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e-mail: a18344@mail.ryukoku.ac.jp**MOBILITY AND BELONGING
OF STATELESS KOREANS IN JAPAN**

This study explores the subject of *Ch sen* identification holders among Korean residents in Japan and illustrates their complex status. In Japan's alien registration system, Korean nationality is registered as either *Ch sen* or *Kankoku*. While the latter is linked with the Republic of Korea, *Ch sen* was a category originally given to those from colonial Korea who remained in Japan after the war, and is not linked a country. Nevertheless, in practice, the Japanese government tends to treat *Ch sen* identification holders as if they were citizens/supporters of North Korea and presumes an allegiance to North Korea. Similarly, the South Korean government often regards them with suspicion, imposing travel restrictions to South Korea and subjecting them to scrutiny at consulates. Within this environment, even among Korean residents in Japan, a pervasive misconception emerged equating *Ch sen* identification with North Korean nationality. This misconception significantly constrains *Ch sen* freedom of movement across international borders, as the international community has largely failed to comprehend the intricacies of their situation, often erroneously categorizing them as North Koreans even if individuals do not align with North Korean interests and maintain *Ch sen* identification based on personal convictions. This discordance between self-perception and external categorization is emblematic of the interactions between individual identities and prevailing political narratives. Within this paradoxical duality of *de facto* North Korean nationality and *de facto* statelessness, their sense of belonging is involuntarily shaped by the prevailing international political landscape, often reducing them to simply North Korean nationality, and subject to the difficulties that entails.

Key words: Korean residents in Japan, nationality, alien registration, statelessness, passport.

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e-mail: a18344@mail.ryukoku.ac.jp**Жапониядағы азаматтығы жоқ
корейлердің ұтқырлығы мен мәртебесі**

Бұл зерттеу Жапонияда тұратын корейлер арасындағы Чосен жеке куәлігінің иелерінің мәселесін қарастырады және олардың күрделі мәртебесін көрсетеді. Жапондық шетелдіктерді тіркеу жүйесінде Корея азаматтығы Чосен немесе Канкоку ретінде тіркеледі. Соңғысы Корея Республикасымен байланысты болса да, Чосен-бұл бастапқыда соғыстан кейін Жапонияда қалған және елмен байланысы жоқ отаршыл Кореядан келгендерге берілген санат. Алайда, іс жүзінде Жапония Үкіметі Чосеннің жеке куәліктерінің иелеріне Солтүстік Кореяның азаматтары/жақтаушылары сияқты қарауға бейім және олардың Солтүстік Кореяға деген адалдығын болжайды. Сол сияқты, Оңтүстік Корея үкіметі оларға жиі күдікпен қарайды, Оңтүстік Кореяға сапарларға шектеулер қояды және оларды консулдықтарда тексереді. Бұл ортада, тіпті Жапонияның корей тұрғындары арасында да, Чосенді сәйкестендіруді Солтүстік Корея азаматтығымен теңестіретін кең таралған қате түсінік пайда болды. Бұл қате түсінік Чосеннің халықаралық шекаралар арқылы қозғалу еркіндігін айтарлықтай шектейді, өйткені халықаралық қауымдастық олардың жағдайының қыр-сырын түсіне алмады, көбінесе оларды солтүстік корейлықтар деп қате жіктеді, тіпті егер жеке адамдар Солтүстік Кореяның мүдделерін алға тартпаса және жеке себептермен Чосенді сәйкестендіруді қолдаса да. Өзін-өзі қабылдау мен сыртқы категориялау арасындағы бұл сәйкессіздік жеке тұлғалар мен басым саяси әңгімелер арасындағы өзара әрекеттесуді білдіреді. Солтүстік Корея азаматтығы мен іс жүзінде азаматтығы жоқтықтың осы парадоксалды екіұштылығының бөлігі ретінде олардың тиесілілік сезімі басым халықаралық саяси ландшафттың әсерінен байқаусызда қалыптасады, көбінесе оларды тек Солтүстік Корея азаматтығына дейін төмендетеді және оның қиындықтарымен байланысты.

