North Korean Defectors, States, and NGOs: The Case of Former Korean Residents in Japan

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The Japanese Government provides special assistance to two categories of North Korean defectors: former Korean residents in Japan who left for North Korea during the Repatriation Operation (1959-1984) and their Japanese wives. In Japan, two NGOs have devoted activities to the cause of these returnees since the 1990s. These organizations play four main roles. Firstly, they collect and disseminate information on repatriation operations, raising public awareness of the fate of returnees. Secondly, they assist defectors as they arrive in China (or neighboring countries), acting as intermediary between them and the Japanese diplomatic and consular missions and helping in the procedures for their admission to Japan. Thirdly, they play the role of a lobby, pressuring actors in a position to facilitate the return of defectors to Japan. Finally, they look after defectors after arriving in Japan, taking care of their settlement, offering Japanese language courses, or even finding them a job

Keywords: North Korean defectors, repatriation, Korean minority in Japan, NGO, track two diplomacy, refugee

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I. Introduction

At the end of the Second World War, Koreans constituted the largest foreign community in Japan with approximately two million people, most having arrived after the anexation of the Korean Peninsula in 1910.[1] From August 1945 to the beginning of the Korean War (1950-1953), a first wave of repatriations allowed more than 1.4 million Koreans[2] to

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1 For a study of the Korean residents of Japan before and during the colonial era, see Tonomura Masaru, *Zainichi chōsenjin shakai no rekishigakuteki kenkyū. Keisei, kōzō, henyō* (Tōkyō: Ryokuin shobō, 2004).

2 It was mainly those who had arrived in Japan during the war—and who therefore were less established in Japan than those who had settled there for years—who returned to Korea at that time. Mizuno Naoki and Mun Gyeong-su, *Zainichi chōsenjin. Rekishi to genzai* (Tōkyō: Iwanami

return to the southern part (where about ninety-five percent had their origins) or northern part of Korea by their own means or by using the ships chartered to repatriate the Japanese who were still in Korea (*hikiagesha* 引揚者).[3] On April 19, 1952, i.e. just several days before the entry into force of the Treaty of San Francisco (April 28 1952), the Japanese government promulgated an administrative directive that stripped the Koreans remaining in Japan of their Japanese citizenship. The Japanese authorities based their decision on Article 2(a) of the San Francisco Treaty: "Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet." Since Korea was no longer Japanese territory, the Koreans no longer had the citizenship of that territory.[4] The deprivation of Japanese nationality prohibited them from applying for positions in the public service as well as access to social security schemes (National Pension and National Health Insurance).[5] Although they could receive financial support in the form of "Public Assistance (*seikatsu hogo* 生活保護)," many were subjected to socio-economic discrimination and lived precariously or even in poverty.

In this context, Kim Il-sung promised in September 1958 to guarantee all Korean repatriates from Japan decent living conditions. This proposal represented hope for a better future for many of these Koreans. Some of them also saw in this an opportunity to contribute to the reconstruction of the liberated homeland under the socialst banner.

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shoten, 2015), 94.

[3] Kikuchi *Yoshiaki, Kitachōsen kikoku jigyō. 'Sōdai na rachi' ka 'tsuihō' ka* (Tōkyō: Chūō kōron shinsha, 2009), 20-22.

[4] Ōnuma Yasuaki, *Tan'itsu minzoku shakai no shinwa o koete. Zainichi Kankoku-Chōsenjin to shutsu.nyōkoku kanri taisei*, 2nd ed. (Tōkyō: Tōshindō, 1993), 150-161; Kim Tae-gi, *Sengo Nihon seiji to zainichi chōsenjin mondai. Sukappu no tai zainichi Chōsenjin seisaku 1945-1952* (Tōkyō: Keisō shobō, 1997), 739; Mizuno Naoki and Mun Gyeong-su, *Zainichi chōsenjin*, 125-127.

[5] Kikuchi Yoshiaki, *Kitachōsen kikoku jigyō*, 204; Mizuno Naoki and Mun Gyeong-su, *Zainichi chōsenjin*, 144-145.

Between 1959 and 1984, more than 93,000 people—of whom about two thousand were Japanese women living with Koreans—arrived at the Thirty-Eighth Parallel. In Japan, this mass repatriation is referred to as the "Repatriation Movement" (*kikoku undō* 帰国運動) or "Repatriation Operation" (*kikan jigyō* 帰還事業), whereas it is named "Deportation to the North" (*buksong* 北送) in South Korea.[6]

In the 1990s, due to the adverse economic situation gravely exacerbated by famine from 1994 to 1998,[7] hundreds of people[8] — including former returnees from Japan—decided to flee from North Korea mainly by crossing the Sino-North-Korean border (particularly the shallow Tumen River which freezes over in winter) often with the help of brokers.[9] The present article examines the attitude of the Japanese government vis-à-vis these "returnee" defectors and highlights the different roles played by the two principal Japanese non-governmental organizations (NGOs) devoted to their rescue.

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[6] On this repatriation operation, see Takasaki Sōji and Park Jeong-jin, *Kikoku undō to wa nan data no ka. Fūin sareta Nitchō kankeishi* (Tōkyō: Heibonsha, 2005); Tessa Morris-Suzuki, *Exodus to North Korea: Shadows from Japan's Cold War* (Lanham: Rowman & Littlefield, 2007); Kikuchi Yoshiaki, *Kitachōsen kikoku jigyō*; and Park Jeong-jin, *Nitchō reisen kōzō no tanjō 1945-1965. Fūin sareta gaikōshi* (Tōkyō : Heibonsha, 2012).

