pension issue. This is largely due to dissension among resident North and South Koreans about the type of ethnic education they seek, which have prevented a cohesive and united movement on this issue. Thus, this case demonstrates that even strong global norms produce only partial success if the domestic social movement is not cohesive.

### **Discussion: Alternative Explanations**

Our empirical analyses above focused on the strength of social movements as the main local factor. This section considers alternative explanations for the policy outcomes, focusing on the domestic factors that are considered relevant in social movement studies. Political opportunities, mobilizational resources, and vocabularies for effective framing could develop domestically without influence from world society and impact social movement cohesion, which in turn influence policy outcomes.

First, for resident Koreans, who have consistently been noncitizens without suffrage and therefore were not a main part of the political party system, access to institutional politics and elite allies were hard to find. Nonetheless, concerned politicians, mostly from parties that promote progressive ideas, such as the Japan Socialist Party (JSP), the Japan Communist Party (JCP), and the Komei-tou, have promoted resident Koreans’ rights, largely as an extension of their commitment to minority rights protection in Japan. The relative power of these parties in Japanese politics has waxed and waned. The JSP was a ruling party briefly in the early 1950s and had been the top opposition party in the political system dominated by the Liberal

Democratic Party (LDP) since 1955.<sup>34</sup> The JSP's political power peaked either in 1989, when many female candidates opposing the introduction of a new consumption tax won seats in the House of Councilors, or in 1994, when their leader became Prime Minister in a coalition government. Since then, their power has dwindled dramatically: they became the Social Democratic Party (SDP) in 1996, which has been one of the smallest opposition parties in Japan. The JCP had steady presence in Japanese politics until the 1970s, but it was never anywhere close to becoming a majority party or even to joining a ruling coalition. After the fall of the Soviet Union, its influence declined further, and it has been a small opposition party since then. The Komei-tou, founded in 1964, has been a middle-road party with growing strength in recent years. It became part of the ruling coalition led by the Japan New Party in 1993 and then part of the ruling coalition with the LDP in 1999. Overall, if we use the number of seats these three parties held in the House of Representatives as an indicator of political opportunities for resident Koreans, it has stayed relatively constant and declined dramatically in the late 1990s: 167 in 1958, 170 in 1968, 195 in 1978, 167 in 1988, and 82 in 1998. While this measure might not fully capture the complexity of resident Koreans' relationships with political parties in Japan, we did not find any systematic evidence that indicates significant changes in favor of their activism.

Second, resources for resident Koreans' mobilization have increased steadily. With Japan's miraculous economic growth, resident Koreans' economic conditions improved. For instance, 22.9 percent of working resident Koreans had white collar jobs in 1964, compared with 31.4 percent in 1974 and 49.1 percent in 1984 (Park 2002:250), indicating upward mobility of Koreans. Furthermore, the combined total of savings in both North and South Korean banks, another good indicator of Koreans' resourcefulness, was 533,409 million yen in 1975, compared with 2,069,324 million yen in 1985 and 5,364,688 million yen in 1995 (Zainihon Daikanminkoku Mindan Chuou Honbu 1997:93). Thus, in terms of monetary resources, their mobilizational potential has expanded over time.

In terms of human resources, their population remained constant around 650,000 after waves of return to the Korean peninsula waned. Koreans, however, were increasingly well-educated: as the level of educational attainment rose in Japan in general, Koreans' attainment improved as well (Fukuoka and Kim 1997). The network cohesion among resident Koreans has weakened in recent decades as the main movement organizations' hold over resident Koreans slipped. Many resident Koreans have become naturalized citizens and/or intermarried with Japanese: the number of Koreans that have become naturalized Japanese citizens was 3,763 in 1960, 4,646 in 1970, 5,987 in 1980, 5,261 in 1990, and 9,842 in 2000, and the proportion of resident Koreans marrying other resident Koreans was 79.8 percent in 1960, 72.6 percent in 1970, 59.8 percent in 1980, 27.4 percent in 1990 and 20.6 percent in 2000 (Kang 2002:746-7). These numbers might be seen as a sign of disintegration of resident Koreans as an ethnic group. However, recent studies suggest that many naturalized and intermarried Koreans still retain their sense of ethnic minority to a certain degree (Ryang 1997; Sasaki 2001). They still face severe social discrimination despite their growing wealth and educational attainment, which foretells their greater eagerness to secure rights in Japan. In addition, the generational shift among resident Koreans pushed the young, more educated generations, who saw Japan as their permanent home, to the center stage of politics, enabling them to make expanded claims for rights. Overall, growing resources for mobilization expanded resident Koreans' capacity for activism, and increasingly more Koreans became committed to claiming rights in Japan, enhancing their potential for mobilization.

Finally, vocabularies for mobilization may also have increased after the waves of student movements hit Japan in the 1960s and 1970s. As these movements pressed for progressive ideals around democracy, equality, freedom, and peace, these ideas took roots in Japan, providing discursive tools for resident Koreans.

