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Resettlement Under the Radar: A Study of Japanese Resettlement of North Korean Escapees

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Andrew Wolman*
The City Law School

Andrew Wolman
The City Law School

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Resettlement Under the Radar: A Study of Japanese Resettlement of North Korean Escapees

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Andrew Wolman*

Abstract

In an ideal world, resettlement initiatives would be publicly debated, officially announced, and supported by a clear regulatory framework. This is not always the case in practice. This paper examines one resettlement initiative that has – intentionally – passed almost entirely under the radar: the Japanese resettlement of North Korean escapees. This initiative has focused on resettling North Korean escapees who either were previously resident in Japan, or are related to somebody who was. Despite its significance to understanding refugee flows in the region, it has attracted hardly any English-language scholarship. This paper aims to fill the gap. First, I provide a comprehensive examination of the law and policy of Japan's resettlement programme. Second, I interrogate the lack of transparency that characterises it, in particular examining Japan's motivations for keeping its resettlement programme under the radar, and the implications of doing so.

Keywords: Resettlement; North Korean Escapees; Repatriation; Refugees; Transparency.

* Andrew Wolman works as a Senior Lecturer in the Law School of City, University of London. He can be reached at Andrew.Wolman.2@city.ac.uk.

I. Introduction

Over the past three decades, Japan has implemented a programme to resettle North Korean escapees who had previously migrated from Japan to North Korea or have a close familial relationship with individuals who previously migrated from Japan. In most cases, they have been resettled from China and Thailand.¹ NGO and academic observers estimate that as of 2023 at least 200 North Korean escapees have come to Japan in this manner since resettlement commenced in the early 1990s.²

The resettlement of these North Korean escapees in Japan is not well known, either inside or outside of Japan.³ Despite Japan's status as an open democratic country with a free press and high respect for the rule of law, successive governments have – with considerable success – attempted to keep North Korean resettlement activities well under the radar. Accordingly, the programme has only rarely been discussed in academic scholarship, most notably in Japanese language papers by Miyatsuka,⁴ and English language articles by Bell, Carbonnet, and Han.⁵ North Korean escapees have been called the “hidden refugees in Japan”.⁶

The Japanese government's lack of transparency is notable, and worthy of greater examination. Of course, refugee resettlement programmes often operate with a degree of opacity, in particular with respect to the criteria for acceptance and selection procedures.⁷ It is, however, unusual to see the degree of secrecy and opacity with which Japan has, in recent decades, resettled North Korea escapees. In this article, I will undertake the first English-language study to examine the law and policy framework for Japan's resettlement programme, while focusing my inquiry on the reasons for and implications of this lack of transparency. The study is based on research from Japanese media and advocacy publications, parliamentary

¹ Hiroshi Kato, E-mail interview with author, May 19, 2023.

² The precise figure is unknown. Carbonnet, Miyatsuka and an anonymous NGO source estimate around 200 returnees. Adrien Carbonnet, “North Korean Defectors, States, and NGOs: The Case of Former Korean Residents in Japan,” *Journal of Northeast Asian History* 14, no. 1 (2017): 167; Sumiko Miyatsuka, “Political and social factors in the process of settlement of North Korean refugees (North Korean defectors) in Japan”. Presentation at 2017 Spring Conference of Peace Studies Association of Japan; Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023. However, Han asserts that there are “over 200” returnees, while Bell estimates that there are around 300 North Korean escapees living in Japan. Yujin Han, “Migration Trajectories of North Korean Defectors: Former Returnees from Japan Becoming Defectors in East Asia,” *Journal of Contemporary Eastern Asia*, 19, no. 2 (2020): 78; Markus Bell, “Making and Breaking Family: North Korea's Zainichi Returnees and ‘the Gift,’” *Asian Anthropology* 15, no. 3 (2016): 360, <https://doi.org/10.1080/1683478X.2016.1229250>.

³ Han, “Migration Trajectories of North Korean Defectors,” 62; Tessa Morris-Suzuki, “Refugees, Abductees, ‘Returnees’: Human Rights in Japan-North Korea Relations,” *The Asia-Pacific Journal: Japan Focus* 7, no. 13 (2009): 4, <https://apjff.org/tessa-morris-suzuki/3110/article>.

⁴ Sumiko Miyatsuka, “The actual situation of North Korean refugees in Japan,” *Refugee Study Journal*, 5 (2015): 83-88; Sumiko Miyatsuka, “Political and social factors in the process of settlement of North Korean refugees,” Presentation at 2017 Spring Conference of Peace Studies Association of Japan; Sumiko Miyatsuka, “Defectors from North Korea’ former Japanese wives’ resettlement in Japan,” in *Searching for Directions: Conceptual and Methodological Challenges in Refugee and Forced Migration Studies*, ed. Koichi Koizumi, 345-363, (Minato-Ku: Keio University Press, 2019).

⁵ Bell, “Making and Breaking Family; Carbonnet, “North Korean Defectors, States, and NGOs”; and Han, “Migration Trajectories of North Korean Defectors.”

⁶ Osamu Arakaki, *Refugee Law and Practice in Japan* (Aldershot: Ashgate, 2008), 31.

⁷ Sergio Carrera and Roberto Cortinovis, “The EU's Role in Implementing the UN Global Compact on Refugees,” *CEPS Paper in Liberty and Security in Europe*, April 4, 2019, <https://www.ceps.eu/ceps-publications/eus-role-implementing-un-global-compact-refugees/>.

records, and Japanese and English academic scholarship, as supplemented by interviews with civil society activists in the field.

II. Returnees or Refugees?

Before going further, a few words are needed on the language and concepts used in this paper. I conceptualise the Japanese resettlement programme for North Korean escapees as functionally a type of refugee resettlement (or something closely akin to it), and analyse it on this basis. North Korean escapees have, for various reasons, fled their home country and would face punishment – perhaps harsh punishment - if refouled to North Korea.⁸ Japanese activists and academics often refer to resettled North Korean escapees as ‘refugees’⁹ or ‘returnee-refugees’.¹⁰ International observers also frequently conceptualise North Korean escapees in China (or Thailand) as refugees.¹¹

From a legal perspective, however, the refugee status of North Korean escapees is not a simple issue. While resettlement discussions in the Japanese Diet have stressed the human rights or humanitarian reasons for protection of North Korean escapees,¹² the Japanese government does not grant them refugee status, and government officials normally characterise them instead as ‘returnees’.¹³ In fact, a small minority of resettled North Koreans have been recognised as Japanese citizens at the time of resettlement (or, to be more precise, repatriation).¹⁴ They would clearly not be considered ‘refugees’ under the definition laid out in article 1(2) of the 1951 Refugee Convention, because they would not face persecution in each country of which they are nationals. One well-placed source is aware of nine such cases.¹⁵

Most of the resettled North Koreans were not Japanese citizens at the time of resettlement, however. In fact, most had never been to Japan.¹⁶ Were they refugees? China has traditionally said that North Korean escapees leave for economic reasons, rather than due

⁸ Jin Woong Kang, “Human Rights and Refugee Status of the North Korean Diaspora,” *North Korean Review*, 9, no. 2 (2013): 8, <http://dx.doi.org/10.3172/NKR.9.2.4>.

⁹ Hiroshi Kato, ‘LFNKR’s Kato Speaks Out on Government Policies’, Life Funds for North Korean Refugees (2008), <https://www.northkoreanrefugees.com/lfnkr-kato-speaks-out-on-government-policies/>; Miyatsuka, “The actual situation of North Korean refugees in Japan”; Arakaki, *Refugee Law and Practice in Japan*, 31; Life Funds for North Korean Refugees, “This Year’s Rescue Operations” (2018), <https://www.northkoreanrefugees.com/this-years-rescue-operations/>.