[7] The causes of this famine—referred to as the "March of Tribulation" (*gonanui haenggun* 고난의 행군) in North Korea—were due to both external factors (natural disasters and declining subsidies from sister countries), but also—and perhaps especially—to poor economic choices by North Korean authorities. Stephan Haggard and Marcus Noland, *Famine in North Korea: Markets, Aid, and Reform* (New York : Columbia University Press, 2007), 9.

[8] According to statistics from the South Korean Ministry of Unification, fifty-two defectors managed to reach South Korea in 1994, 148 in 1999, 1,139 in 2002, and 2,548 in 2007. Isozaki Atsuhito, "Dappokusha mondai. 'Kakekomi' no imi o chūshin ni," in *Kitachōsen to ningen no anzenhoshō*, ed. Okonogi Masao and Isozaki Atsuhito (Tōkyō: Keiō gijuku daigaku shuppankai, 2009), 141. We can therefore deduce that the annual number of defectors arriving in China is even higher.

[9] Along with this food crisis, the background of the defectors changed: whereas it once concerned mainly a few officials such as Ko Yeong-hwan 高英煥 (a diplomat posted in Congo-Brazzaville who defected in 1991) or Hwang Jang-yeop 黄長燁 (regarded as the official who theorized the Juche Idea, North Korea's official ideology; he defected in 1997), since the second half of the 1990s it has mainly consisted of ordinary North Koreans, especially for economic reasons. Moreover, these migrations do not always have South Korea as final destination: many North Koreans leave to earn money and return to North Korea a few months later.

II. "Humanitarian Considerations"

One of the first defector cases encountered by the Japanese government was that of Miyazaki Shunsuke 宮崎俊輔.[10] Miyazaki was born in Japan in 1947 to a Korean minority father and a Japanese mother. He moved to North Korea in 1960 when he was thirteen years old and fled North Korea in 1996, taking refuge at the Consulate General of Japan in Shenyang.[11] Whereas his testimony was published in Japan in 2000 in a book entitled *Kitachōsen daidasshutsu. Jigoku kara no seikan* (The Great Escape from North Korea: My Return from Hell), it was not until January 2003 that a Cabinet member, Minister of Foreign Affairs Kawaguchi Yoriko 川口順子, recognized publicly, albeit vaguely (in the Budget Committee of the House of Representatives), that the Japanese government "acted concretely" for those defectors who once lived in Japan.[12] In 2004 the Japanese Government mentioned for the first time the issue of defectors in its *Diplomatic Bluebook*:

> North Korean citizens escaping from North Korea to foreign countries are generally called "North Korean defectors". It is speculated that severe food shortage and economic difficulties constitute the motives for their escape. Particularly in supporting those who have Japanese nationality or are former Korean residents of Japan, the Japanese Government has been taking into account every sort of perspectives including the safety of people concerned and other humanitarian considerations.[13]

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[10] Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," *Kaigai jijō* 59, no. 12 (December 2011): 68. The *Yomiuri Shinbun*, in its morning edition of November 9, 2002, traces back the first return of a Japanese woman and her family to 1994.

[11] Miyazaki Shunsuke, *Kitachōsen daidasshutsu. Jigoku kara no seikan* (Tōkyō: Shinchōsha, 2000).

[12] Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," 69.

[13] Ministry of Foreign Affairs of Japan, Gaikō seisho 2004 (Tōkyō: Gyōsei, 2004), 42.

This abstract, albeit briefly, defines the basic policy towards defectors adopted by the Japanese Government. Firstly, not all defectors are concerned, but only two categories: persons having Japanese nationality—Japanese women in particular—and Koreans who previously lived in Japan.[14] In practice, this second category is extended to the descendants of these Koreans. Secondly, the Government takes action for these defectors. Concretely, through its diplomatic and consular missions, the Ministry of Foreign Affairs (MOFA) issues a travel certificate officially named "Travel document for return to Japan" (*kikoku no tame no tokōsho* 帰国のための渡航書) to Japanese nationals, and a "Travel document for aliens" (*tokōshōmeisho* 渡航証明書) to non-Japanese nationals allowing the holder to enter Japanese territory. These travel certificates are given to Japanese nationals after verification of the family register (*koseki* 戸籍) and to Korean people after checking the returnee lists kept by the Japanese authorities.[15] Thirdly, the Government invokes "humanitarian considerations (*jindōjō no hairyo* 人道上の配慮)" to justify such measures and is careful not to use the term "refugee (*nanmin* 難民)." One may think that this choice is due to two reasons, the first for internal and the second for international purposes. The Japanese government only very sparingly grants asylum to those who request it. Out of 30,145 filed requests since the introduction in Japan of a refugee recognition system in 1982 (the year when the 1951 Convention and the 1967 Protocol entered into force in the country) until 2015, Japan recognized refugee status for only 660 of them.[16] Recognizing these defectors as refugees and welcoming them onto Japanese soil

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[14] The decision to allow those Koreans to return to Japan has been debated within the government. It was likely made in the late 1990s.

[15] *Yomiuri shinbun*, November 9, 2002 (morning edition).

