

第4次 韓・日会談 (1958.4.15-60.4.19)
在日韓人の法的地位委員会 会議録、1 - 22 次、
1958.5.19 59.11.2

分類番号 723.1 JA
 登録番号 107

P2.

索引目録

分類番号	登録番号	生産課	生産年度	フィルム番号	フレーム番号
723.1 JA	107	亜州課	1959	番号	始まり 終り
法 1958-59				C1 - 0003	0846 ~ 1110
1 - 22 次					

機能名称: 第4次韓・日会談 : (1958.4.15-60.4.19) 在日韓人の法的地位委員会 会議録、
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P4.分類番号 723.1 JA 登録番号 107 保存期間 永久甲

法 1958-59

1 - 22 次

機能名称：第 4 次韓・日会談：（1958.4.15-60.4.19）在日韓人の法的地位委員会 会議録、
1 - 22 次、1958.5.19 59.11.2

生産課 亜州課 生産年度 1959

内容：

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2. 参考資料：1-3 次韓・日会談 在日韓人の法的地位委員会 討議概要及び 4 次韓・日会談
予備交渉での在日韓人の法的地位関係問題

P5 1. 会議録

INCOMING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. MT-062

DATE 05191700

CODE
CLASSIFICATION

TOKYO

TO. KYUNG MU DAI, FOREIGN MINISTER

FIRST MEETING OF THE COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN WAS HELD AT THE JAPANESE
FOREIGN OFFICE AT THREE THIRTY PM ON MAY NINETEEN CNA
ONE NINE FIVE EIGHT PD AT THIS MEETING THE JAPANESE
CHIEF MEMBER KATSUNO INTRODUCED JAPANESE MEMBERS OF
THE COMMITTEE AND OUR ACTING CHIEF MEMBERS CHOI
INTRODUCED KOREAN MEMBERS PD
IT WAS DECIDED THAT THE SECOND MEETING OF THE COMMITTEE
WOULD BE HELD ON MAY TWENTY SIX CNA ONE NINE FIVE EIGHT
PD PENDING THE RECEIPT OF GOVERNMENT'S INST-RUCTIONS
AND IN VIEW OF A FEW JAPANESE HOLIDAYS THIS WEEK PD
AMBASSADOR LIMB

1958 MAY 20 AM 9 07

担	長	課	長	官	次	官	長	5	月	供	亞

TIME RECEIVED

INFO. TO:

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COMMUNICATIONS SECTION

0867

Tokyo, May 19, 1958

THE CISEP OF TALKS
1ST SESSION
THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS
IN JAPAN

0868

1. Time and place: From 3:30 p.m. to 3:40 p.m. on May 19, 1958 at Room 411, Ministry of Foreign Affairs, Japanese Government

2. Conferees:

The Korean side : Mr. LEE, Ho
Mr. CHOI, Kyu Bah
Mr. EA, Chai Bang
Mr. PARK, Young
Mr. CHIN, Pil Shik
Mr. OHM, Young Dal
Mr. LHM, To Kyong
Mr. LEE, Won He
Mr. ROH, Jai Won

The Japanese side : Mr. Yasusuke KATSUNO
Mr. Kenta HIRAGA
Mr. Shinse HASEGAWA
Mr. Minoru IMAI
Mr. Kyoichi MIYAGI
Mr. Toshimichi KAJIJI
Mr. Kiyoshi SUGANUMA
Mr. Sinao TSUCHIYA
Mr. Yoshijiro NAKAJIMA
Mr. Ken ISEKI

MR. KATSUNO:

It came to my attention that Minister Yiu, Chief member of the Korean side of this committee, is not present here today.

MR. CHOI:

Minister Yiu, Chief Member of the Korean side of this Committee, visited Seoul on official business. During his absence, I have the honour to serve as acting chief member of the Korean side of this committee. I would like to notify you to this effect. Do you have any idea as to how to proceed this committee meeting?

MR. KATSUNO:

I am afraid not. May I introduce the members of the Japanese Delegation of this committee to the Korean side? I replace Mr. Iseki, the former head of Japanese Delegation of this committee. As I took over this business only a few days ago, I am studying the issues now.

(Here, Mr. Katsuno introduced the members of the Japanese Delegation to the Korean side. And, Mr. Choi introduced the members of the Korean Delegation to the Japanese side.)

MR. KATSUNO:

Do you have any suggestion as to how to proceed this committee meeting? When does Minister Yiu come back from

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Seoul?

MR. CHOI:

I think he will return to Tokyo within a few days.

MR. KATSUNO:

Will Minister Yiu attend this meeting when he returns to Japan?

MR. CHOI:

Yes, he will.

MR. CHOI:

Do you have any particular thing to say about how to proceed this committee meeting?

MR. KATSUNO:

I don't think I have.

MR. CHOI:

I think that the Japanese side is very busy as the 3rd Asian Games are drawing near, and coming Thursday (May 22) is a Japanese holiday because of election. Since your Delegation has nothing particular to say this afternoon, how about setting the date for next meeting? We have already exchanged the lists of members of delegations of both sides, and introduced members of both sides. I would like to propose that the second meeting of this committee would be held on May 26 (Monday), 1958.

MR. KATSUNO:

I wonder if Minister Yiu comes back by that time.

MR. CHOI:

Yes, I think so.

MR. KATSUNO:

How about holding the second meeting in the morning of May 26, 1958?

MR. CHOI:

How about setting the time at 10:30 a.m. tentatively on May 26, 1958? As soon as our side fixes the time definitely, we will inform you.

MR. KATSUNO:

No objection.

MR. KATSUNO:

I think we have nothing to release to the press concerning the today's meeting.

MR. CHOI:

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Do you have any idea about the press release?

MR. KATSUNO:

How about releasing to the press that both sides introduced the members of their delegations and that the second meeting will be held on May 26, 1958?

MR. CHOI:

No objection.

Here, the meeting was adjourned at 3:40 p.m. on May 19, 1958.

- The end -

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~~CONFIDENTIAL~~

Tokyo, May 26, 1958

No. 08

Dear Mr. President:

As previously reported by cable, the first meetings of the Committees on Legal Status of Korean Residents in Japan and on Korean Claims were held on May 19 and 20, respectively. As instructed by cable No. FT-060 of May 18, from the Foreign Minister, at these meetings only the introduction of members of respective delegation was made.

At 10:30 a.m. today the second session of the Committee on Legal Status of Korean Residents in Japan was held at the Japanese Foreign Office. In accordance with the last sentence of Paragraph 1. of Item concerning "Committee on Legal Status of Korean Residents in Japan" in the Government instructions, Woijung No. 1851 of May 21, our side proposed to confirm that the following items be discussed and settled, item by item, on the basis of the terms agreed at the conclusion of the preliminary talks on December 31, 1957, although the order of discussion might be decided upon later on, namely:

1. Status and Treatment of Korean Residents.
 - a. Status of Korean Residents in Japan
 - b. Property rights acquired by Korean Residents
 - c. Property to be taken by repatriating Koreans (in accordance with Article 3 of the Agreed Minutes)
2. Arrangements for the acceptance of deportees (Annexed Understanding). Problem of "deportation of illegal entrants" will be included (Article 2 of the Agreed Minutes)

/Inasmuch

His Excellency
President Syngman Rhee

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2.

Inasmuch as our proposal on the subjects of discussion was made on the basis of the agreed terms on Dec. 31, 1957, the Japanese side can hardly find reasons for refusing it. It seems to me appropriate for our side to decide on which one of the above items of discussion be given priority in actual discussion at the committee sessions, therefore, I would highly appreciate if the Government instructions be given me in this regard before the third Committee session scheduled for Monday, June 2.

The Japanese side, then referring to the joint draft agreement on Korean Residents, prepared at the previous (1952) conference, stated that it favored discussing the problems on Korean Residents all over again, as it saw there was no complete agreement on the matter at that time and sometimes only ambiguous expressions were used in the draft agreement, in case matters were controversial.

Judging from the Japanese remarks, it is obvious that the Japanese side does not believe the contents of the 1952 joint draft agreement are in its favor.

It is the observation of our delegation that there are several points in the said draft agreement (of 1952) which are in our favor and, therefore, it is more to our advantage to uphold these points in the course of future discussion at the Committee, for instance Article 3, Item 1 (of the joint draft agreement) concerning permanent residence of our residents, Article 4, Item 1 regarding their property rights, Article 5 on the privileges in their occupations and also Article 6, Items 1 and 2 concerning property to be taken by repatriating residents (the time limit in the draft agreement, of course, will have to be re-examined accordingly).

I would highly appreciate Your Excellency's guidance in this regard.

With sentiments of loyalty and esteem, I remain,

Most respectfully,



Ben C. Limb

0857

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OUTGOING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

NO. *71-66*

R. O. K.

DATE *05/31/58*
May 30, 1958

C. O. D. E.
CLASSIFICATION

SENT TO AMBASSADOR BEN C LIMB

COPY TO MINISTER YIU

RE YOUR REPORT NUMBER EIGHT CONCERNING THE PROCEEDING
OF COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN
JAPAN PD

Origin:

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(Offices
Only)

ITEM ONE ACCORDING TO YOUR REPORT CMA DELEGATION
PROPOSED TO CONFIRM THAT TWO SUBAGENDA ITEMS BE DISCUSSED
AND SETTLED CMA AND THE FIRST ITEM INCLUDED SUBITEMS A CMA
B CMA AND C PD YOUR QUESTION IS WHICH ITEMS OR SUBITEMS
ARE TO BE GIVEN PRIORITY IN ACTUAL DISCUSSION PD ~~HOWEVER CMA~~
YOU ARE ADVISED THAT QUOTE ARRANGEMENTS FOR THE ACCEPTANCE
OF DEPORTEES UNQUOTE IS NOT A SEPARATE AGENDA ITEM
INDEPENDENT OF ONES STIPULATED IN ARTICLE THREE OF THE
AGREED MINUTES CMA BUT IT IS LOGICALLY INCLUDED INTO ITEM
ONE PARAGRAPH A CMA NAMELY QUOTE STATUS OF KOREAN RESIDENTS
IN JAPAN UNQUOTE PD FURTHERMORE CMA QUOTE PROBLEM OF
DEPORTATION OF ILLEGAL ENTRANTS UNQUOTE IS NOT DIRECTLY
RELATED TO QUOTE ARRANGEMENTS FOR THE ACCEPTANCE OF DEPORTEES

DRAFTED BY

TELEGRAPHIC TRANSMISSION AND

OFF:	외무부	외무부	외무부	외무부	외무부	외무부	외무부	외무부	외무부
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정무대장인심

MAY 30 1958

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OK'd May 31, 1958

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OUTGOING
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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. _____
DATE _____

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SENT TO _____
PAGE 2

Origin: _____
Info: _____
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UNQUOTE PD FOR THIS REASON CMA THEORETICALLY SPEAKING CMA
SUBAGENDA ITEMS TO BE DEALT WITH AT THIS COMMITTEE ARE
THOSE WHICH ARE PROVIDED FOR IN ARTICLE THREE AND TWO OF
THE AGREED MINUTES PD SINCE YOU HAVE BEEN INSTRUCTED TO
DISCUSS FIRST QUOTE ARRANGEMENTS FOR DOT DOT DOT UNQUOTE CMA
THERE ^{IS} ~~NO~~ QUESTION OF AGENDA PRIORITY AT THIS TIME PD AS
FOR ARTICLE TWO OF THE AGREED MINUTES CMA IT IS NOT CONSIDERED
APPROPRIATE FOR DELEGATION TO TAKE UP THE QUESTION AT THIS
STAGE PD

ITEM TWO YOU REPORTED THAT QUOTE JUDGING FROM
THE JAPANESE REMARKS CMA DOT DOT DOT IN ITS FAVOR UNQUOTE PD
GOVERNMENT WISHES TO KNOW IN THE FIRST PLACE WHICH PART OF
THE JOINT DRAFT OF FIFTY TWO IS NOT IN ITS FAVOR PD IMMEDIATELY
SOUND OUT JAPANESE INTENTIONS IN THIS REGARD AND REPORT
WITHOUT DELAY FOR GOVERNMENT CONSIDERATION PD

FOREIGN MINISTER



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NO FT-072

~~C O S K.~~

DATE 061174

June 11, 1958

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COPIES TO AMB KIM AND MIN YIU

BY CABLE FT-66 DATED MAY THIRTIETH FIFTYEIGHT CMA
THE DELEGATION WAS INSTRUCTED TO SOUND OUT JAPANESE
INTENTIONS AS TO WHICH PART OF THE SOCALLED JOINT
DRAFT OF FIFTYTWO CONCERNING LEGAL STATUS OF KOREAN
RESIDENTS IN JAPAN IS NOT IN JAPANS FAVOR PD THE
MINISTRY STILL EXPECTS DELEGATIONS REPORT IN THIS
REGARD PD IF YOU DID NOT YET DO SO CMA IMMEDIATELY
APPROACH THE JAPANESE SIDE FORMALLY OR INFORMALLY PD
THIS IS VERY IMPORTANT FOR US TO CONDUCT FUTURE
NEGOTIATION ON THIS ISSUE PD

Origin :

Info :

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Desired
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FOREIGN MINISTER

당	담당	과장	국관	차관	장	장	장

JUN 11 1958

접수

사본경무대
JUN 11 1958

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COMMUNICATION SECTION

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P16 1-2 第2次、1958.5.26

INCOMING
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TOKYO

MINISTRY OF FOREIGN AFFAIRS

~~R. O. K.~~

~~CODE CABLE~~

~~CLASSIFICATION~~

NO. MT-064

DATE. 05261600

KYUNG MU DAI, FOREIGN MINISTER

TO. _____

THE SECOND MEETING OF THE COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN WAS HELD AT TEN THIRTY AM ON MAY TWENTYSIX CMA ONE NINE FIVE EIGHT AT THE MINISTRY OF FOREIGN AFFAIRS OF THE JAPANESE GOVERNMENT PD AT THIS MEETING BOTH SIDES EXCHANGED VIEWS ON HOW TO PROCEED COMMITTEE MEETINGS PD THE DETAILS ON THIS MEETING ARE BEING REPORTED IN MY LETTER NO. EIGHT DATED MAY TWENTYSIX TO BE SENT VIA POUCH TOMORROW MORNING PD IT WAS DECIDED THAT THE THIRD MEETING WOULD BE HELD ON JUNE SECOND CMA ONE NINE FIVE EIGHT PD

AMBASSADOR LIMB

1720 MAY 27 1958

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COMMUNICATIONS SECTION

0877

Tokyo, May 28, 1958

THE GIST OF TALKS

END SESSION

THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

1. Time and Place: From 3:30 p.m. to 4:15 p.m. on Monday,
May 26, 1958 in Room 411 of the
Japanese Foreign Ministry

2. Conferees:

Korean side : Mr. Tai Ha Yiu (Chief Member)
Mr. Ho Lee
Mr. Kyu Nah Choi
Mr. Chai Hang Ea
Mr. Pil Shik Chin
Mr. Young Park
Mr. Ki Bong Han
Mr. To Kyong Limb
Mr. Won Ho Lee
Mr. Young Dal Ohn
Mr. Jai Won Roh

Japanese side : Mr. Yasusuke Katsuno
Mr. Kenta Hiraga
Mr. Shinzo Hasegawa
Mr. Minoru Imai
Mr. Kyoichi Miyagi
Mr. Toshimichi Kajiki
Mr. Kiyoshi Suganuma
Mr. Minao Tsuchiya
Mr. Toshihiro Nakajima
Mr. Ken Ikebe

MR. KATSUNO:

What language shall we speak?

MR. YIU:

Each side will use its mother tongue.

MR. KATSUNO:

All right. Then, may I greet you by saying some words?
I am not so well versed in this matter as Director Isaki,
and so far as I am concerned, it is the first experience.
Further the Minister for Justice has failed in the general
election, and a new Minister for Justice may be appointed.
Therefore, pending the decision on this appointment, there
may arise some matters on which we may not be able to obtain
instant decision of the Japanese Government.

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For my own part, I earnestly wish to bring the problem to a settlement, and I believe the Korean side is also of the same opinion. There have already been numerous discussions on this problem, I hear. In regard to discussion on this matter, the Japanese side would like to set forth the following three principles:

Firstly, since we are both independent countries, both sides will not interfere with the other country's internal affairs in accordance with well-established international practice.

Secondly, each country should respect the other country's jurisdiction.

Thirdly, we will take into consideration the historical background of the Koreans in Japan. In other words, we have to consider the fact that Korean residents in Japan are conducting important roles in Japan.

We have to discuss the matter closely, taking these things into our consideration, I think.

MR. YIU:

Though it is true that the Korean residents in Japan are aliens to Japan, I hope that we will settle the problem smoothly and satisfactorily, taking into our deep consideration the special background of the Korean residents in Japan.

Do you have in your mind anything to propose?

MR. KATSUNO:

I understand that this problem has been discussed considerably in the past. With reference to the draft agreement on this problem prepared in the previous conference in 1962, there has not been a concrete agreement, and on some difficult questions the opinions were very ambiguous. Therefore, at this time, I think we had

better to tackle the problem item by item putting each item on our agenda, thus giving a concrete solution to the each item. How do you think about this?

The definition of the Korean residents would be the Koreans who have been living in Japan since prior to the end of the World War II. Koreans in Japan are mostly coming under this category, I understand. So, we will discuss first the problems concerning these Koreans and next other minor matters relevant to this problem. What do you think about it?

MR. YIU:

I understood you very well. But yet, wouldn't it be better that we start to work on our business after we decide concrete agenda? I would like to propose as follows:

"We think it the most effective way of proceeding to discuss and settle the problems, item by item, which were adopted to be taken up at this Committee in accordance with the terms agreed upon at the conclusion of Korea-Japan Preliminary Talks on December 31, 1957. We hope the Japanese side will agree to our opinion."

