

# THE POST-WAR SOCIAL AND LEGAL CONTEXTS OF ZAINICHI KOREANS



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# THE POST-WAR SOCIAL AND LEGAL CONTEXTS OF ZAINICHI KOREANS

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## Abstract

This paper discusses the complexity and the transition of the legal and social status of ethnic Koreans (Zainichi Koreans) after the Second World War. It outlines how the legal status of Zainichi Koreans without Japanese nationality remained precarious for four decades after the war. After numerous reforms in Japanese nationality law over the years, in 1991 finally the status of all the Zainichi Koreans with South Korean/*Chōsen* nationality was categorised into ‘special permanent residents.’ This paper also looks at two main ethnic organisations: pro-North Korea Chongryun and pro-South Korea Mindan. It examines how some Zainichi Koreans were split according to the organisations in which they participated, which led to the division of Korean communities in Japan.

**key words:** Zainichi Koreans, nationality, Japan’s immigration control, ethnic organisations

## 1. Introduction

After the end of the Second World War in 1945, about 640,000 ethnic Koreans decided to remain in Japan. In 1952 the Japanese government made Koreans in Japan stateless by depriving them of Japanese nationality. In this paper, first the complexity and the transition of the legal status of Koreans in Japan from the end of the war to the present are examined. This paper also looks at Japan’s immigration control, naturalisation system, and alien registration system, all of which are associated with foreigners residing in Japan, including Zainichi Koreans. The last section examines the two main organisations of Zainichi Koreans affiliated to the divided two Koreas: Chongryun and Mindan. These organisations are operated by Zainichi Koreans actively for the conservation of Zainichi Koreans with *Chōsen*/South Korean nationality and Korean ethnicity. This last section also explores the establishment of ethnic schools by Chongryun and Mindan and social policies toward them.

## **2. Transition of Legal Status and Number of Zainichi Koreans in Post-War Japan**

### **2.1. Koreans in Occupied Japan and the Peace Treaty**

When the war was over in 1945, the majority of the 2.4 million ethnic Koreans in Japan, especially forced labourers, were repatriated to their home country of their own free will by the Supreme Commander for the Allied Powers (SCAP) repatriation programme. The remaining 640,000 Koreans found it difficult to return to their homeland because of political and economic uncertainties in the Korean peninsula. Thus, they decided to remain in Japan for the time being, in spite of their aspiration for an eventual return. In December 1945 after Japan's defeat, the National Diet (House of Representatives) stripped all Koreans residing in Japan of their suffrage as a result of the provision of the new Election Law (Takao 2003: 535; Niwa 2003: 111). The government was concerned that Koreans and Taiwanese residing in Japan, who had been liberated from Japan's colonisation, would claim their rights through elections (Kozeki 2010).

During the initial phases of the occupation of Japan, SCAP was sympathetic towards Koreans in Japan. It ordered the Japanese government to adopt a series of measures to remove discriminatory policies against Koreans in wages and to improve treatment regarding the repatriation of Koreans. (Kim, I. 1995: 201). Concerning the legal status of the Koreans and Taiwanese who elected to stay in Japan, SCAP ambiguously decreed that Taiwanese and Koreans would be treated as 'liberated people' so far as military security permitted, but it also stated they might be treated as 'enemy (Japanese) nationals' if necessary (Kim, G. 2010: 33). On the other hand, the Koreans demanded the same status as other members of the United Nations in Japan (Mitchell 1967: 100). Some Koreans who joined forces with Japanese communists came to be active in communist movements (Mitchell 1967: 101).

Since SCAP was concerned only with democratisation of Japan and the reestablishment of Japan as a capitalist nation, it had no interest in the historical formation and circumstances of Koreans in Japan (Kim, G. 2010a: 33). At this time, many people, both Japanese and Koreans, were engaged in black-marketing. The black market was the unavoidable choice and a lifeline for the majority of people living in Japan to survive in a extremely impoverished environment after Japan's defeat (Hur 2010: 170-71). However, some lawmakers strongly denounced Koreans for their involvement in the black market and for smuggling themselves into Japan, which increased resentment and discrimination against Koreans (Kobayashi 2007). This had an impact on SCAP policy, and after autumn in 1946 GHQ reports proclaimed Zainichi Koreans to be rebellious elements and provocateurs (Pak, Jin-woo 2010: 125-26). In these circumstances, the legal status of Koreans residing in Japan was never determined and remained ambiguous. Being neither Japanese nationals nor Korean nationals, they were subject to Japanese

jurisdiction by a decision made by SCAP and the Japanese government until the conclusion of the peace treaty (Mitchell 1967: 111).