Түйін сөздер: Жапонияда тұратын корейлер, азаматтық, шетелдіктерді тіркеу, азаматтығы жоқ, төлқұжат.

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Мобильность и статус корейцев без гражданства в Японии

В этом исследовании рассматривается проблема обладателей удостоверений личности Чосен среди корейцев, проживающих в Японии, и иллюстрируется их сложный статус. В японской системе регистрации иностранцев корейское гражданство регистрируется как Чосен или Канкоку. Хотя последнее связано с Республикой Корея, Чосен – это категория, первоначально присвоенная выходцам из колониальной Кореи, которые остались в Японии после войны и не связаны со страной. Тем не менее, на практике японское правительство склонно относиться к владельцам удостоверений личности Чосен так, как если бы они были гражданами/сторонниками Северной Кореи, и предполагает их преданность Северной Кореи. Точно так же правительство Южной Кореи часто относится к ним с подозрением, вводя ограничения на поездки в Южную Корею и подвергая их проверке в консульствах. В этой среде, даже среди корейских жителей Японии, возникло широко распространенное заблуждение, приравнивающее идентификацию Чосен к северокорейскому гражданству. Это заблуждение существенно ограничивает свободу передвижения Чосен через международные границы, поскольку международное сообщество в значительной степени не смогло понять тонкости их ситуации, часто ошибочно классифицируя их как северокорейцев, даже если отдельные лица не продвигают северокорейские интересы и поддерживают идентификацию Чосен по личным причинам. Это несоответствие между самовосприятием и внешней категоризацией символизирует взаимодействие между индивидуальными идентичностями и преобладающими политическими нарративами. В рамках этой парадоксальной двойственности де-факто северокорейского гражданства и де-факто безгражданства их чувство принадлежности невольно формируется под влиянием преобладающего международного политического ландшафта, часто сводящего их к просто северокорейскому гражданству и сопряженного с трудностями, которые это влечет за собой.

Ключевые слова: корейцы, проживающие в Японии, гражданство, регистрация иностранца, безгражданство, паспорт.

Introduction

During the period of Japanese colonial rule, the migration of Koreans and their descendants from the Korean Peninsula to contemporary Japan resulted in a population of approximately 600,000 Koreans remaining in post-war Japan. Despite having Japanese nationality under past colonial rule, they were immediately categorized as ‘foreigners’ under the Alien Registration Ordinance of 1947. Notably, in the Alien Registration system, individuals of Korean origin had their nationality/place of birth recorded as *Chōsen*, a term meaning simply ‘Korea’ in Japanese, which did not denote a specific national allegiance. Subsequently, upon Japan’s reintegration into the international community through the Treaty of San Francisco in 1952, the Japanese government unilaterally revoked the Japanese nationality of these former colonial subjects, thus rendering them stateless (Onuma, 2004: 306-311).

After diplomatic relations were established between Japan and South Korea, a new category *Kankoku* (an abbreviation for *Daikan Minkoku*, Republic of Korea) was introduced to the alien registration for Koreans remained in Japan. This bifurcation within Japan’s alien registration

system, separating Korean residents into *Chōsen* and *Kankoku* categories, became a focal point of contention between two Korean organizations in Japan: *Chongryun*, aligned with the Democratic People’s Republic of Korea (North Korea), and *Mindan*, aligned with the Republic of Korea (South Korea). This paper focuses on the *Chōsen* identification, elucidating its intricate and precarious status as *de facto* stateless, entangled with multiple nations yet lacking full affiliation with any.

Over the course of more than half a century, numerous Korean residents in Japan opted to change their registration status to *Kankoku* for South Korean nationality, or to acquire Japanese nationality. In recent years, approximately 10,000 Korean residents naturalize annually as Japanese citizens. But the dwindling number of *Chōsen* identification holders, having decreased from 495,000 in 1950 to less than 27,000 presently (Park, 2022:7), does not diminish the significance of this issue. Instead, it reflects the enduring repercussions of long-standing neglect regarding this vulnerable legal status, originating from political and historical circumstances. Notably, the complexity of this issue is compounded by the intricacies surrounding the legal affiliations of divided nations.