"The items are: 1. Status and treatment of the Korean residents
a) Status of the Korean residents in Japan
b) Property rights acquired by Korean residents
c) Property to be taken by the repatriating Koreans
arrangements 2. Arrangements for the acceptance of deportees. And the problem on the deportation of illegal entrants will be also included."

MR. KATSUKO:

Thank you for your concrete proposal. As regards your proposal, please let our side study and make an answer at the next meeting.

0865

MR. YIU:

The proposal is made in accordance with the agreement reached on December 31 last year, and the contents of the proposal is nothing new since it is based on the agreed minutes and other documents signed on December 31 last year.

0881

MR. KATSUNG:

I don't think we have the minute at hand. (To a member of his side) Do we have? Was it last year?

MR. YIU:

Do you have any objection with regard to the earlier decision to discuss these matters?

MR. KATSUNG:

No, but how would it be to discuss the matter at next meeting?

MR. YIU:

Though my proposal was only to confirm the agenda items as agreed at the conclusion of the Preliminary Talks on December 31, 1957, as it seems that it is not long since you assumed the study on the matter, I would have no objection to discussing this matter at next meeting.

MR. KATSUNG:

As regards the next meeting, when shall we hold next meeting?

MR. YIU:

How about Monday, June 2?

MR. KATSUNG:

All right.

MR. YIU:

How about the time?

MR. KATSUNG:

At your side's convenience.

0886

MR. YIU:

How about 10:30 a.m. ?

MR. KATSUNO:

All right.

MR. KATSUNO:

What shall we do about the press release?

MR. YIU:

If you like to make a detailed report, you may
as well...

MR. KATSUNO:

Shall we make an abstract one?

MR. YIU:

We don't have any particular objection to it.

MR. KATSUNO:

How about reporting to the effect that we discussed
on how to proceed the meeting?

MR. YIU:

No objection.

MR. KATSUNO:

"Only about how to proceed the meeting." Is that
right?

MR. YIU:

We will do the same way.

MR. KATSUNO:

Shall we add that we decided to open the next meeting
on June 27

MR. YIU:

All right.

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- THE END -

0867

Tokyo, June 4, 1958

THE GIST OF TALKS

3RD SESSION

THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENT IN JAPAN

0869

1. Time and Place : From 10:35 a.m. to 11:10 a.m. on
Monday, June 2, 1958 in Room 411 of
the Japanese Foreign Ministry

2. Conferees:

Korean side : Mr. Tai Ha Yiu (Chief Member)
Mr. Ho Lee
Mr. Kya Hah Choi
Mr. Chai Hang Ea
Mr. Pil Shik Chin
Mr. Young Park
Mr. Ki Song Han
Mr. To Kyong Limb
Mr. Won Ho Lee
Mr. Young Dal Ohm
Mr. Jai Won Roh

Japanese side : Mr. Yasusuke Katsuno (Chief Member)
Mr. Kenta Hiraga (Chief Member)
Mr. Shinzo Hasegawa
Mr. Toyokichi Nakagawa
Mr. Minoru Imai
Mr. Kiyoshi Suganuma
Mr. Minsao Tsuchiya
Mr. Ken Ikebe

MR. KATSUNO:

At the preceding session, we talked about matters on agenda and you asked us for our opinion on taking up at this Committee matters on the status, property rights and so forth of Korean residents in Japan. While we agree to your proposal, we would like to take up the matter on the status of Korean residents first as authorities concerned of the Ministry of Finance are not at present ready to take up matters on property right, etc.

MR. YIU:

We agree to your proposition in principle. However, I propose what in the discussion on the status of Korean resi-

0869

dents, the problem regarding the "arrangements for the acceptance of deportees" will be taken up first.

MR. KATSUNO:

No objection.

MR. KATSUNO:

Though they may be referred to and discussed in detail in the course of negotiations at this committee, we, the Japanese side, would like to set forth ~~three basic principles~~ three principles. May I present these three principles to you now?

MR. YIU:

For our part, we would like to discuss, first of all, the matter on the arrangements on deportees.

MR. KATSUNO:

Does it imply that you wish primarily to take up the matter on arrangement on deportees, exclusive of overall matters on the status of Korean residents?

MR. YIU:

What I meant was that we would ~~take~~ take up the problem of deportees first. That is to say that we would like to have this problem solved first among other things.

MR. KATSUNO:

No objection to it. In this connection, we think it will be helpful to Japanese side in considering this problem if your side suggests us of your general idea for solving this problem.

MR. YIU:

In this regard, we wonder if the Japanese side has any particular opinion in connection with the relevant clause of the Annexed Understanding of December 31, 1957.

MR. KATSUNO:

Amidst many difficulties, both us are striving to solve our problems by opening Japan-Korea Overall Talks. In view

of the above, I believe that we will be able to reach an agreement on this problem if there are many complicated difficulties. Japan, in accordance with International practice and domestic laws concerned, governs aliens within her territory, and in case she deports aliens in accordance with her laws and regulations, deportees should be accepted by their native countries in principle. However, it was regretted that it was not the case with certain aliens.

0880

MR. YIU:

In that regard, I will not go further than listening to what you have said. As you may be aware and may have taken into your consideration, we see numerous special and complex conditions under which the Korean residents in Japan have been placed. I wish you to take note of the special background of those Korean residents in Japan.

MR. KATSUNO:

I don't think all Koreans in Japan are to be subject for discussion at this Committee. Both peoples will be treated equally under a trade and navigation treaty. The Korean residents in Japan we are referring to, are therefore limited to those who have been residing in Japan since before World War II.

MR. YIU:

No objection, in principle.

MR. KATSUNO:

The Japanese Government has jurisdiction over aliens in accordance with the provisions of the Japanese Immigration Law and other related regulations. On the other hand, we have to take into consideration the fact that the Koreans in Japan are situated under special circumstances. Under these conditions, Japan is in a position, on the one hand, to execute

the Japanese laws in accordance with her sovereignty, and, on the other, to take into her consideration the special status of these Koreans. In this context, we think that the difficulties could be managed only through a means of some administrative measures. The Japanese side wishes, therefore, to be suggested by the Korean side of what extent of administrative measures the latter may request in connection with the concerned laws of Japan. This suggestion may be welcomed either at the meeting or at some other place.

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MR. YIU:

Though you have just referred to the Immigration Law and other related regulations, as I said to you a short while ago, I believe you would not treat the Koreans in Japan just like other aliens in Japan now that the Korean residents in Japan are placed under a special situation.

MR. YIU:

Though we don't know well about your Immigration Law and other relevant regulations, wouldn't it be the task of this Committee to settle the problem on Korean residents along the line of their special status in Japan, regardless of Japan's domestic laws for other ordinary aliens?

MR. KATSURO:

We recognize the special status of those Koreans who have been residing in Japan since before 1945, and will remember it. As the nature of the special status is, however, not very clear, we would like to propose that at the following meeting, we take up the matter in a more detailed and concrete way.

MR. YIU:

We understood it. We will study on our part in connection with your proposal. If you have a general idea as to what extent the Korean residents in Japan be given a special treatment, please let us know. It will be helpful to our study on this matter.

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MR. KATSUNO:

We don't have it at present. Though I have not long engaged in this work, I heard that the Korean residents in Japan have been treated specially within the Immigration Law and other regulations. And we always will remember the special conditions under which the Korean residents in Japan are located.

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MR. YIU:

We are not aware very well on what degree the special treatments have been given to these Koreans, for we do not know your Immigration Law and other regulations. At any rate, your side as well as our side, will review and discuss this problem by exchanging views via more detailed way.

MR. KATSUNO:

We will make a review and make a discussion about it at the next meeting. We will also tell you at that time about the special treatment given to the Korean residents in Japan in the past.

MR. YIU:

This problem has been discussed at previous Talks, and you may know what are issues thereof. It will be of great assistance if you take them into your consideration when you make proposals at the next meeting.

MR. KATSUNO:

We will make a careful study.

MR. YIU:

I would like to know, for our reference, of the "Basic three principles" which you mentioned previously.

MR. KATSUNO:

I have wished to tell them to you. They are: ① that the Korean residents we refer to shall be limited to those who have been residing in Japan since prior to 1945; ② that a consideration should be given to special conditions under which these

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Koreans are placed; and (5) that under the premise that the problem of deportation be settled smoothly, measures will be considered to enable Korean residents to enjoy stabilized life in Japan for a considerable length of time.

MR. YIU:

With reference to the "stability", you have just mentioned, what does it mean?

MR. KATSUNO:

We would like to give a concrete definition regarding the three principles as we proceed on our talks. It is hard to define concretely at this moment. If I can be a little abstract, it can be said that unlike other aliens, the Korean residents in Japan may be given permits for some long-term sojourn in Japan with a view to giving them stability on their life.

MR. YIU:

We questioned it for our reference, and we will have it serve for our reference.

MR. KATSUNO:

It seems that our talks today ended in all abstract results. We believe that we will still have plenty of time to make further studies on these matters.

MR. YIU:

There is one thing we would like to propose here. If a necessity arises, would it not be a method that we would confine our talks to a limited number of members of the both sides?

MR. KATSUNO:

Do you mean such method as to forming a Subcommittee?

MR. YIU:

I mean that when necessity arises, we may confine our talks to a small number of members of each side (for instance limiting to top-ranking Members to keep the secrecy).

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MR. KASHIRO

If the necessity of doing so arises, we should obtain a success of our talks through every available means.

MR. YIU:

All right. We will certainly do so.

MR. KATSUNO:

When shall we hold next meeting?

MR. YIU:

How about on June 29?

MR. KATSUNO:

It is Monday, isn't it? How about Tuesday?

MR. YIU:

We may have another Committee meeting on Tuesday. So, how about sometime Monday afternoon? If you agree, what time?

MR. KATSUNO:

How about 3 p.m. in the same room?

MR. YIU:

All right.

MR. KATSUNO:

What shall we do about the press release?

MR. YIU:

As is the fact, how about reporting that the Committee discussed the status of Korean residents in Japan?

MR. KATSUNO:

No objection.

-THE END-

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P31 1-4 第4次、1953.6.9

韓日代第1039号 壇紀4291年(1958年)6月12日 駐日大使

外務部長官 貴下

第4次韓日会談 在日韓僑法的地位委員会 会議要録 送付の件

頭の件、去る6月9日開催された韓僑法的地位委員会第4次会議要録を別添送付しますので査収なさり願います。

別添 - 同 会議要録 2通

Tokyo, June 12, 1958

THE BEST OF TALKS

4TH SESSION

THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

1. Time and Place : From 3:00 p.m. to 4:05 p.m. on Monday, June 9,
1958 in Room 411 of the Japanese Foreign Ministry

2. Conferees :

Korean side	: Mr. Tai Ha Yiu (Chief Member) Mr. Ho Lee Mr. Kyu Hah Choi Mr. Chai Hang Ha Mr. Pil Shik Chin Mr. Young Park Mr. Ki Hong Han Mr. Te Kyong Limb Mr. Won Ho Lee Mr. Jai Won Koh
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Japanese side	: Mr. Yasusuke Katsuno (Chief Member) Mr. Shinzo Hasegawa Mr. Toyokichi Sakagawa Mr. Kiyoshi Suganuma Mr. Minao Tsuchiya Mr. Ken Ikebe
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MR. KATSUNO:

As we proxized at the preceding session, I would like to explain to you of the special treatment which has been given to the Koreans in Japan.

Firstly; according to the Japanese Immigration Control Ordinance, those who have lost Japanese nationality should leave Japan within 60 days from the date of their losing of Japanese nationality. However a special consideration was given to the Koreans by allowing them to live in Japan temporarily.

Secondly; the Koreans in Japan lost Japanese nationality upon the coming into force of the San Francisco Peace Treaty. However, those Koreans who were born in Japan after the end of World War II have been granted permit for residence in Japan for three years.

Thirdly; a special consideration was given to the poor, lepers and lunatics of Koreans in Japan. According to the Immigration Control Ordinance, they are subject to deportation.

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MR. YIU:

I wish to raise a couple of questions regarding what you have just mentioned. First, you have just said that the Koreans in Japan, unlike other aliens in general, are allowed to live in Japan temporarily. Does "temporarily" mean "the duration of this Talks"?

Second, on what ground was it decided that those Korean children who are born in Japan after the end of World War II are allowed to live in Japan for a period of 3 years?

MR. KATSUNO:

Both are by the Japanese law. Immigration Control Ordinance make a law. They may be measures taken temporarily perhaps until there will be

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a particular agreement between the two countries.

MR. YIU:

You have mentioned that the Koreans in Japan lost the Japanese nationality upon the effectuation of the San Francisco Peace Treaty. On this point, our opinion is quite different from yours.

MR. KATSUNO:

Now that both sides have different opinions on this point, I think we both had better not touch on this now. I was just referring to relevant provisions of the Japanese laws concerned. Incidentally, one thing I would like to propose is that both sides shall exchange views in the first stage more freely until the later stage when both sides would be ready for the conclusion of the works of the Committee.

MR. YIU:

That is why the Korean side suggested that both sides reduce the number of conferees, if necessity arises, so that both sides will be able to feel more private and free from being too formal. At this full Committee meeting, both sides cannot but be formal, I am afraid.

MR. KATSUNO:

For the Japanese side, I would like to have a chance to talk with Minister Yiu in person.

MR. YIU:

I have some questions to set forth. These questions are in connection with the "three principles" which the Japanese side stated at the Third Committee meeting on June 2. With respect to the definition of the Korean residents in Japan, we have read Japanese newspapers reporting that those Koreans who are born in Japan after the end of World War II are excluded from the category of "Korean residents in Japan" as defined by the Japanese side at the preceding Committee session. Though you have slightly touched on this matter a short while ago, I would like to have more detailed explanation on this matter.

Secondly, the Japanese side mentioned that Japan will take into her consideration the special circumstances under which those Koreans came to live in Japan; as for the problem of the arrangements on deportation, the settlement thereof will be made through an international agreement between the two nations beyond the existing internal laws concerned. In this connection, we do not know of the Japanese internal laws. It is, therefore, hardly understandable that the Japanese side has repeatedly stressed sovereignty, jurisdiction and internal law with regard to this problem. We want to know how the Japanese side thinks about it.

Thirdly, I remember the Japanese side said that once the problem of the arrangements for deportation is well settled, Japan is ready to study ways for the Korean residents in Japan to lead stabilized life in Japan for a considerable length of time. We wish the Japanese side will give us further explanations in this connection.

MR. KATSUNO:

On the first question, the Japanese side is of the view that the status of those Koreans who are born after the end of the world War II is different from that of those Koreans who had been Japanese nationals until the end of the World War II. By saying this, the Japanese side does not mean that Japan is going to deport those Korean children, but means that these Korean children are different in their status from that of the Korean residents in Japan in general who had been living in Japan as Japanese nationals until the end of the World War II.

On the second, Japan is no doubt giving a special consideration to the Korean residents in Japan. With regard to the problem of arrangements for deportation, for our part, we like to follow our internal laws, while the Korean side insists that the Japanese internal law shall be superseded

by an international agreement for its settlement. Here, both sides' opinion differs. I am afraid that if we try to settle the problem by legislative measures, the Diet may do things quite contrarily to our expectations. I think, therefore, this problem will be most adequately handled through some administrative measures within the framework of Japan's internal laws concerned.

On the third, the Japanese thought is that except the case of considerably heavy crimes, good Korean residents in Japan shall enjoy their stabilized life in Japan for a considerably long period of time.

MR. YIU:

Can we take the phrase "considerably long period of time" as permanent residence?

MR. KATSUNO:

In certain cases, it will become permanent residence. For Japan, we may allow good Korean nationals live permanently in Japan with a view to promoting trade and cultural relations of the two countries. However, it is not fair, if Japan should be unilaterally responsible for felonous Korean nationals in Japan.

MR. YIU:

I found quite a distance of opinion between your side and our side today. On these points, we will give further study of our views after yours.

MR. KATSUNO:

For the Japanese side, we have nothing to say about Korean nationals of good nature. We, however, would like to tell you that Japan is spending about \$2,000,000,000 for the poor, and wishes to have cooperation from Korea. I would like to ask your opinion of what we shall do about it.

MR. YIU:

We see no alternative but helping the poor people's livelihood from your side.

MR. KATSUNO:

How shall we proceed on our Committee works in the future?

MR. YIU:

We proceed on this Committee works in the same way as we are doing now, except when we both agree to do in some different way.

MR. KATSUNO:

When are you going to your home country?

MR. YIU:

I am leaving on Wednesday, and going to stay there for a week or so.

MR. KATSUNO:

When you came back here from Seoul, may I have chance to meet you privately?

MR. YIU:

I would see you.

MR. KATSUNO:

Shall we hold next Committee meeting after you came back from Korea?

MR. YIU:

I will inform you after I came back to Tokyo. By the way, I regret to see that there are differences in the Japanese positions on certain points between what Japanese side set forth at this meeting and those at the previous conferences in 1952.

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MR. KATSUNO:
I don't think there are any substantial differences. It may be from difference of records. Please tell us what are different.

MR. LEE:
You have now said that those Korean children who are born after the end of the World War II are different in their status from those Koreans who have been residing in Japan since the time prior to the end of the War. But in the past conferences, your side committed to treat both of them equally.

One more thing we would like to add is that in dealing with the problem of giving a special consideration to Koreans in deportation, you said that some administrative measures are only considerable. We think your side may still need to take some legislative measures for the settlement of the problem. And lastly, we see some difference in the Japanese viewpoint with regard to the period of the Korean nationals' residence in Japan. The above are only a few enumerations of examples.