In 1947, all Koreans in Japan became subject to the Alien Registration Law, which had been approved by SCAP (Tanaka 1995: 64). This specified that Taiwanese and Koreans in Japan would be regarded as aliens for the time being, and would be obliged to carry alien registration cards with them all the time (Kim, G. 2010a: 44). That is to say, SCAP considered Koreans residing in Japan as Japanese on the one hand, while accepting the Japanese government policy of regarding them as aliens on the other (Kim, I. 1995: 202). In this respect, ‘liberated’ Koreans were by no means liberated and remained under the control of the Japanese government and SCAP.

With the implementation of the San Francisco Peace Treaty in April 1952, Japan was able to exercise its own discretion in domestic and international affairs (Mitchell 1967: 119). On the very same day that the peace treaty came into effect, the Japanese government unilaterally deprived all former colonial subjects and their descendants residing in Japan of Japanese nationality. This decision was made on the grounds of Article 2-(a) of the San Francisco Peace Treaty, which stipulated that ‘Japan recognising the independence of Korea, renounces all right, title and claim to Korea [...]’ (Onuma 2004, own translation). As a consequence, the legal status of Koreans in Japan was shifted from *de facto* Japanese citizens to foreigners. They were not given an opportunity to choose their own destinies. Under Supplementary Law No. 126 Concerning the Handling of Orders under the Jurisdiction of the Ministry of Foreign Affairs Issued Pursuant to Orders upon the Acceptance of the Potsdam Declaration, the former colonised Koreans and Taiwanese in Japan were granted temporary residence until other laws decided their legal status (Kim, B. 2006: 57-58).

With the loss of Japanese nationality, Koreans were also deprived of rights and entitlements that they had possessed as the Imperial order (Ryang 2003: 745), as well as access to a range of occupational and educational opportunities, the licensing of certain businesses, national health insurance, national income benefits, the right of overseas travel, social security as well as political participation (Ryang 2000a: 4). Tanaka notes that this governmental decision meant that the former colonial subjects, who were forced to become *Japanese* under colonial rules, were now forcibly and unilaterally made *foreigners* in Japan, and subjects to government security screening along with other general foreigners (Tanaka 1995: 71).

## 2.2. From Stateless People to Special Permanent Residents

When all Koreans residing in Japan were deprived of Japanese nationality in 1952, they fell under the legislative control of the Alien Registration Law and the Immigration Control Law (Weiner and Chapman 2009: 176). Applicants for naturalisation were investigated under substantially stringent qualifications. The main criteria for naturalisation were five years continuous residence, good behaviour, and the means or ability to make an independent living (Asakawa 1999). Also they were forced to adopt Japanese names, although the rule was not stated in the law or guidelines. Approval was at the discretion of the Justice Ministry and ‘good behaviour’ implied a total assimilation to Japanese social expectations (Hicks 1997: 51-52). Moreover, members of the Communist Party and the North Korea-supporting Chongryun (See 3.1) were excluded from naturalisation (Kashiwazaki 2000: 26-27). The Japanese government contended that since ethnic minorities among Japanese nationals were troublesome, many Koreans were anti-Japanese and should not even be tested for potential citizenship (Kashiwazaki 2000: 23). Consequently, while the legal status of Zainichi Koreans who were naturalised in Japan became stable, that of those who chose not to naturalise (or failed to) was uncertain for a long time. Clearly, the objective of the Japanese naturalisation system was to try to assimilate the Korean population and eradicate their ethnicity, or to encourage them to return ‘home.’

The lack of Japanese nationality put many Zainichi Koreans at a disadvantage. Japan established the Special Relief Act for War Wounded and Bereaved in 1952, and Japanese war victims and their families have received payment for compensation (Okada 2002). However, the Koreans who had been forced to fight for the Japanese army were excluded from the provisions (Fukuoka 1993). According to the statistics provided by the Ministry of Health and Welfare, at least 450,000 people from Japan’s former colonies were forced to perform military-related duties during the war, and 22,182 people from Korea conscripted into the Imperial Japanese Army died in the war (Tanaka 1995: 117). On the other hand, their ‘status as non-Japanese’ had been ignored in a selective way by SCAP. Korean draftees found guilty of war crimes were indicted for abuse against captive members of Allied Forces as ‘Japanese soldiers’ (Utsumi and Nagai 2000). Sentences and penalties were carried on even after they were stripped of their Japanese nationality by the government (cf. Utsumi 1982). In other words, while they lost war compensation from the Japanese government as non-Japanese nationals, as former nationals they had to accept responsibility and punishment for war crimes.