Materials and Methods

Legal experts of refugee issues and nationality law generally recognize two categories of statelessness, *de jure* and *de facto*. A person is *de jure* stateless if they have no nationality under the laws of any country. In contrast, a person is *de facto* stateless if they (i) have a nationality, (ii) reside outside the country of nationality, and (iii) are unable (or unwilling) to enjoy the protection of the country of nationality.

While international treaties provide a definition of *de jure* stateless, there is no official definition of *de facto* statelessness under international law. Due to this, some international laws only apply to *de jure* stateless people. All refugees are *de facto* stateless provided they have nationality, but there are many people who are not refugees and are still considered *de facto* stateless. It is therefore necessary to consider, in each case, whether the nationality of the persons concerned is truly functionally ineffective and whether they are unable to enjoy the rights attached to their nationality.

This paper first examines whether Korean residents in Japan, who hold *Chōsen* identification in the Japanese alien registration system, fall into this *de facto* stateless category. Then, problems created by a contemporary international migration management regime that struggles to accommodate those with an ambiguous nationality will be explored through an examination of lived migration experiences and self-perceptions. To this end, this article is based on a comparative study of Japanese alien registration system and the nationality laws of two Korean states, case studies revealed by media reports and court cases, and an analysis of experiences and perceptions among those with *Chōsen* identification from interviews of people within the Korean community. This mixed approach is necessary to address difficulties arising from the often inconsistent and arbitrary treatment, both in Japan and abroad, of people with Korean affiliation and an unclear legal status caught between the systems of three countries.

Literature Review

Much is written on the legal status and nationality of Korean residents in Japan since the end of the Pacific War. These include examination of the validity of the postwar loss of Japanese nationality held during the colonial period from the perspective of jurisprudence, analysis of the recognition of the status of Korean in Japan during diplomatic negotiations between Japan and Korea

from the perspective of history, and a history of protest movements against discrimination based on nationality and legal status. Many are written from a perspective implicitly or explicitly criticizing Japanese colonial rule and discriminatory attitudes toward Koreans that persist even in the postcolonial era. In this context, a kind of “Cold War” situation between Japan and the Korean community, and divisions within the Korean community in Japan, may have impeded the discussion’s balance.

The same could be said of the debate over *Chōsen* identification, which is frequently interpreted as emblematic of Japan’s postwar insincerity toward its former colonial subjects, but rarely as a case to be explained. Thus, the ‘nationality’ of those with *Chōsen* identification tends to be left ambiguous, with few attempts to clearly define *Chōsen* identification as a state of statelessness. Recently, publications have attempted to examine the issue of *Chōsen* identification from different perspectives including the lens of individual identity and experience (Nakamura, 2017; R Lee, 2021; Jung, 2022). However, there remains a tendency to only reconstruct the meaning of this status at a symbolic level.

For instance, from his survey of the younger generation with *Chōsen* identification, HJ Lee (2013) argues that *Chōsen* identification should be redefined as a positive signifier that disassociates it from North Korea, thereby transforming it into an identity with a transnational character. He further suggests redefining *Chōsen* identification as a symbol that problematizes the historical injustice that has surrounded Korean residents in Japan for more than half a century. However, redefining *Chōsen* identification as such would not only further widen the gap with those who hold *Kankoku* identification, which is inevitably tied to the state, but could also create pressure that would discourage those who would consider changing their status from *Chōsen* to *Kankoku* worrying that it would be seen as ‘abandoning’ or ‘denying’ the symbol of historical injustice. Above all, while such a semantic shift may have psychological benefit, it does not eliminate the legal and social disadvantages and restrictions experienced.

There are few scholarly studies written in English on the issues of *Chōsen* identification and statelessness (For examples, see Onuma, 1981; Ryang, 1997; J Kim, 2016), with fewer adequately analyzing this issue beyond purely a descriptive of the historical background/legal status. The recent work by Cho (2020) is the only case dealing directly with the issue of *Chōsen* identification. While Cho clearly lays out the complex nature of this legal status for English-speaking readers, the transnational mobility

and analysis from an international legal perspective on statelessness is not its primary concern.