We hope the Japanese side will give a close study on the above points.

MR. KATSUNO:
Though you are referring to the past First, Second, and Third Overall Talks, they are not concluded after all. At any rate, we will give further studies on those points.

MR. YIU:
I really hope the Japanese side will do so. Incidentally, I would like to tell you that the past Talks were broken off not because of the works of the Committee on the Legal Status of Korean Residents in Japan.

MR. KATSUNO:
But...
(All members of both sides laugh)

What shall we do about press release?

MR. YIU:
How about reporting the fact that we continued to discuss matters on the status of the Korean residents in Japan?

MR. KATSUNO:
No objection.

- THE END -

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Tokyo, July 1, 1958

THE GIST OF TALKS
5TH SESSION

THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS
IN JAPAN

1. Time and place: From 10:30 a.m. to 11:35 a.m. on July
1, 1958, in Room 411 of the Japanese
Foreign Office

2. Conference:

The Korean side	:	Mr. YIU, Tai Ba Mr. CHOI, Kyu Nah Mr. CHIN, Pil Shik Mr. HA, Chai Hang Mr. PARK, Young Mr. HAN, Ki Dong Mr. LIMB, To Kyong Mr. OHM, Young Dal Mr. LEE, Won Ho Mr. ROH, Jai Won
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The Japanese side	:	Mr. Yasusuke Katsuno Mr. Kenta Hiraga Mr. Shinso Hasegawa Mr. Toyokichi Nakagawa Mr. Minoru Imai Mr. Kiyoshi Suganuma Mr. Minao Tsuchiya Mr. Ken Ikebe Mr. Uchio
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3. The gist of talks:

MR. YIU:

Shall we open the meeting?

MR. KATSUNO:

The Japanese side wants to hear the idea of the Korean side in proceeding with this committee meeting.

MR. YIU:

I came here with expectation that the Japanese side would present to us its idea in this regard. Now I found that the Japanese side turned the tables. If the Japanese side presents to us its draft idea concerning the 'arrangements on deportation,' the Korean side will study it.

MR. KATSUNO:

Generally speaking, we have the immigration law in Japan governing the status, deportation, entry, etc. of Japan. All aliens residing in Japan are subject to the provisions of this law. In view of the fact that Korean residents in Japan of pre-war category are placed under special circumstances, if the Korean side makes any proposal regarding the

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deportation of Korean residents, the Japanese side will take it into good consideration in applying the said Japanese Immigration Law. The Japanese side requests the Korean side to express its view on the Japanese Immigration Law so that the Japanese side may take into consideration. Since complicated domestic problems are involved in this connection, the Japanese side would like to be informed of the desire of the Korean side so that necessary adjustment of views may be made among Ministries concerned.

MR. YIU:

Soon after the fourth session of this committee was adjourned, I returned to my home country for consultations with my Government, and I exchanged views with officials concerned of my home Government on this matter. As the Japanese side knows well, in view of the special circumstances under which Korean residents in Japan are placed, the Korean side requests the Japanese side to present to us any specific idea or view about the problems regarding deportation of Korean residents in Japan. If the Japanese side does, the Korean side will present its own views after thorough study of it.

MR. KATSUNO:

Your remarks are very ambiguous. It would be appreciated if the Korean side expressed its idea or desires more specifically. For instance, as to the deportation of Korean residents in Japan, the Japanese side requests the Korean side to specify categorically what sort of Korean residents would be acceptable by the Korean side in case of deportation.

MR. YIU:

Our understanding is that the problem of deportation of Korean residents in Japan of pre-war category should be decided upon consultation of both sides. That is the stand of the Korean side.

MR. KATSUNO:

What do you mean by saying 'consultation' in your remarks? Does it mean that consultation should be made for each case when deportation cases arise?

MR. YIU:

What the Korean side really means by saying 'consultation' is that the Korean side is strongly opposed to any unilateral deportation of Korean residents in Japan of pre-war category, and that arrangements should be made by both sides before such deportation of Korean residents in Japan is made.

MR. KATSUNO:

I have some questions. In order to make it clear, I would like to point out that these Koreans of post-war category is out of the question at this committee. They should be handled in accordance with the Japanese Law. The only object to be dealt with at this committee is those Koreans of pre-war category. Is it correct?

---/Mr. Yiu

MR. YIU:

Those Koreans who smuggled into Japan after the end of World War II are not the object for discussion now.

MR. KATSUNO:

You just mentioned that consultation should be made by both sides when the problem of deportation of Korean residents in Japan arises. Do you mean by saying 'consultation' that deportation problems of Korean residents in Japan should be taken up for consultation case by case?

MR. YIU:

The points you just raised should be discussed at this committee, isn't it?

MR. KATSUNO:

I know that the Korean side has its own problems. So does the Japanese side. I request the Korean side to present to us 'criteria' of accepting deportation of Korean residents in Japan so that the Japanese side may study this problem based on the Korean proposal. As for the Japanese side, it is the considered opinion that the application of the Japanese Immigration Law in this connection is most proper.

MR. YIU:

Frankly speaking, I think it is ideal if we work out such measures as to allow all Korean residents in Japan to enjoy the peaceful and stabilized life in Japan as long as they like. I desire that the Japanese side should present to us any programme or draft plan specifying the treatment to be accorded to Korean residents in Japan. The Korean side will study such programme if the Japanese side presents.

MR. KATSUNO:

As I pointed out, you mentioned 'consultation' just before. Do you mean that consultation should be made of criteria for the deportation of Korean residents in Japan?

MR. YIU:

What I meant by saying 'consultation' is that discussion should be made of the overall problems regarding deportation of Korean residents in Japan.

MR. KATSUNO:

For instance, do you mean that, in the application of the Japanese Immigration Law, every case of deportation of Korean residents in Japan is subject to consultation with the Korean side one by one, whenever it arises?

MR. YIU:

If the Japanese Immigration Law is to be applied regarding the deportation of Korean residents in Japan, there is no need of holding this committee here. We are now on the threshold of discussing a sort of arrangements with regard

to 'deportation' of Korean residents in Japan of pre-war category. Therefore, we would like to discuss about the arrangements at this committee.

MR. KATSUNO:

Though your side referred to 'arrangements' just now, the Japanese side calls it 'criteria' instead. Under the international law and its practices, any sovereign nation has the right to deport any alien who commits crime in accordance with its own law concerned. As to the Korean residents in Japan, the important thing is whether the Korean Government may accept the deportation of such criminal Koreans or not. Therefore, we would like to set criteria in accordance with the Japanese Immigration Law.

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MR. YIU:

If the Japanese side insists on enforcing the Japanese Immigration Law with regard to the deportation of Korean residents in Japan, I think it does not make any sense at all to hold this inter-governmental meeting here.

MR. KATSUNO:

The Japanese side cannot help enforcing the Japanese Immigration Law in this regard. However, it is considered that the operation and application of the Immigration Law can be flexible to some extent in connection with the Korean residents in Japan.

MR. HIRAGA:

We have the Immigration Law governing deportation of aliens in Japan. I believe that any provision of the said law is not contrary to the international law and its practices. Therefore, any problem regarding deportation of Korean residents in Japan should be dealt with on the basis of the Japanese Immigration Law. The Korean side mentioned 'consultation' in deporting Korean residents in Japan. I wonder if the Korean side meant either that deportation of any Korean resident in Japan should be consulted by both sides case by case whenever such problem arises, or that it desired more flexibility in applying the Japanese Immigration Law in connection with the deportation of Korean residents in Japan, by taking into consideration that they are placed under special circumstances in Japan.

MR. YIU:

I think that the Japanese Immigration Law is enacted in order to govern the overall problems of aliens in general, but with the least consideration that Korean residents in Japan are placed under special circumstances. Therefore, it is not proper if the Japanese Immigration Law is applied to the Korean residents in Japan unilaterally without taking into consideration their special circumstances. We are now here to discuss the overall problems of Korean residents in Japan. Therefore, I request the Japanese side to present to us its draft idea about the matter. Then, after study over it, the Korean side will present to the Japanese side its view.

MR. HIRAGA:

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I don't catch the real meaning of 'consultation'. Since Korean residents in Japan are aliens, it is natural that they are subject to the Japanese Immigration Law. Therefore, I want the Korean side to express what it really wants us to do in applying the said law in connection with the deportation of Korean residents in Japan, or to express its idea specifically in this connection. If there are any illogical or severe regulations in the Japanese Immigration Law in connection with the problem regarding deportation of the Korean residents in Japan, I want the Korean side to point them out, expressing its desire about what should be done if such case arises.

MR. KATSUHO:

I know that in your country, there is also immigration law. As to the deportation of aliens in Japan, the article 24 of the Japanese Immigration Law stipulates subject for deportation of aliens in Japan. I want the Korean side to point out what conditions enumerated in article 24 of the said law are illogical or unreasonable in connection with deportation of Korean residents in Japan.

MR. YIU:

As you know, no aliens of such category as Korean residents in Japan are residing in our country. Therefore, we don't have any similar problem in our country. It is the sincere desire of the Korean side that the special circumstances under which they came to live in Japan should be taken into consideration so as to enable them to live peaceful and stabilized life as long as they like. The Korean side would like to be informed of the draft idea of the Japanese side in this connection.

MR. HIRAGA:

As to the deportation of aliens, the Japanese Immigration Law is not inhumane, but is consistent with the international law and its practices. As I told you before, I want the Korean side to point out what part or provisions of the Japanese Immigration Law are illogical or unreasonable in connection with the deportation of Korean residents in Japan.

MR. YIU:

The Japanese side mentioned the Immigration Law and international law in connection with the deportation of Korean residents in Japan. I don't think that it is constructive opinion for satisfactory settlement of this problem. As I told you before, our desire is to see all Korean residents in Japan lead the peaceful and stabilized life in Japan. I repeat my request again that the Japanese side presents its draft idea first for our consideration and study.

MR. KATSUHO:

I think that the Korean side has its idea in this regard. The Japanese side will not deport any peacefully living good Koreans in Japan. Only malign criminals are subject to deportation. I think the purpose of this committee is to draw a criteria in the application of the Japanese Immigration Law for the purpose of deportation of Korean residents in Japan. We want to decide 'criteria' for deportation of Korean residents in Japan at this committee.

/Mr. Hiraga

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MR. HIRAGA:

Since we have immigration law, there can be no other criteria for the deportation of aliens. If the Korean side raises questions regarding the Japanese Immigration Law in connection with deportation of Korean residents in Japan, the Japanese side will study for its consideration.

MR. YIU:

When I returned to Seoul for consultation, I found that my Government has deep concern over this problem. Taking into consideration the reality we are now facing and the special circumstances under which the Korean residents in Japan are placed, the Korean side wants to make 'arrangements' for the deportation of Korean residents in Japan at this committee. That is why the Korean side requested the Japanese side to present to us its draft idea first. Of course, my home Government is now studying this problem with utmost concern since it is of vital problem to my fellow countrymen. I request the Japanese side to present to us its draft idea for the study of the Korean side.

MR. KATSUNO:

I would like to ask the opinion of the Korean side on each article of the Japanese Immigration Law. For instance, we cannot bargain unless we know on how much you are going to pay for a good. The Immigration Bureau is now under fire because of its too soft policy in connection with the deportation of aliens.

MR. KATSUNO:

It seems that there are some misunderstanding on the part of the Korean side that the Japanese Immigration Law is not reasonable and proper.

MR. CHOI:

Suppose you want to apply your Immigration Law unilaterally, there won't be any necessity of having this sort of international conference.

MR. HIRAGA:

I would like to obtain a copy of the Korean Immigration Law, if available. Through comparative study of both laws, I think I may get some necessary information or reference.

MR. YIU:

In our country, we don't have any special case like Korean residents in Japan.

MR. HIRAGA:

I would like to study the Korean immigration Law, particularly concerning the deportation of aliens in general.

MR. CHOI:

I think you had already obtained copies of Korean Laws through informal route, such as newspapers, magazines, etc.

MR. KATSUNO:

I think you are well versed in article 24 of the Japanese Immigration Law

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Immigration law. What do you think of proceeding this committee on the basis of article 24 of the said Law? We will bring 'criteria' of deportation of aliens based on the said law.

MR. YIU:

Don't refer to your own law at this meeting. Your law is nothing but your law. How about presenting to us the draft idea of the Japanese side?

MR. KATSUNO:

The Japanese Immigration Law is the sole grounds in dealing with problems regarding deportation of aliens. We cannot act outside the scope of this law at any case.

MR. HIRAGA:

What do you think of presenting the view of the Korean side on each article of the Japanese Immigration Law governing the deportation of aliens?

MR. YIU:

According to the agreement signed on December 31, 1957, both sides will discuss arrangements for the deportation of Korean residents prior to deportation.

MR. SUGANUMA:

The Annexed Understanding only referred to the basis of Japanese refraining of detaining pre-war Koreans.

MR. CHOI:

My understanding is that overall problems including arrangements for the acceptance of deportees will be discussed and settled at this committee.

MR. YIU:

Referring to the Japanese draft which was submitted by the Japanese side at the First and Second conferences, I request the Japanese side to present to us its draft idea if any, which should be, I hope, of course, more constructive than the previous one.

MR. YIU:

For speedy settlement of this problem, I repeat my request again that the Japanese side presents to us its draft idea.

MR. KATSUNO:

The Japanese side will present to the Korean side its draft idea. Don't be surprised if it is contrary to your expectation. I do believe that the Korean side has its draft idea in this connection.

MR. YIU:

Of course, I consulted with my home Government on this problem when I was in Seoul. As those Korean residents were forcibly brought by the Japanese side during the war-time, it is illogical and unreasonable that the Japanese side would like to deport them even if they are no more needed. If the Japanese side

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presents tous its draft idea, we will study it.

MR. KATSUNO:

The Japanese side will present to the Korean side a categorically listed conditions for deportation of aliens.

MR. YIU:

When shall we hold next meeting?

MR. KATSUNO:

How about holding the next meeting at 10:30 a.m. on July 8, 1958(Tuesday)?

MR. YIU:

No objection.

MR. KATSUNO:

How about the press release?

MR. YIU:

How about releasing to the press that both sides continued to exchange views in general on the proceeding of this committee?

MR. KATSUNO:

No objection.

(The meeting was adjourned at 11:35 a.m. on July 1, 1958.)

- The end -

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P46 1-6, 第6次 1958.7.89

P47 副本 景武台 秘書室 貴中(手書きで)
韓日代第 号 壇紀 4291 年(1958 年)7 月 10 日 駐日大使

外務部長官 貴下
第6次法的地位委員会 会議要録 送付の件

頭の件、件名のような会議要録を送付しますので査収なさり願います。

別添 - 同 会議要録 1 通

Tokyo, July 10, 1958

THE GIST OF TALKS
6TH SESSION

THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF KOREAN
RESIDENTS IN JAPAN

1. Time and place: From 10:30 a.m. to 11:00 a.m. on July 8,
1958 in Room 411 of the Japanese Foreign
Ministry

2. Conferees:

The Korean side : MR. YIU, Tai Ha
MR. LEE, Ho
MR. CHOI, Kyu Hah
MR. EA, Chai Hang
MR. CHIN, Pil Shik
MR. PARK, Young
MR. HAN, Ki Bong
MR. LIMB, Yo Kyong
MR. LEE, Won Ho
MR. ROH, Jai Won

The Japanese side : MR. YASUOKE KATSUNO
MR. KENTA HIRAGA
MR. SHINZO HASEGAWA
MR. TOYOKICHI NAKAGAWA
MR. MINORU IMAI
MR. KIYOSHI SUGARUMA
MR. MINAO TSUCHIYA
MR. KEN IKEDA

3. The gist of talks:

MR. KATSUNO:

As we promised at the preceding meeting of this Committee, we present to you now categorically listed criteria for deportation of aliens. However, they are presented not as a proposal but as some grounds on which discussions may be made.

As we repeatedly said, deportation decisions are not made at random. Decisions for deportation are made categorically in accordance with justifiable ground in connection with interests of Japan. The first category of aliens for deportation is: those who are convicted as guilty at courts. According to what I have heard on this category, Korea agreed to the deportation of those Koreans who are coming under this category. What is your opinion regarding this?

MR. YIU:

I hope you will refrain from raising questions one by one. I think, at the preceding Committee meeting, your side said that it would present a draft idea regarding the deportation of Koreans to us in a written form. I wonder if your side is ready to do so.

MR. KATSUNO:

Our side is not ready to do so at this meeting.

0893

MR. YIU:

Unless your draft idea be presented in a written form, our side will not be able to make a careful over-all study on it.

MR. KAT UNO:

Do you mean that you are not able to give us your opinion on it today, if we present our draft plan verbally?

MR. YIU:

As the matters which we are taking up are of great importance to us, our side will be able to give our opinion only after our side has made a careful study on your draft plan to be presented to this meeting in a written form.

MR. KATSUNO:

Our side will enumerate categorically listed criteria now, and our side will expect your side to express opinion not today but some other time.

MR. YIU:

Anyway, our side would like to have it in a written, or printed form.

MR. KATSUNO:

Now our side will enumerate criteria so that your side may give us a notion whether your side thinks them acceptable or not, though we expect your side will express your detailed opinion later. They are:

- 1) Those who have been convicted guilty at a judicial court
- 2) Those who have engaged in some sort of unclean earnings such as prostitution, etc., though not convicted guilty
- 3) Those who have assisted illegal entries
- 4) Lepers and persons of psychosis
- 5) "Illegal sojourn", that is, those who failed to observe immigration regulations
- 6) Those who intend to subvert the constitution or Government of Japan or intend to harm national interests of Japan.

We think these aliens should not be allowed to stay in Japan and their deportation is natural. In this regard, our side is desirous of deciding categorically criteria on the acceptance of the deportees.