[16] See the MOFA website: http://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html (accessed on April 24, 2017). On the attitude of the Japanese government towards refugees in general, see Araki Osamu, *Refugee Law and Practice in Japan* (Aldershot, UK and Burlington, VT: Ashgate, 2008).

would therefore create an inconvenient precedent and it is unclear how the Japanese government could justify the recognition of refugee status only to North Korean defectors who were former residents of Japan. On the contrary, the invocation of "humanitarian considerations" provides the Japanese Government with a discretionary power to assess the situation case by case.[17]

III. Japanese Missions in China: A Limited Scope for Action

The term "refugee" is also worth avoiding out of consideration for the Chinese authorities, which do not grant this status to defectors. While the People's Republic of China (PRC) has been a party to the July 28, 1951 Convention[18] and the January 31, 1967 Protocol relating to the status of refugees since 1982, it does not recognize North Korean defectors as refugees but simply illegal immigrants.[19] In doing so, Beijing reserves the right to expel them to North Korea under bilateral agreements such as the Sino-North Korean agreement on mutual extradition of criminals and defectors concluded in the early 1960s, the Cooperation protocol for maintaining social order and state security in border areas (1986), the Regulation on the control of border areas of Jilin Province (effective in

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[17] From 1982 until 2015, out of 30,145 asylum requests, the Japanese Government granted the permission of residence to 2,446, without granting refugee status. See the MOFA website: http://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html (accessed on April 24, 2017).

[18] Article 33 of the Convention provides, "No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

[19] Kim Hyo-jin and Eom Eung-yong, "Hokkan ridatsu jūmin no hōteki chii to hogo," *Chūō gakuin daigaku shakai shisutemu kenkyūjo kiyō* 13, no. 1 (October 2012): 2; Yamada Fumiaki, "Kitachōsen dappokusha no kyūen to Nihon teichaku shien no jitsujō," *Meijō daigaku keizai keiei gakkai kaihō* 41 (June 2010): 9; Isozaki Atsuhito, "Dappokusha mondai. 'Kakekomi' no imi o chūshin ni," 152.

1998), and the Treaty on assistance in civil and criminal justice (2003). Furthermore, the PRC strengthened its legislation in 1997 by making assistance to defectors a "crime of disrupting administration of the border" (Articles 318 to 323 of the Criminal Law).[20]

In practice, the degree of implementation of these agreements seems to be conditioned by several factors, including state of relations between the countries concerned and Chinese internal agenda.[21] When extraditions are actually carried out, North Korean defectors are subject to a penalty depending on the gravity of the charge and circumstances (recidivism for instance). Article 221 of the North Korean Criminal Law (Revised version of May 2012) punishes a person who illegally crosses the North Korean border with hard labor for up to one year, and in cases of grave offense, with "corrective labor" for up to five years. If the defector was planning to flee to a foreign country, Article 63 applies, making this a crime of treason against the fatherland. This article allows the government to sentence people who "betrayed the fatherland and fled to a third country" to corrective labor for at least five years and, in the most serious cases, to a life sentence of corrective labor or even the death penalty and confiscation of property.[22] In fact, given the increase in the number of defectors, and with the exception of cases of significant political significance and "exemplary" executions, capital punishment appears to be less applied. However, for defectors found guilty of having fled for political reasons, of having received assistance from foreigners, of having been in contact with religious organizations, or of having wanted to travel to South Korea or Japan, the sentence imposed is particularly severe.[23]

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[20] Kim Hyo-jin and Eom Eung-yong, "Hokkan ridatsu jūmin no hōteki chii to hogo," 2.

[21] For instance, the 2008 Beijing Olympic Games were preceded by a crackdown on defectors from North Korea. Isozaki Atsuhito, "Dappokusha mondai. 'Kakekomi' no imi o chūshin ni," 146.

[22] Kim Hyo-jin and Eom Eung-yong, "Hokkan ridatsu jūmin no hōteki chii to hogo," 3.

[23] Yamada Fumiaki, "Kitachōsen dappokusha no kyūen to Nihon teichaku shien no jitsujō," 8.

Due to the Chinese position vis-à-vis these defectors, the Japanese diplomatic and consular missions' scope for action in China is actually very limited. While they can relatively easily assist their own nationals, the task is thorny for former Koreans from Japan and their descendants—who are non-Japanese—as well as for the Japanese wives who have renounced their Japanese nationality. Although diplomatic asylum is not expressly covered by the April 18, 1961 Vienna Convention on Diplomatic Relations, two of its provisions—reflecting the jurisprudence of the International Court of Justice[24]—however, apply to the case of defectors.[25] Firstly, Article 41-1 states that "it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State" and "they also have a duty not to interfere in the internal affairs of that State," which implies that in the absence of any custom or entitlement in local law a diplomat cannot indefinitely grant asylum to anyone whose surrender is lawfully requested by the local authorities of the receiving state. In this regard, since 2002 China has cautioned representations accredited to its territory, claiming that they had no right to protect citizens of a third country. Secondly, even if asylum is granted by the sending state without the consent of the receiving state, the latter must respect the inviolability of the mission (art. 22) and therefore cannot forcibly expel a defector. Consequently, the Japanese missions and the Chinese authorities have no alternative but to negotiate so that defectors holding a travel certificate are allowed to leave China. As an indication of the sensitivity of negotiations, these returns to Japan were kept secret by the Japanese government until the publication of Miyazaki Shunsuke's book (2000) as well as a *Yomiuri shinbun* article on November 9, 2002, which were

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[24] The Judgment of November 20, 1950 in the "Asylum Case" and the Judgment of June 13, 1951 in the "Haya de la Torre Case," respectively..