In 1965 Japan concluded the Normalisation Treaty with South Korea and provided South Korea with a non-compensatory sum of 108 billion yen (approximately 300 million US dollars at that time) in order to resolve compensation issues (Sadakata 2002). South Korea set up the

Civil Claims on Japan Application Law of 1971 and the Compensation Law of 1974 and distributed money to war victims (Hicks 1997: 87-89). Part of the fund received from Japan was spent on this (Tanaka 2002: 11-12). However, Zainichi Koreans were excluded and thus Zainichi Korean war victims could not receive any compensation from either South Korea or Japan. Finally, in 2000 the compensation law for Zainichi Korean victims and their families was enacted, and it became possible for Zainichi Koreans to receive a compensation allowance (Okada 2002). Nevertheless, it was a much smaller amount of money than those amounts their Japanese counterparts received (Tanaka 2002: 12).

When Japan and South Korea concluded the Normalisation Treaty in 1965, the Japanese government finally permitted permanent residence for those Zainichi Koreans who were holders of South Korean nationality, and who had lived continuously in Japan since before the end of the war. This was an attractive option for non-naturalised Zainichi Koreans, because their South Korean nationality became official, and holders would be able to travel abroad (Ryang 2000b: 34-35), and thus could visit their families in the South. As a result, many Korean residents including those who had previously supported North Korea gradually ended up applying for South Korea nationality (Ryang 2000a: 4). In 1967 alone, 14,310 South Korean nationals obtained a re-entry permit to Japan (Ryang 2000b: 35). In contrast, the status of those who did not naturalise nor acquire South Korean nationality remained ambiguous. The difference in legal status was complicated by the division of Korea into two antagonistic regimes (Kim, B. 2006: 56), which led to the division of Korean communities in Japan as well.

Under the *jus sanguinis* nationality system, Zainichi Koreans whose parents both have Korean nationality will not be automatically given Japanese nationality. These individuals are denied a choice and are defined as ‘foreigners,’ except where they became naturalised as Japanese by application. There have been numerous reforms in Japanese nationality law over the years and it seems that the attitudes of some Zainichi Koreans towards the choice of their nationality have changed accordingly. In the 1980s the Japanese government reformed the naturalisation system, and it is reported that Korean and other foreign residents acquired Japanese nationality without changing their native name to a Japanese-style name (Kim, B. 2006: 65). It also became easier in the 1990s for Zainichi Koreans to acquire Japanese nationality, with approximately 10,000 passing through the process in 1995 twice as many as five years earlier (Neary 2003: 274). It is reported that by 2008, approximately 300,000 Koreans had become Japanese nationals through naturalisation (Mindan Online Community 2011), and the number of naturalising Zainichi Koreans is expected to keep growing in the foreseeable future.

It was not until 1982 that the legal status of Koreans who did not hold South Korea nationality was determined. The two international laws ratified by Japan and changing political relations between Japan and North Korea were associated with Japan's altered view of pro-North Koreans' status. The Japanese government ratified the International Human Rights Convention in 1979 and the Treaty on the Status of Refugees in the United Nations in 1981. In accordance with these conventions, Japan was obligated to reform measures for an improvement on immigration control legislations and for the betterment of foreign nationals in Japan. In addition, Japan and North Korea started the official normalisation negotiations in the same year. As a consequence of these factors, all Zainichi Koreans without South Korean nationality or Japanese nationality came to be permitted to maintain permanent residency as per the amendment of the Immigration Control Law in 1982 (Niwa 2003: 118). Due to the change in their legal status, travelling abroad and re-entry into Japan was relatively eased for all Zainichi Koreans (Kim, I. 1995: 210).