MR. YIU:

Is what you have just enumerated a rearrangement of provisions of the so-called Japanese Immigration Control Ordinance, or a result of studies made by your side taking into your consideration the special backgrounds of the Koreans in Japan?

MR. KATSUNO:

It is to a great degree similar to the provision concerned of the Immigration Control Ordinance. Our side hoped that these will be basis of our future discussions.

8060

MR. YIU:

It is not very clear to our minds, if we are merely told orally. If your side present them to us in paper, we will make a study on them.

MR. KATSUNO:

We will give you them in writing later.

MR. YIU:

Do you have anything else to say?

MR. KATSUNO:

Nothing particular.

MR. YIU:

Our side will give studies on them, if your side give us them in a written form. Our side, however, would like to say that what you have mentioned are very far from our expectation. We wish you to be more sincere on the matter.

MR. KATSUNO:

We will give them to your side in a written form. However, they will be just the same as what our side said just now. Since the problem will be the same, why wouldn't you give us your opinion today with a view to expediting the progress of the Committee works.

MR. YIU:

Despite the Japanese side has repeatedly said that the Japanese side will take into its consideration the special backgrounds of the Koreans in Japan, it does not seem that your side has done so, viewing what you have said today. Anyhow, give us what you have said now in a written form.

MR. KATSUNO:

It is natural that Japan should like to adhere to her Immigration Control Ordinance, and that Japan is authorized to deport 'undesirable' aliens. As your side will have a similar law in your country and in view of the fact that your side has insisted on the special backgrounds of the Koreans in Japan, it will be convenient for the proceeding of the Committee meeting if your side will present your proposal in this regard. Then we will be able to consult with ministries concerned over your proposal.

MR. YIU:

As I said to you just ago, we will make studies on your idea if you present it to us in letters. At any rate, isn't it correct to say that since your side recognized the special background of the Koreans, your side ought to take them into your consideration?

MR. HIRAGA:

0895

What do you mean by the special backgrounds of the Koreans in Japan?

0910

MR. YIU:

We understand that you know them very well. It will take quite a time and give displeasure to your side, if we should explain here them all. Since the special backgrounds of the Koreans in Japan have been repeatedly referred to so far, we don't think it necessary to explain them all over again here.

MR. KATSUNO:

We hope your side will give us your opinion categorically at next meeting.

MR. YIU:

We will not be able to do so unless your side gives us your idea written on paper.

MR. KATSUNO:

May we send them to you within two or three days?

MR. YIU:

Then, send them to me.

MR. KATSUNO:

When shall we hold next meeting?

MR. YIU:

As our side has not received written materials of your side and our side must make studies on them when presented to us, our side will contact you after that.

MR. KATSUNO:

No objection.

MR. YIU:

How about press release?

MR. KATSUNO:

How about releasing that at the Committee meeting, both sides exchanged general views on the treatment of the Koreans in Japan?

MR. YIU:

No objection.

- CLOSE -

0896

Tokyo, October 7, 1958

THE GIST OF TALKS
THE SEVENTH MEETING
THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN

1. Time and Place: From 3 p.m. to 3:35 p.m. on October 6, 1958
at Room 411 of the Japanese Foreign Ministry

2. Conference:

- | | |
|----------------|--|
| Korean side: | Mr. CHOI, Kyu Hah
Mr. CHIN, Pil Shik
Mr. HAN, Ki Bong
Mr. OHM, Young Dal |
| Japanese side: | Mr. Yasuhiro KATSUNO
Mr. Kenta HIRAGA
Mr. Shinzo HASEGAWA
Mr. Toyokichi NAKAGAWA
Mr. SHIMIZU
Mr. Kiyoshi SUGANUMA
Mr. Ken IKEDA
Mr. Minsao TSUCHIYA |

10913

3. Gist of Talks:

Mr. Katsuno:

Have you changed the members of your delegation to this Committee ?

Mr. Choi:

Yes, we have changed our members. The Korean delegation to this Committee consists of five members including myself.

(Then, Mr. Choi introduced to the Japanese side the members of the Korean delegation: Mr. HA, Jai Heng, Consul-General, who was absent today because of his illness; Mr. CHIN, Pil Shik, First Secretary of the Korean Mission; Mr. MOON, Chul Soon, Chief of Asia Section, Ministry of Foreign Affairs, who did not arrive in Japan yet; Mr. HAN, Ki Bong, Second Secretary of the Korean Mission; and Mr. OHM, Young Dal, Third Secretary of the Korean Mission, who is a secretary.)

Mr. Katsuno:

I would like to hear the Korean view on the suggestion by the Japanese side regarding deportation criteria in connection with the Korean residents in Japan, which was presented to Minister Yiu at the sixth meeting of the Committee on Legal Status of Korean Residents in Japan.

Mr. Choi:

Before answering you, I would like to make some remarks. As you know, the meetings of this Committee was suspended for a considerable length of time due to quite an unexpected problem. But, now, the talks having been resumed, my delegation is desirous of proceeding our meeting expeditiously here. The Korean side is thinking of making a proposal in near future on various problems

0896

which are related to the discussions at this Committee, so that matters on the status of the Korean residents can be settled as soon as possible. In the light of the above, my delegation wishes to reserve direct comments on the suggestion submitted by the Japanese side to the Korean side the other day.

Mr. Katsuno:

Is the Korean side studying on related problems to make proposal ?

Mr. Choi:

The Korean side considers making proposal, but not today, though.

Mr. Katsuno:

On this occasion, I would like to know official attitude of your Government in regard to the Korean illegal entrants. Does your Government intend to accept those illegal entrants in question ?

Mr. Choi:

Which illegal entrants do you specifically mean ?

Mr. Katsuno:

I meant those illegal entrants now in Osura Camp.

Mr. Choi:

The Korean side considers that the problem concerning the deportation of illegal entrants should be discussed here according to Article 2 of the Agreed Minutes signed on December 31, 1957.

Mr. Katsuno:

Which problem do you mean by that ? Principles of deportation or actual arrangements for the deportation ?

Mr. Choi:

According to Article 2 of the Agreed Minutes of December 31, 1957, the problem regarding illegal entrants is also a subject of discussions at this Committee.

Mr. Katsuno:

As far as I remember, the problem on the actual arrangements for the deportation of Korean illegal entrants now in Osura Camp had already been discussed at the Working Committee, and also the problem of the principle of the deportation.

Mr. Choi:

I am referring to general principles. The problem of the deportation of illegal entrants should, I think, be the subject of our discussions at this Committee according to Article 2 of the Agreed Minutes signed on December 31, 1957.

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Mr. Katsumo:

Did you get the Note Verbale sent by the Japanese side the other day ?
(The Note Verbale was regarding acceptance of deportation of illegal entrants
now in Omura.)

Mr. CHOI:

Yes.

Mr. Katsumo:

The Japanese side has in Omura eight hundred and fifty (850) Korean illegal
entrants, who can be deported without any hinderance or obstacles.

Mr. Choi:

Are there many parolees ?

Mr. Katsumo:

Thirty seven (37) persons on parole as of today.

Mr. Choi:

From when ?

Mr. Katsumo:

After the end of last December, namely, after the Japanese side sent the
list of deportees to the Korean side. The afore-said 37 persons are paroled in
addition to the parolees of which the list was handed to the Korean side at the
Working Committee.

Mr. Choi:

I understand that the question on this parolees should be discussed somewhere
at this Committee in due course of time .

Mr. Katsumo:

The Japanese side doesn't want to touch on the question, now.

Mr. Choi:

I meant that the problem should be taken up here in due course of time.

Mr. Katsumo:

That is very difficult problem. Now, how shall we do regarding those 850
illegal entrants now in Omura Camp ?

Mr. Choi:

Frankly speaking, I did not want to talk about this problem here now, but,
since the Japanese side mentioned this problem and the Note Verbale, I would like
to make it clear that, as far as the problem of implementation of the deportation

0915

in accordance with the detainee agreement of December 31, 1957 is concerned, Minister Yie and Director Itagaki, both of them being the heads of their respective representatives at the Working Committee, will handle it.

Mr. Katsuno:

(Silence)

Mr. Choi:

What date do you suggest for our next meeting ? How about next Monday (October 13) ?

Mr. Katsuno:

That will be all right ?

Mr. Choi:

All right. And at 3 p.m. ?

Mr. Katsuno:

No objection.

Mr. Choi:

Do you have any particular idea on press release ?

Mr. Katsuno:

No, not particularly.

Mr. Choi:

Shall we leave it to Mr. Chin and Mr. Suganuma as before ?

Mr. Katsuno:

No objection.

- The end -

0901

0916

INCOMING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. MTB-012

DATE 10131730

C O D E

158. 10. 13

CLASSIFICATION

OFFICE OF THE PRESIDENT
FOREIGN MINISTER

TO. _____

0918

THE EIGHT MEETING OF THE COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN WAS HELD AT THREE ON MONDAY
/PM
OCTOBER THIRTEEN OMA NINETEEN FIFTY EIGHT OMA AT
JAPANESE FOREIGN MINISTRY PD PENDING THE RECEIPT OF
THE DRAFT PROPOSAL WITH RESPECT TO STATUS AND TREATMENT
OF THE KOREAN RESIDENTS FROM THE GOVERNMENT OMA NO
SUBSTANTIAL DISCUSSION WAS MADE AT TODAYS MEETING PD
WITH AN EXPECTATION THAT THE GOVERNMENTS DRAFT PROPOSAL
UNDER REFERENCE WOULD ARRIVE HERE BY NEXT MONDAY OMA
WE DECIDED TENTATIVELY TO HOLD NEXT MEETING ON MONDAY
OCTOBER TWENTY PD

AMBASSADOR LINE

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0903

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COMMUNICATIONS SECTION

p 30

Tokyo, October 15, 1958

0919

THE GIST OF TALKS
THE EIGHTH SESSION
THE MEETING OF THE COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

1. Time and Place: From 3 p.m. to 3:50 p.m. on October 13, 1958, at Room 411 of the Japanese Foreign Ministry

2. Conference:

- Korean side: Mr. CHOI, Kyu Hah
Mr. CHIN, Pil Shik
Mr. HAN, Ki Bong
Mr. MOON, Chul Soon
Mr. OHN, Young Dal
- Japanese side: Mr. Yasusuke KATSUNO
Mr. Shinzo HASEGAWA
Mr. Toyokishi NAKAGAWA
Mr. SHIMISU
Mr. Kiyoshi SUGANUMA
Mr. Minsao TSUCHIYA
Mr. Ken IKEBE

3. The Gist of Talks:

Mr. Choi:

Shall we open today's meeting now ?

Mr. Katsuno:

Yes, let us open it.

Mr. Choi:

At the last meeting, I stated that the Korean side would present a proposal on various problems related to the Korean residents in Japan. However, my office is now awaiting instructions thereon from the Government. I believe that the instructions will reach my delegation very soon.

Mr. Katsuno:

My delegation expected that the proposal would be brought in today by the Korean side at this meeting. But, as you say that you are unable to present it today, I think we may as well resume our talks at the next meeting.

Mr. Choi:

Today, I would like to ask several questions in connection with thirty-seven (37) parolees who, if my memory is correct, have been released from Omura Camp, according to your remarks at the previous meeting, I heard some time ago that the Ministry of Justice released twenty-five (25) detainees on parole out of one thousand two hundred and fifty nine (1,259) Korean

0904

illegal entrants whose list was handed to the Korean side at the Working Committee in accordance with the agreement of December 31, 1957. And you told me at the previous meeting that there were thirty-seven (37) parolees. I wonder if the figure twenty-five (25) is included in the thirty-seven(37).

0260

Mr. Katsuno:

As you told me at the last meeting that such problems should be discussed at the Working Committee, I have not brought all the documents concerning the problem under reference.

Mr. Choi:

What I actually meant at the last session concerning the problem in question was that the problem on deportation of the Korean illegal entrants was the subject of discussions at this Committee in accordance with Article 2 of the Agreed Minutes signed on December 31, 1957.

Mr. Katsuno:

Has the Korean side made any decision on the eight hundred and fifty (850) illegal entrants who want to go back to Korea ?

Mr. Choi:

As I have already mentioned, the principle of deportation shall have to be the subject of discussions at this Committee in due course of time, according to Article 2 of the Agreed Minutes of December 31, 1957.

Mr. Katsuno:

May I ask if the Korean Government will accept those Korean illegal entrants whom the Japanese Government has decided to deport to Korea ? I think that, under international practices, the Korean Government should accept them.

Mr. Choi:

The Korean side holds a different view on it from that of the Japanese Government. Anyhow, I don't have any intention whatsoever now to take up the principle of deportation or international practices with respect to the deportation of aliens by a State here. The reason why I am referring to this problem at this meeting today was that you mentioned about the thirty seven parolees at the last meeting. I just wanted to know if those thirty-seven (37) persons are included in the list of one thousand two hundred and fifty nine (1,259) which was handed to the Korean side at the Working Committee. As for the remainder from 1259, their deportation will be arranged at the Working Committee.

Mr. Katsuno:

Yes, they are included in the list which was handed to the Korean side. One thing, however, I would like to make it clear in this connection is that the afore-said list was the list of Korean illegal entrants and was not that of those who were to be deported by the Japanese side.

0921

Mr. Choi:

Our view differs from yours in that connection. If the thirty seven (37) persons are included in the list of one thousand two hundred and fifty nine (1,259) persons in question, I wonder if the two persons under the number of three hundred and forty six (346) and three hundred and seventy four (374) in the list of 1,259 under reference have been released and been included in the 37, or not ?

Mr. Katsuno:

I will check it and a reply thereto will be made at next meeting. What date is in your mind for the next meeting ?

Mr. Choi:

One week later, that is next Monday, October 20.

Mr. Katsuno:

How about deciding the date through telephone, later ?

Mr. Choi:

Then, shall we tentatively decide next Monday for the next meeting ?

Mr. Katsuno:

If you so desire, then, I have no objection.

Mr. Choi:

Any particular idea on press release ?

Mr. Katsuno:

Let us state that both sides exchanged general opinions on the problems concerning Korean residents in Japan.

Mr. Choi:

That will be all right.

- The end -

0906

P62 1-9 第9次、1958.10.20

P63 大韓国外務部
着信電報 写真 (往号)

政務局長宛て

10月13日外政第3810号公文で送って下さった在日僑胞法的地位に関するわが側提案は、明日20日午後3時(月曜日)に開催される法的地位委員会で提出してこれを推進しようとするが、次の事項に関して早急に明らかにできる措置を取って下さればありがたいです。

1. 即ち、各条文に給してわが側の解釈を持っていなければなりません。
 - A.第1条において THE DATE OF TERMINATION OF 云々の日時をわが側としてはどうするのか、また
 - B.同条文の DESCENDANTS の範囲如何。
 - C.第7条3項の遡及適用するということと、第4条、5条においての関連において、その意味がどうなるかを明らかにして下さること。
2. 3条2項の COMPULSORY DEPORTATION の COMPULSORY は不必要なものだが、どうしたら良いのか。
3. また、同条2項の MAY HAVE BEEN GRATED は事実上何を意味することなのか、はっきりしないようである。
4. 以上第3で指摘したことは、まず疑問になるものだけを書いてみたので、そのように思われ、できるだけ早く各条文の解釈においてわが側の一致した UNDERSTANDING を持てるよう、善処して下さればありがたいです。

駐日参事官

INCOMING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

R. O. K.

NO. MTB-16

DATE 10171200

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OFFICE OF THE PRESIDENT
TO. FOREIGN MINISTER

ACKNOWLEDGMENT IS MADE OF THE RECEIPT OF YOUR CABLE NUMBER ZERO ZERO SEVEN OF OCTOBER SIXTEEN REGARDING THE LEGAL STATUS COMMITTEE PD THIS DELEGATION UNDERSTANDS FULLY THE GOVERNMENT VIEWS AND INSTRUCTIONS SET FORTH IN ITEM ONE REGARDING THE PROBLEM OF ILLEGAL ENTRANTS AND CONCERNING OUR POSITION IN THE DRAFT AGREEMENT RECENTLY SENT TO THIS DELEGATION BY THE GOVERNMENT PD WITH RESPECT TO THE EIGHT HUNDRED AND FIFTY KOREANS IN QUESTION CMA THEY ARE CMA ACCORDING TO THE JAPANESE SIDE CMA THE REMAINDERS OUT OF ONE THOUSAND TWO HUNDRED FIFTYNINE ILLEGAL ENTRANTS NAMED IN THE JAPANESE LIST HANDED TO US AT THE WORKING COMMITTEE PLUS MORE ILLEGAL ENTRANTS WHO WERE DETAINED ON AND AFTER JANUARY FIRST CMA NINETEEN FIFTYEIGHT PD THOSE WHO ARE ALLEGEDLY DESIROUS OF GOING TO NORTH KOREA ARE NOT INCLUDED IN THE LIST OF EIGHT HUNDRED FIFTY KOREANS IN QUESTION PD BY SUCH WORDS QUOTE WITHOUT OBSTACLE OR OBSTACLE UNQUOTE JAPANESE CHIEF MEMBER KATSUNO WANTED TO MEAN MAINLY THAT THERE WERE NO SPECIAL PROBLEM REGARDING THE DEPORTATION OF THE

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COMMUNICATIONS SECTION

INCOMING
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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. _____
DATE. _____

CLASSIFICATION

TO. _____

EIGHT HUNDRED FIFTY KOREANS AS TO THEIR DESTINATION PD REGARDING
ITEM FOUR THIRTY SEVEN PAROLEES IN QUESTION CMA KATSUNO SAID THEY
ARE NAMED IN THE LIST OF ONE THOUSAND TWO HUNDRED FIFTY NINE
HANDED TO OUR SIDE AT THE WORKING COMMITTEE PD TWENTY FIVE AMONG
THE THIRTY SEVEN KOREANS ARE THOSE WHO ARE DESIROUS OF GOING TO
NORTH KOREA PD REGARDING THE REMAINING TWELVE PAROLEES CMA WE
ASKED THE JAPANESE SIDE TO GIVE A CLARIFICATION ON THEREOF PD