34. The LDP's hold on power continued uninterrupted until 1993, then resumed quickly in 1994 and continues to date, although in a coalition government in recent years.

In sum, resident Koreans' lives have become more stable in recent decades and their economic resources have grown as well, creating middle class Koreans who sought to address continuing relative disadvantages and discrimination. These domestic factors may have facilitated resident Koreans' social movements in general and expedited some of the successes. In the theoretical model summarized in Figure 3, this means that arrow I alone might not account for growing cohesion of resident Koreans' activism, and hence arrow II is affected not only by indirect influence of world society but internal development of the social movements. While our empirical analyses above clearly demonstrate the influence of world society on social movements, we cannot determine precisely the relative impact of global human rights on this process. However, the internal development applies to all four types of rights; the domestic factors discussed above expanded potential for social movements for all four types. Thus, even if the impact of arrow I was weak, the impact of the domestic factors alone does not explain the variation in the policy outcomes. Similarly, even if the domestic social movement growth led to stronger appeals and alliance-forming activities at the international level (arrow III), that still does not explain the variation in the policy outcomes, since the domestic factors should have the same effect across the four types of rights. Thus, arrow I and arrow IV are central to any explanation for the divergent policy outcomes for resident Koreans' activism, although we need to recognize the impact of domestic social movements.<sup>35</sup>

## Conclusion

This study sought to integrate literatures on social movements and world society to present a theoretical framework that explains how the top-down impact of global norms and the bottom-up influence of local activism combine to produce policy changes. Our empirical analysis of social movements by resident Koreans demonstrated that the arrival of the era of global human rights has changed the political dynamics in Japan since the late 1970s, enabling the movements to achieve significant successes in areas with strong global norms. First, global human rights norms provided vocabularies that helped construct cohesive national activism, which increased bottom-up pressures on the government. While discontent among resident Koreans certainly formed the basis for their political mobilization, global human rights norms provided focus to their movements by reframing the issues as violations of universal human rights rather than citizenship rights. This reframing enabled them to overcome the North-South division and, combined with other changes in their environments, resident Koreans began to claim more rights. The prevalent references to international human rights documents attest to the utility of the human rights framing in rallying the constituents and in pressuring the government.

Second, global human rights provided international opportunities, resources, and publicity to pressure the government, top-down from world society. Many resident Koreans have appealed to international human rights forums with some help from international human rights activists. Global networks of these activists benefited resident Koreans by amplifying negative publicity for the Japanese government and by providing tactical advice and material support for their activism. Taking advantage of these international entities, the movements created strong international pressures on the Japanese government, which were critical toward their successes.

35. Another important domestic factor in the literature, public opinion, is not an exogenous variable in the case of Koreans' movements, since there were few events independent of Koreans' social movements that affected public opinions about their rights situations. Rather, it is an intervening variable that mediated the impact of Koreans' activism on policy-making processes as we described above.

**Table 1 • Strength of Global Human Rights Norms, Cohesion of Local Mobilization, and Social Movement Outcomes**

<i>Issues</i>	<i>Global Human Rights</i>	<i>Local Mobilization</i>	<i>Outcome</i>
Civil rights	Strong	Very strong	Major success
Political rights	Weak	Strong	Little success
Social/economic rights	Very strong	Modest	Major success
Cultural rights	Very strong	Weak	Modest success

Table 1 summarizes the strength of global norms, the level of social movement cohesion, and the variation of outcomes across the four types of rights.<sup>36</sup> In the case of social rights, even modest domestic activism led to success, as very strong global norms almost single-handedly produced the policy changes. On civil rights, strong global norms combined with very strong social movements to produce the complete success. In contrast, in political rights, the weak global norm about alien suffrage has hamstrung the movement, leading to little success on the issue. Strong global norms do not constitute a sufficient condition, however; the case of cultural rights demonstrates that lack of cohesive domestic social movement can hurt the movement's chances for success even when strong global norms exist on the issue.

Thus, global norms and local activism *combined* to produce social movement outcomes for resident Koreans. Existing studies have tended to focus on only one of the two factors, local activism or global norms, and a theoretical model that combines both to explain policy changes has yet to emerge. Our framework proposes a first step in that direction.

The case of resident Koreans may be unique in that they are a diaspora group that has built-in international orientations. The importance of international factors may be particularly pronounced in this case because of the reluctance of the Japanese government to address human rights of resident Koreans and its sensitivity toward its international image. While we examined variations in the impact of global factors on policy changes over time and across rights issues, we did not test one aspect of our key hypotheses, namely how the level of international integration of the country might affect the impact of global norms on policy outcomes. Future comparative research should examine how the impact might vary across nation-states and group types.

## Appendix A: Archival Data Sources

### *Newsletters and Publications by Organizations and Individual Activists*

#### *Organizational Publications*

*Buraku Kaiho Kenkyujo* [Buraku Liberation Research Center]. 1989. "Kokusai Jinken Kiyaku ni Motozuku Jouyaku Toujokoku no Houkokusyo no Shingi [Evaluation of Country Report in Compliance with Article 40 of the International Covenant on Civil and Political Rights]." *Buraku Kaihou Kenkyu* [Buraku Liberation Research] 67:111–58.