In 1991, the legal status of all the non-naturalised Zainichi Koreans was categorised into one group. With the enactment of the new Immigration Control Law in 1991, the status of all the Zainichi Koreans with South Korean/*Chōsen* nationality changed into 'special permanent residents,' with more secure and wider rights (Kashiwazaki 2000: 28). Under the amended law, any foreign nationals whose Japanese nationality was taken away as the result of the peace treaty, and their descendants, are granted permanent residence status. This is specified in Article 2 of the Special Law on the Immigration Control of Inter Alia, Those Who Have Lost Japanese Nationality on the Basis of the Treaty of Peace with Japan (Immigration Bureau 2006: 31). Thereafter, almost all non-naturalised Zainichi Koreans have lived as special permanent residents in Japan. Furthermore, the Japanese government removed the *kokuseki-jōkō* (nationality clauses) in four welfare laws by ratifying Convention Relating to the Status of Refugees and the Protocol Relating to the Status Refugees by 1986 (Takao 2003: 538). As a consequence, when nationality requirements in the national pension system and the national health insurance were abolished, Zainichi Koreans, as well as other eligible foreigners, became able to participate in these systems.

Despite these changes, the legal status of Zainichi Koreans as special permanent residents remains tenuous. This is because the status of special permanent residency does not confirm that Zainichi Koreans possess the *right* to stay permanently in Japan, but that they have been *allowed* to stay in Japan by the Japanese government (Harajiri 1998: 122). In other words, the government can arbitrarily deprive Zainichi Koreans of permanent residency (Harajiri 1998:

122). Zainichi Koreans who are sentenced to over seven years in jail are also subject to deportation to the Korean peninsula under this law (Kim, K. 1995: 26). Zainichi Koreans continuously have been *aliens* and subjects to *control* under the Japanese Immigration Control Law, as is discussed in the next section.

### 2.3. Alien Registration

Under Japan's Family Registration Law, those who possess Japanese nationality are required to register as a Japanese national at a civil registration office in the region where his/her residence is. The family register, *koseki*, records personal information, including birth date, present address, marital status, and so forth, on a family-by-family basis. In the case of Zainichi Koreans, instead of *koseki*, they are obliged to register as foreign nationals in the city, village, or town where they reside in Japan, being treated the same as other foreign residents. Since dual nationality is not allowed in Japan, Zainichi Koreans with *Chōsen*/South Korean nationality are foreign nationals, in the eyes of the Japanese legal system, even though they are born and raised in Japan and are native speakers of Japanese. Zainichi Koreans whose parents both have Korean nationality will be *foreigners* forever except where they naturalise as Japanese.

In accordance with the Alien Registration Law in Japan, in principle every foreign national who has entered Japan must apply for registration within 90 days of the date of his/her landing (Article 3 of the Registration Law). However, most 'temporary visitors,' accounting for more than 90 percent of the total number of foreign entrants, leave without registration (Immigration Bureau 2006: 26). From these results, it can be considered that the registered foreigners are mainly those staying in Japan for a relatively long period of time, which includes Zainichi Koreans. After registration, the foreign nationals receive an alien registration card. The card contains information including an address and nationality and a photo and a written signature of the bearer (cf. Ministry of Justice 2007a). Registered foreign nationals aged sixteen or older are obliged to carry the card with them at all times. They must show it at the request of police officers or other law-enforcing officers, and, if they refuse, they can face imprisonment of at maximum of one year, or a fine of maximum 200,000 yen (Tanaka 2002: 14).

The obligation to carry the registration card is reminiscent of the membership card issued by the *Kyōwakai* during Japan's colonial times (cf. Wickstrum 2015). The *Kyōwakai* membership card also had one's photo and address on it, and the card was issued with the aim to control Koreans. The attitude of the government towards Koreans, which view them as objects under control, remains the same. Indeed, article 1 of the Alien Registration Law specifies that the purpose of the law is 'to establish equitable *control over aliens residing in Japan* by clarifying



matters pertaining to their residence and status and through the enforcement of the registration of such aliens' (own emphasis) (Ministry of Justice 2007b).

#### 2.4. Number of Zainichi Koreans

The exact number of present Zainichi Koreans with South Korean/*Chōsen* nationality as well as those with Japanese nationality is not available. It is difficult even to determine the exact number of only Zainichi Koreans with South Korean/*Chōsen* Korean nationality not involving so-called newcomer Koreans, who entered Japan after the war. Japan's Census Bureau does not survey for ethnicity and hence international marriages, international children, and naturalised citizen do not appear in statistics for any specific groups (The Japan Times, 24 January 2005). In this regard, it is highly difficult to assess the exact number of Zainichi Koreans, although it is commonly acknowledged that they must account for at least one percent of Japan's overall population (Fukuoka 2004: 234) or over two million people.