AMBASSADOR LIMB

당	담	과	국	관	관	관	관

OCT 18 1958

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COMMUNICATIONS SECTION

0926

P67

送信電報

大韓民国外務部

暗号写真

送信先 駐日参事官

在日韓人に関するわが側草案に対する非公式問い合わせに関して、詳細に検討してみました。その一部に関しては今日同時に出る FPB-9 訓令で回答できたと思いますが、その他に関して個人的な見解を追加すれば、第一に DATE OF TERMINATION は今からどの日時だと固定する緊急性はないが、決める場合には請求権その他の問題と歩調を合わせるしかないと思います。第二、DESCENDANTS の範囲に関する疑義が、国籍に関連して提起されたものなのか、疑問の要旨を再度お知らせ下さるようお願い、第三貴見のように COMPULSORY という言葉は必ずしも必要なものではないのですが、ここに入れることになった理由は、できるだけ 1952 年の草案と語句表現を同じにするためにそのまま置いたものです。

政務局長

OUTGOING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

NO FTB-009

DATE 10/20/40

R. O. K.
CLASSIFICATION

SENT TO AMBASSADOR LIMB

COPY TO MINISTER YIU PD
RE OUR PROPOSAL OF OIJUNG NUMBER THREE EIGHT ONE ZERO REGARDING
KOREAN RESIDENTS PD WHEN PRESENTING THE DRAFT TO THE JAP SIDE
CMA PUT INTO RECORD THE FOLLOWING RESERVATIONS COLON

Origin:

ITEM ONE THIS DRAFT DOES NOT CONTAIN KOREAN POSITION
ON THE MATTER REFERRED TO IN ARTICLE TWO OF THE AGREED MINUTES
OF ONE NINE FIVE SEVEN CMA WHICH WILL BE TAKEN UP IN DUE COURSE
OF PROCEEDING OF THIS COMMITTEE SEMICOLON

Info:

ITEM TWO NOTHING CONTAINED IN THIS DRAFT SHOULD BE
CONTRUED AS ALTERING IN ANY WAY KOREAN POSITION WHICH HAS BEEN
EXPRESSED ON FREQUENT OCCASIONS WITH REGARD TO FINAL DESTINATION
OF KOREAN DEPORTEES OR KOREAN QUOTE VOLUNTARY REPATRIATES
UNQUOTE SEMICOLON

Dist.
Desired
(Offices
Only)

ITEM THREE KOREAN SIDE PROPOSES ARTICLES FOUR AND FIVE
ON THE ASSUMPTION THAT KOREAN RESIDENTS COULD ENJOY PROPERTY
RIGHTS AND OCCUPATIONS WHICH ALIENS IN GENERAL ARE NOT ENTITLED
TO ENJOY THOUGH THERE IS A PARAGRAPH OF QUOTE AT THE TIME OF
THE COMING INTO FORCE OF THE PRESENT AGREEMENT DOT DOT DOT ~~AND PD~~
~~AND THEREFORE CMA KOREAN SIDE RESERVES THE RIGHT TO PARSENE~~
~~AND THESE DRAFTS IS CONTRARY PD~~

FOREIGN MINISTER

CK-200

DRAFTED BY

OFFICE: 담담장 과장 기관 차관

TELEGRAPHIC TRANSMISSION AND CLASSIFIED APPROVED BY

발송준비 김

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COMMUNICATION SECTION

205 OCT 20 1958

0913

INCOMING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

R. O. K.

NO. MTB-022

DATE 10X 2000

~~TOP SECRET~~
CLASSIFICATION

TO. OFFICE OF THE PRESIDENT
FOREIGN MINISTER

THE NINETH SESSION OF THE LEGAL STATUS COMMITTEE
WAS HELD AT THE JAPANESE FOREIGN OFFICE AT THREE PM
ON OCTOBER TWENTY NINETEEN FIFTYEIGHT PD

ITEM ONE. IN ACCORDANCE WITH GOVERNMENT INSTRUCTIONS
CONTAINED IN ITEM ONE OF ANNEX TWO OF OIJUNG
NUMBER THREE FIVE FIVE FOUR DATED SEPTEMBER EIGHTEENTH
NINETEEN FIFTYEIGHT CMA OUR SIDE PRESENTED TO THE
COMMITTEE OUR PROPOSAL AS ATTACHED TO GOVERNMENT
INSTRUCTIONS OIJUNG NUMBER THREE EIGHT ONE ZERO DATED
OCTOBER THIRTEENTH NINETEEN FIFTYEIGHT CMA PUTTING
INTO RECORD THE RESERVATIONS AS SET FORTH IN GOVERNMENT
CABLE INSTRUCTIONS NUMBER PTB - ZERO ZERO NINE PD

ITEM TWO. THE JAPANESE SIDE SAID THAT IT WOULD
GIVE STUDY TO THE KOREAN PROPOSAL AND WOULD EXPRESS
ITS VIEWS ON IT AT THE NEXT MEETING PD

ITEM THREE
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COMMUNICATIONS SECTION

MINISTRY OF FOREIGN AFFAIRS
R. O. K.

INCOMING
TELEGRAM

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DATE _____

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PAGE TWO

TO. _____

PROVIDED ITEM THREE. OUR SIDE REQUESTED THE JAPANESE SIDE
US WITH THE NAME LIST OF THIRTYSEVEN KOREAN PAROLLES
TO WHOM MR KATSUNO REFERRED AT PREVIOUS MEETINGS PD
ITEM FOUR. IT WAS TENTATIVELY DECIDED THAT THE
NEXT MEETING WILL BE HELD AT THREE PM ON OCTOBER
TWENTYSEVENTH PD BUT IT IS ADDED THAT THE JAPANESE
WISHED TO HAVE MORE TIME TO STUDY OUR PROPOSAL PD

AMBASSADOR LIMB

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INCOMING
TELEGRAM
TOKYO

MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. TS-911040
DATE 201810

G.I.D.
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TO. KYUNG MU DAI. FOREIGN MINISTER

THE JOINT PRESS RELEASE OF THE NINTH SESSION OF THE COMMITTEE ON
LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN WHICH WAS HELD AT THREE
PM ON OCTOBER TWENTYTH AT THE JAPANESE FOREIGN MINISTRY READS AS
FOLLOWS COLON QUOTE

IT WAS DECIDED THAT THE COMMITTEE WOULD START SUBSTANTIAL
DISCUSSIONS ON THE PROBLEM OF KOREAN RESIDENTS IN JAPAN AND IT WAS
FURTHER DECIDED THAT THE NEXT MEETING OF THE COMMITTEE WOULD BE
HELD TENTATIVELY AT THREE PM ON OCTOBER TWENTYSEVENTH CMA MONDAY
PD UNQUOTE

AMBASSADOR LIMB

1958 OCT 21 AM 9 11

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0931

Tokyo, October 22, 1958

GIST OF TALKS
NINTH SESSION
COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

0932

1. Time and place: 3:00 - 4:00 p.m., October 20, 1958
(Monday), Rm. 411, Ministry of Foreign
Affairs, Japanese Government

2. Conferees:

Korean side:	Mr. CHOI, Kyu Bah Mr. CHI, Chul Keun Mr. MOON, Chul Soon Mr. ROE, Jae Won Mr. OHN, Yung Dal
Japanese side:	Mr. KATSUNO, Yasusuke Mr. HIRAGA, Kenta Mr. HASEGAWA, Shinzo Mr. HARAGAWA, Toyokichi Mr. HIRAZUKA, Mr. SHIMIZU, Mr. TSUCHIYA, Mineo

3. Gist of Talks:

Mr. CHOI:

I remember that I stated at the previous meeting of this committee that the Korean side would present to your side at today's meeting the Korean proposal regarding legal status and treatment of Korean residents in Japan. (Mr. CHOI handed Mr. KATSUNO two copies of the text of Korean proposal)

In the meantime, I would like put into record several reservations in connection with the Korean proposal; they are:

- First: This draft does not contain Korean position on the matter referred to in Article 2 of the Agreed Minutes of 1957, which will be taken up in due course of proceeding of this committee session.
- Second: Nothing contained in this draft proposal should be construed as altering in any way Korean position which has been expressed on frequent occasions with regard to final destination of Korean deportees or Korean "voluntary repatriates".
- Third: Korean side proposes Articles 4 and 5 on the assumption that Korean residents could enjoy property rights and occupations which aliens in general are not entitled to enjoy though there is a paragraph of "at the time of the coming into force of the present agreement".
- Fourth: Grammatical or typographical mistakes, if any, will be subject to correction, in regard to the present proposal.

0917

Mr. CHOI(Cont')

I desire that this committee would enter into substantial discussions, and I wish your side would favourably consider this proposal as soon as possible.

Mr. KATSUNO:

I would reserve the comment of our side on this proposal until after we finish the study thereon. I hope I will express my view at the next meeting.

0933

Mr. CHOI:

Now, regarding 37 parolees from Omura Detention Camp whom you mentioned at the previous meeting of this committee, we would like to have the list of those parolees and your remarks on reasons for the parole.

Mr. KATSUNO:

As to those two persons under numbers of 346 and 374 in the List of 1,259, they have been released on parole. Now, there are 850 detainees who would be repatriated to the Republic of Korea at any time. As to the 37 parolees, we would furnish you with the data concerned. But, with no progress being made in connection with deportation, we can not but hesitate to submit such materials for which we should spend energy with no result.

Mr. CHOI:

After all, it is your side that first referred to the question of 37 parolees at this committee; that is to say, at the eighth session of the legal status committee.

It, therefore, is natural for our side to request you to furnish the list of 37 parolees including reasons for the parolees at this committee where, at the previous session, you first mentioned them, because they are nationals of the Republic of Korea. As to the implementation of terms agreed upon at the conclusion of the Preliminary Talks, the Korea-Japan Working Committee will handle it.

Mr. KATSUNO:

When shall we meet next time ?

Mr. CHOI:

Let us meet at 3:00 p.m. on October 27 (Monday).

Mr. KATSUNO:

Let us set that date and time tentatively, since we must first of all study your proposal.

Mr. CHOI:

No objection.

(Before the meeting was adjourned, both sides agreed to the text of the joint press release which reads: "It was decided that the committee would start substantial discussions on the problem of Korean Residents in Japan; and it was further decided that the next meeting of the committee would be held tentatively at 3:00 p.m. on October 27, Monday.")

001A

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외비접수계 43 호

~~CONFIDENTIAL~~

Tokyo, October 23, 1958

OCT 27 1958

0934

No. 28

Dear Mr. President:

As I reported by cable Nos. MTB-019 of October 18, MTB-020 of October 20, MTB-022 of October 20, MTB-025 of October 22, and MTB-026 of October 22, respectively, the 3rd meeting of the Committee on Fisheries and "Peace Line", the 4th meeting of the Sub-committee on Other Claims Regarding the Matter on Art Objects, the 9th meeting of the Committee on Legal Status of Korean Residents in Japan, the 16th meeting of the Sub-committee on Vessels, and the 4th meeting of the Committee on Fisheries and "Peace Line" were held at the Japanese Foreign Ministry, respectively, as follows:

The 3rd meeting of the Committee on Fisheries and "Peace Line" ----- 3:00p.m., Oct. 17, 1958

The 4th meeting of the Sub-committee on Other Claims Regarding the Matter on Art Objects --- 10:30a.m., Oct. 18, 1958

⑨ The 9th meeting of the Committee on Legal Status of Korean Residents in Japan ----- 3:00p.m., Oct. 20, 1958

The 16th meeting of the Sub-committee on Vessels ----- 3:00p.m., Oct. 21, 1958

The 4th meeting of the Committee on Fisheries and "Peace Line" ----- 11:00a.m., Oct. 22, 1958

I. The Committee on Fisheries and "Peace Line"

At the 3rd meeting of this committee, our delegation stated that the Japanese proposal on "the Essentials of

/Japan-Korea Fishery

His Excellency
Dr. Syngman Rhee
President of the Republic
of Korea



0919

Japan-Korea Fishery Agreement" presented at the previous meeting could not be considered as a basis for discussions, on the ground that it is extremely unconstructive, particularly in view of the Item One of the proposal. At this stage, the Japanese side asked us if the Korean side would submit a proposal in this regard.

Our side told the Japanese side that the Korean proposal regarding the essentials of Korea-Japan Fishery Agreement based on the Peace Line, submitted at the 2nd Korea-Japan Conference in 1953, is standing as our position.

Our delegation requested the Japanese side to submit a new constructive proposal on fisheries, if any. The Japanese side said it would study on the matter and express its views at the 4th meeting. However, at the 4th meeting held on Wednesday, October 22, the Japanese side stated that it had not completed the preparation to present its views and requested us to wait until next meeting which is scheduled on October 29, 1958.

II. The Sub-committee on Other Claims Regarding the Matter on Art Objects: The Japanese side said that it considered very difficult to give its answer to our request made at previous meetings, pending basic decision regarding the matter by the higher levels of the Government of Japan, due to the complicated situations of internal politics, but it added that the Japanese side will make effort to iron out difficulties with sincerity.

It continued that the answer would be made as soon as possible. Regretting that the Japanese answer was being so delayed, our side strongly requested that the Japanese side give a definite answer to our request at the earliest possible date.

III. The Committee on Legal Status of Korean Residents in Japan: 1/ In accordance with Item One of Annex II of the Government Instructions No. OIJCMG 3554 of September 18, 1958, our side presented to the committee our proposal regarding status and treatment of Korean residents as attached to the Government Instructions No. OIJONG 3810 of October 13, 1958. In this connection, we put on record

/the reservations

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0920

the reservations as set forth in the Government cable instructions No. FTB-009. The Japanese side said it would study the Korean proposal and express its views on it at the next meeting.

ii) Our side requested the Japanese side to provide us with a name list of the 37 Korean parolees to whom Mr. KATSUBO referred at the previous meeting.

We will make a prompt report when we hear from the Japanese side about its views on our proposal.

IV. The Sub-Committee on Vessels:

Referring to the request we made at the previous meeting, our side asked the Japanese whether they are ready to submit to us the list of vessels falling under the category of Agenda item A. In this connection, the Japanese side said that it had already submitted a list of vessels at the previous Korea-Japan Conference.

Our side explained that we expected the submittance by the Japanese side of a new list which would cover all the vessels belonging to the category of Agenda item A, since the previous list was too short of our satisfaction in terms of number, etc.

The Japanese side attempted to start the legal argument regarding the basis of our claims concerning Agenda item A. Countering the Japanese remarks in this regard, our side repeated its request for the submittance of the list under reference. The Japanese side said it would express its view further on the problem under Agenda item A at the next meeting.

With the sentiment of loyalty and esteem, I remain,

Most respectfully,

Ben C. Limb

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P77 1-10. 第10次、1958.10.27

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MINISTRY OF FOREIGN AFFAIRS

R. O. K.

NO. MIB-035

DATE. 10272000

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Office of the President
Foreign Minister

TO. ~~Office of the President
Foreign Minister~~
Copy to Minister Vice

Item one: The tenth meeting of Committee on Legal Status of Korean residents in Japan was held at 3 P.M. October 27, 1958 at the Japanese Foreign Ministry. The next meeting will be held at 3 P.M. on November 5.

Item two: At this meeting, Japanese side made a general remarks, regarding our proposal on status and treatment of Korean residents presented at the previous meeting, that the Japanese side was disappointed at contents of the said proposal as it excluded the points which Japanese side had wanted to cover when both sides drafted an agreement in 1952. Our side countered the above Japanese remarks, saying that we believed our proposal was realistic and constructive for the satisfactory settlement of the problem under reference. The Japanese side, reserving its view on Articles 4 and 5 regarding property rights and occupations for the reason that it needed consultation with the Ministries concerned, put forward questionnaire regarding our

/proposal as ~~TIME RECORDED~~ 1958
OCT 28

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C O P Y Page 2

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proposal as follows:

Point 1, as to the wordings "necessity to affirm the nationalities of Koreans ..." in the preamble of the proposal, Japanese side thinks that there will be no reason for Japanese side to agree to it in the form of an international agreement.

Point 2, as to Article 1, the Japanese side wants to have the wordings, "including descendants of the said Koreans" deleted from the Article as it does not think the descendants of the said Koreans are to be included in this agreement.

Point 3, as to paragraph 1 Article 2, the Japanese side does not consider it necessary to have the paragraph in this agreement with the same reason mentioned in the point.

Point 4, regarding paragraph 2 of Article 2, the Japanese side does not see the necessity of this paragraph as the matter is taken for granted under international private law as a fait accompli.

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TO. _____

Point 5, concerning paragraph 1 of Article 3, if Korean residents are to apply for permanent residence individually, it would cost Japanese side about 60 million Yen as expenses for procedural works, while there might be Koreans who would not apply for Korean registration certificate. Therefore, in this connection, the Japanese side wants to have a view of the Korean side.

Point 6, as to paragraph 2 of Article 3, the Japanese side wants to know the ground under which the Korean side proposed that the deportation of Korean residents who may have been granted permission for permanent residence will be enforced only under consultation to be held case by case. In this connection, the Japanese side wants to have concrete Korean views on Japanese proposal regarding deportation criteria presented previously.

Point 7, the Japanese Government subsidizes 1.8 billion Yen annually livelihood assistance expenses for Korean in poverty. In this

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/connection, the Japanese

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TO. _____

connection, the Japanese side wants to know regarding any measures under consideration by the Korean Government.