¹⁰ Miura Kotaro, “Issues Regarding the Resettlement of North Korean Defectors (Returnees-Refugees) in Japan,” *Life & Human Rights in North Korea* (2010): 7-17.

¹¹ Joel Charny, “Protection Strategies for North Korean Refugees in China.” Testimony before the Congressional-Executive Commission on China (April 19, 2004); Elim Chan and Andreas Schloenhardt, “North Korean Refugees and International Refugee Law,” *International Journal of Refugee Law*, 19, no. 2 (2007): 215-245, <https://dx.doi.org/10.1093/ijrl/eem014>; Mikyoung Kim, *Securitization of Human Rights: North Korean Refugees in East Asia* (New York: Praeger, 2012); Robert King, “North Korean Refugees and the Imminent Danger of Forced Repatriation from China”, *Center for Strategic and International Studies*, June 14, 2023, <https://www.csis.org/analysis/north-korean-refugees-and-imminent-danger-forced-repatriation-china>.

¹² Diet Record, 171st Diet Session, the House of Representatives, First Subcommittee, Committee on Audit and Oversight of Administration, No. 1, April 20, 2009, <https://kokkai.ndl.go.jp/#/detail?minId=117104129X00120090420>; Diet Record, 208th Diet Session, House of Councillors, Committee on Foreign Affairs and Defense, No. 9, April 14, 2022, <https://kokkai.ndl.go.jp/#/detail?minId=120813950X00920220414>.

¹³ Miyatsuka, “The actual situation of North Korean refugees in Japan.”

¹⁴ Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023.

¹⁵ Hiroshi Kato, E-mail interview with author, May 19, 2023.

¹⁶ Miyatsuka, “The actual situation of North Korean refugees in Japan.”

to persecution based on a protected ground, and therefore are not refugees.¹⁷ Japanese ministers have sometimes agreed.¹⁸ Other observers argue – convincingly, in my opinion – that even if somebody fled North Korea for economic reasons, he or she would face persecution based on political grounds if returned to that country, given the severity of punishment they would face and the fact that North Korean officials impute political opposition to anyone who escapes the country.¹⁹ A trickier question is whether North Korean escapees in fact have dual North and South Korean nationality, due to South Korea’s expansive Nationality Act. If so, they would only be refugees if they face persecution in South as well as North Korea. The nationality question is too complex to fully engage with here, but many countries in fact do deny refugee status on this basis.²⁰ Functionally, however, any dual South Korean nationality is purely theoretical (and therefore ineffective) while escapees are in China, because South Korean authorities refuse to protect or resettle North Koreans as long as they are in China.²¹

Due to these legal complexities, I refrain from using the term ‘North Korean refugees’ in this paper (except, of course, when quoting others). Some of the resettled North Koreans clearly are not refugees (where they possess Japanese citizenship), while others are only arguably refugees under the international law definition. I do, however, analyse the program as functionally akin to refugee resettlement and frame it within the existing research on refugee resettlement. The programme is not part of a broader Japanese repatriation initiative. Rather, it is aimed squarely at North Koreans in a third country who need protection from refoulement. It is functionally similar to the US or Canadian (self-described) ‘refugee resettlement’ programmes for North Koreans, albeit with different admission criteria, given Japan’s requirement of a familial connection with prior residents.²²

III. Historical Background

At the time of Japan’s surrender in 1945, well over a million ethnic Koreans (*Zainichi*) lived on Japan’s home islands. Many returned to the newly divided Korean peninsula over the next few years, however several hundred thousand remained in Japan. They were not generally considered Japanese nationals, as Japanese citizenship had been stripped by administrative directive in April 1952.²³ *Zainichi* Koreans faced considerable discrimination and poverty during this period, and were considered a social and economic burden by the Japanese authorities.²⁴

¹⁷ Kang, “Human Rights and Refugee Status of the North Korean Diaspora,” 9.

¹⁸ Diet Record, 155th Diet Session, Committee on Foreign Affairs No. 4, November 13, 2002, <https://kokkai.ndl.go.jp/#!/detail?minId=115503968X00420021113>.

¹⁹ Chan and Schloenhardt, “North Korean Refugees and International Refugee Law,” 227-229; Kang, “Human Rights and Refugee Status of the North Korean Diaspora,” 6.

²⁰ Andrew Wolman, “North Korean Asylum Seekers in the West: Is Dual Nationality Dispositive?,” *Indiana International & Comparative Law Review*, 32 (2022), <https://doi.org/10.18060/26524>.

²¹ Seunghwan Kim, “Lack of State Protection or Fear of Persecution? Determining the Refugee Status of North Koreans in Canada,” *International Journal of Refugee Law*, 28, no. 1 (2016): 106, <https://doi.org/10.1093/ijrl/eev062>.

²² US Government Accountability Office, “Humanitarian Assistance: Status of North Korean Refugee Resettlement and Asylum in the United States,” GAO-10-691 (2010); HanVoice, “HanVoice Announces Historic Program,” Press Release (October 26, 2021), <https://hanvoice.ca/blog/pressrelease>.

²³ Carbonnet, “North Korean Defectors, States, and NGOs,” 154.

²⁴ Safa Choi, “Nationality as a Diplomatic Tool – Relationship between Japan and the Two Koreas and the Issues Surrounding *Zainichi* Koreans,” *Hallym Journal of Japanese Studies* 39 (2021): 333; Tessa Morris-Suzuki, “Exodus to North Korea Revisited: Japan, North Korea, and the ICRC in the “Repatriation” of Ethnic Koreans from Japan,”

In this context, North Korean and Japanese authorities agreed to a plan in 1958 to facilitate the migration of *Zainichi* Koreans to North Korea. North Korea would get skilled manpower and show its desirability as a Korean homeland, while Japan would shed part of a population viewed as unwanted.²⁵ Supported by the International Committee of the Red Cross, the plan was marketed with considerably misleading propaganda about the ‘Paradise on Earth’ that the migrants could expect to encounter upon immigration to North Korea.²⁶ Roughly 70,000 migrants heeded the call during the first two years (1959-61).²⁷ By the programme’s end in 1984, a total of 93,340 migrants had moved to North Korea.²⁸ 6,836 of the migrants possessed Japanese citizenship at the time, of whom an estimated 1,831 were Japanese spouses of *Zainichi* Koreans (often referred to as the ‘Japanese wives’).²⁹

Upon arrival in North Korea, the migrants from Japan encountered poverty, suspicion and oppression.³⁰ In the mid-1990s, they also experienced widespread starvation in one of Asia’s worst famines of recent times. Unsurprisingly, a number of these migrants – and their descendants and family members – eventually escaped North Korea, crossing the border to China, where (along with thousands of other North Koreans) they survived among local communities, albeit lacking legal status and facing the constant threat of repatriation.³¹ While many of these escapees wanted to eventually move to South Korea – where significant settlement support was available –some also expressed a desire to resettle in Japan.

IV. Japanese Resettlement Programme

1) Early ad hoc resettlement

The first reported case of a North Korean escapee being resettled to Japan dates from 1994.³² Little is known about this and other early resettlement cases, however, with the exception of the case of Miyazaki Shunsuke, who fled North Korea in 1996 and took refuge in the Japanese Consulate General in Shenyang before being successfully resettled in Japan and writing a book about his experiences.³³ In broad terms, however, escapees generally approached Japanese consular or diplomatic officials in China or elsewhere in Asia to request resettlement. They were then quietly sent to Japan if they could prove that they had previously lived there. Many escapees were supported by Japanese NGOS, most notably the Society to Help Returnees to North Korea (*Kitachōsen kikokusha no inochi to jinken wo mamoru kai*) (‘HRNK’), the Association of Families of Victims Kidnapped by North Korea (*Sukū kai*:

The Asia-Pacific Journal: Japan Focus 9, no. 22 (2011): 11, <https://apjif.org/wp-content/uploads/2023/11/article-2822.pdf>.