However, the statistics on the number of registered foreign nationals issued by the Japanese Ministry of Justice is probably one of the most useful resources to approximate the number of Zainichi Koreans. According to the statistics released by Ministry of Justice, by the end of 2005 the number of special permanent residents, mainly comprised of Korean nationals (Immigration Bureau 2006: 30), or Zainichi Koreans, was 451,909. This had decreased from 465,619 in 2004 (Ministry of Justice 2007c). In 2001 more than 500,000 were registered as special permanent residents. It is apparent that the number of Zainichi Koreans with South Korean/*Chōsen* Korean nationality has been gradually decreasing each year.

One of the possible factors to account for the steady decline in the number of special permanent residents is the increasing number of Koreans naturalising as Japanese. Since 1995 Koreans have become naturalised citizens of Japan at an average rate of 10,000 every year (cf. Mindan Online Community 2007a). The other reason for the decline in the number of special permanent residents is closely linked to the amendment of the Nationality Law which was enacted in 1985. Until 1983, in the case of mixed marriage between Japanese and Korean parents, only when the father was Japanese were the children given Japanese nationality. Resultantly, some couples of Japanese women and Korean men who wanted their children to have Japanese nationality circumvented by not registering their marriage. In this case, the children would take their mother's nationality (Fukuoka 2004: 233). Nevertheless, since the revision of the Nationality Law in 1985, every child of a mixed marriage between a Japanese and a Korean automatically becomes Japanese without going through naturalisation or any other procedures (Pak, J. and Cho, R. 1995: 19-21; Okamoto 2005). Additionally, under other interim

measures of the 1985 revisions of the Nationality Law, children of mixed marriages aged under twenty years of age on the day the law had come into force were able to acquire Japanese nationality simply by notifying the authorities of their request (Fukuoka 2004: 233).

Furthermore, in recent years an increasing number of Koreans in Japan have married Japanese and other foreigners. It is reported that more than 89 percent of resident Koreans marrying in 2001 and 2004 were international marriages, more than 87 percent of which represents marriages between Koreans and Japanese (Mindan Online Community 2007a). This figure also includes marriages of ‘new-comer’ resident Koreans in Japan, who came to Japan after the end of the war. Also it is possible that Japanese who married Koreans in Japan are naturalised Zainichi Koreans. However, it is clear that an increasing number of Zainichi Koreans have married Japanese, resulting in a decrease in the number of Zainichi Koreans without Japanese nationality.

### **3. Zainichi Korean Institutions and Ethnic Schools**

#### **3.1. Two Homelands and Two Institutions in Japan: Chongryun and Mindan**

At present, there are two main organisations of Zainichi Koreans in Japan; one is Pro-Pyongyang *Zainichi Chōsenjin Sōurengōkai*, (the General Association of Korean Residents in Japan) or Chongryun, and the other is pro-Seoul *Zainihon Daikanminkoku Mindan* (the Association of Koreans in Japan) or Mindan. These organisations were established with the ultimate object of a return to a unified Korea. Both of the organisations were formed with allegiances split between the two different regimes in the peninsula; the split of a resident Korean population along ideological lines is the legacy of the Korean War (1950-1953), a proxy war between the U.S. and former Soviet Union. Both of the organisations focused their activities on the politics of homeland and long-distance nationalism (Shipper 2010). Not surprisingly, these two organisations both ‘rejected the idea of retaining Japanese nationality, which was an embodied memory of the colonial past’ (Kashiwazaki 2000: 24). Thus, even today, the constituent members of both Mindan and Chongryun, in principle, possess South Korean or *Chōsen* nationality; although there are a limited number of naturalised members, they are not eligible to become cadres of the organisations (Kim, Y. 2006: 142).

Chongryun was established by a left-wing labour activist, Han Deok Su, under the direct control of North Korea in May 1955 (Shipper 2010: 60). Although most Zainichi Koreans originally came from the southern part of the peninsula, it was estimated that up to 90 percent of Koreans in Japan supported the northern regime in 1955 (Hiroyama 1995: 10, cited in Ryang 2002: 899). In those days, the most politically radical Koreans were communists active in the