Point 8, the Japanese side wants to know exact meaning of our reservation clause that "the Korean side proposes Article 4 and 5 on the assumption that Korean residents in Japan could enjoy property rights and occupation which aliens in general are not entitled to enjoy, though there is a paragraph of " at the time of coming into force of the present Agreement ... "

Item three: Reserving our detailed reply to the Japanese questions, our side told the Japanese side that as soon as we receive the Japanese views regarding Article 4 and 5 on property rights and occupations, our side would express its opinion point by point in reply thereto. Of course, our side generally countered Japanese arguments, on basis of our stand on Korean residents.

Item four: In connection with the above Japanese questions,

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DATE. _____

Page 3

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TO. _____

government instructions on the points to be particularly emphasized by this Delegation in future would be highly appreciated.

Ambassador Limb

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OCT 28 1958

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P83 共同新聞発表

第 10 次在日韓人法的地位問題委員会は 10 月 27 日午後 3 時に開催された。
同委員会では在日韓人の法的地位と処遇問題に関する具体的な討議が続き、次の会合は暫定的に 11 月 5 日(水曜日)午後 3 時に開催することに決まった。 以上

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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. 73-911048
DATE. 271700

O.R.D.
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TO. FOREIGN MINISTER

THE JOINT PRESS RELEASE OF 10TH SESSION OF COMMITTEE ON
LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN WHICH HAS HELD
AT 3 PM ON OCTOBER 27, READS AS FOLLOWS:
QUOTE THE COMMITTEE CONTINUED SUBSTANTIAL DISCUSSIONS
ON LEGAL STATUS AND TREATMENT OF KOREAN RESIDENTS IN
JAPAN, AND IT WAS DECIDED THAT THE NEXT MEETING WOULD
BE HELD TENTATIVELY AT 3 PM ON NOVEMBER (WEDNESDAY) PD
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0944

Tokyo, October 28, 1958

GIST OF TALKS
TENTH SESSION
COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN

0945

1. Time and place: 3:00 - 4:15 p.m., October 27, 1958
(Monday), Rm. 411, Ministry of Foreign
Affairs, Japanese Government

2. Conferess:

Korean side: Mr. CHOI, Kyu Bah
Mr. CHIN, Pil Shik
Mr. MOON, Chal Soon
Mr. ROH, Jae Won
Mr. OHM, Yung Dal

Japanese side: Mr. KATSUNO, Yasusuke
Mr. HIRAGA, Kenta
Mr. HAKAGAMA, Toyokichi
Mr. HASEGAWA, Shinzo
Mr. HIRAZUKA,
Mr. SHIMIZU, Shiro
Mr. SUGANUMA, Kiyoshi
Mr. TSUCHIYA, Mineo

3. Gist of Talks:

Mr. KATSUNO:

We have studied the Korean proposal presented at the previous session of this committee. So we would like to ask a few questions in connection with the said proposal.

Mr. CHOI:

Before listening your "questions", I would like to restate to/
the point three of reservations which I presented at the previous session of this committee together with the Korean proposal on the legal status of Korean residents in Japan. This I would like to do in order to make it sure that it is correctly received by you. Now, the point 3 of reservations reads: "The Korean side proposes Article 4 and 5 on the assumption that Korean residents could enjoy property rights and occupations which aliens in general are not entitled to enjoy though there is a paragraph of 'at the time of the coming into force of the present agreement' "

Mr. KATSUNO:

Would you mind clarifying for us what would be the exact meaning of the said reservation?

Mr. CHOI:

Since you said that you would present to us questions on our proposal, will you include the question as a part of your side's overall questions in connections with our proposal?

Mr. KATSUO:

Then, since we have not had enough time to consult with the other Ministries concerned such as the Ministry of Finance which is concerned with the property rights, I would like to confine my questions for today to the points which are relative to the Ministry of Justice. Of course, we are trying to finish the consultations with the other Ministries on this matter so that we could present to your side the whole picture of our view regarding the Korean proposal as early as possible.

To make a general comment on the Korean proposal, we are frankly disappointed at the proposal, since the main body of the proposal, which is more or less like the joint draft worked out at the first Korea-Japan Conference in 1952, excluded the points that Japan wanted to cover in it at that time.

I should like to add that I will raise questions today on major points.

Mr. CHOI:

When can you present to us the whole views of your side on our proposal, including those points which are "relative" to other Ministries.

Mr. KATSUO:

I think we may be able to present the whole views in the course of the committee's study of the proposal point by point. By doing so, I wish we could discuss the matters one by one, exchanging the opinions of both sides on each point.

Mr. CHOI:

If possible, it might be a method of proceeding of the discussions, but since our side presented to your side a proposal of ours covering the whole matters concerned, I wish to have your overall views covering the whole of your view. Anyway, for today, we are ready to listen to your questions.

Mr. KATSUO:

First, with regard to the wording "... the necessity to affirm the nationality of Koreans residing continuously in Japan... ", in the Preamble, we believe there is no necessity of including such phrase in an international agreement. Since by the coming into force of the San Francisco Peace Treaty, "Koreans residing in Japan" lost their Japanese nationality, it is the position of the Japanese Government that it has nothing to agree to regarding the matter on the nationality of those Koreans.

Second, with regard to the wording "...including descendants of the said Korean." in Article 1, it is the position of the Japanese Government to consider in this agreement the legal status of only those Koreans who have resided in Japan since prior to the end of World War II. Therefore, the above mentioned phrase concerning the descendants of those Koreans should be deleted from Article 1.

0946

Mr. KATSURO (Cont.):

Third, Paragraph 1 of Article 2, should be deleted from the article with the same reason as stated in connection with the Preamble. Also, with regard to Paragraph 2, Article 2, we do not consider it necessary to have the stipulation in the agreement, as such is taken for granted in the light of the International Private Law.

Fourth, with regard to Paragraph 1, Article 3 in which a stipulation is set forth for individual submittance of applications for permanent residence, we consider that there will be difficulties in following the measure as is prescribed in the said paragraph; firstly, it will require a budgetary expense of around ¥60 million for administrative procedural works. Secondly, if we require the applicants to submit together with the applications concerned the registration certificates issued by the Government of the Republic of Korea, there might be a number of Koreans who refuse to apply for such registration certificate. In this case, there will be a difficulty in regard to the status of those concerned as a matter of reality. I wonder what would be the view of the Korean side in this connection.

Fifth, with regard to paragraph 2, Article 3, I should like to know the ground for requiring the consultation between the two sides on the compulsory deportation of a Korean resident in Japan, case by case. For Japan, we would like to apply the provisions of Immigration Control Law along the line of the Japanese proposal on the deportation which was presented to the Korean side. The proposal was presented to the Korean side in order to consult with your side. But, our point is that there might be occasions where consultations on the deportation would not be successful and bring about no result at all. Therefore, I wish the Korean side would present a concrete view which is more practical, after considering our proposal concerned. Besides, there are about 80,000 Koreans in poverty, and, for them, the Japanese Government annually subsidizes around ¥1.8 billion for their livelihood assistance. I would like to know what measures the Korean side is considering to help them.

The above are about all for today, and I wish to have the answers of the Korean side, if possible, by next meeting.

Mr. CHOI:

I would like to ask you a question in connection with your remarks. Are they questions, observations, or counter proposals, since some of your statements were made in a form of "wish", which I would like to make clear.

Mr. KATSUNO:

I wanted to know the Korean position clear, and, since the Korean proposal is an obsolete one, I wanted to have a more concrete proposal which would not allow controversy afterward, enabling easier implementation thereof. However, they are "questions".

0947

(4)

Mr. CHOI:

Though you say it is "obsolete," our proposal was based on reality and it was presented to this committee in the belief that the proposal is most suited to meet the situation. Therefore, we are surprised to hear from you that it is "obsolete" and I regret your remarks which could be construed as "not constructive".

Though we would, of course, answer your questions after your complete questionnaire including those on property rights and occupations was presented to us with a view to giving our overall views thereon, I would like to make comments on your view in connection with the wordings of "necessity to affirm the nationality of Koreans residing" in the preamble. We have come through a thorough discussions on the matter during the previous Talks, and no objection was raised from your side concerning the matter. Therefore, I can not but be surprised to hear such comment from you. I wonder whether your side has changed its mind or not.

Mr. KATSUNO:

Since we consider that more importance should be placed on such matter as the legal status and treatment of those Koreans who have resided in Japan since prior to the end of the World War II, and that the agreement should be more logical one, we simply took the position that such formal matter as the affirmation of the nationality should be deleted from the structure of the agreement.

Mr. CHOI:

Though I do not intend to make any argument here today as I reserved my right to make detailed comment on your remarks later, I have to state that the affirmation of the nationality as expressed in the preamble of the draft agreement is not to decide a new thing, but to affirm or confirm a fact as it is, and it is considered to be practicable to insert the wording under reference in the preamble of an agreement. I can hardly understand why you are opposed to the matter.

Mr. KATSUNO:

What is more important to us in the agreement is to set forth a stipulation regarding the deportation with more detailed and practicable descriptions, since deportation is as closely related to the extent of the status and treatment of Korean residents in Japan. Relations between them are something like two sides of a coin.

Mr. CHOI:

It should be understood that the prime importance of the pending affair lies in the necessity of giving the Korean residents status and treatment with which they can live in peace in Japan, which is essential in adjusting Korea-Japan relations.

0933

Mr. CHOI (Cont'):

If we succeed in fixing the status and treatment of Koreans in Japan, there will be a considerable decrease in the number of the so-called troubles. I hope you will understand that the fixing of residence right of Koreans, etc is a fundamental thing. I do not think it is reasonable for you to be so enthusiastic about the "deportation" problem only. It is also my desire that you will realize which is the fundamental thing to be settled first of all.

Besides, if we could arrive at an agreement in this regard, I think that the matters concerning the deportation would easily be worked out. I would like to add that the matters concerning the property rights and occupations are as well important as other matters. Therefore I would like to have your views on those points as soon as possible.

Mr. KATSUNO:

We will try to give our views on those points at the next meeting.

Mr. CHOI:

Now, as to the next meeting, how about to meet on November 3 (Monday)?

I wish to remind you that I reserved my right to make comment on your remarks point by point after listening to your view on the whole of our proposal.

Mr. KATSUNO:

Since November 3 is a Japanese national holiday, I propose to meet at 3 p.m. on November 5 (Wednesday) on a temporary basis.

Mr. CHOI:

No objection.

(Before the meeting was adjourned, the Committee agreed to the joint press release which reads: "The Committee continued substantial discussions on the legal status and treatment of Korean residents in Japan, and it was tentatively decided that next meeting would be held at 3:00 p.m. on November 5, 1958.")

- The end -

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외무부수주 50 호

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0950

Tokyo, October 30, 1958

No. 29

Dear Mr. President:

As I reported by cable Nos. MIB-031 of October 25, MIB-035 of October 27, and MIB-038 of October 28, respectively, the 5th meeting of the Sub-committee on Other Claims Regarding Korean Art Objects, the 10th meeting of the committee on Legal Status of Korean Residents in Japan, and the 17th meeting of the Sub-committee on Vessels were held at the Japanese Foreign Ministry, respectively as follows:

- 1.) The 5th meeting of the Sub-committee on Other Claims Regarding Korean Art Objects ...at 10 a.m., Oct. 25, 1958
- 2. The 10th meeting of the Committee on Legal Status of Korean Residents in Japanat 3 p.m., Oct. 27, 1958
- 3. The 17th meeting of the Sub-committee on Vessels
.....at 3 p.m., Oct. 28, 1958

I. Sub-committee on Other Claims Regarding Korean Art Objects

The Japanese side told us it was with regret that it was unable to give a reply to our request regarding the submission of a complete list of Korean art objects, pending the decision by the higher Government officials in this regard. It added that the delay on the part of the Japanese Government in making decision was caused by internal political situation. However, the Japanese side continued that it wanted to settle this problem with its sincerity.

/Our side repeated

His Excellency
Dr. Syngman Rhee
President of the Republic
of Korea

0935

SECRET (S)

Our side repeated its demand that Japanese reply should be given at the earliest possible date. Then, on the basis of Government cable instructions FTB-012, our side presented to the Sub-committee a (first) gist of Korean art objects to be returned to Korea. The gist contains around 1,000 art items, as reported to the Government by Mission's letter HANILDAE No.2156 of October 20, 1958.

0951

In this connection, the Japanese side stated that it would study the gist of Korean art objects under reference and might put forward questions on it from the next meeting. At the same time the Japanese side requested us to present all the gists of Korean art objects as soon as possible, stating that it would be necessary for the Japanese Government to have all the gists of art objects to be submitted by the Korean side in order to make an overall decision in this regard.

II. Committee on Legal Status of Korean Residents in Japan

At this meeting, the Japanese side made general comments regarding our proposal presented at the previous meeting to the effect that the Japanese side was disappointed in the content of the said proposal as it excluded the points which Japanese side had wanted to cover in it, when both sides drafted an agreement in 1952.

Countering the above Japanese remarks, our side stated that our proposal was a realistic and constructive draft for the settlement of the matter regarding Korean residents in Japan. The Japanese side, reserving its view on Articles 4 and 5, regarding property rights and occupations, for the reason that it needed consultation with Ministries concerned, put forward questions on our proposal, as follows:

"Questions":

1. As to the wordings 'the necessity to affirm the nationality of Koreans ...' in the Preamble of the proposal, the Japanese side thinks that it finds no reason for the Japanese side to agree to it in the form of an international agreement.

2. As to Article 1, the Japanese side wants to have wordings, 'including descendants of the said Koreans' deleted

/from the Article

0936

from the Article as it does not think the descendants of those Koreans are to be included in this agreement.

3. As to Paragraph 1, Article 2, the Japanese side does not consider it necessary to have the paragraph in this agreement with the same reason mentioned in the point 1 above.

4. Regarding Paragraph 2, Article 2, the Japanese side does not see the necessity of this paragraph as the matter is taken for granted under International Private Law as a *Fait Accompli*.

5. Concerning Paragraph 1, Article 3, if Korean residents are to apply individually for permanent residence, it would cost the Japanese side about ¥60 million as expenses for administrative procedural works, while there might be some Koreans who would not apply for Korean registrations certificate. Therefore, in this connection, the Japanese side wants to have a view of the Korean side.

6. As to Paragraph 2, Article 3, the Japanese side wants to know the ground under which the Korean side proposed that the deportation of Korean residents who may have been granted permission for permanent residence will be enforced only under consultation to be made case by case. In this connection, the Japanese side wants to have concrete Korean views on the Japanese proposal regarding deportation criteria presented previously.

7. The Japanese Government subsidizes ¥1.8 billion annually as livelihood assistance expenses for the Koreans in poverty. In this connection, the Japanese side wants to know the measures under consideration by the Korean Government to help them.

8. The Japanese side wants to know exact meaning of our reservation clause that 'the Korean side proposes Article 4 and 5 on the assumption that Korean residents in Japan could enjoy property rights and occupations which aliens in general are not entitled to enjoy, though there is a paragraph of 'at the time of the coming into force of the present agreement..'

Our side countered the above views in general terms. However, we reserved our right to make "detailed and point-by-point" reply thereto, pending the presentation by the Japanese side of its overall views regarding our proposal, including those on Articles 4 and 5 thereof (property rights and occupations for our people in Japan).

The Japanese side said that it would submit its views on Articles 4 and 5 regarding property rights and occupations at the next meeting, upon consultations with their Ministries concerned.

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(4)

At this session of the committee, our side, bearing in mind item I, Annex II of Government instructions WOIJONG, No. 3554 dated September 18, 1958, centered our efforts to sound out the real Japanese intentions as to the problem of Korean residents in Japan. Thus, our delegation calmly put forward leading questions with a view to having the Japanese express what they have in their mind without reservation. In fact, as will be seen in the List of Talks concerned, there are many things which the Japanese side disclosed unconsciously in regard to what the Japanese side has in its mind.

This delegation is now carefully studying on our arguments which could most effectively counter Japanese views at the next meeting. And we are going to counter the so-called Japanese views, upon our success in pulling out the real Japanese intentions as to our proposal including property rights and occupations for our people in Japan.

Therefore, instructions of the Government on the points upon which particular emphasis should be placed in the course of the discussions regarding the above Japanese questions should be highly appreciated.

III. Sub-committee on Vessels

At this meeting the Japanese side entertained so-called legal argument to the effect that SCAPIN 2168 had been invalidated by the coming into force of the San Francisco Peace Treaty. Our side countered the Japanese argument in this regard by giving full explanation on the legal basis of our claims under Agenda "A", based on SCAPIN 2168, USANGIK Ordinance No. 33 and Article 4 (b) of the San Francisco Peace Treaty. After repeatedly making our position clear to the Japanese side in this regard, our side demanded that the Sub-committee should enter into discussions on substance of Agenda "A" without spending any more time for abstract arguments.

In the light of the above and inasmuch as the Japanese side is delaying the submittance of the list we requested, it is the view of this delegation that it would be better for our side to submit a complete list of vessels falling within the

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(5)

scope of Agenda "A" at the next meeting with a view to expediting the proceeding of this Sub-committee. Government instructions in this regard would be highly appreciated.

With the sentiment of loyalty and esteem, I remain,

Most respectfully,

Ben C. Limb

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1-11 第 11 次、1958.11.10

MINISTRY OF FOREIGN AFFAIRS

INCOMING
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R. O. K.