[25] Ivor Roberts, ed., *Satow's Diplomatic Practice*, 6th ed. (Oxford: Oxford University Press, 2009), 110. The following lines concerning diplomatic asylum are also drawn from Roberts.

substantiated by the testimony of the head of the Tōkyō Immigration Office.[26] Miyazaki even recounts that he had signed, at MOFA's request, a declaration committing him not to reveal that the Japanese government had assisted him.[27]

IV. The Association and the Foundation

In Japan, the two principal NGOs focusing their activities on the issue of former returnees are the Association for the Defense of Life and the Rights of North Korean Returnees (*Kitachōsen kikokusha no inochi to jinken o mamoru kai* 北朝鮮帰国者の生命と人権を守る会; hereafter "the Association") founded in 1994 and the Foundation for the Rescue of North Korean Refugees (*Kitachōsen nanmin kyūen kikin* 北朝鮮難民救援基金; hereafter "the Foundation") established in 1998.[28] Each are non-state-funded, non-profit organizations, having volunteers as the vast majority of their staff. The first NGO, the Association, is now chaired by Yamada Fumiaki 山田文明 (b. 1948), who until his recent retirement was an associate professor at Osaka University of Economics. He has dedicated a large part of his life (and his savings)[29] to the former returnees. The Foundation, on the other hand, is currently chaired by Katō Hiroshi 加藤博 (b. 1945), a former journalist who worked for the monthly *Bungei shunjū* and the weekly *Shūkan Bungei*. He became aware of the problem of defectors when he was covering the issue of North Korean workers in Siberia, determining to establish the Foundation, along with a few others, to help them.[30]

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[26] See his testimony: Sakanaka Hidenori, *Nyūkan senki* (Tōkyō: Kōdansha, 2005).

[27] Miyazaki Shunsuke, *Kitachōsen daidasshutsu. Jigoku kara no seikan*, 231.

[28] There are other Japanese NGOs involved in the issue of "returnee" defectors such as the Japan Immigration Policy Institute (*Imin seisaku kenkyūjo* 移民政策研究所) chaired by Sakanaka Hidenori 坂中英徳, but the Association and the Foundation are the oldest, the most active, and most highly staffed ones.

[29] Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," 72.

These two NGOs play four major roles today. Firstly, they gather information about defectors and spread it through newsletters, a magazine[31] and conferences. The Association, for instance, held two conferences in April 2015 after its annual general meeting. The first was given by a defector whose mother had left for North Korea during the repatriation operations; the second by a former official of the General Association of Korean Residents in Japan (*Zai Nihon Chōsenjin sōrengō-kai* 在日朝鮮人総聯合会 / *Chongryon* 總聯), a pro-North organization which played a leading role in the repatriations by conveying an idealized image of North Korea.[32] The published information and testimonies contribute to piecing together the "scattered puzzle," as Tessa Morris-Suzuki puts it, of the repatriation operations. For instance, Kawashima Takamine 川島高峰, associate professor at Meiji University and member of the Association, gave an account in the Karumegi newsletter (no. 58, June 2004) of a declassified administrative document he uncovered listing the reasons why the Japanese Cabinet approved the repatriation operations in February 1959. This then secret document, which portrays the Korean community in Japan as a financial burden and a threat to public order, suggests that the Japanese Government was eager to get rid of these people. Miura Kotarō 三浦小太郎 (b. 1960), an essayist who calls himself a "pro-human rights rightist (*uyoku jinken-ha*)"[33] and is the current vice-president of the Association, has

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[30] Noguchi Takayuki, *Dappoku, tōhikō*, 18. See also Katō's biographical information at http://www.geocities.jp/simafukurou1/2004-11-20jinkenday/2004jinkenday.htm (accessed on May 15, 2017).

[31] About three times a year, the Association publishes a newsletter entitled *Karumegi* かるめぎ(Japanese phonetic transcription of the Korean word *Galmaegi* 갈매기: "seagull") and a magazine *Hikari sase* [Let There Be Light!] (Biannual until April 2015, annual since). As for the Foundation, it publishes a newsletter, simply entitled *Kitachōsen nanmin kyūen kikin nyūsu* 北朝鮮難民救援基金ニュース [News from the Foundation for the Rescue of North Korean Refugees] (about five issues per year).

[32] For a detailed account of this propaganda, see Kikuchi Yoshiaki, *Kitachōsen kikoku jigyō. 'Sōdai na rachi' ka 'tsuihō' ka*, 168-173.

undertaken important work on the memory of the repatriation operations, editing the correspondence of Jo Ho-pyeong 曺浩平 and his Japanese wife Koike Hideko 小池秀子, who both went to North Korea in 1962 with their relatives.[34] Most recently in 2016, he edited the testimony of Kinoshita Kimikatsu 木下公勝, a Korean who moved to North Korea with his parents in 1960, fled in 2006, and now lives in Japan.[35]

V. The Perilous Journey across Asia

The second role of the NGOs is to provide assistance to defectors upon arrival in China after having fled from North Korea. Although the headquarters of these NGOs are located in Japan, they have staff members or contacts active in China—sometimes themselves at risk of being arrested by the Chinese authorities[36]—to help these defectors. Ueda Tsutae 上田ツタエ, a Japanese woman who left Japan with her Korean husband in 1960, was helped in China by the Association and was able to return to Japan in 2003.[37] The Foundation, for its part, also assisted Mrs. X., a North Korea-born defector whose father was a Korean returnee. After several years hidden in China, she arrived in Japan in 2011. In February 2015, forty-three years old at the time, she was living in Tōkyō with her two-year-old daughter and her husband who refurbishes homes. She had been treated for hepatitis and was studying

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[33] Nomura Hataru, ed., *Kitachōsen riken no shinsō* (Tōkyō: Takarajimasha, 2000), 301.