Furthermore, Abe in his report on statelessness published by UNHCR Japan states that those with *Chōsen* identification are not stateless as they may obtain a North Korean passport (Abe, 2010, pp.55-57). However, Abe does not provide a thorough enough analysis, rather relying on the input of a *Chongryun* affiliated informant. As such, it is questionable whether this reflects an accurate consideration of the validity in obtaining that passport and the situations and perceptions of the individual parties. As the UNHCR operations mandate is limited to de jure statelessness, Abe's position cannot be said to be wrong. However, the international scholarship on contemporary statelessness is not limited to de jure statelessness. The perspective of this study addresses this deficiency and connects the issue nationality in the context of Korean residents of Japan, discussed mainly within Japan, with international research on nationality and statelessness. The issue of *Chōsen* identification is not unrelated to the recent development of global border control practices and growing international interest in the issue of statelessness.

Legal membership in two Korean states

In 1947, the vast majority of the approximately 600,000 Koreans residing in Japan possessed *Chōsen* identification (Ryang, 1997:80). However, recent Japanese government statistics reveal a notable shift, indicating that by the end of 2020, approximately 300,000 Koreans held Special Permanent Resident status in Japan – the status granted to former colonial subjects and their descendants – with 274,107 individuals identified as *Kankoku* (i.e., South Korean citizen) and 26,679 individuals bearing *Chōsen* identification. This decline in numbers is attributed to various factors, including prolonged stays leading to desires for settlement, intermarriage with Japanese citizens, and choices related to work.

The *Kankoku* identification within Japan's alien registration system equates to nationality of South Korea. Conversely, the Japanese government specifies that *Chōsen* categorization signifies neither state nationality nor affiliation but rather serves as a mere symbol within their registration framework. Given Japan's recognition of only South Korea as the legitimate authority in the Korean Peninsula, even if individuals were conclusively identified as holding North Korean nationality, such status would not be acknowledged within Japan.

The stance of North Korea towards *Chōsen* identification also presents a degree of ambiguity.

During the early post-war period, the North Korean government exhibited limited interest in recognizing and integrating Korean residents in Japan as its citizens. North Korea perceives *Chōsen* identification as a matter within the purview of the Japanese system, devoid of direct relevance to their governance. Nevertheless, this stance does not denote total indifference on the part of the North Korean government towards the issue of *Chōsen* identification. They instead have delegated the resolution of this matter to *Chongryun*. Although *Chongryun* has long called on the Japanese government to improve the rights and status of Koreans in Japan, including *Chōsen* identification holders, they have not explicitly asserted that *Chōsen* identification signifies North Korean nationality, despite prevalent misconceptions among some of their supporters.

The Nationality Law of North Korea was promulgated on October 9, 1963, comprising ten articles (C Kim, 1972: 324-329). This legislation delineated North Korean nationality as encompassing individuals who were Korean citizens prior to North Korea's establishment and maintained their nationality thereafter (Article 1-1); foreigners who acquired North Korean nationality through legitimate procedures (Article 1-2); children born to North Korean citizens (Articles 4-1 & 4-2); and children found within North Korean territory with unknown parentage (Article 4-3).

Given North Korea's refusal to recognize the legitimacy of South Korea as a sovereign entity, individuals holding South Korean nationality are theoretically considered North Korean citizens. Similarly, Korean residents in Japan who have not acquired Japanese nationality are regarded as North Korean citizens, regardless of whether they possess *Chōsen* or *Kankoku* identification. However, the North Korean government has not implemented measures such as national registration to assert control over Korean residents in Japan.

The North Korean Nationality Law underwent revision in 1995, yet its fundamental framework remained consistent with that established in 1963. Despite the introduction of a new population management registration system following the enactment of the Citizen Registration Act of 1997, this system has not been extended to encompass Korean residents in Japan. Consequently, North Korea lacks the institutional capacity to formally identify and integrate Korean residents in Japan as its citizens, notwithstanding claims of inclusivity. Thus, there is no concrete evidence delineating *Chōsen* identification as equal to North Korean nationality.