independence struggle (Ryang 2000a: 5), and thus the North rather than the South was regarded as an embodiment of national independence by many Koreans in Japan (Ryang 2000b: 34). In the 1950s and 1960s, Chongryun was much more influential than Mindan, and the North Korean government played a significant role in maintaining Zainichi Koreans' transnational ties with the homeland (Tai 2009: 612). The North Korean government succeeded in establishing an image of North Korea among Koreans in Japan as a place of powerful economic growth. It provided financial aid for Chongryun to create ethnic schools and educate Korean students as North Korea's overseas nationals since 1957 (Ryang 2000b: 34; Tai 2009: 612). Chongryun also supported the repatriation programme, through which as many as 93,339 Koreans and their spouses, some of whom were ethnic Japanese, migrated from Japan to North Korea by the early 1970s (1959-67; 1971-84) (Fukuoka 2004: 233; Morris-Suzuki 2007). Many Koreans in Japan believed that North Korea was a modern Shangri La, and an antidote to the discrimination in Japan. In contrast, Mindan, which was formed by anti-communist resident Koreans in 1948, was a smaller organisation, partly because the South Korean government neglected the resident Korean population in Japan until the 1970s (Lie 2008: 39-40). The leadership of Mindan was considered a conservative middle-class group that was not identified with the majority of the Koreans (Mitchell 1967: 125-126).

The 1960s saw a change in the power relations between Chongryun and Mindan. As a result of the South Korea-Japan Treaty in 1965, those Koreans who acquired South Korean nationality became eligible for permanent residency in Japan. This option was very attractive for resident Koreans without Japanese nationality; it involved a bundle of civil rights as well as a passport that enable them to visit South Korea to see their family and friends, from whom they were separated by the post-war chaos (Song 2010: 120). In contrast, those with *Chōsen* nationality were not granted permanent residency by the Japanese government owing to the absence of diplomatic ties between Japan and North Korea. Faced with this choice, some Korean residents, including those who had previously supported North Korea, applied for South Korean nationality (Ryang 2000a: 4). On the other hand, the attempt of South Korea and Japan to impose South Korean nationality on Zainichi Koreans without recognising *Chōsen* nationality and North Korea as legitimate spurred vehement opposition from other Zainichi Koreans (Kim, I. 1995: 208). The establishment of diplomatic ties between South Korea and Japan in 1965 served to institutionalise the split between Zainichi Koreans (Chin 2001: 63).

In the early 1970s, the proportion of South Korean nationals among the Zainichi population exceeded that of the North (Lie 2008: 31). By the 1980s, Chongryun became a minority group within a Korean population in Japan. This was because better integration of Koreans into

Japanese society, as well as the democratisation and subsequent stability of South Korea (Ryang 2000a: 6). At the same time, the first-hand information about economic disasters and the deplorable situations concerning human rights in North Korea gradually became available to the public in Japan (Song 2010: 121). Meanwhile, despite the decline of North Korea in Zainichi life, Mindan failed to generate ideological conversion among Zainichi Koreans. The growth in Mindan membership resulted from practical exigencies; Mindan functioned as a passport agency (Lie 2008: 70).

Both Chongryun and Mindan have fostered long-distance nationalism among their members, as they have concentrated their activities on creating cultural and identity ties with the homeland (Shipper 2010: 61). Chongryun established a systematic web of affiliations throughout its nationwide organisational units (Ryang 2002: 898). Chongryun has consistently maintained a stance of indifference to Japanese politics since its establishment. Rather, it is more interested in the consciousness-raising of its members through the school education system and other ideological apparatuses (Ryang 1998: 582). As the following section shows, Chongryun has provided ethnic education in Korean at ethnic schools. Through this education, Chongryun has attempted to generate North Korea as the sole and authentic homeland of Koreans in Japan (Ryang 2000b: 36). Meanwhile, the purpose of Mindan is to assume leadership for social movement for the protection of legal and political rights and the empowerment of Zainichi (South) Koreans (Mindan Online Community 2007b). Mindan has made local electoral rights its priority and has lobbied actively at both the local and national levels since the mid-1990s (Kashiwazaki 2009: 136-137). On the other hand, some local branches of Mindan have actively offered programmes and services concerning South Korea for both foreign and Japanese residents, benefiting from growing Japanese interest in Korean culture (Kashiwazaki 2009: 136). Unlike Chongryun, on the other hand, Mindan members no longer make any serious commitment to language reproduction or ethnic education (Lie 2008: 44).

