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**JINF (Japan Institute for National Fundamentals)
Proposal No. 2**

**Toward the Adoption of a Special Naturalization System for Special Permanent Residents:
Make the Right To Vote Contingent on Naturalization**

A campaign seeking the right to vote in local elections for foreigners with permanent resident status has once again gained momentum. It would be unfortunate if relations between Japan and South Korea became strained over this issue. We at JINF hereby submit this urgent proposal in the hope of improving relations between Japan and its foreign residents, including Koreans.

Proposal

1. Limit the right to vote in national and local elections to Japanese citizens.
2. Show special consideration to foreigners whose residence in Japan commenced prior to 1945 and their offspring (special permanent residents) *not* by granting them the right to vote in local elections, but by adopting a special naturalization mechanism.

Arguments

- The points of contention in local elections are often matters that may have far-reaching effects on Japan's future, among them problems relating to U.S. military bases. We must not tolerate the interference of Kim Jong-il's North Korean government or the CCP(Chinese Communist Party) in Japanese affairs.
- The Supreme Court of Japan has ruled that foreigners may not vote in local elections because "local government is an integral part of Japan's national governing structure."¹
- The granting of voting rights to permanent residents of Japan cannot be discussed in the context of voting rights granted to permanent residents of other nations, such as South Korea and the European Union; the situation in Japan is vastly different.
- In light of historical events, Koreans whose residence in Japan commenced prior to 1945 enjoy special legal status, that of "special permanent residents." Social services are provided to Japanese citizens and foreign residents on an equal basis.
- One of motivating factors behind the demand for the right to vote in local elections is that increasingly fewer Korean residents perceive themselves as foreigners.

¹ Kim *et al.* v. Osaka-shi Kita-ku Senkyo Kanri Iinkai [Kita Ward Election Administration Commission], 49 MINSHU (2) 639, 1523 HANREI JIHO 49 (Sup. Ct., Feb. 28, 1995).

- It is eminently reasonable to allow Korean residents of Japan to vote if they become Korean Japanese via naturalization. Doing so will facilitate the diversification of Japanese society.
- The current naturalization system requires special permanent residents to complete the same cumbersome formalities as other foreigners.

Issues affecting the very foundation of national policy, such as problems relating to U.S. military bases or the construction of nuclear power plants, are often subjects of contention in local Japanese elections. Choices to be made by the electorate, which are extremely likely to have a powerful influence on Japan's future, must be made responsibly by persons possessing Japanese citizenship.

As of December 31, 2006, there were 2,080,000 foreigners residing in Japan, including 840,000 permanent residents (440,000 special permanent residents and 400,000 ordinary permanent residents). Among the special permanent residents are Koreans who belong to Chosen Soren (General Association of Korean Residents in Japan), all of whose activities are informed by Juche, the official state ideology of North Korea.² Quite a few ordinary permanent residents are Chinese in the thrall of the CCP. We cannot allow the Kim Jong-il regime or the CCP to participate, directly or indirectly, in making decisions that would have a direct effect on Japan's sovereignty or national security, e.g., decisions relating to territorial disputes or U.S. military bases. Doing so would also imperil peace and stability in East Asia, the Japan-U.S. alliance, and relations between Japan and South Korea. (Ninety-nine percent of special permanent residents are citizens of North or South Korea. The Japanese government once issued reports specifying the number of North and South Koreans in Japan. However, it discontinued this practice in the early 1970s, when citizens of South Korea accounted for more than half the Korean residents of Japan, for some reason. According to JINF estimates, there are no more than 50,000 North Korean nationals currently residing in Japan, but we urge the Japanese government to disclose this information without delay. Chinese nationals account for 120,000 of the ordinary permanent resident population.)

The matter of granting voting rights to permanent residents surfaced in 1995, when it was mentioned in a Supreme Court judgment: "the current Constitution does not forbid the granting of the right to vote in local elections to permanent foreign residents."³ However, the cited statement is simply a remark, and is not legally binding. The body of the judgment, which will go down on record as a precedent, clearly rejects the demand to grant voting rights in local elections to foreigners: "Additionally, in light of the fact that local government is an integral part of Japan's national governing structure, the term *residents* (possessing the right to vote in local elections), as used in Article 93, paragraph 2 of the Constitution of Japan, should be construed as Japanese citizens residing within the boundaries of the municipality in question.

In 2005, South Korea gave the right to vote in local elections to foreign nationals with permanent

² <http://www.chongryon.com/>

³ Kim *et al.* v. Osaka-shi Kita-ku Senkyo Kanri Inskai, *op. cit.*

resident status, thus triggering demands that Japan reciprocate by affording that same right to Korean nationals with permanent resident status. We object to this demand for the following reasons:

- (1) In South Korea, persons holding permanent resident status are primarily the spouses or offspring of South Korean nationals; the situation in Japan is fundamentally different.
- (2) There are 55⁴ Japanese nationals with permanent resident status in South Korea, as opposed to approximately 400,000 South Korean special permanent residents in Japan. Given the disparity in numbers, it is difficult to justify reciprocity.

Champions of this movement often cite the fact that some 40 nations allow foreigners to vote in elections. However, that figure represents less than one-fourth of the world's nations, and could hardly be characterized as the harbinger of a global trend.

Nations that have afforded voting rights to permanent residents have done so under specific circumstances, as follows:

- (1) EU (European Union) member states have granted voting rights to the citizens of other member states because treaties obligate them to do so.
- (2) Northern European nations have adopted policies designed to attract laborers for extended periods of time, among them voting rights.
- (3) The United Kingdom has granted the right to vote in national and local elections to citizens of members of the Commonwealth (a voluntary association of former British colonies, now sovereign states, which recognize the Queen of the United Kingdom as head of the Commonwealth).