Conversely, South Korea enacted its Nationality Law in December 1948, which adopted the principle of patrilineal *jus sanguinis*, disallowed recognition of multiple nationality, and mandated uniform nationality status within families. The law stipulated that individuals with a father who was a citizen of the Republic of Korea were themselves deemed Korean citizens (Article 2). In this context, the term ‘Republic of Korea’ was construed to encompass the Korean nation-state predating Japan’s annexation in 1910. Consequently, South Korea’s Nationality Law theoretically encompasses individuals with *Chōsen* identification as its citizens, given their historical ties to pre-colonial Korea.

Indeed, both the Ministry of Justice and the Supreme Court of South Korea acknowledged in 1996 that Korean residents in Japan, including *Chōsen* identification holders, were citizens of the Republic of Korea. Despite inclusion in the family registry, however, many such individuals are not consistently treated as South Korean citizens. Activation of their South Korean nationality necessitates a change in their alien registration status in Japan from *Chōsen* to *Kankoku*. Hence, for Korean residents in Japan, the South Korean nationality framework operates in tandem with Japan’s alien registration system, facilitating the identification and exclusion of perceived ‘suspicious’ or ‘undesirable’ individuals, notably suspected North Korean spies.

This stance is particularly pronounced during periods of conservative administrations. Upon entry into South Korea, *Chōsen* identification holders are required to obtain a travel permit, often referred to as a Temporary Passport, from a South Korean consulate, which grants single-entry validity. However, a notable shift occurred in this dynamic starting in 2008, during the administration of Lee Myung-Bak. The government exhibited a hostile disposition towards *Chōsen* identification holders, leading to a marked increase in rejections of travel permit applications. Notably, some applicants were compelled to submit background check documents detailing their educational history and affiliations with *Chongryun*, alongside their travel permit requests. In some instances, individuals were urged to alter their alien registration status to *Kankoku* to obtain a South Korean passport at consulates, with rejections often ensuing for those who resisted.

As cases of rejection proliferated and disseminated within the Korean resident community in Japan, certain *Chōsen* identification holders found themselves compelled to forgo visits to South Korea. Others, possessing South Korean nationality, deferred passport renewal due to concerns regarding their educational background at Korean ethnic

schools affiliated with *Chongryun*. The cumulative effect of such potential abstentions from visiting South Korea has had a substantial impact on the Korean resident community in Japan. These instances of rejection contribute to the perpetuation and dissemination of the perception of *Chōsen* identification holders as North Korea supporters who would pose a potential risk to South Korea’s social security within both South Korean and Japanese societies. Furthermore, they appear to reinforce the misconception of *Chōsen* identification as indicative of North Korean nationality, disseminating beyond the confines of South Korea and Japan, thereby influencing the treatment of *Chōsen* identification holders when traveling to other countries.

The expansion of migration flows catalyzed by processes of democratization and economic advancement prompted South Korea to deepen its engagement with and interest in overseas Korean communities. Within the broad category of overseas Koreans, a distinction exists between ethnic Koreans with foreign nationality and overseas citizens of South Korea. Further nuances within the overseas Korean community emerge based on geographical location. Concerning Korean residents in Japan, despite most holding *Kankoku* identification with South Korean nationality today, conservative administrations persist in deploying anti-North and anti-*Chongryun* initiatives aimed at regulating the political sentiments of individuals already holding South Korean nationality. These efforts often entail the collection of extensive personal information pertaining to education, occupation, familial ties, and travel history, leading to arbitrary rejection decisions.

Consequently, individuals possessing *Chōsen* identification find themselves in a limbo across the legal frameworks of the three relevant countries. Although theoretically aligned with both Korean states, they lack full nationality affiliation with either in practice, rendering their status undetermined within Japan, the country of their birth and residence. This precarious condition of de facto statelessness is further compounded by its interaction with the broader framework of global migration control.