²⁵ Morris-Suzuki, “Refugees, Abductees, ‘Returnees’,” 14-15.

²⁶ Sohee Kim and Ji-yoon Lee, *What Happened to Ethnic Koreans Displaced from Japan to North Korea* (Seoul: Citizens Alliance for North Korean Human Rights, 2021).

²⁷ Haruhisa Ogawa, “The Fate of those who were Repatriated from Japan to North Korea.” *Life & Human Rights in North Korea* (1996): 5.

²⁸ Morris-Suzuki, “Refugees, Abductees, ‘Returnees’,” 4.

²⁹ Diet Record, April 14, 2022.

³⁰ Kim and Lee, *What Happened to Ethnic Koreans Displaced from Japan to North Korea*.

³¹ Ibid.

³² Diet Record, November 13, 2002; Carbonnet, “North Korean Defectors, States, and NGOs,” 156.

³³ Kotaro, “Issues Regarding the Resettlement of North Korean Defectors (Returnees-Refugees) in Japan,” 8.

Kitachōsen ni rachi sareta Nihon jin wo kyūshutsu surutameno zenkoku kyōgikai) ('AFVKNK'), and Life Funds for North Korean Refugees (*Kitachōsen nanmin kyūen kikin*) ('LFNKR').³⁴

For several years, the Japanese response to such resettlement requests was essentially *ad hoc*, and as late as 2003, a Minister of Foreign Affairs (MOFA) spokesperson denied the existence of set rules to deal with this type of situation.³⁵ Nevertheless, it seemed clear that resettlement (or repatriation) assistance would be given to those deemed to possess Japanese nationality,³⁶ and by the late 1990s it is likely that the government had also decided to resettle *Zainichi* Koreans who had previously emigrated from Japan.³⁷ As of May 2003, approximately 40 North Korean escapees had been resettled in Japan in this manner.³⁸

By 2002-2003, however, this absence of public discussion and lack of formal policy was becoming untenable.³⁹ Growing Japanese awareness of the sheer number of North Koreans escaping to China led naturally to discussions about the Japanese role in addressing what was clearly both a humanitarian and a refugee crisis. Then, in May 2002, the question of resettlement hit the front pages when a family of five North Korean escapees sought political asylum at the Japanese consulate in Shenyang, before being seized and dragged out by the Chinese authorities.⁴⁰ The altercation was caught on camera and prompted two weeks of tense diplomatic discussions between Japan and China on the escapees' fate, before they were eventually allowed to go to South Korea.⁴¹ Similar political tensions and public concern arose a few months later when Chinese officials arrested and detained LFNKR director Hiroshi Kato while aiding North Korean escapees in Dalian, China.⁴²

2) Resettlement Policy Development: 2003-2006

In this context, Japanese policymakers and advocates began considering the appropriate legal response. Potential legislative models that were discussed included South Korea's 1997 *North Korean Defectors Protection and Settlement Support Act*, which regulates the protection and support for North Korean defectors in South Korea and Japan's 1994 *Act on Measures on Expediting of Smooth Return of Remaining Japanese in China and for Assistance in Self-Support after Permanent Return to Japan*, which regulated resettlement of Japanese nationals and their families who remained in China decades after the end of Japan's imperial project.⁴³ Both of these models included relatively clear guidance on resettlement

³⁴ Hiroshi Kato, "Rescue Activity Report," Life Funds for North Korean Refugees (2005), <https://northkoreanrefugees.com/2005-refugee-speech.htm>; Ye-jung Yoon, "The NGO's support for North Korean escapees and its assessment," *JCAS Review* 7, no. 2 (2006): 4, http://www.jcas.jp/jcas_review/JCAS_Review_07_02/JCAS_Review_07_02_017.pdf.

³⁵ Hatsuhsa Takashima, MOFA Press Secretary, Press Conference (February 21, 2003), www.mofa.go.jp/announce/press/2003/2/0221.html#5.

³⁶ *Ibid.*

³⁷ Carbonnet, "North Korean Defectors, States, and NGOs," 157.

³⁸ Atsushi Miyata, "The Way North Korean Escapees are Supported in Our Country - In Reference to Korea's North Korea Escapee Support Program," *Nihon University GSSC Journal* 4 (2003): 73.

³⁹ Han, "Migration Trajectories of North Korean Defectors," 67.

⁴⁰ Ming Wan, "Tensions in Recent Sino-Japanese Relations," *Asian Survey* 43, no. 5 (2003): 826-844, <https://doi.org/10.1525/as.2003.43.5.826>.

⁴¹ *Ibid.*

⁴² Diet Record, November 13, 2002.

⁴³ Miyata, "The Way North Korean Escapees are Supported in Our Country."

eligibility and provided for intensive government support for returnees, including language education, lifestyle training, and limited financial support.⁴⁴

A third possible model was the United States' *2004 North Korean Human Rights Act*, which stated concisely (and vaguely) in section 303 that the US shall 'facilitate the submission of refugee applications by citizens of North Korea for resettlement'.⁴⁵ In the end the Japanese chose a similar approach.⁴⁶ In 2006, after years of debate, the Diet passed the *Law on Countermeasures to the Abduction Problem and other Problems of Human Rights Violations by the North Korean Authorities* ('NK Abduction and Human Rights Act').⁴⁷ While mainly focused on the issue of North Korean abduction of Japanese citizens, which dominated Japanese North Korea policy at the time, the law also dealt with North Korean escapees. It provided in very general terms that the Japanese "government will endeavour to introduce policies whose aim is to provide protection and assistance to defectors from North Korea" and that the "government will endeavour to engage in information-sharing with citizens' groups, as well as provide financial and other assistance as necessary".⁴⁸ The law defined 'North Korean defectors' as "those who have fled North Korea and are in need of protection and humanitarian assistance".⁴⁹ This broad definition did not affect resettlement policy, however, which continued to focus solely on escapees who had migrated from Japan or had a close familial link with emigrants from Japan.

3) Resettlement in Practice

There have been two different paths to resettlement in Japan. In some cases, especially prior to 2010, North Korean escapees would – often with the help of a humanitarian NGO – make contact with Japanese consular personnel in China and submit a resettlement request. While Japanese authorities took the time to evaluate whether the applicant qualified for resettlement, the escapee would lie low in China, at risk of deportation or human trafficking.⁵⁰ Once their resettlement application was accepted, MOFA would, in some cases, provide protection, and negotiate with China for the escapees' permission to leave.⁵¹ At times permission was granted relatively promptly, while at other times China has been reluctant to allow exit, and escapees have had to wait in Japanese consular facilities for long periods.⁵² In 2010, the Japanese authorities were widely reported to have assured their Chinese counterparts that they would no longer assist resettlement from China.⁵³ In exchange China permitted five North Korean escapees who had been sheltering for two years and eight months

⁴⁴ Ibid.

⁴⁵ North Korean Human Rights Act [USA], HR 4011 s 302(B) (2004).

⁴⁶ Morris-Suzuki, "Refugees, Abductees, 'Returnees'," 5.

⁴⁷ Law on Countermeasures to the Abduction Problem and other Problems of Human Rights Violations by the North Korean Authorities [Japan]. Law No. 98 of June 23, 2006.

⁴⁸ Ibid, sec. 6(2)-(3)).

⁴⁹ Ibid, sec. 6(1)).