[34] Miura Kotarō, ed., *Sō Kōhei Koike Hideko shokanshū*, 2nd ed. (Tōkyō: Sō Kōhei Koike Hideko shokanshū hensan iinkai, 2001).

[35] Kinoshita Kimikatsu, *Kita no kidoairaku. Yonjūgo nenkan o Kitachōsen de kurashite* (Tōkyō: Takagi shobō, 2016).

[36] Three of the protagonists mentioned in this article were arrested and placed in detention in China: Katō Hiroshi (Foundation), arrested in Dalian in October 2002; Yamada Fumiaki (Association), arrested in Shanghai in August 2003; and Noguchi Takayuki (Foundation), arrested in Nanning in December 2003.

[37] Ueda Tsutae and her daughter, interview by author, December 21, 2014.

law in order to start her own online business one day.[38]

When the situation is judged too complicated in China, the two NGOs can decide to take the defectors to a third country—often in Southeast Asia—and contact the Japanese mission in these countries. In Harbin, Noguchi Takayuki 野口孝行 (b. 1971), who resigned from his company in 2003 to work fulltime for the Foundation, took care of Yoshiko and Emiko, two sisters who left Japan in 1967 with their parents, escorting them to Cambodia via Vietnam. In Phnom Penh, Noguchi contacted the Japanese Embassy, which gave the two sisters a travel certificate. They returned to Japan in September 2003.[39]

The Japanese diplomatic and consular representations protect defectors only once they have ensured they have Japanese citizenship or are Koreans who used to live in Japan or descendants of these Koreans. These verifications may take several months, and as long as the defectors are not placed under the protection of the Japanese missions, they may, at any time, be arrested and escorted back to North Korea. Women also face the danger of being sold by smugglers and ending up in prostitution networks or forced marriage in Chinese rural areas.[40] One of the tasks of the NGOs consists then in acting as intermediaries between the defectors and the Japanese missions in China in order to initiate measures of protection and return to Japan.[41] The NGOs assist defectors in drafting the documents they must submit to the Japanese government to be accepted in Japan. These include a curriculum vitae, a background

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[38] *Yomiuri shinbun*, February 9, 2015 (evening edition). The text and photographs that accompany this article are from Taketatsu Atsushi竹田津敦史.

[39] Noguchi Takayuki, *Dappoku, tōhikō*, 15-238.

[40] Yamada Fumiaki, "Kitachōsen dappokusha no kyūen to Nihon teichaku shien no jitsujō," 8-10. Miyatsuka Sumiko, "Nihon ni okeru Kitachōsen nanmin (dappokusha) no jittai," *Nanmin kenkyū jānaru* 5 (2015): 83.

[41] One of their tasks was to bring the defectors into the diplomatic and consular missions. However, due to the strengthening of the Chinese controls at the entrance, several defectors were transported onto the premises of the missions using vehicles of the Japanese staff. *Yomiuri shinbun*, December 8, 2011 (morning edition).

information statement that should retrace the reasons and details of their escape from North Korea, as well as a letter addressed to the Japanese Minister of Foreign Affairs requesting permission to stay in Japan.[42]

Once the Japanese missions had decided to offer protection to the defectors, they could accommodate them within their walls until the Chinese authorities allowed them to leave the country. However, the situation seems to have changed when five defectors had to spend six months (from August 2008 to March 2009) in the Consulate General of Japan in Shenyang, as the PRC refused to let them leave the territory. According to *Yomiuri shinbun*, in late 2010 or early 2011 a written promise committing the Japanese government to no longer protect defectors within its missions was submitted by the Japanese side to the Chinese authorities during the negotiations for these five people.[43] They could eventually leave China in April (two people) and May 2011 (three people). Questioned in the Diet, Foreign Minister Genba Kōichirō 玄葉光一郎 declined to make any comment on the existence of the document, simply answering, "The claim that Japan does not welcome defectors who arrived in China from North Korea [was] absolutely false."[44] Katō Hiroshi's testimony in this regard, however, is more explicit:

> The government will obviously not say whether it had written this promise or not. But in reality, the fact that we no longer can engage [the Consulate General of Japan in] Shenyang proves that this is indeed the case. Until then it had given protection to many people upon their request.[45]

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[42] Noguchi Takayuki, *Dappoku, tōhikō*, 35-37.

[43] *Yomiuri shinbun*, December 8, 2011 (morning edition).

[44] 179th Session of the Diet, House of Councillors, Committee on Foreign Affairs and Defense, no. 6, December 8, 2011

[45] Katō Hiroshi, interview by author, September 10, 2012.