Cross-border mobility

When undertaking international travel, individuals are typically required to present a travel document to verify their identity, most commonly in the form of a passport. However, Korean residents holding *Chōsen* identification encounter numerous obstacles when traversing international borders. Despite the absence of explicit constitutional or

statutory prohibitions, *Chōsen* identification holders find themselves excluded from the sphere of South Korean nationals. Given that possession of *Kankoku* identification is a prerequisite for obtaining a South Korean passport, *Chōsen* identification holders are effectively precluded from this. Nevertheless, they retain the option to obtain a North Korean passport through *Chongryun* which is not the same official contact points as embassies but still acts as an intermediary on behalf of the North Korean government (Article 9 of Rules concerning Passport and Visa of DPRK, Administration Council Decision No.27, April 14, 1993; cited in DH Kim, 2006:186).

This facilitation is not predicated on North Korea's recognition of *Chōsen* identification as indicative of nationality, but rather stems from North Korea's classification of all Koreans who lack nationality in another country as its overseas citizens, including those who hold South Korean nationality. Notably, even individuals possessing *Kankoku* identification can obtain a North Korean passport, unlike the process for obtaining a South Korean passport, which is contingent upon one's nationality designation within Japan's alien registration system.

However, the Japanese government does not accord recognition to North Korean passports as an effective document, given the absence of official diplomatic relations between the two countries and Japan's treatment of North Korea as an 'unrecognized state.' Consequently, *Chōsen* identification holders are compelled to carry a separate document for travelling abroad, which is a re-entry permit issued by Japan. Typically affixed to one's passport, this re-entry permit is issued in booklet form to individuals lacking an effective passport, including *Chōsen* identification holders. It serves solely as documentation for re-entry into Japan from abroad and does not confer diplomatic protection by Japan upon its bearers. Nonetheless, *Chōsen* identification holders often rely exclusively on Japan's re-entry permit for international travel, effectively treating it as a quasi-passport.

The re-entry permit system in Japan necessitates periodic renewal, with failure to do so potentially resulting in challenges in returning to Japan from overseas. In fact, Japan's re-entry permit system for foreign citizens has been criticized by the UN Human Rights Committee due to its perceived infringement upon the rights of resident foreigners to exit and re-enter the country (UN Human Rights Committee, 1998). Despite such critique, the Japanese government has maintained the existing system without substantial alteration for decades. Conversely, recent media reports have shed light on the imposition by the Japanese Immigration Bureau

of a written oath upon *Chōsen* identification holders departing Japan (not bound for North Korea) under its sanctions against North Korea following a nuclear experiment in early 2016. This oath stipulates that their re-entry permit to Japan may be revoked if they travel to North Korea. Japan's sanctions against North Korea encompass the denial of re-entry to Japan for foreign technical experts in nuclear and missile development traveling to North Korea. However, this measure was extended to all *Chōsen* identification holders traveling abroad, irrespective of their occupation or intended destination.

The ambiguity surrounding *Chōsen* identification has become untenable for numerous countries, prompting them to demand that *Chōsen* identification holders present a North Korean passport. The root of this issue lies in the conflation of *Chōsen* identification with North Korean nationality, a distinction that remains unknown to most countries. This misrecognition has become increasingly prevalent since the early 2000s, coinciding with heightened global border controls and stricter immigration policies, particularly spearheaded by the United States. Consequently, it became customary across the globe to equate *Chōsen* identification with North Korean nationality, effectively categorizing individuals as North Korean citizens and impeding their ability to secure visas or entry permissions when traveling abroad.

The process to obtain visas for travel to Europe has notably lengthened for many countries in recent years, with most European nations now requiring a passport for entry. The visa application process typically entails a wait of one to two months for a decision, even in countries traditionally regarded as more accessible, such as the United Kingdom and Italy. Upon arrival, individuals presenting a North Korean passport and visa often undergo extended scrutiny by immigration officers. On contrary, certain countries such as China, Singapore, Russia, Peru, Palau, and Taiwan afford *Chōsen* identification holders relatively easier entry, although this leniency does not necessarily denote a clear differentiation between *Chōsen* identification and North Korean nationality in these nations' policies. The prevalent global practice of equating *Chōsen* identification with North Korean nationality underscores the limited understanding of the distinction between the two statuses among most countries.