Certainly, the Zainichi Korean's ethnic identity is in part related to which of the two organisations they belong, or have sympathy with. However, this does not necessarily mean that all the Zainichi Koreans who belong to either organisation possess a firm political ideology. It is estimated that today about 400,000 Zainichi Koreans belong to Mindan, and 150,000 Zainichi Koreans have joined Chongryun (Shipper 2010: 60). Nevertheless, many Koreans are in an ambiguous position judging from the fact that some pay membership fees to both and many children of parents with South Korean nationality are sent to Chongryun affiliated schools (Ryang 1997: 5). This is to say, although both the North and South Korea-supporting organisations have deepened the division within the Korean community and dissociated the

ethnic solidarity of their fellows to some extent, the position of Zainichi Koreans are more complex than it appears.

### 3.2. Korean Ethnic Schools

After liberation, Koreans in Japan started establishing Korean schools separate from the Japanese school system with the aim of recovering their language, culture, history and ethnicity. Classes in these schools were instructed in Korean (Mitchell 1967: 113). Despite the fact that by 1947, the Japanese government had authorised the establishment of Korean schools, in January 1948, the Education Ministry of Japan announced its view that Korean children were obliged to attend Japanese schools and thus Korean schools could not be authorised (Tanaka 1995: 65). This view was backed on the grounds that Koreans in Japan possessed Japanese nationality, and hence it was compulsory for Korean children to attend Japanese school in order to receive a Japanese education (Tanaka 1995: 65).

This claim is completely contradictory given that in 1945 after Japan's defeat the National Diet suspended the Japanese nationality of all Koreans residing in Japan. In point of fact, Japan and SCAP regarded Korean ethnic schools as a social threat in Japanese society and thus attempted to conduct assimilation education towards Koreans, as imperial Japan did during the colonial period (Lee, W. 1995: 157). In the end, in April of the same year, Japan began to close unaccredited Korean schools by force (Mitchell 1967: 115). Considering it as another strategy to suppress their cultural heritage (Motani 2002: 230), many Koreans protested vehemently against this act. In particular, in Kobe a crowd of Koreans clashed with police, and SCAP proclaimed a state of emergency for the Kobe area (Tanaka 1995: 65). In Osaka, a sixteen year-old Zainichi Korean boy was shot to death by police during the protest campaign (Lee, W. 1995: 154-55). In April 1949, Japanese authorities, with support from SCAP, ordered ethnic schools to close immediately.

However, Koreans never abandoned the possibility of ethnic education and recovery of their own culture. A resident Koreans organisation, *Zainichi Chōsen Tōitsu Minshū Sensen* (Minsen), set a goal of fatherland liberation, pacifism, and protection of ethnic rights for resident Koreans in 1951 (Lee, W. 1995: 157). In so doing, Minsen worked to establish Korean ethnic schools to rebuild ethnic education (Lee, W 1995: 157). Although Minsen dissolved itself in 1955 due to internal dissension, some of the former Minsen members established Chongryun, which began to establish Korean ethnic schools again. In 1957, the North Korean government started to provide financial assistance to Chongryun-supported Korean schools in Japan (Ryang 2000b: 34). As of 2011, the Chongryun-affiliated schools were relatively large in number, comprising

more than seventy schools from nursery schools, primary schools, junior high schools, senior high schools, and one university. In contrast, Mindan operated only seven schools, from elementary school to high school level, with no universities. The Mindan-affiliated schools conduct lessons in Japanese, only teaching Korean for several hours a week (Okano 2006: 343). These schools which have been operated by Mindan and Chongryun have educated students as nationals of each nation and have made them to sing their national anthems at school events (Pak, I. 1999: 233).

In 1986, among school-age resident Korean children including newcomer Koreans, about 86 percent were attending Japanese schools, 13 percent Chongryun-affiliated schools, and one percent Mindan-affiliated schools (Fukuoka 2004: 223). The Mindan-affiliated schools conduct lessons in Japanese, only teaching Korean for four hours a week on average (Fukuoka 2004: 223). In contrast, at Chongryun-affiliated schools, classes are conducted in Korean as a first language (Matsubara 2004: 26), and Japanese is taught only as a foreign language. According to Ryang, herself a graduate of Chongryun-supported schools, they have also created a pedagogical mechanism for reproducing North Korea's discourse and ideology (Ryang 2000b: 36). A regional chief director of Chongryun-affiliated school, Lee Gangryeol, states that applicants for teachers of Chongryun-affiliated schools were primarily required to profess loyalty to and faith in Kim Jong-Il (Lee, G. 2006: 108). They upheld North Korea as the authentic homeland for Koreans in Japan and taught students to look up to North Korea and Kim as their national leader. Meanwhile, the remaining 86 percent of Korean children in Japanese schools inevitably learn standardised Japanese as their 'national language,' which Aoki regards as 'repeating the colonial situation' (Aoki 2000: 163).