The Association, for its part, sent a letter to Minister Genba dated December 12, 2011, asking him to comment on the veracity of the *Yomiuri* information, to cancel the document if its existence was confirmed, and to declare his intention to continue to protect defectors within Japanese missions in China should the newspaper coverage be incorrect. This open letter addressed to the chief of Japanese diplomacy illustrates the third role of the two NGOs: being a pressure group. Katō Hiroshi (Foundation) says that he can find among parliamentarians valuable sponsors to plead their cause and push forward complicated cases:

> The environment of Immigration control centers in South Asia is hardly bearable, and [when defectors are held there after having fled China] a swift treatment of their case is wished; then it comes to us to engage them [the national MPs]. In these cases, we make sure that these national MPs themselves press for speeding up the processing of the case. That's how we do it. And it is effective. If we entrust the sensitive cases to the Ministry of Foreign Affairs, we could wait one year or two without them being resolved; so for these cases we engage influential national MPs.[46]

Katō says he engages "high-ups in the political world"—he mentions Abe Shinzō 安倍晋三, Suga Yoshihide 菅義偉, and Hirasawa Katsuei 平沢勝栄 from the Liberal Democratic Party (LDP)[47] and Nakai Hiroshi 中井洽 from the Democratic Party of Japan (DPJ)—and claims it is relatively easy to have access to them. One common feature of these politicians is their interest in North Korean issues over the past several years, especially in the abduction of Japanese citizens by North Korean agents during the 1970s and 1980s. Deputy Chief Cabinet Secretary Abe

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[46] Ibid.

[47] The LDP was in opposition during the interview with Katō Hiroshi.

Shinzō went to Pyongyang with Prime Minister Koizumi Jun'ichirō in September 2002 and attended the meeting during which Kim Jong-il admitted, for the first time and after years of denial, that North Korea had abducted some Japanese. Hirasawa Katsuei secretly went to China in 2004 to negotiate with North Korean officials about the abductees and dedicated a book to this subject.[48] Nakai Hiroshi, in turn, served as Minister in Charge of the Issue of Japanese Nationals abducted by North Korea during the Hatoyama (Sept. 2009-June 2010) and Kan Cabinets (June 2010-Sept. 2010).

VI. Public Assistance, Japanese Classes and a Strawberry Farm

The fourth and final role of the two NGOs lies in the support and care of defectors after arriving in Japanese territory. The Japanese Government does not officially publish the number of these defectors, but there were about two hundred in 2014 according to Katō Hiroshi, Yamada Fumiaki and Miura Kotarō.[49] Apart from Japanese women, defectors wishing to be accepted in Japan must have one guarantor in the country. For defectors left without relatives in Japan (or when these relatives refuse), it is the members of the NGOs who become guarantor.[50] As for the settlement of the defectors, the 2014 edition of the Japanese Diplomatic Bluebook stresses that, "in close collaboration with the different administrations concerned," the Government "implements measures to help them settle in Japan" (MOFA 2014, 23). Although primarily

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[48] Hirasawa Katsuei, *Rachi mondai. Tai Kitachōsen gaikō no arikata o tou* (Tōkyō: PHP kenkyūjo, 2004).

[49] Miyatsuka Sumiko, "Nihon ni okeru Kitachōsen nanmin (dappokusha) no jittai," 83; Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," 68.

[50] Miyatsuka Sumiko, "Nihon ni okeru Kitachōsen nanmin (dappokusha) no jittai," 83; Yamada Fumiaki, "Kitachōsen dappokusha no kyūen to Nihon teichaku shien no jitsujō," 15.

designed for the victims of abduction, the Law Concerning Measures to Address the Abduction Issue and Other North Korean Human Rights Violations (Rachi mondai sono ta Kitachōsen tōkyoku ni yoru jinken shingai mondai e no taisho ni kansuru hōritsu 拉致問題その他北朝鮮当局による人権侵害問題への対処に関する法律; Law No. 98 of June 23, 2006)[51] commits the Government to "take measures to protect defectors and provide them assistance" (art. 6-2) and to "endeavor to maintain close ties of cooperation with non-governmental organizations assisting, in Japan and abroad, such persons [abductees, defectors and victims of human rights violations]" (art. 6-1). In practice, however, this task is also delegated to members of NGOs, as Yamada Fumiaki states:

> After [an official of the MOFA] transferred a defector from North Korea to our organization or to his relatives at the airport, he will receive the same treatment as any foreigner entering Japan; it is not because he is a defector that the [Japanese] Government continues to take care of him or that he will be able to receive special assistance.[52]

Both NGOs support defectors in finding accommodation and work and in the various administrative procedures they need to complete. Defectors may receive Public Assistance and apply for low-cost public housing. Not all defectors, however, live on welfare. Miyatsuka Sumiko 宮塚寿美子, who conducted interviews with defectors in Japan, gives the example of one of them who worked hard enough to get a loan to buy

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[51] For an overview of the elaboration of this law, see Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," 68-69.