Discussion

The act of traversing international borders epitomizes the ambiguous, unstable, and externally determined nature of the status of *Chōsen*

identification holders, posing significant challenges. While legally stateless in Japan, they are de facto treated as North Korean citizens by the Japanese government. Their difficulty in acquiring a South Korean passport reinforces the global misconception of *Chōsen* identification as indicative of North Korean nationality, thereby constraining their freedom of movement across borders.

Moreover, *Chōsen* identification holders encounter difficulties when seeking diplomatic protection from North Korea within Japan, and are often reluctant to solicit such protection while abroad. The interplay of various factors, including Japan's post-war ethno-national restructuring, the nationalism of Korean residents in Japan, the Cold War-era antagonism between North and South Korea, ideological conflicts within the Korean resident community in Japan, and the tightening of global border controls since the turn of the century, have transformed *Chōsen* identification from a mere administrative category within Japan's alien registration system into a de facto nationality status associated with North Korea.

The prevalent misconception regarding *Chōsen* identification extends even among Korean residents in Japan themselves. This misperception is partly attributed to *Chongryun*'s historical vehement opposition to transitioning alien registration to *Kankoku*, compounded by the term '*Chōsen*' itself, which readily evokes associations with North Korea (in Japan, the term *Kita Chōsen* is commonly used to refer to the Democratic People's Republic of Korea). Consequently, widespread confusion persists between the two concepts. Despite numerous academic publications and media reports in recent years elucidating that *Chōsen* identification does not confer nationality, a deep-seated misconception persists within both the Korean resident community and Japanese society at large, within public agencies, local government offices, and law enforcement entities in Japan. Particularly noteworthy is the increasing trend of *Chōsen* identification holders acquiring either Japanese or South Korean nationality amid the deteriorating political climate in Northeast Asia and the heightened global border control measures over the past few decades.

From a pragmatic standpoint aimed at optimizing the safety and mobility of *Chōsen* identification holders, the simplest resolution may entail obtaining Japanese or South Korean nationality. Both Japanese and South Korean passports afford high levels of international mobility, ranking first and second, respectively, among 199 passports (Henley and Partners, 2024). Indeed, many individuals have acquired either Japanese or South Korean

nationality to avail themselves of the freedom to travel abroad. Nevertheless, it remains imperative to acknowledge the continued existence of individuals who have maintained their *Chōsen* identification for decades across generations, despite encountering various disadvantages and discriminatory practices, with their motivations for doing so exhibiting considerable diversity.

For some individuals, *Chōsen* identification serves as a tangible reminder of Japan's colonial legacy and the enduring ramifications of the Cold War division of Korea. They consciously retain this status as a testament to historical injustices, viewing it as a living testimony to past grievances. Others refrain from altering their registration status out of a refusal to acknowledge the legitimacy of the South Korean state, which they perceive as having arisen from an unfair political process. Moreover, there exists dissatisfaction with the South Korean government, perceived as the instigator of division within the Korean community in Japan by introducing the *Kankoku* identification and adopting a conservative stance towards *Chōsen* identification holders throughout much of the post-war period, exacerbating intra-community conflicts.

Conversely, some individuals conceive of *Chōsen* identification as emblematic of a future unified Korean state or as an ethnic identity disassociated from any specific nation-state. Therefore, reducing their complex identities and practices solely to a national affiliation with North Korea overlooks the diversity inherent within their experiences and beliefs, rendering them marginalized within discussions centered solely on national belonging.

Since the 'de-Japanization' in 1952, Korean and Taiwanese residents in Japan have been categorized as 'stateless' within the framework of Japan's alien registration system. While the registration records of Taiwanese residents explicitly denote their status as 'stateless' (*mukokuseki*, meaning 'no nationality') until 2014, they are nonetheless eligible to obtain a Taiwanese passport, which the Japanese government recognizes as a valid travel document despite the absence of formal diplomatic relations with Taiwan.