Japan does not belong to an association like the EU, has not implemented policies to attract foreign workers, and has no special relationships with former colonies. Therefore, this is not a valid argument.

Special permanent resident status has been granted to Koreans who came to live in Japan (the homeland) as Japanese citizens prior to World War II and chose to remain here after the war, as well as to their descendants. Approximately two million Koreans were residing in Japan in 1945; 600,000 of them opted to stay here. Some view Korean residents of Japan as persons who were transported to Japan through coercion, and their offspring. However, only 16% of the aforementioned two million Koreans (320,000) had been mobilized to work in Japan during the war. Most of them returned to Korea after World War II.

GHQ (General Headquarters of the Allied Forces) refused to recognize Korean residents as

⁴ Ministry of Foreign Affairs statistics derived from a survey of Japanese nationals residing overseas, 2003.

citizens of a victor nation. The Allies adopted a policy that was inconsistent by any standards, classifying Korean residents of Japan as holders of Japanese citizenship, but denying them the right to vote in Japanese elections, and requiring them to register as aliens. That policy reflects a perceived necessity to rein in violent political tactics used by organizations that supported North Korea, for security reasons.

When sovereignty was restored to Japan in 1952, the Japanese government assumed that the San Francisco Peace Treaty had stripped Korean residents of Japan of Japanese citizenship. In recent years, Japan has been castigated for not giving the right to choose the nationalities. However, we would like to remind the accusers that during the turbulent Cold War era, both North and South Korea insisted that Korean residents of Japan were citizens of North (or South) Korea, and denied them the freedom to become Japanese citizens.

Korean residents of Japan, now in their third and fourth generations, along with a small number of Taiwanese, hold special permanent resident status, which was granted to them in 1991 after several transitional phases. Since then, the following benefits have been offered to them on an equal basis.

- (1) Special permanent residents may remain in Japan as long as they like.
- (2) Special permanent residents have the right to work (other foreigners may participate only in those activities consistent with their status of residence).
- (3) The offspring of special permanent residents may inherit their parents' legal status.

At one time, there was systematic discrimination against special permanent residents where social services were concerned. However, since 1982, when Japan signed the United Nations Convention Relating to the Status of Refugees, and implemented social service programs that treated Japanese and foreign residents as equals, such discrimination has vastly decreased. In view of historical events, it is our opinion that the special permanent resident system can be preserved.

Now that the sojourn of Korean special permanent residents in Japan has lengthened to encompass several generations, Koreans residing in Japan have lost their psychological and cultural Korean identity, even though they remain citizens of either North or South Korea. As South Korean Foreign Ministry Asia Bureau Chief Lee Jai-chun stated, "They were born in Japan. Most of them received a Japanese education. Their thought and behavior patterns are precisely those of Japanese society."⁵ Consequently, since the mid-1990s, Koreans have been acquiring Japanese citizenship at the rate of about 10,000 per year, for a total of more than 300,000 as of 2006. There has also been an increase in intermarriage between Japanese and Koreans; since the 1990s, over 80% of Korean residents have chosen Japanese marriage partners.

Some resident Korean intellectuals and Korean Residents Union activists view citizenship, as does

⁵ Serialized in *Kankoku Shimbun* from May 30-June 20, 1989.

resident historian Kang Chae-on, as the “last fortress — one that should not be abandoned — protecting ethnic identity from absorption and assimilation into Japanese society.”⁶ They believe that Korean residents of Japan should retain Korean citizenship, but should enjoy the same rights as Japanese citizens. The unsuccessful plaintiffs in the Supreme Court case cited above stated their position as follows: “Except for the matter of citizenship, we are no different from the Japanese.” Their rapidly weakening perception of themselves as foreigners is undoubtedly a factor in their quest for the right to vote in local elections.

We think it extremely unlikely that retaining Korean citizenship will serve as a “fortress” of identity for the vast majority of Korean residents of Japan, who do not identify with either of the Koreas. As Tokyo Metropolitan University professor Chung Dae-kyun put it, “Allowing special permanent residents to vote in Japanese elections while holding Korean citizenship will perpetuate the gap between citizenship and identity.” It makes a great deal more sense to give Korean special permanent residents the right to vote by enabling them to become Japanese citizens; doing so is certainly in keeping with global conventional wisdom, and will pave the way for further diversification and internationalization of Japanese society.

Currently, special permanent residents wishing to become Japanese citizens are forced to complete the same laborious formalities as foreigners without special status. They must also select Chinese characters for their surnames from a list that excludes many of the characters used to write the most common Korean surnames.

If foreigners who have been awarded special permanent resident status are willing to acquire Japanese citizenship and to fulfill the concomitant duties and responsibilities, they should not have to complete the aforementioned formalities. To that end, there is an urgent need for a special mechanism that bestows Japanese citizenship on special permanent residents who submit (1) identification in the form of a census record from the applicant’s home country (or similar document) and an alien registration certificate), (2) a statement of intention to become a Japanese citizen (naturalization application), and (3) a written oath in which the applicant promises to be a law-abiding, upstanding citizen.

When such a mechanism is in place, those individuals who opt to retain foreign citizenship may continue to expect to benefit from social services, just as Japanese citizens do, but they must not be given the right to vote. We must steadfastly adhere to the government’s position with respect to the appointment of civil servants as well: “Because civil servants exercise governmental authority and participate in the governmental decision-making, they must possess Japanese citizenship.”⁷

JINF
Subcommittee on Voting Rights for Foreigners

⁶ *Onekorea News*, 15 August 1995.

⁷ Cabinet Legislation Bureau, 1953.

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