[52] Yamada Fumiaki, "Dappokusha no keizaiteki jiritsu shien e no mosaku. Ichigo Saibai ni torikumu mo, mada kōka wa kiri no naka," *Kitachōsen nanmin kyūen kikin nyūsu* 95 (July 2015): 6. Yamada reiterates here an observation that he already made in 2010 (Yamada Fumiaki, "Kitachōsen dappokusha no kyūen to Nihon teichaku shien no jitsujō," 15). Ueda Tsutae, presumably because she is Japanese, told us however that officials from the Japanese administration had assisted her in carrying out several procedures after her arrival in Japan. Ueda Tsutae and her daughter, interview by author, December 21, 2014.

a well-located apartment.[53] Helping them become financially independent by getting a job is the main objective of the Association towards the defectors living in Japan, says Yamada Fumiaki.[54] He also stresses the need for the defectors to acquire the command of the Japanese language to find a job in Japan, but also in order to free themselves from the "North Korean mentality":

> A big hindrance for defectors in finding a job, was the fact that they could not speak Japanese. In order to be freed from the mentality which had been instilled in them in North Korea, the defectors from North Korea needed new information for their change in awareness. Since these defectors were in Japan, this information was available in Japanese and, consequently, learning the language was a prerequisite for any change of mentality. Without that, they would always reason and act according to what they had learnt in North Korea.[55]

In 2011, the Foundation set up a Center for Japanese language, offering courses to defectors—some of whom, such as the children of returnees, do not speak Japanese at all when they arrive in the country. These courses were funded by the Japanese Agency for Cultural Affairs amounting to 1.4 million yen in 2011 (120 hours; 12-13 learners).[56] Although they were free of charge, the Foundation had to stop organizing them in 2013 due to a lack of candidates.[57] Aware of the difficulties encountered by defectors in finding a job, Yamada Fumiaki launched a new initiative in 2014: a strawberry farm in the Ōsaka region:

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[53] Miyatsuka Sumiko, "Nihon ni okeru Kitachōsen nanmin (dappokusha) no jittai," 84, 89.

[54] Yamada Fumiaki, "Dappokusha no keizaiteki jiritsu shien e no mosaku. Ichigo Saibai ni torikumu mo, mada kōka wa kiri no naka," 6.

[55] Ibid.

[56] Katō Hiroshi, interview by author, September 10, 2012.

[57] Miyatsuka Sumiko, "Nihon ni okeru Kitachōsen nanmin (dappokusha) no jittai," 86.

> As for the work they could do, I thought about letting them manufacture something. If one makes something with one's own hands, one realizes the quality of what one makes; and as it is easy to do one's best to make good quality products, one can feel a sense of accomplishment after having made good product. And even unsociable defectors should be capable of manufacturing things.[58]

In July 2015, the farm employed six Japanese and three defectors; two other defectors would lend a hand from time to time on a voluntary basis. Three defectors had already stopped working at that time. In practice, the situation was difficult: besides the technical difficulties inherent in cultivating strawberries, the defectors working in the farm saw the amount of Public Assistance they received greatly diminish because of the wage they earned. This does not encourage people to work, laments Yamada Fumiaki who advocates reforming the system.[59] Miura Kotarō, while not denying cases of successful integration, gives the example of defectors working as caregivers and now financially independent. He clearly shares Yamada Fumiaki's observation.[60]

Miura, like Yamada and Katō, dedicated an important part of his life to helping defectors. He identifies five main elements that constitute impediments to their integration in Japan. The first is the difficulty for defectors to think about their long-term future. They have fled North Korea, often leaving family members behind, but also often for the very purpose of helping them financially. To give their families part of the money they receive—even if it is only public relief money—is therefore the priority of everyday life, to the detriment of efforts (learning the Japanese language) crucial for a smooth integration into Japan. The

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[58] Yamada Fumiaki, "Dappokusha no keizaiteki jiritsu shien e no mosaku. Ichigo Saibai ni torikumu mo, mada kōka wa kiri no naka," 6.

[59] Ibid., 7.

[60] Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," 68-79.

second obstacle is what could be seen as a disdain for the law. During the famine period in North Korea, those who respected the law and waited patiently for the rationing system to be restored died of starvation. Those who survived were precisely those who broke the law, *illegally* leaving North Korea and staying *illegally* in China. This habit of not respecting the law leads them to act in that way when they are in Japan (for example, by not declaring the income they earn while they are receiving Public Assistance). Thirdly, defectors are accustomed to the rationing system, which is one of the specificities of economic and social life in North Korea, and they tend to associate this system with that of public assistance in Japan. They have difficulty understanding why this public aid can be partially or totally withdrawn if they receive a wage from their work. Fourthly, the North Korean regime generates a climate of widespread suspicion that makes it difficult to establish solidarity within North Korean society. The defectors can hardly, at least in the first months or years of their stay in Japan, relinquish this atmosphere and trust the people around them, including the members of the NGOs. Finally, staying in China, albeit paradoxically, gives defectors a sense of freedom: they can be escorted back to North Korea at any time but money provides a special privilege allowing them to break free of the rules.[61]

For Miura, learning the basic rules of Japanese society is therefore a priority and he advocates greater involvement of the Japanese government in tasks—including psychological support—beyond what NGOs can do:

> First of all, what is henceforth needed for North Korean defectors beyond Japanese language learning, is to teach them how Japanese society works, the significance of Public Assistance, the principles of

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[61] Miura Kotarō, "Dappokusha Nihon teichaku ni okeru sho mondai," 74-76.