⁵⁰ Miyatsuka, "The actual situation of North Korean refugees in Japan", 83; Hiroshi Kato, "Rescue Activity Report."

⁵¹ Carbonnet, "North Korean Defectors, States, and NGOs," 164.

⁵² Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁵³ Seung Wook Seo, "Japan Pledges not to Assist N. Korean Defectors," *JoongAng Daily*, December 8, 2011, <https://koreajoongangdaily.joins.com/2011/12/08/socialAffairs/Japan-pledges-not-to-assist-N-Korean-defectors/2945346.html>; Diet Record, 177th Diet Session, the House of Representatives, Special Committee on North Korean Abduction Issue and Related Matters, No. 5, May 27, 2011, <https://kokkai.ndl.go.jp/#/detail?minId=117705253X00520110527>.

in the Shenyang consulate to leave for Japan.⁵⁴ Since that time, direct resettlement from China to Japan has been extremely rare.⁵⁵

In other cases, a North Korean escapee in China would make contact with a humanitarian NGO – normally LFNKR – and express the intention of settling in Japan.⁵⁶ The NGO would then interview the escapee and, if satisfied that the Japanese government will agree to resettlement, it would assist the escapee to covertly exit China and approach Japanese officials elsewhere in Asia (usually Thailand).⁵⁷ Escape from China is a dangerous process, with repatriation to North Korea always a possibility. In December 2003, for example, two Japanese-born North Korean escapees and an LFNKR aid worker were arrested *en route* to Vietnam; the two escapees were never seen again.⁵⁸ Once in Thailand (usually), the NGO will support the escapee during the resettlement application process, which generally takes 60-90 days.⁵⁹

Wherever the escapee encounters Japanese embassy or consular officials, the resettlement application process is the same. Escapees must submit a statement of reasons for why they wish to go to Japan and a diagram of family relationships.⁶⁰ This must show that either the applicant previously migrated from Japan or that they are descendants within three generations of those who migrated from Japan.⁶¹ Spouses of those who are accepted are also allowed to resettle.⁶² With the exception of those deemed to be Japanese nationals, escapees must also procure a guarantor in Japan, who can vouch for their identity and provide initial support, such as transportation from arrival at the airport to the initial place of residence.⁶³ Normally family members or humanitarian NGOs act as guarantors.⁶⁴ If these criteria are met

⁵⁴ Seo, “Japan Pledges not to Assist N. Korean Defectors”.

⁵⁵ The door has not entirely closed: one escapee was reportedly allowed to leave China in 2020. Kyōdo News, “China Handed over North Korean defector to Japan in 2020: Source,” December 30, 2022, <https://english.kyodonews.net/news/2022/12/6cf4d4a10eca-china-handed-over-n-korean-defector-to-japan-in-2020-source.html>.

⁵⁶ Hiroshi Kato, E-mail interview with author, May 19, 2023. As of 2023, LFNKR has assisted 98 North Korean escapees to resettle in Japan. Ibid.

⁵⁷ Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023. In some cases, escape from China can be achieved with the help of a private broker, but this normally requires financial assistance from the destination country. Han, “Migration Trajectories of North Korean Defectors,” 63.

⁵⁸ Life Funds for North Korean Refugees, “Our Activities in FY 2003-2004” (2004), <https://northkoreanrefugees.com/activities-2004.htm>.

⁵⁹ Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁶⁰ Fraudulent claims are not unheard of. In 2009, a Japanese escapee was arrested for bringing four Chinese nationals to Japan by falsely claiming they were her relatives. Japan Times, “Defector from North Arrested,” March 9, 2009, <https://www.japantimes.co.jp/news/2009/03/09/national/defector-from-north-arrested/>.

⁶¹ Miyatsuka, “The actual situation of North Korean refugees in Japan”, 84; Hiroshi Kato, E-mail interview with author, May 19, 2023. In some cases, DNA tests are conducted as part of this process. Han, “Migration Trajectories of North Korean Defectors,” 72.

⁶² Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁶³ Kato, ‘LFNKR’s Kato Speaks Out on Government Policies’. Relatively few of the escapees fall into this category of Japanese nationals, in part due to the passage of time (most migrants came from Japan to North Korea over 60 years ago). Of the 98 North Korean escapees assisted by LFNKR, only nine were considered Japanese nationals at the time they escaped North Korea. Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁶⁴ Miyatsuka, “The actual situation of North Korean refugees in Japan,” 83.

successfully, the escapee will be given travel documents, a three-month entry visa and an airplane ticket to Japan.⁶⁵

When the North Korean escapees arrive in Japan, they are, in many cases, given initial housing support and other assistance by their guarantor. Most live in Tokyo or Osaka.⁶⁶ There are no specific government support programmes or public funding provided to North Korean escapees, but qualifying escapees are eligible for standard government welfare and housing support.⁶⁷ A range of additional resettlement assistance is provided by humanitarian NGOs, including LFNKR, HRNK, the North Korean Refugee Support Center of the Korean Residents Union in Japan (*Zainippon Daikanminkoku mindan*) ('Mindan') and the Immigration Policy Research Institute (*Imin seisaku kenkyū jo*). This includes language instruction, help navigating Japanese bureaucracy, and assistance finding work, enrolling in school, and obtaining accommodation.⁶⁸ Mindan also provides escapees with a small settling-in fund (100,000 yen per person as of 2019).⁶⁹ This NGO support is not funded by the Japanese state, with the temporary exception of a government-commissioned language education programme established in 2011 (and shut down in 2013 due to lack of students).⁷⁰

With respect to legal status, escapees who possessed Japanese nationality at the time that they initially migrated from Japan to North Korea are immediately recognised as Japanese nationals.⁷¹ Any past renunciation of Japanese citizenship in favour of North Korea citizenship is judged invalid. This is because Japan does not recognise North Korea as a nation.⁷²

Escapees who lack Japanese nationality - mainly *Zainichi* Korean escapees and their descendants - are treated as Korean (*Chōsen*) nationals.⁷³ This is a regional designation used in Japan for *Zainichi* Koreans who lack Japanese or South Korean citizenship. However, *Chōsen* status can be problematic in some respects, in particular as it does not allow access to a passport.⁷⁴ When these escapees' temporary stay visa expires, they switch over to a one to three year residency visa.⁷⁵ At least fifteen escapees have eventually received Japanese

⁶⁵ Tatsuya Chikusa and Hajimu Takeda, "The North Korean Defectors, a safe haven is far from them. 150 people have come to Japan, one in four is stateless. 50 years of the repatriation project," *Asahi Shimbun*, December 12, 2009.

⁶⁶ Miyatsuka, "Political and social factors in the process of settlement of North Korean refugees."

⁶⁷ Life Funds for North Korean Refugees, "Japanese Language Education Center for North Korean Immigrants in Japan" (2011), <https://www.northkoreanrefugees.com/2011-07-center.htm>.

⁶⁸ Bell, "Making and Breaking Family," 260; Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023.

⁶⁹ Miyatsuka, "Defectors from North Korea' former Japanese wives' resettlement in Japan'," 360.

⁷⁰ Life Funds for North Korean Refugees, "Japanese Language Education Center for North Korean Immigrants in Japan"; Miyatsuka, "The actual situation of North Korean refugees in Japan," 86.

⁷¹ Miyatsuka, "The actual situation of North Korean refugees in Japan," 84.

⁷² Kohki Abe, "Overview of Statelessness: International and Japanese Context," *UNHCR Report* (2010): 56, <https://www.unhcr.org/sites/default/files/legacy-pdf/4ce643ac9.pdf>.

⁷³ Hiroshi Kato, E-mail interview with author, May 19, 2023; Han, "Migration Trajectories of North Korean Defectors," 76.