NO. TS-911126

TOKYO

O.R.D.
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DATE 101400

TO. FOREIGN MINISTER

THE JOINT PRESS RELEASE OF 11TH SESSION OF THE COMMITTEE
ON THE LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN WHICH
WAS HELD AT 10:30 A.M. ON NOVEMBER 10, 1958, READS AS
FOLLOWS:

QUOTE THE COMMITTEE CONTINUED SUBSTANTIAL DISCUSSIONS
ON THE LEGAL STATUS AND TREATMENT OF KOREAN RESIDENTS
IN JAPAN, AND IT WAS DECIDED THAT THE NEXT MEETING WOULD
BE HELD AT 3:00 P.M. ON NOVEMBER 15, 1958. UNQUOTE

AMBASSADOR LIMB



1958 NOV 10 PM 3 30
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P97 共同新聞発表

第 11 次在日韓人法的地位問題委員会は 1958 年 11 月 10 日午前 10 時 30 分に開催された。
同委員会では在日韓人の法的地位と処遇問題に関する具体的な討議が続き、次の会合は 1958
年 11 月 15 日午後 3 時に開催することに決まった。 以上

외국인 출입국관리법

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NO. NTB-046

DATE. 11101000

TO. Foreign Minister & Office of the President

The 11th session of Committee on Legal Status of Korean Residents in Japan was held at 1030 a.m. on November 10th. At this meeting, the Japanese side put forward questions with regard to Articles 4, 5, 6 and 7 of our proposal, subsequent to those questions it presented at the previous meeting, as follows:

1. The Japanese side wishes to be informed of the exact meanings of Article 4 and 5 in the relations to Paragraph 3 of Article 7 and reservation item 3.

2. With regard to Article 6:

(A) It is the Japanese position that Paragraph 1 of the Article should be considered on the basis of certain period of time but not indefinitely.

(B) The Japanese side understands that the question on the amount of the money to be remitted is also discussed in the separate

/ negotiations mentioned

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negotiations mentioned in Paragraph 2 of the Article.

(C) The Japanese side views it advisable to have a special working party take up simultaneously the matters referred to in Article 6 for separate negotiations, if Korean side has any idea in this regard.

Reserving our views on above questions until next meeting, our side expressed it's view point by point in reply to the Japanese questions put forward at the previous meeting, along the line of the attachment 1 of the government instructions Noijung No. 4099 of November 4th, 1958.

Any government instructions regarding the above Japanese questions put forward today would be highly appreciated.

Ambassador Lieb

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Tokyo, November 12, 1968

GIST OF TALKS
ELEVENTH SESSION
COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN

1. Time and place: 10:30 a.m.-11:30 a.m.; on November 10, Rm. 411, Ministry of Foreign Affairs, Japanese Government

2. Conference:

Korean Side:

Mr. CHOI, Kyu Hah
Mr. EA, Chai Hang
Mr. CHIN, Pil Shik
Mr. MOON, Chul Soon
Mr. ROH, Jae Won
Mr. OHM, Yung Dal

Japanese Side

Mr. KATSURO, Yasusuke
Mr. HIRAGA, Kenta
Mr. HIRAZUKA
Mr. SHIMIZU, Shiro
Mr. HASEGAWA, Shinzo
Mr. KAKAGAWA, Toyokichi
Mr. NAGAHASHI, Hisa

Mr. SUGANUMA, Kiyoshi
Mr. TSUCHIYA, Minsao
Mr. IKEBE, Ken

3. Gist of Talks:

Mr. KATSURO:

At the previous session when we presented questionnaire regarding the Korean proposal, we reserved questions on property rights and occupations till today's session. Accordingly, I would like to submit, today, questions concerning them in connection with the Korean proposal.

1. Under Article 4 of the Korean proposal, it is stipulated that "a Korean resident in Japan shall be entitled to the rights on property enjoyed by him in Japan at the time of the coming into force of the present Agreement" Also, under Article 5, which reads in part: "a Korean resident in Japan shall be entitled to engage in the occupation followed by him at the time of the coming into force of the present Agreement" Concerning the application of the above two stipulations, there is a special stipulation in paragraph 3 of Article 7. The Korean side also presented at the previous session the reservation item No. 3 which is related thereto. Now, I would like to know what will be the exact meaning of Articles 4 and 5 in their relations with paragraph 3, Article 7 and the reservation item No. 3. Would you give explanations in detail according to special cases supposed?

2. With regard to paragraph 1 of Article 6, in which it was stipulated that "..... neither customs duties nor any other charges shall be imposed upon him in relation to any movables...", the Japanese delegation takes a position that such immunity from duties will only be considered for a certain limited period, and not for an indefinite period.

3. Regarding paragraph 2 of the same article, may we understand that the question on the "amount of money to be remitted" is included in the matters to be "negotiated separately"?

4. As regards "the types and quantity of movables to be taken away", in Article 6 (1) I would like to have the detailed ideas on the part of the Korean side, if it has them in mind, and I would like to suggest that a special working party be set up to conduct study thereon and on the matters to be "negotiated separately" in the paragraph 2 of Article 6.

Mr. HIRAGA will follow me with questions regarding Articles 1, 2, and 3 mainly in connection with the technical matters concerning the three articles.

Mr. CHOI:

Our side is ready to express our views in reply to the questions your side submitted at the previous meeting since the Japanese side finished its overall questions. Therefore, how do you think it that Mr. HIRAGA would present questions after I finish my answer?

Mr. KATSUNO:

That will be all right.

Mr. CHOI:

I would like to remind you that my answers will be put forward in the order as the Japanese questions were made.

(Question 1): The Japanese side commented that the Korean proposal was "obsolete", and it gave the Japanese side a disappointment, especially in the fact that the items which the Japanese strongly requested to include in the draft agreement in the previous conferences are totally missing from the proposal.

(Reply): For the Korean side, it presented the proposal to the committee because it believed that the proposal was a most realistic one which could meet any new situation in this regard. The Korean side can not but regret the Japanese description of our proposal as "disappointing". I wonder if the Japanese side said so with any counter proposal in its mind?

(Question 2): The Japanese side opined that the phrase which reads "... the necessity to affirm the nationality of Koreans .." be deleted from the preamble of the proposal, with the reasons that, for Japan, the Koreans residing in Japan had become aliens after the coming into force of the San Francisco Peace Treaty and that the problem of the nationality is a domestic affair.

(Reply): The Korean side would not spend time to explain the obvious logics, as it believes the Japanese side knows very well the fact that there exists a special background regarding the Koreans residing in Japan since before the end of the World War II, which is different from that of other aliens. Since it is necessary to have an agreement on the legal status, including the problem of the nationality, of those Koreans in enabling them to live in Japan continuously and without any anxiety, it is a matter of course and absolute necessity that both countries affirm the nationality of those Koreans. It is quite difficult to govern the status of Koreans residing in Japan merely by the so-called general principle that the problem of the nationality belongs to a domestic affair under international law.

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Therefore, it is rather natural and necessary for both countries to affirm their nationality, not to speak of the existence of the international precedent. The setting forth of a concrete stipulation in an international agreement regarding the problem would be necessary in order to prevent possible disputes and troubles between the both parties. Especially in view of the past practices that decision or affirmation of the nationality had been made between the countries concerned in connection with the nationality problem of the minority races after World Wars I and II, it is not to be considered as "unnecessary" to provide, in an agreement between Korea and Japan, an article affirming the nationality of the Korean residents in Japan. Also, though the Japanese side says that the Korean residents in Japan lost "the Japanese nationality" upon the first coming into force of the San Francisco Peace Treaty, the Korean side does not take it that way, and, therefore, it becomes more necessary to have such a stipulation as confirmation of nationality of Korean residents in the proposed agreement.

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(Question 3): The Japanese side questioned about the Korean position, in regard to Article 1 of the proposal, that the descendants of the Korean residents in Japan shall be included in the "Korean Residents."

(Reply): There might be a number of Koreans who were born in Japan after the end of World War II, and that, among them, quite a number of them might be holders of particular rights on properties. It is also natural that the descendants should be entitled to manage their livings at the places where their parents were settled down. Accordingly, the Korean side strongly takes the position that the stipulation concerned should be included in the proposed agreement.

(Question 4): The Japanese side opined that, on the same ground as in connection with the preamble of the Korean proposal, Paragraph 1 of Article 2 be deleted from the proposal.

(Reply): The view of the Korean side, as was explained thereon in item 2 above, will answer the Japanese question on the point. I would like to make it clear again that this paragraph is absolutely necessary in the proposed draft agreement.

(Question 5): With regard to Paragraph 2 of Article 2, the Japanese side took the position that, since such is clear in the light of the international law, the same paragraph is not necessary in the proposed agreement.

(Reply): It may be true that there have been discrepancies of opinions between the two countries regarding the "personal status" of Koreans and Japanese in relation to each other under the circumstances that no agreement has hitherto existed between the Republic of Korea and Japan regarding the legal status of the Koreans concerned. Therefore, the Korean side thought that, by inserting the stipulation in the proposed agreement, it would help preventing any future dispute regarding their personal legal status, because such stipulation would bring about the legal effect to the existing situation in relation to personal status of Koreans and Japanese with each other. In the meantime, I would like to know if the Japanese view is based on a premise that such is unnecessary in the light of the international private law, or that such stipulation would bring about positive harms of any kind?

(Question 6): The Japanese side held it that about ¥60 million would be required from the budget of the Japanese Government to implement the Paragraph 1 of Article 3.

(Reply): It is advisable that a most economic, effective, and time-saving measure be considered after the consultation between both sides. However, in this connection, was there any alternate plan on the Japanese side when it pointed out such "difficulty" in connection with the budgetary measure of the Japanese Government?

(Question 7): The Japanese side anticipated that there might be some Koreans who would not take procedures under the stipulations of Paragraph 1 of Article 3, and in this connection, asked for the opinions of the Korean side on the measures to be employed to those Koreans whose "status is not clear."

(Reply): The main purpose for the conclusion of the subject agreement is to furnish the Koreans concerned with legal guarantee and circumstances in which they can manage peaceful livings in Japan under a firm legal status of the Koreans residing in Japan. If such guarantee is made legally, there would be few Koreans who refuse to take such privilege. Therefore, the Japanese postulation in this regard can not be considered as justifiable. I would like to know why the Japanese side raised such question?

With regard to the problem of "deportation", the Japanese side seems to be considering this problem with unrealistic assumption as was mentioned above (item 7). The Korean side takes the strong view that, if a guarantee is set up for those Korean residents in Japan to lead lives in peace in Japan, there won't occur such unhappy incident as "deportation" at least go often as the Japanese side thinks. I would like to invite the attention of the Japanese side to the fact that the main purpose with which we meet at this committee is to find ways and means for the Koreans residing in Japan to allow them to live a stabilized life. If the problem of "deportation" is to be discussed, it should go after discussion of fundamental problems. Therefore, it is very difficult for the Korean side to comprehend the real intention of the Japanese side when it asserts that the problem of "deportation" is a most important problem, putting things upside-down. If "deportation" is to be made by an unilateral action, permanent residence granted to the Koreans concerned under due agreement would in fact result in a meaningless thing. Therefore, the prime task for us to work on is to create an atmosphere in which such an unhappy situation as "deportation" would not take place, and to do so, we believe, is a constructive way. In case deportation of a Korean resident is necessitated, it must not be made without due consultation with the Korean Government, and consultation is a necessary and proper measure in the light of the permanent residence right. As to the view of the Korean side in regard to the "criteria" of the deportation which was presented by your side, we made it clear at the 7th session held on October 6th that Korean side reserved the expression of its view for the time being.

(Question 8): The Japanese side raised a question referring to the matter that the Japanese Government is subsidizing annually about ¥1.8 billion to around 80 thousand Koreans residing in Japan who are in extreme poverty.

(Reply): It is the view of the Korean side that the fact that there are many Koreans in Japan who are in extreme poverty.

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should be attributed to the uncertainty of their legal status and treatment in Japan. Therefore, if such necessary conditions are successfully provided for their peaceful living in Japan by solving such pending problems as their legal status and treatment, the number of those Koreans in poverty would be much decreased. Further, in view of the fact that the majority of those in poverty were forcibly taken to Japan during and before the world war II as drafted workers, the Japanese Government should assume the whole responsibility for their present difficult situations. Therefore, we cannot but hold it that even the amount of ¥1.8 billion is not sufficient to aid such people. But, if the Japanese side is ready to settle the problem with sincerity, feeling its responsibility for their present difficulties, we would be as well ready to study the problem of their repatriation to Korea.

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The above are about all. Since the questions the Japanese side has presented at the previous session concerned mostly principles, our answers have been made generally. I hope the future discussions on the basis of my answers above would bring about a fruitful result to the works we are dealing with at this committee.

Regarding the question the Japanese side submitted today on Articles 4, 5, 6, and 7(3), we would present our answer at a future session, after study thereon. However, for reference, as it would help us in making our answer to the Japanese questions, I would like to ask you if the Korean residents in Japan are receiving different treatments from the other aliens in general in connection with their property rights and occupations or if they are in receipt of 'national treatment' in this regard.

Mr. KATSUNO:

Mr. HIRAGA's questionnaire will be presented at the next session, since it is rather late today. We would study your answers presented today. The most important impression I got from them is that there were discrepancies in the views of the two sides, and we would try to understand your view point after studying thereon.

Regarding Articles 4 and 5, we have merely asked about the interpretation thereof on your side, and we did not refer to actual treatment of Korean residents in Japan. As to the actual treatment concerned, I cannot say anything before we actually check it thoroughly.

Mr. CHOI:

As regards to the treatment on the property rights and occupations which Korean residents in Japan presently enjoy, I want to know what kind of treatment is given to the Koreans now.

Now, when shall we meet again? I hope we meet again as soon as possible.

Mr. KATSUNO:

I would like to propose that we meet at 3 p.m. on November 17, 1958 (Monday), since our schedule is tied up until that date.

Mr. CHOI:

If so, no objection.

Remarks:

Before the meeting was adjourned, the committee agreed to the Joint Press Release which reads: "The committee continued discussions on the legal status and treatment of Korean residents in Japan, and it was decided that the next meeting would be held at 3:00 p.m. on November 17, 1958."

- The end -

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R. O. K.

NO. MTG-054

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TO. Office of the President & Foreign Minister

The 12th Session of the Committee on Legal Status of Korean Residents in Japan was held at 3 p.m. on November 17, 1958 at the Japanese Foreign Ministry. Next meeting will be held at 1030 a.m. on November 24, 1958.

At today's meeting, the Japanese side put forth another serious questions regarding the meaning and interpretation of various articles of our proposal. Reserving our detailed reply to the above Japanese questions untill next meeting, our side requested the Japanese side to inform us of its stand on our proposal by putting to end the discussions on abstract or technical questions as soon as possible.

Our side continued that further questions on wording should be made after the Committee entered into article by article discussion.

/ Points of serious of

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Points of serious of the Japanese questions will be reported to the Government by cable on November 18, 1958.

Ambassador Lintb



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Whether the word " permanent residence " means the same under the Japanese Immigration Control Law and whether the word " permission " means the same under the Japanese law.

Item 8. Also in regard to paragraph 1 of article 3, concerning the application of the phrase " within 2 years " to the descendants of Korean residents in Japan, the Japanese side wishes to know the view of the Korean side on the application of the same stipulation to whose descendants who will be born after 2 years since the coming into force of this contemplated agreement.

Item 9. Referring to the same paragraph, concerning those Koreans who would not take the prescribed procedures for the permanent residence, the Japanese side wishes

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to know Korean view as to their status and treatment though their nationality still seems to be Korean in accordance with article 2.

Item 10. As to the deportation in connection with paragraph 1 of article 3, the Japanese side wishes to learn Korean view on the measure to be taken in case the deportation of a Korean is necessitated before the end of the 2 years period.

Item 11. With regard to paragraph 2 of article 3, the Japanese side wishes to learn the meaning of the word "consult" used in the same paragraph, whether it implies that deportation cannot be carried out without consent of the other party, and what could be done regarding a case when such consent could not be obtained. The Japanese side also wished to know (1) whether the

/ Japanese

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TO. Page seven

Japanese Government has to consult with the Korean Government on each case of deportation case by case, and (2) what exactly will be the extent of the words "such matters as are required for the enforcement thereof".

Item 12. Also in regard to the above mentioned paragraph, the Japanese side wishes to know whether it could unilaterally deport those Koreans who would may not obtain due permanent residence under paragraph 1 of article 3.

Item 13. In regard to article 4 and its relation with paragraph 3 of article 7, the Japanese side wishes to be informed of the effect and result of the application of article 4 retroactively on the date as set forth in paragraph 3 of article 7. It also wishes to know how
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the provision of article 4 is to be applied to the descendants, especially those who will be born in future.

Item 14. In regard to article 5, the Japanese side holds the same question as the above on article 4.

Item 15. As regards article 6, the Japanese side wishes to know whether the Korean residents in Japan in this article includes their descendants including those who might be born in distant future.

Part II

In connection with series of Japanese questions mentioned in Part I above, there are many things which are quite repetitious and even not worth answering.

However, the above detailed report is made to

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present to the Government the Japanese reactions on our Draft Agreement as accurate as possible. Regarding the questions enumerated above, this delegation is preparing for its counter remarks to be made at the next session.

This delegation feels it necessary to have government instructions on Japanese question items 1, 2, 8, 9, 10, 11, 12, 13, 14 and 15.