Conversely, the designation of 'stateless' is not formally used in substitution for *Chōsen* identification, even though the Japanese government acknowledges that this group lacks nationality and does not recognize their possession of a North Korean passport obtained through *Chongryun*. *Chōsen* identification holders retain the right to permanent residence and enjoy partial citizenship rights in Japan, thanks to the advocacy efforts of Korean resident community. Moreover, they have the option to apply for nationality in either South Korea or Japan. It

therefore seems their situation has been perceived as less pressing by international organizations such as the UNHCR and international NGOs. However, the predicament of individuals who lack full protection from any state despite holding nationality, and who face further restrictions on their rights within their country of residence, effectively amounts to de facto statelessness, if not de jure statelessness.

The discourse surrounding *Chōsen* identification transcends mere nationality rights, encompassing broader historical, political, and cultural dimensions shaped by colonial legacies and Cold War dynamics. This multifaceted question underscores the longstanding reluctance of Korean residents in Japan to pursue naturalization in Japan, a stance persisting to the present day. Additionally, within the realm of international human rights protection, the status of statelessness is typically considered as a part of refugee concerns, prioritizing individuals

facing immediate threats to life, lacking access to protection from any state, and devoid of prospects for acquiring nationality. Cultural identity and historical context are often marginalized in the discourse, with international organizations and NGOs primarily focusing on immediate humanitarian needs.

Regarding the mobility of *Chōsen* identification holders, there are proposals advocating for the issuance of a ‘special permanent resident passport’ by the Japanese government, akin to the ‘Laissez-Passer’ provided to refugees and stateless persons. However, garnering social consensus in Japan for granting equal status and rights to a group of foreigners refraining from naturalization poses significant challenges. From the perspective of state authorities, such a group is often perceived as an anomaly within the national fabric, prompting reluctance to accord them equal treatment within the country’s borders.



Figure 1 – (From Left) South Korean passport, North Korean passport, and Re-entry Permit to Japan

Conclusion

Resolving the complex issue of *Chōsen* identification presents formidable challenges, extending beyond the scope of this study’s objectives. Even in the event of reconciliation on the Korean Peninsula and the establishment of diplomatic relations between Japan and North Korea, problems would likely persist. Reframing *Chōsen* identification as North Korean nationality risks homogenizing the diverse identities of its holders. Conversely, granting recognition of North Korean nationality by the Japanese government and affording *Chōsen* identification holders the option to choose between South and North Korea for their registration may result in some choosing neither.

Improved relations among the three countries may improve the rights and status of *Chōsen*

identification holders, potentially facilitating unhindered travel to both North and South Korea—a prospect long yearned for by many Korean residents in Japan. However, merely facilitating travel to the Korean Peninsula falls short of addressing the systemic challenges posed by the international community’s current practice of treating *Chōsen* identification holders as North Korean citizens, significantly impeding their cross-border mobility.

Should *Chōsen* identification holders be accorded rights and treatment commensurate with citizens, considering their unique historical backgrounds, the question arises as to which government should assume responsibility for such measures and to what extent. Given that most Korean residents of Japan hold permanent residency status, Japan emerges as the most plausible candidate for implementing such measures. However, extending equal rights to

Chōsen identification holders may engender debates regarding the treatment of individuals with *Kankoku* identification with South Korean nationality. Notably, Korean residents in Japan holding South Korean nationality currently enjoy certain privileges in South Korea, including voting rights in national elections and freedom of travel, residency, and employment.

Chōsen identification holders navigate a nuanced existence characterized by a dual status of de facto statelessness and de facto nationality (affiliated with North Korea), constituting a multifaceted domain shaped by intricate interactions among various political, social, and historical dynamics. Apart from the inherent contradictions within legal frameworks and the geopolitical tensions among the concerned countries, nationalist sentiments within Japan, coupled with the international community's

perception of individuals with uncertain nationality as anomalous, compound the complexity of this issue. Despite the potential merit of proposals such as the 'special permanent resident passport,' such measures fail to fundamentally challenge the prevailing norms governed by nationalistic conceptions of belonging, perpetuated by the intertwined constructs of nationality, borders, and identity. The inquiry into *Chōsen* identification underscores the scrutiny directed towards individuals who challenge conventional notions of national affiliation and nationality, offering an opportunity for critical reflection on the entrenched assumptions underlying contemporary migration control regimes. This examination holds promise in advancing towards a more equitable and liberated global order, conducive to the realization of universal freedom and equality.

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