⁷⁴ Abe, "Overview of Statelessness," 57. *Chōsen* status can be considered a type of *de facto* statelessness. Choi, "Nationality as a Diplomatic Tool," 332. However it would not normally lead to *de jure* statelessness, as *Chōsen* status holders in theory possess both North and South Korean nationality under each country's respective nationality law. Ibid. Some escapees have temporarily refused *Chōsen* status because they associate it with North Korea, before eventually accepting it for reasons of convenience. Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁷⁵ Hiroshi Kato, E-mail interview with author, May 19, 2023.

citizenship.⁷⁶ Others have ended up registering for South Korean nationality.⁷⁷ However, this process has been complicated in some cases by a lack of required documentation.⁷⁸

For many years, descendants of Japanese nationals were also required to undergo the naturalisation process, similar to *Zainichi* Korean and their descendants. However, in 2019 the Tokyo Family Court recognised the escapee granddaughter of a 'Japanese wife' as an existing Japanese national based on DNA evidence, and allowed her name to be entered in the Japanese family register.⁷⁹

None of the North Korean escapees have applied for or been given refugee status.⁸⁰ From the escapees' perspective, a refugee application would be risky due to Japan's extremely low refugee recognition rate, and would in any case confer few social or legal advantages over the residency status that they would otherwise be entitled to. From the Japanese government's perspective, there is a fear that refugee recognition could be seen as opening the door to any North Korean escapee who can show a reasonable fear of persecution, regardless of links with Japan.⁸¹ This would be undesired, and Japanese officials have at times emphasised that most North Korean escapees leave for economic reasons.⁸² Japan's refugee policy is evolving, however, and a new category of complementary protection status is being introduced pursuant to 2023 amendments to the Immigration Control and Refugee Recognition Act.⁸³ It remains to be seen whether this new status will be utilized for resettled North Koreans, and whether it may open up the door to the admission of North Koreans who lack a familial connection to former residents.

4) Challenges

Resettled North Koreans face a range of challenges in Japan. Most do not speak Japanese.⁸⁴ Thus, learning the language is, according to one source, the biggest obstacle that they face.⁸⁵ Finding jobs and rental accommodation can also be difficult, due in part to a lack of expected documentation.⁸⁶ Others point out the difficulties that resettled North Koreans face in adjusting to a very different cultural, economic and social context, which may be exacerbated by a lack of trust due to their past experiences in an extremely oppressive surveillance state.⁸⁷ Resettled escapees also often face very personal challenges coping with separation from their families in North Korea, and in many cases trying to support them or

⁷⁶ Ibid.

⁷⁷ Han, "Migration Trajectories of North Korean Defectors," 78.

⁷⁸ Chikusa and Takeda, "The North Korean Defectors, a safe haven is far from them."

⁷⁹ Miyatsuka, "'Defectors from North Korea' former Japanese wives' resettlement in Japan," 349.

⁸⁰ Hiroshi Kato, E-mail interview with author, May 19, 2023; Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023.

⁸¹ Kotaro, "Issues Regarding the Resettlement of North Korean Defectors (Returnees-Refugees) in Japan," 11.

⁸² Diet Record, 155th Diet Session, House of Councillors, Committee on Foreign Affairs and Defense No. 4, November 19, 2002, <https://kokkai.ndl.go.jp/#/detail?minId=115513950X00420021119>; Ministry of Foreign Affairs, *Diplomatic Bluebook (2004)* (Tokyo: MOFA, 2004), 42.

⁸³ Jefferson Plantilla, "Japanese Immigration Law in 2023: Changes and Issues", *FOCUS*, 113 (September 2023).

⁸⁴ Miyatsuka, "Political and social factors in the process of settlement of North Korean refugees."

⁸⁵ Kato, "LFNKR's Kato Speaks Out on Government Policies."

⁸⁶ Kato, "LFNKR's Kato Speaks Out on Government Policies"; Koichi Furuya, "North Korean Defectors Sneak into Japan," *Asahi Shimbun*, October 7, 2008.

⁸⁷ Miyatsuka, "Political and social factors in the process of settlement of North Korean refugees."

assist them to escape.⁸⁸ At least seven of the resettled escapes eventually moved to South Korea, and three ended up moving back to North Korea.⁸⁹

NGOs play a particularly significant role in the Japanese resettlement programme. They have the prime responsibility for helping escapees to move from China to Southeast Asia as a waystation to Japan; for ensuring that escapees have a guarantor in Japan (or providing the guarantee themselves); for supporting escapees and ensuring their safety while waiting for the Japanese government to review their applications, and for providing support, training and assistance once the escapee has resettled to Japan. They too have faced a range of challenges over the years. Perhaps most notable is the risk of NGO workers being arrested and detained in China. This has happened on at least three occasions.⁹⁰ In these cases, NGO officials have been outspoken in denouncing the lack of support from Japanese government officials who are reluctant to engage with China.⁹¹ More prosaically, lack of funding is frequently cited as a challenging issue for NGOs involved in resettlement.⁹² These NGOs do not normally receive funding from the state, despite the NKHRA stating that citizens' groups should be provided funding as necessary.⁹³

In recent years, the most significant challenge for the Japanese resettlement scheme has been a lack of applicants. NGO leaders can point to three individuals resettled in 2017-2020, and none since that time.⁹⁴ In large part this decrease is undoubtedly due to Covid-related border closures, but other factors such as increased North Korean surveillance are also seen as playing a role.⁹⁵ The decreasing numbers are not a Japan-specific phenomenon: South Korea has also seen a precipitous drop in resettled North Koreans in the same post-Covid period, while Canada's incipient resettlement programme for North Koreans has struggled to find applicants.⁹⁶

V. Lack of Transparency

One aspect of the Japanese programme that stands out is the lack of transparency with which it has been implemented. In short, the Japanese state has tried to limit public awareness of its resettlement activities as much as possible, including basic information such as eligibility criteria and number of returnees, and has at all times tried to operate under the radar.

⁸⁸ Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023.

⁸⁹ Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁹⁰ Life Funds for North Korean Refugees, "Our Activities in FY 2002-2003" (2003), <https://www.northkoreanrefugees.com/activities-2003.htm>. On one occasion this resulted in an eight-month detention before the individual was released and allowed to return to Japan. Life Funds for North Korean Refugees, "This Year's Rescue Operations".

⁹¹ Life Funds for North Korean Refugees, "Our Activities in FY 2002-2003".

⁹² Life Funds for North Korean Refugees, "This Year's Rescue Operations"; Bell, "Making and Breaking Family," 260.

⁹³ Carbonnet, "North Korean Defectors, States, and NGOs," 161.

⁹⁴ Hiroshi Kato, E-mail interview with author, May 19, 2023; Anonymous Japanese NGO Worker, E-mail interview with author, May 19, 2023.

⁹⁵ Hiroshi Kato, E-mail interview with author, May 19, 2023.

⁹⁶ Anonymous Canadian NGO Worker, Interview with author, June 4, 2023. From 2017-2019, an average of 1,100 North Korean escapees arrived yearly in South Korea. From 2020-2022, on average only 120 escapees arrived each year. King, "North Korean Refugees and the Imminent Danger of Forced Repatriation from China."