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36. Because sweeping policy changes that reflect resident Koreans' claims took place in civil rights and social/economic rights, they are major successes, while in political rights, no policy change has taken place and therefore mobilization has been a failure so far. In cultural rights, the outcome is more mixed but to the extent there have not been significant national governmental level policy changes, mobilization has not been a major success.

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- Jiyuu Jinken Kyokai* [Japan Civil Liberties Union (JCLU)]. 1993. *Kokusaijinken Kiyaku to Nihon No Jinken JCLU Kaunta Repoto 93* [The U.N. Human Rights Treaties and the Human Rights in Japan: JCLU Counter Report 93]. Osaka, Japan: Kaihoshuppansha.
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#### *Individual Activist Publications*

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 IMADAR—JC [International Movement Against All Forms of Discrimination and Racism—Japan Committee]. (<http://www.imadr.org/japan/>).  
*Jiyu Jinken Kyokai* [Japan Civil Liberties Union]. (<http://www.jclu.org/>).  
*Kousei Roudou Sho* [Ministry of Health, Labor, and Welfare]. 2005. “*Nenkin Zaisei Home Page* [Home Page of the Pension System].” (<http://www.mhlw.go.jp/topics/nenkin/zaisei/index.html>).  
*Mindan* [Korean Resident Union tied with South Korea]. (<http://mindan.org/index.php>).  
*Mukuge no Kai* [Japanese civil activists’ club for Korean’s culture and rights]. (<http://www.ksyc.jp/mukuge/index.html>).  
*Zainichi Korean Jinken Kyokai* [The Human Rights Association for Koreans in Japan]. (<http://koreanshr.jp/index.html>).  
*Zenkoku Zainichi Chosenjin Kyoiku Kenkyu Kyogikai* [The National Association for the Education Research for Koreans in Japan]. (<http://kangaerukai.net/index.htm>).

### ***Governmental Archival Sources***

- National Diet Library Full-Text Database System for the Minutes of the Diet. (<http://kok-kai.ndl.go.jp/>).

### ***UN Human Rights Committee Sources***

#### *The First Report by the Japanese Government and Its Deliberations*

- UN Document CCPR/C/10/Add.1, 14 November 1980  
 UN Document CCPR/C/SR319, 6 November 1981  
 UN Document CCPR/C/SR320, 11 November 1981  
 UN Document CCPR/C/SR324, 10 November 1981

#### *The Second Report by the Japanese Government and Its Deliberations*

- UN Document CCPR/C/42/Add.4, 24 March 1988  
 UN Document CCPR/C/SR827, 26 September 1988  
 UN Document CCPR/C/SR828, 25 July 1988  
 UN Document CCPR/C/SR829, 20 October 1988  
 UN Document CCPR/C/SR830, 29 July 1988  
 UN Document CCPR/C/SR831, 28 September 1988

#### *The Third Report by the Japanese Government and Its Deliberations*

- UN Document CCPR/C/70/Add.1, 30 March 1992  
 UN Document CCPR/C/79/Add.28, 5 November 1993  
 Japan Federation of Bar Associations, Record of the Human Rights Committee Meetings on the Third Periodic Report of Japan, March 1995

#### *The Fourth Report by the Japanese Government and Its Deliberations*

- UN Document CCPR/C/115/Add.3, 1 October 1997  
 UN Document CCPR/C/SR1714, 18 December 1998  
 UN Document CCPR/C/SR1715, 4 November 1998  
 UN Document CCPR/C/SR1716, 23 December 1998  
 UN Document CCPR/C/SR1717, 4 November 1998  
 UN Document CCPR/C/79/Add.102, 19 November 1998

## Appendix B: International Treaty Provisions on Four Rights Issues

### *Civil Rights*

*UDHR: Article 5.* No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

*ICCPR: Article 7.* No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

### *Social security*

*UDHR: Article 22.* Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

*ICESCR: Article 9.* The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

### *Suffrage*

*UDHR: Article 21.*

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

*ICCPR: Article 25.* Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

### *Education*

*UDHR: Article 26.*

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious



groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

*ICESCR: Article 13.*

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - (a) Primary education shall be compulsory and available free to all;
  - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
  - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

*ICESCR: Article 14.*

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Sources:

UDHR: [www1.umn.edu/humanrts/instreet/b1ndhr.htm](http://www1.umn.edu/humanrts/instreet/b1ndhr.htm)

ICCPR: [www1.umn.edu/humanarts/instreet/b3ccpr.htm](http://www1.umn.edu/humanarts/instreet/b3ccpr.htm)

ICESCR: [www1.umn.edu/humanarts/instreet/b2esc.htm](http://www1.umn.edu/humanarts/instreet/b2esc.htm)

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