Recently, moreover, Chongryun-affiliated schools are in danger of being closed owing to financial difficulties. One of the most important factors contributing to a decline in attendance of Zainichi Korean children is the disadvantage of being students of Korean schools. These ethnic schools are treated as miscellaneous schools (non-academic schools) while a small number of Mindan-affiliated schools are accredited as regular schools, *ichijoko* (recognised by the first article of the Education Law) (Tanaka 2002: 25-27); two Mindan-affiliated schools in Osaka acquired Article 1 designation (Fukuoka 2004: 223) and another school in Kyoto was accredited as *ichijoko* by Ministry of Education in 2003 (Mindan Online Community 2003). The majority of students of Mindan schools are children of Korean businessmen and diplomats. The other Korean schools operated by Chongryun, which are accredited as miscellaneous schools, do not enjoy the benefits available to Japanese schools and students, including financial assistance from the Japanese government (Inokuchi 2000: 155).

Not being *ichijoko* enables the schools to draw up their own curriculum without interference from the Ministry of Education (Fukuoka 2004: 223). Yet the students of the schools have been put at a disadvantage. For instance, sports teams of Korean ethnic schools were excluded from competing in national tournaments until recently. In the 1990s this exclusionary practice started to disappear and the ethnic schools were able to compete with their counterparts from Japanese schools in some sports competitions. For example, a Chongryun-affiliated high school in Osaka was the first ethnic high school in the country to play in the national high school championship (The Japan Times, 25 December 2005).

Moreover, graduates from these schools did not automatically qualify as applicants to higher education, university and college until 1999 (Motani 2002: 231). If they wanted to enter university or college, they had to obtain special recognition of qualifications from each university to which they applied (Fukuoka 2004: 223) or they had to take *daiken* (an eligibility examination for university and college administration for applicants without high-school diploma). In 2003 the relaxation of the rules for college entrance exams came to allow graduates of ethnic schools to apply for university without taking *daiken* (The Japan Times, 3 August 2003). The easing of exam qualification rules were planned to allow only graduates of sixteen Western-style international schools at first, but after protests from non-English-speaking ethnic schools, the Ministry applied this revision to graduates of these schools as well (The Japan Times, 28 August 2004).

According to a survey by the Japan Ministry of Education, Culture, Sports, Science and Technology, almost all national universities and about half of private universities allow graduates from ethnic schools to apply for entrance examinations in accordance with the 2003 relaxation of the rules for college entrance exams (Asahi Shinbun, 18 January 2007). However, some universities still require students of miscellaneous schools to take another examination, the Certificate for Students Achieving the Proficiency Level of Upper Secondary School Graduates, to prove that they have reached an equivalent academic level of Japanese high school graduates. In 2007, Tamagawa University, a private university in Tokyo, refused to allow an eighteen-year-old student from a Chongryun-affiliated high school to take its university entrance exam on the grounds that the student did not have a high school equivalent certificate (Asahi Shinbun, 19 January 2007).

#### **4. Conclusion**

This paper described the complexity and transition surrounding the legal status of Koreans

in Japan after the war. After the San Francisco Treaty was signed in 1952, the Japanese government made Koreans in Japan stateless by depriving them of Japanese nationality, and at the same time, they lost most of the welfare benefits and citizenship which Japanese enjoyed, due to the loss of their Japanese nationality. Subsequently, non-naturalised Koreans were rendered stateless until 1965. In 1991 the status of all non-naturalised Zainichi Koreans was finally categorised into one group as ‘special permanent residents.’ Even so, as their status is that of an alien residing in Japan, they have been treated under alien control laws of the Japanese government. This paper also examined two main organisations in Japan operated by Zainichi Koreans actively for conservation of Zainichi Koreans with *Chōsen*/South Korean nationality and Korean ethnicity: pro-North Korea Chongryun and pro-South Korea Mindan. Both the organisations were formed with nationalistic ideology, and hence obviously they oppose the naturalisation of Zainichi Koreans. The organisations are split between the two different regimes in the Korean peninsula. Moreover, these organisations operate ethnic schools to this day. Chongryun-affiliated schools are treated as miscellaneous schools, which make students of these schools suffer disadvantages such as ineligibility with regards to admission in some Japanese universities.

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