Such opacity is, however, very much contrary to what is generally deemed best practices in refugee resettlement. Transparency is seen as important for the perceived legitimacy of a resettlement programme and has been considered a vital part of any trustworthy and procedurally just migration system.⁹⁷ According to the UNHCR Resettlement Handbook, transparency “strengthen[s] the credibility of UNHCR in general and widen[s] the confidence of refugees, resettlement countries and other partners, which in turn should help to ensure that resettlement can be done efficiently and effectively”.⁹⁸ In particular, UNHCR highlights the necessity for both ‘internal’ and ‘external’ transparency.⁹⁹ Internal transparency requires probity and clear documentation at each stage of the resettlement process. External transparency requires that “refugees and other partners are properly informed about UNHCR’s decisions and actions”.¹⁰⁰

National governments are likewise often urged to be transparent in their resettlement programmes,¹⁰¹ including when those programmes are implemented by private sector actors.¹⁰² At the 2003 High Commissioners’ Forum, participating states accordingly committed to maintain transparency in the resettlement process.¹⁰³ In the context of Japanese refugee recognition, Flowers states that “clear and transparent procedures must be in place for the process to have integrity to begin with and are necessary to maintain a strong and effective international refugee regime.”¹⁰⁴

1) Opacity in the Japanese Resettlement of North Korean Escapees

Until 2002, the Japanese government did not admit that it resettled North Korean escapees.¹⁰⁵ Indeed, it actively attempted to keep its activities entirely out of the public eye: in 1998 MOFA requested that an escapee sign a declaration agreeing not to divulge the resettlement assistance he had received from the Japanese government.¹⁰⁶ Resettlement of North Koreans during this period was characterised by one Diet member as “top secret” (*Gokuhi*).¹⁰⁷

This level of secrecy was no longer possible in the wake of the 2002 episode when North Korean defectors were physically removed from the consulate in Shenyang. Later that year, the resettlement programme was discussed in more detail in a Yomiuri Shimbun

⁹⁷ Jan-Paul Brekke, *et al.*, *Selection Criteria in Refugee Resettlement* (Oslo: Institute for Social Research, 2021), 37.

⁹⁸ UNHCR, *Resettlement Handbook* (Geneva: UNHCR, 2011), 245.

⁹⁹ *Ibid*, 120-21.

¹⁰⁰ *Ibid*, 121.

¹⁰¹ Brekke, *et al.*, *Selection Criteria in Refugee Resettlement*, 116-17; International Refugee Assistance Program, “Rebuilding the U.S. Refugee Program for the Future” (International Refugee Assistance Program 2022): 4, <https://refugeerights.org/wp-content/uploads/2022/01/USRAP-Recs-Report-FINAL.pdf>.

¹⁰² Judith Kumin, “Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union” (Brussels: Migration Policy Institute, 2015), 12.

¹⁰³ Tamara Wood and Claire Higgins, “Special humanitarian intakes: Enhancing protection through targeted refugee resettlement.” Kaldor Centre Policy Brief 7 (December, 2018), 22.

¹⁰⁴ Petrice, Flowers, “Failure to Protect Refugees? Domestic Institutions, International Organizations, and Civil Society in Japan,” *Journal of Japanese Studies* 34, no. 2 (2008): 340, <https://doi.org/10.1353/jjs.0.0028>.

¹⁰⁵ Miyatsuka, “‘Defectors from North Korea’ former Japanese wives’ resettlement in Japan’,” 347-48.

¹⁰⁶ Carbonnet, “North Korean Defectors, States, and NGOs,” 161.

¹⁰⁷ Diet Record, November 13, 2002.

exposé.¹⁰⁸ In January 2003, a MOFA representative finally stated for the first time that it “acted concretely” for defectors who had previously lived in Japan.¹⁰⁹ In 2004, the Diplomatic Bluebook for the first time mentioned that the government supported North Korean defectors who were Japanese nationals or former residents of Japan.¹¹⁰

While the Japanese government has acknowledged the existence of the resettlement programme since 2003, it has continued a pattern of covert implementation and policy opacity.¹¹¹ As described above, the legal framework for the programme is laid out in only the vaguest and most general terms. Programmatic implementation has rarely been discussed publicly. According to a 2008 news article, the immigration process for North Koreans “is kept secret” and the Japanese government has been “reluctant to institutionalise its processes”.¹¹²

Even relatively basic information such as the criteria for resettlement have not been divulged in any detail. When asked, government officials respond vaguely that Japan deals with “defectors appropriately from a humanitarian perspective”¹¹³ or “based on the intention of the North Korean Human Rights Act”.¹¹⁴ Sometimes officials state that Japanese nationals will be protected, while other escapees will be dealt with on a case by case basis.¹¹⁵ Similarly, the number of North Korean escapees who have been resettled in Japan has never been reported with any precision.¹¹⁶ The government has also instructed NGOs to keep quiet about their activities,¹¹⁷ although this advice is not normally followed – NGOs must be open about their activities to fulfil their fund-raising and lobbying objectives. As a result, the resettlement programme has, according to one scholar, been “almost entirely unheralded by the media”.¹¹⁸

Nevertheless, over time bits of information about the resettlement programme have trickled out. Journalists have occasionally written articles about North Korean resettlement,¹¹⁹ and NGOs have posted information on their websites. Some details of Japan’s resettlement programme have also emerged from the testimony of the returnees themselves, starting with the early defector Miyazaki Shunsuke, who published a book in 2000 publicising his experiences.¹²⁰ More recently, returnee stories have emerged in the context of a series of ongoing cases in Japanese courts against the North Korean state and the pro-North Korean

¹⁰⁸ Han, “Migration Trajectories of North Korean Defectors,” 68.

¹⁰⁹ Carbonnet, “North Korean Defectors, States, and NGOs,” 156.

¹¹⁰ Ministry of Foreign Affairs, *Diplomatic Bluebook*, 42.

¹¹¹ Han, “Migration Trajectories of North Korean Defectors,” 76.

¹¹² Furuya, “North Korean Defectors Sneak into Japan” (“*Nyūkoku eno katei ga himitsu ni sareteirudakeni*”).

¹¹³ Diet Record, May 27, 2011 (“*Dappokusha jian ni kanshimashite wa, jindouteki kanten kara, tekisetsuni taisho shiteiku kangae de gozaimasu.*”)

¹¹⁴ Diet Record, April 20, 2009 (“*Kitachōsenjinkenhō no shushi mo fumaeta uede.*”)

¹¹⁵ Ibid; Diet Record, November 19, 2002.

¹¹⁶ Kato, “LFNKR’s Kato Speaks Out on Government Policies”; Life Funds for North Korean Refugees 2011; Morris-Suzuki, “Refugees, Abductees, ‘Returnees,’” 4; Diet Record, May 27, 2011.

¹¹⁷ Carbonnet, “North Korean Defectors, States, and NGOs,” 174; Kato, “LFNKR’s Kato Speaks Out on Government Policies.”

¹¹⁸ Morris-Suzuki, “Refugees, Abductees, ‘Returnees,’” 4.

¹¹⁹ Furuya, “North Korean Defectors Sneak into Japan”; Chikusa and Takeda, “The North Korean Defectors, a safe haven is far from them.”

¹²⁰ Carbonnet, “North Korean Defectors, States, and NGOs,” 156.