rule of law and sanctions for offenses, the existence of NGOs; in short, it is crucial to teach them the importance of the fundamental rules of society. Moreover, for defectors suffering from a profound psychological trauma (human trafficking in China, the terror of public executions and concentration camps in North Korea, distrust towards others), the help of specialized doctors or counselors is absolutely necessary, and moreover those specialists in some cases need to have some knowledge of the Korean language. This task is already beyond what NGOs can do today, and as long as the [Japanese] government does not tackle the issue of the settlement of defectors in Japan, the cases of failure will surely continue to increase.[62]

VII. Conclusion

This brief study shows that the Japanese Government agrees to provide special assistance to two categories of defectors who have fled North Korea: first, those whom it considers to be Japanese nationals—and in particular the Japanese wives who have left for North Korea with their Korean husbands or partners during the Repatriation Operation (1959-1984); second, the Koreans who were still living in Japan after the Second World War and who left to live in North Korea during these operations. This second category is extended to descendants. With the exception of defectors possessing Japanese nationality, the Japanese Government invokes "humanitarian considerations" to justify the permission granted to them to reside in Japan without, however, according them refugee status.

In Japan, two NGOs—the Association for the Defense of Life and the Human Rights of North Korean Returnees and the Foundation for the Rescue of North Korean Refugees—have devoted their activities since

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[62] Ibid., 76.

the 1990s to the cause of these returnees and their families. These organizations play four main roles. Firstly, they collect and disseminate information on repatriation operations, raising public awareness of the fate of returnees in North Korea. Secondly, they assist defectors who have arrived in China (or in other neighboring countries), act as intermediary between them and the Japanese diplomatic and consular missions, and assist them in the various procedures necessary for their admission onto Japanese soil. Thirdly, these organizations also play the role of a lobby, pressuring actors (politicians for instance) in a position to facilitate the return of defectors to Japan. Finally, the Association and the Foundation look after defectors who have arrived in Japan, taking care of their settlement, offering Japanese language courses, or even finding them a job.

This study also invites a departure from an overly simplistic scheme regarding NGOs as entities consistently acting *against* the state. While these organizations may indeed be critical of the actions (or non-action) of public authorities, they are nevertheless aware that Japanese diplomats accredited in China have a limited scope for action, since the Chinese authorities do not recognize North Korean defectors as refugees but simply as illegal immigrants. It is in this respect interesting to note that the President of the Association,[63] commenting on MOFA's response to his letter concerning the alleged document committing Japan to no longer protect defectors within its missions in China, stated on the website of the Association, "It is not our intention whatsoever to minimize the *hard work* (*go-kurō*) shown by MOFA during its negotiations [with China] on site."[64] It is precisely in these very terms—"Thanks for your *hard work*" (*go-kurō-sama*)—that the officials of the Japanese Embassy in Phnom Penh welcomed Noguchi Takayuki who

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[63] At that time, the Association was chaired by Miura Kotarō.

[64] http://hrnk.trycomp.net/news.php?eid=00743 (accessed on May 6, 2017; emphasis added).

arrived from China with two defectors in 2003.[65] This member of the Foundation was surprised enough to hear from MOFA these words filled with recognition to record it in his memoirs. Regarding the nature of relations between the NGOs and the Japanese missions abroad, Katō Hiroshi also states:

> I don't think that the Japanese government is very motivated to welcome these defectors. But it does not refuse what we bring in. I think that that may be its position on the subject. […] It is a very diplomatic approach […] It asks us not to say that it supports us [...] and states that it is appropriate to act in a calm atmosphere. I think these remarks apply to diplomacy in general.[66]

Although the activities of the two NGOs do not fall within the framework of "Track Two Diplomacy," a term coined by Joseph V. Montville with respect to "conflict resolution,"[67] the relation between the Japanese Government and these NGOs can be defined in terms of

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[65] Noguchi Takayuki, *Dappoku, tōhikō*, 237 (emphasis added).

[66] Katō Hiroshi, interview by author, September 10, 2012.

[67] Joseph V. Montville defines "Track Two Diplomacy" as "an unofficial, informal interaction between members of adversary groups or nations that aims to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict." It is "in no way a substitute for official, formal 'track one' government-to-government or leader-to-leader relationships. Rather, track two activity is designed to assist official leaders by compensating for the constraints imposed upon them by the psychologically understandable need for leaders to be—or at least to be seen to be—strong, wary, and indomitable in the face of the enemy." It "seeks political formulas or scenarios that might satisfy the basic security and esteem needs of the parties to a particular dispute." Joseph V. Montville, "The Arrow and the Olive Branch: A Case for Track Two Diplomacy," in *The Psychodynamics of International Relationship*, vol. 2, *Unofficial Diplomacy at Work*, ed. Vamik D. Volkan, Joseph V. Montville, and Demetrios Julius (Lexington, MA: Lexington Books, 1991), 162-163. As attractive as it may be, it is difficult to see how this framework (or even that of the "Multi-Track Diplomacy" developed subsequently by Louise Diamond and John McDonald in 1996) involving identified parties *seeking to resolve a conflict* between them could apply to the situation of North Korean defectors.

subsidiarity or *complementarity* rather than opposition. Subsidiarity applies with respect to the rare cases involving defectors of Japanese nationality, to the extent that the NGOs assume prerogatives traditionally assigned to diplomatic and consular missions: the protection of its nationals abroad. Complementarity applies to cases of former Korean residents and their relatives who do not have Japanese nationality. In this sense, NGOs are an indispensable link in supporting defectors in China but also in Japan by facilitating their social reintegration.

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