Chongryon organisation, accusing them of deceptively inducing *Zainichi* Koreans to migrate to North Korea during 1959-1984.¹²¹

2) Reasons for Opacity

Why has the Japanese government not been more open about its resettlement efforts? When asked, for example in parliamentary sessions, government authorities give two reasons. First, they claim that disclosing information would harm relations with China.¹²² The relationship between Japan and China is, of course, extremely fraught, with multiple flash points as well as deep linkages. As North Korea's closest ally, China has always been loath to treat North Korean escapees as refugees, and does not want the prospect of resettlement to create any 'pull factors' that could lead to greater escapee flows that could be embarrassing or destabilising. It is perhaps unsurprising that Japanese officials seek to avoid discussing a resettlement programme since China would strongly object to public acknowledgement. In fact, this would be consistent with Japan's traditional policy of (until recently) refusing to recognise Chinese refugees in order to avoid exacerbating tension between the two countries.¹²³

More specifically, Japanese authorities have argued that greater openness about their activities could interfere with Chinese support for future escapee resettlement.¹²⁴ Humanitarian activities on Chinese territory can only be legally undertaken with the approval of the Chinese authorities, meaning that NGO assistance to escapees in China is normally covert, and may require a certain amount of forbearance on the part of the authorities.¹²⁵ Also, when Japan wishes to resettle someone directly from China, this can only be accomplished if China agrees to issue an exit visa.¹²⁶ Observers have noted that the ease of direct resettlement from China to Japan depends on the tenor of relations between the two countries at the time.¹²⁷

As a general matter, there has long been debate about whether China responds better to 'quiet diplomacy' or human rights shaming.¹²⁸ In this case, however, there is a widespread belief among those working with North Korean escapees that publicising resettlement efforts within China is counter-productive. According to one NGO official "[a]nyone who has worked on human rights in China knows that confrontational tactics tend to backfire, and, indeed, arrests and deportations clearly spike in response to embarrassing public incidents such as

¹²¹ Bell, "Making and Breaking Family," 265.

¹²² Diet Record, May 27, 2011; Diet Record, 177th Diet Session, the House of Representatives, Committee on Economy, Trade and Industry, No. 14, July 15, 2011, <https://kokkai.ndl.go.jp/#/detail?minId=117704080X01420110715>; Diet Record, 156th Diet Session, House of Representatives, Committee on Budget No. 5, January 27, 2003, <https://kokkai.ndl.go.jp/#/detail?minId=115605261X00520030127>.

¹²³ Arakaki, *Refugee Law and Practice in Japan*, 31. This policy seems to have changed in the past few years, as four Chinese refugees were recognised by Japan in 2018 and eleven recognised in 2020 (compared to a total of two Chinese refugees recognised by Japan in the period 1985-2015). Julian Ryall, "Record numbers of Chinese granted refugee status in Japan," *South China Morning Post*, May 11, 2021, <https://www.scmp.com/week-asia/politics/article/3132976/record-numbers-chinese-granted-refugee-status-japan>.

¹²⁴ Diet Record, July 15, 2011; Diet Record, April 14, 2022.

¹²⁵ Yoon, "The NGO's support for North Korean escapees and its assessment."

¹²⁶ Carbonnet, "North Korean Defectors, States, and NGOs," 160.

¹²⁷ Han, "Migration Trajectories of North Korean Defectors," 72; Hiroshi Kato, E-mail interview with author, May 19, 2023.

¹²⁸ Alan Wachman, "Does the Diplomacy of Shame Promote Human Rights in China?," *The Third World Quarterly* 22, no. 2 (2001), <https://doi.org/10.1080/01436590120043309>.

embassy takeovers".¹²⁹ Kim likewise argues that positive formats of engagement may have a beneficial effect on China's North Korean refugee policy, but the spotlight of international criticism is likely to backfire.¹³⁰

Second, government sources have repeatedly claimed that speaking about the resettlement programme would have negative effects on the safety and privacy of North Korean escapees living in Japan.¹³¹ In fact, confidentiality with respect to personal data is very important to North Korean escapees, for two main reasons: first, because they fear North Korean retaliation against their family remaining in that country, and second, because they fear discrimination in Japan if their North Korean background is known. These fears are reasonable. North Korean escapees can evoke suspicion and fear in Japan, while North Korea has explicitly threatened to punish escapees' families.¹³² Maintaining confidentiality in the face of North Korean espionage can be especially challenging, as South Korean authorities have learned after reportedly experiencing repeated data breaches.¹³³

Of course, it should be possible for Japan to maintain tight confidentiality of individuals' personal data while being quite open about the resettlement programme itself. UNHCR, for example, has been clear that transparency should never extend to applicants' personal data.¹³⁴ The privacy justification has, on occasion, been challenged as pretextual. For example, when a government official refused to divulge the number of resettled escapees in deference to the safety of escapee family members in North Korea, one Diet member indignantly responded "What are you talking about? I am asking the number. Why cannot you answer the number? I think that answering such a question is unrelated to privacy. I would like to ask you to answer the number."¹³⁵

Besides these stated reasons, there are other possible motives for Japan to keep resettlement quiet. Most notably, according to Kim, the government may want to keep resettlement quiet so as not to attract larger numbers of escapees.¹³⁶ According to one NGO source, about half of the group of migrants from Japan to North Korea would like to return to Japan if they could.¹³⁷ Lack of awareness dampens demand. Similarly, opacity with respect to the resettlement process helps the Japanese government to maintain policy flexibility should they wish to change policy, whether because of Chinese objections (as arose in 2007-10) or because a future North Korean economic or political crisis leads to a flood of escapees, as has been predicted by some experts.¹³⁸

Finally, Japan may also wish to keep their resettlement programme quiet in order to avoid complicating the bilateral relationship with North Korea. While there are no formal diplomatic relations between the two countries, Japan does have important interests in North

¹²⁹ Charny, "Protection Strategies for North Korean Refugees in China."

¹³⁰ King, "North Korean Refugees and the Imminent Danger of Forced Repatriation from China," 99-100.

¹³¹ Diet Record, May 27, 2011; Diet Record, July 15, 2011; Diet Record, January 27, 2003

¹³² Wolman, "North Korean Asylum Seekers in the West," 414.

¹³³ Ibid, 415.

¹³⁴ UNHCR, *Resettlement Handbook*, 121.

¹³⁵ Diet Record, January 27, 2003 ("Nakamura (Tetsu)jin: Naniwo itteirunda. Kazu wo kiiteirundarou. Kazuwo kotaerarenai, naze kotaerarenainda. Puraibashi to kankei naideshou. Kazu wo kotaetekudasai.")

¹³⁶ Kim, *Securitization of Human Rights*, 70.

¹³⁷ US Embassy Cable (Tokyo). 07TOKYO1251_a: SENK Advisor Discusses North Korean Human Rights with Japan NGO's (WikiLeaks, March 20, 2007), https://wikileaks.org/plusd/cables/07TOKYO1251_a.html.

¹³⁸ Morris-Suzuki, "Refugees, Abductees, 'Returnees'," 4.

Korea, ranging from denuclearization to resolving past abductions, and Prime Minister Kishida has recently spoken about improving ties between the two countries.¹³⁹ Open assistance to escapees may be seen as counter-productive to achieving these other objectives.

3) Effects of Opacity

The Japanese government's lack of transparency has real-world effects. For the escapees themselves, one obvious (and, as mentioned, perhaps intended) effect of the low profile of Japan's programme is that many North Koreans may be unaware of the programme's existence and the possibility of resettlement in Japan. This lack of awareness has been cited as one reason for the relatively low number of resettled escapees.¹⁴⁰ As the escapees pass through the resettlement process, Japanese policy opacity also makes it difficult for escapees to know their rights and entitlements. Rules and policies that are not written down or publicised may be treated as discretionary (as, again, is perhaps the intent) or implemented in an arbitrary manner. This is reflected in the reported difficulties that North Korean escapees have encountered in obtaining jobs, housing and legal status, due to local authorities being unaware of their background or requiring them to produce unobtainable documents.¹⁴¹

For Japanese humanitarian NGOs, programmatic opacity makes it difficult to collaborate with their overseas peers, as relief workers from other countries are sometimes unaware of Japanese activities.¹⁴² This type of collaboration is particularly important in locating escapees who might qualify for Japanese resettlement. It also complicates fund-raising efforts. According to one activist, "[i]t is difficult to attract donations when it is impossible to provide prospective donors with specific information, including the number of North Korean refugees, and the kinds of difficulties and suffering they endure when escaping from their country".¹⁴³ More fundamentally, the imperative to keep quiet has likely contributed to the governmental reliance on NGOs that characterises the Japanese resettlement programme. While humanitarian NGOs are at times willing to operate secretly in China (and to risk their workers' freedom in doing so), this would be impractical for Japanese state actors, who would be seen as infringing on Chinese sovereignty if caught, a particularly sensitive charge given Japan's history in the region. In addition, Japanese authorities would find it more difficult to keep quiet about their activities while following Japanese freedom of information laws if they had greater direct involvement in, for example, support and funding of resettled escapees.

For the general public, the lack of information evidently impedes debate of the resettlement programme. As one reporter puts it, "if information remains undisclosed, discussions will inevitably stagnate".¹⁴⁴ On the one hand, this means that despite Japan's traditional ambivalence to accepting refugees there have been relatively few public objections to the North Korean resettlement programme. This can be contrasted to the right-wing backlash that emerged after four North Koreans managed to come to Japan by boat in 2007, which was heavily covered in the national media and led to an Asahi editorial calling for tighter

¹³⁹ France24, "North Korea says Japan's PM Kishida has requested summit with Kim Jong Un," March 25, 2024, <https://www.france24.com/en/asia-pacific/20240325-north-korea-japan-fumio-kishida-summit-kim-jong-un-pyongyang>.

¹⁴⁰ Hiroshi Kato, "Rescue Activity Report".

¹⁴¹ Yomiuri Shimbun, "24 North Korean defectors in Japan 'Stateless' including children of Japanese wives. Unclear national guidelines/research of support groups," June 12, 2007.

¹⁴² Anonymous Canadian NGO Worker, Interview with author, June 4, 2023.

¹⁴³ Kato, "LFNKR's Kato Speaks Out on Government Policies."

¹⁴⁴ Furuya, "North Korean Defectors Sneak into Japan" (*"Jōhō ga kaiji sarenai mamadeha, giron mo teitai sezaruwonai."*)

border control and a Sankei poll showing 68% of readers rejecting economic refugee status for North Korean escapees.¹⁴⁵ On the other hand, there has been little public pressure to open up resettlement to all North Korean escapees, including those who lack a connection to Japan, despite lobbying from human rights and humanitarian NGOs.¹⁴⁶ Broadly speaking, the lack of public interest has led to a notably stable resettlement policy, with the few changes occurring in response to Chinese actions such as the crackdown on consular asylum in 2007-10.

Finally, the low profile of Japan's resettlement programme means that it has not sufficiently been integrated into the academic scholarship dealing with migration and refugee policy in East Asia. The paucity of research stands in contrast with the numerous studies of Japan's 2010 pilot programme to resettle Burmese refugees, which is often characterised as Asia's first refugee resettlement programme.¹⁴⁷ In fact, Japan's escapee resettlement initiative shows a willingness to engage in *ad hoc* resettlement where a sufficient connection to the country exists. It also adds an interesting element to the debate over the centrality of co-ethnicity, race and cultural affinity to Japanese immigration policy. For some scholars, "notions of Japan's national identity and its immigration policy lend an image of an inviolable hermetically sealed national container with ethnic, cultural, and linguistic purity at its core", while others argue that "notions of Japanese nationalism and national identity have in fact been quite fluid in iterations ranging from ethno-centered to civic oriented".¹⁴⁸ On its face, the continued resettlement of *Zainichi* Koreans and their descendants (rather than just 'Japanese wives' and their descendants) shows a focus on past residence and perhaps a degree of cultural affinity rather than ethnicity or nationality.

Further academic study of the Japanese resettlement programme could also help advance our understanding of North Korean escapees and the issues they face. It could provide lessons for the existing South Korean, US and Canadian programmes to resettle North Koreans, as well as for other countries who may want to resettle North Koreans in the future. Most fundamentally, greater awareness of the Japanese programme would reinforce our understanding that South Korea is not necessarily the only desired (or available) destination for North Korean escapees, despite being the overwhelming focus for researchers.

VI. Conclusion

As this paper shows, Japan has, for almost three decades, been engaged in a resettlement programme that has – purposefully – been conducted below the radar. In this paper, I have, first, laid out the law and policy underlying the programme, and the challenges that it has faced over the years. And second, I have analysed the motives and impacts of Japan's lack of transparency.

¹⁴⁵ Morris-Suzuki, "Refugees, Abductees, 'Returnees'," 3.

¹⁴⁶ Brad Adams, *et al.* "Joint Letter to the Japanese Government on North Korea Policy" *Human Rights Watch* (2009), <https://www.hrw.org/news/2009/11/19/joint-letter-japanese-prime-minister-yukio-hatoyama-north-korea>. Expanding resettlement was debated when the Democratic Party was in power (2009-2012), but in the end was not adopted. Masaharu Nakagawa, "Putting North Korean Human Rights on the Agenda of Multilateral Negotiations," *Life & Human Rights in North Korea* (2010), 20.

¹⁴⁷ Junichi Akashi, "How a Policy Network Matters for Refugee Protection: A Case Study of Japan's Refugee Resettlement Programme," *Refugee Survey Quarterly* 40, no. 3 (2021): 249, <https://doi.org/10.1093/rsq/hdab001>; Sang Kook Lee, "The State, Ethnic Community, and Refugee Resettlement in Japan," *Journal of Asian and African Studies* 53, no. 8 (2018): 1220, <https://doi.org/10.1177/0021909618777277>.

¹⁴⁸ Michael Orlando Sharpe, "When ethnic returnees are de facto guestworkers: What does the introduction of Latin American Japanese Nikkeijin (Japanese descendants) (LAN) suggest for Japan's definition of nationality, citizenship, and immigration policy?," *Policy and Society* 29 (2010): 358, <https://doi.org/10.1016/j.polsoc.2010.09.009>.

This lack of transparency has negative consequences. These include a lack of escapee awareness of their resettlement options and rights; difficulties for NGOs in cooperating with partners and obtaining funding; decreased public engagement; and reduced academic study to inform policy-makers in Japan or elsewhere. On the other hand, there may, in this case, be potential downsides to greater transparency. Should the Japanese government speak out more openly about its resettlement programme even if by doing so it creates political tensions with China? What if doing so causes China to arrest or deport North Korean escapees and humanitarian workers within its borders? What if it puts the privacy of escapees' personal data in question? This problematic is broadly consistent with the dynamic highlighted by Roberts and others, demonstrating the tension between ethical and managerial concerns and calls for greater transparency.¹⁴⁹ As Roberts states, “[t]ransparency has unintended effects such that the making visible starts to change that which is rendered transparent”.¹⁵⁰

According to one activist, while Japan's secretive policy “seldom leads to the permanent solution of issues”, the “government's stance of maintaining “quiet diplomacy” does aid some refugees in moving safely to their destination countries, so their policy may deserve some respect”.¹⁵¹ This type of nuanced conclusion seems appropriate. Transparency is important for promoting fairness and accountability in refugee resettlement, but there may be legitimate justifications for opacity too, and a weighing of the risks and benefits of openness is not always clear or easy.

¹⁴⁹ John Roberts, “No one is Perfect: The Limits of Transparency and an Ethic for ‘Intelligent’ Accountability,” *Accounting, Organisations and Society* 34, no. 8 (2009): 957-970, <https://doi.org/10.1016/j.aos.2009.04.005>.

¹⁵⁰ *Ibid*, 958.

¹⁵¹ Kato, “LFNKR's Kato Speaks Out on Government Policies.”

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