Ambassador Limb

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Tokyo, November 19, 1958

GIST OF TALKS
TWELFTH SESSION
COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

2. Time and place: 3:00-5:00 p.m., November 17, 1958
Rm. 411, Ministry of Foreign Affairs,
Japanese Government.

5260 0

2. Conference:

Korean side:

Mr. CHOI, Kyu Hah
Mr. EA, Chai Hang
Mr. CHIN, Pil Shik
Mr. MOON, Chul Soon
Mr. ROH, Jae Won
Mr. OHM, Yung Dal

Japanese side:

Mr. KATSUNO, Yasuake
Mr. HIRAGA, Kenta
Mr. HIRAZUKA
Mr. SHIMIZU, Shiro
Mr. HAKAGAWA, Toyokichi
Mr. NAGAHASHI, Hisa
Mr. SUGANUMA, Kiyoshi
Mr. TSUCHIYA, Minao
Mr. KEBBE, Ken

3. Gist of Talks:

Mr. KATSUNO:

At the last session I said that Mr. HIRAGA would ask a few questions at today's session regarding the Korean proposal. But, if you can give us answer to the questions we made at the previous session in connection with Articles 4 and 5, Paragraph 3 of Article 7 and Korean reservation Item No. 3, we would like to hear it first.

Mr. CHOI:

If Mr. HIRAGA has anything to say in connection with the draft agreement, we would listen to him.

Mr. HIRAGA:

My questions will touch rather upon the technical points of the Korean draft agreement. Therefore, whether, to my questions, you will give me answers item by item now or you leave them for the later occasions, will be up to you.

Mr. CHOI:

Anyhow, I will listen to your questions, Now.

Mr. HIRAGA:

1. In Article 1 of the Korean draft agreement regarding the phrase "... the date of the termination of hostilities of the Pacific War or since...", the Japanese side understands the date as September 2, 1945, and wishes to know the view thereon of the Korean side.

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2. In Article 1 of the same draft agreement regarding the word "descendants", the Japanese side wishes to be clarified of the extent to which the word applies in this proposal. We understand that the word ordinarily will mean lineal descendants, but we wish to know where that word falls into among the following three possible classifications: (1) Those descendants whose (both) parents are Korean residents in Japan, (2) Those of Korean father, and (3) Those of Korean mother and particularly, of father of a third nationality. There would be those descendants living outside of Japan whose parent, however, are Korean residents in Japan. I also would like to know whether the word will cover the descendants of Korean residents to be born in future without limit of time.

3. Also in regard to "descendants" in the same Article 1, I would like to know the reasons why they were included in the category of Korean residents in Japan in the draft agreement. It is the view of the Japanese side that the reason for considering a special status and treatment for the Korean residents in Japan is from the necessity of a relief measure for those who had to change their nationality under special circumstances, as a result of the termination of World War II. We don't see any particular reasons existing with the descendants thereof in granting the same status and treatment. What will be the view of the Korean side in this regard?

4. We would like to be clarified of the intent of the word "confirm" as set forth in Paragraph 1 of Article 2, whether the stipulation in that particular draft agreement means a decision of the nationality which was already made. If the later is the case, I would like to learn what was the cause of the change of nationality, as we view that, by coming into force of the San Francisco Peace Treaty, Korean residents in Japan lost their Japanese nationality.

5. Also, in connection with the above, I would like to know the relations or distinction between the words "confirm" in Article 2 and "affirm" in the preamble.

6. As regards Paragraph 2 of Article 2, the stipulation seems to be for the purpose of justifying the effect of domestic laws concerned. Though there exists International Private Law in each country, the effect of the International Private Law of a country is not always to be recognized by the other country. But, according to the above mentioned stipulation in the Korean proposal, it sets forth the unconditional recognition of the effect of the application of laws with respect to the personal status of Koreans and Japanese in relation to each other. Therefore, we feel it quite necessary to know the details of the Korean laws concerned.

7. As regards Paragraph 1 of Article 3, I would like to know, (1) the meaning of "permanent residence" and (2) the view of the Korean side on "permission thereof". I wish to know whether the word "permanent residence" means the same under the Japanese Immigration Control Law and whether the word "permission" means the same under the Japanese law.

0964

8. Also in regard to Paragraph 1 of Article 3, concerning the application of the phrase "within two years ..." to the descendants of Korean residents in Japan, the Japanese side wishes to know the view of the Korean side on the application of the same stipulation to those descendants who will be born after two years since the coming into force of this contemplated agreement.

0960

9. Referring to the same paragraph, concerning those Koreans who would not take the prescribed procedures for the permanent residence, I would like to know the Korean view as to their status and treatment, though their nationality still seems to be Korean in the light of Article 2.

10. As to the deportation in connection with Paragraph 1 of Article 3, the Japanese side wishes to learn the Korean view on the measure to be taken in case the deportation of a Korean is necessitated before the end of the two years' period.

11. With regard to Paragraph 2 of Article 3, the Japanese side wishes to learn the meaning of the word "consult" used in the same paragraph, whether it implies that deportation cannot be carried out without consent of the other party, and what could be done regarding a case when such consent could not be obtained. We would like to know whether the Japanese Government has to consult with the Korean Government on each case of deportation case by case, and what exactly will be the extent of the words "such matters as are required for the enforcement thereof".

12. Also in regard to the above mentioned paragraph, I would like to know whether the Japanese Government could unilaterally deport those Koreans who may not obtain due permanent residence under Paragraph 1 of Article 3.

13. In regard to Article 4 and its relation with Paragraph 3 of Article 7, I would like to be informed of the effect and result of the application of Article 4 retroactively on the date as set forth in Paragraph 3 of Article 7. I also wish to know how the provision of Article 4 is to be applied to the descendants, especially those who will be born in distant future.

14. In regard to Article 5, we hold the same question as the above on Article 4.

15. As regards Article 6, I would like to know whether the Korean residents in Japan in this article include their descendants, including those who might be born in distant future.

They are about all for me to ask.

Mr. CHOI:

Mr. HIRAGA's questions dealt with many detailed points in the draft agreement. I remember I made answers at the previous session to a series of questions Mr. KATSUNO raised at the tenth meeting, and I think that, comparing the questions Mr. HIRAGA has made now with those of Mr. KATSUNO, my answers made at the previous session have covered most of Mr. HIRAGA's questions. To the other questions, I will study thereon and will give answers on later occasions.

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MINISTRY OF FOREIGN AFFAIRS

R. O. K.

C O D E

NO. MTB-055

DATE 11181930

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Office of the President
Foreign Minister

TO.

With reference to my cable MTB-054 on 12th meeting of the Legal Status Committee, points of Japanese questions regarding our proposal on the legal status and treatment of Korean residents in Japan are as follows:

Item 1. In article 1 regarding the phrase "... the date of the termination of hostilities of the pacific war or since ... ", the Japanese side understands the date as September 2, 1945, and wishes to know the view thereon of the Korean side.

Item 2. In article 1 regarding the word "descendants", the Japanese side wishes to be clarified of the extent to which the word applied in this proposal. As ordinarily the word will mean lineal descendants, it wishes to know which category of the following is referred to by the

/ word " descendants "

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TO. _____ Page two

word "descendants";

1. Those whose parents are Korean residents in Japan.
2. Those of Korean father.
3. Those of Korean mother and father of a third nationality, and others.

The Japanese side further wishes to know if the word will cover all the descendants to follow forever without limit of time and regardless of places of their living.

Item 3. Also in regard to "descendants" in article 1, the Japanese side wishes to know why the "descendants" were included in the Korean residents in the Draft Agreement. It is the view of the Japanese side that the sole reason for considering a special status and treatment for the Korean residents in Japan is from the necessity of a relief measure to those who had to change their legal status under the special circumstances, as a result of
/ the termination

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Page three

TO. _____

the termination of World War II. It does not see that the above reasons exist with the descendants.

Item 4. The Japanese side wishes to be clarified of the intent of word "confirm" as set forth in paragraph 1 of article 2, whether it is for deciding their nationality or for confirming the nationality already decided. If the latter is the case, it wishes to know what was the cause of the change of nationality as the Japanese side views that by coming into force of the San Francisco Peace Treaty, Korean residents in Japan lost their Japanese nationality.

Item 5. Also, in connection with the above, the Japanese side wishes to know the relations or distinction between the words "confirm" in article 2 and "affirm" in the preamble.

/ Item 6.

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TO. _____ Page four

Item 6. As paragraph 2 of article 1, though there exists international private law in each country, the effect of the international private law of a country is not always to be recognized by the other country. By the other but, according to the above mentioned stipulation in the Korean proposal, it set forth the unconditional recognition of the effect of the application of laws with respect to the personal status of Koreans and Japanese in relation to each other. Therefore, the Japanese side feels it quite necessary to know the details of the Korean laws concerned.

Item 7. As regards paragraph 1 of article 3, the Japanese side wishes to be informed of (1) the meaning of " permanent residence ", and (2) Korean view of " permission thereof ". The Japanese wishes to know

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TO. _____ Page five

Whether the word " permanent residence " means the same under the Japanese Immigration Control Law and whether the word " permission " means the same under the Japanese law.

Item 8. Also in regard to paragraph 1 of article 3, concerning the application of the phrase " within 2 years " to the descendants of Korean residents in Japan, the Japanese side wishes to know the view of the Korean side on the application of the same stipulation to whose descendants who will be born after 2 years since the coming into force of this contemplated agreement.

Item 9. Referring to the same paragraph, concerning those Koreans who would not take the prescribed procedures for the permanent residence, the Japanese side wishes

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TO. _____ Page six

to know Korean view as to their status and treatment though their nationality still seems to be Korean in accordance with article 2.

Item 10. As to the deportation in connection with paragraph 1 of article 3, the Japanese side wishes to learn Korean view on the measure to be taken in case the deportation of a Korean is necessitated before the end of the 2 years period.

Item 11. With regard to paragraph 2 of article 3, the Japanese side wishes to learn the meaning of the word "consult" used in the same paragraph, whether it implies that deportation cannot be carried out without consent of the other party, and what could be done regarding a case when such consent could not be obtained. The Japanese side also wished to know (1) whether the

/ Japanese

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TO. Page seven

Japanese Government has to consult with the Korean Government on each case of deportation case by case, and (2) what exactly will be the extent of the words "such matters as are required for the enforcement thereof".

Item 12. Also in regard to the above mentioned paragraph, the Japanese side wishes to know whether it could unilaterally deport those Koreans who would may not obtain due permanent residence under paragraph 1 of article 3.

Item 13. In regard to article 4 and its relation with paragraph 3 of article 7, the Japanese side wishes to be informed of the effect and result of the application of article 4 retroactively on the date as set forth in paragraph 3 of article 7. It also wishes to know how / the provision of _____
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the provision of article 4 is to be applied to the descendants, especially those who will be born in future.

Item 14. In regard to article 5, the Japanese side holds the same question as the above on article 4.

Item 15. As regards article 6, the Japanese side wishes to know whether the Korean residents in Japan in this article includes their descendants including those who might be born in distant future.

Part II

In connection with series of Japanese questions mentioned in Part I above, there are many things which are quite repetitious and even not worth answering.

However, the above detailed report is made to

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present to the Government the Japanese reactions on our Draft Agreement as accurate as possible. Regarding the questions enumerated above, this delegation is preparing for its counter remarks to be made at the next session.

This delegation feels it necessary to have government instructions on Japanese question items 1, 2, 8, 9, 10, 11, 12, 13, 14 and 15.

Ambassador Limb

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COMMUNICATION SECTION

0962

Tokyo, November 19, 1958

GIST OF TALKS
TWELFTH SESSION
COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

2. Time and place: 3:00-5:00 p.m., November 17, 1958
Rm. 411, Ministry of Foreign Affairs,
Japanese Government.

5460 0

2. Conference:

Korean side:

Mr. CHOI, Kyu Hah
Mr. EA, Chai Hang
Mr. CHIN, Pil Shik
Mr. MOON, Chul Soon
Mr. ROH, Jae Won
Mr. OHM, Yung Dal

Japanese side:

Mr. KATSUNO, Yasuake
Mr. HIRAGA, Kenta
Mr. HIRAZUKA
Mr. SHIMIZU, Shiro
Mr. HAKAGAWA, Toyokichi
Mr. NAGAHASHI, Hisa
Mr. SUGANUMA, Kiyoshi
Mr. TSUCHIYA, Minao
Mr. KEBE, Ken

3. Gist of Talks:

Mr. KATSUNO:

At the last session I said that Mr. HIRAGA would ask a few questions at today's session regarding the Korean proposal. But, if you can give us answer to the questions we made at the previous session in connection with Articles 4 and 5, Paragraph 3 of Article 7 and Korean reservation Item No. 3, we would like to hear it first.

Mr. CHOI:

If Mr. HIRAGA has anything to say in connection with the draft agreement, we would listen to him.

Mr. HIRAGA:

My questions will touch rather upon the technical points of the Korean draft agreement. Therefore, whether, to my questions, you will give me answers item by item now or you leave them for the later occasions, will be up to you.

Mr. CHOI:

Anyhow, I will listen to your questions, Now.

Mr. HIRAGA:

1. In Article 1 of the Korean draft agreement regarding the phrase "... the date of the termination of hostilities of the Pacific War or since...", the Japanese side understands the date as September 2, 1945, and wishes to know the view thereon of the Korean side.

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2. In Article 1 of the same draft agreement regarding the word "descendants", the Japanese side wishes to be clarified of the extent to which the word applies in this proposal. We understand that the word ordinarily will mean lineal descendants, but we wish to know where that word falls into among the following three possible classifications: (1) Those descendants whose (both) parents are Korean residents in Japan, (2) Those of Korean father, and (3) Those of Korean mother and particularly, of father of a third nationality. There would be those descendants living outside of Japan whose parent, however, are Korean residents in Japan. I also would like to know whether the word will cover the descendants of Korean residents to be born in future without limit of time.

3. Also in regard to "descendants" in the same Article 1, I would like to know the reasons why they were included in the category of Korean residents in Japan in the draft agreement. It is the view of the Japanese side that the reason for considering a special status and treatment for the Korean residents in Japan is from the necessity of a relief measure for those who had to change their nationality under special circumstances, as a result of the termination of World War II. We don't see any particular reasons existing with the descendants thereof in granting the same status and treatment. What will be the view of the Korean side in this regard?

4. We would like to be clarified of the intent of the word "confirm" as set forth in Paragraph 1 of Article 2, whether the stipulation in that particular draft agreement means a decision of the nationality which was already made. If the later is the case, I would like to learn what was the cause of the change of nationality, as we view that, by coming into force of the San Francisco Peace Treaty, Korean residents in Japan lost their Japanese nationality.

5. Also, in connection with the above, I would like to know the relations or distinction between the words "confirm" in Article 2 and "affirm" in the preamble.

6. As regards Paragraph 2 of Article 2, the stipulation seems to be for the purpose of justifying the effect of domestic laws concerned. Though there exists International Private Law in each country, the effect of the International Private Law of a country is not always to be recognized by the other country. But, according to the above mentioned stipulation in the Korean proposal, it sets forth the unconditional recognition of the effect of the application of laws with respect to the personal status of Koreans and Japanese in relation to each other. Therefore, we feel it quite necessary to know the details of the Korean laws concerned.

7. As regards Paragraph 1 of Article 3, I would like to know, (1) the meaning of "permanent residence" and (2) the view of the Korean side on "permission thereof". I wish to know whether the word "permanent residence" means the same under the Japanese Immigration Control Law and whether the word "permission" means the same under the Japanese law.

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Mr. KATSUNO:

Since the points of Mr. HIRAGA's questions are different from those of mine, I hope you would answer to Mr. HIRAGA's questions one by one.

Mr. CHOI:

Concerning the principles of the draft agreement, I have already answered thereon. Also, regarding the procedures to obtain the permanent residence, (Paragraph 1 of Article 3), I told the Japanese side at the previous session that it would be worth considering to work out procedure to be more effective, as well as more economic and timesaving. As to Paragraph 2 of Article 3, sufficient explanations have been made at the previous session. Regarding the same paragraph, referring to item 11 of Mr. HIRAGA's questionnaire, I have already made the explanation at the preceding session on the meaning of the word "consult", and, as to the extent of the words "such matters as are required for the enforcement thereof," I will make answers on the later occasion.

Besides, I do not find any justification for discussing such technical matters at this stage. The Japanese side can ask any such questions when we entered into article-by-article-debate of the proposal. As I think that such exchanges of questions and answers at the stage would only waste the valuable time of this committee, I would like to suggest that this committee enter into article-by-article discussion on the draft agreement as soon as possible. Further, I would like to invite the attention of the Japanese side that it has failed to give answers to the questions I presented at the previous session along my answers to Mr. KATSUNO's questions.

Mr. KATSUNO:

We are still studying your questions. We asked questions in order to have a better grasp of the meanings of the Korean draft agreement, which I hope you will understand.

Mr. CHOI:

Since a sufficient explanation was made regarding the fundamental structures of the Korean draft agreement, I believe the Japanese side has fully understood principles thereof. Therefore I wish the Japanese side would sincerely try to find a constructive and time-saving way for an early settlement of the works of this committee. I would like to suggest again that the committee enter into article-by-article discussion on the draft agreement, in the course of which both sides can enjoy ample time to exchange questions and answers on detailed matters concerning relevant articles.

The Japanese side must be well aware of the fact that the matters covered by this draft agreement have been the problems for a long time to be settled between the two governments. Both sides have had enough experiences to feel that there should be a fundamental settlement thereof. It is also true that we know the background of the problems more than any other problems. However, as the Japanese side is lingering with so-called "general questions", including those which are too clear to be questioned, we cannot but think that the Japanese side is purposely wasting valuable time of the committee and delaying the solution of the pending problems. Now I like to know when will the Japanese side present its official views on our proposal.

8. Also in regard to Paragraph 1 of Article 3, concerning the application of the phrase "within two years ..." to the descendants of Korean residents in Japan, the Japanese side wishes to know the view of the Korean side on the application of the same stipulation to those descendants who will be born after two years since the coming into force of this contemplated agreement.

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9. Referring to the same paragraph, concerning those Koreans who would not take the prescribed procedures for the permanent residence, I would like to know the Korean view as to their status and treatment, though their nationality still seems to be Korean in the light of Article 2.

10. As to the deportation in connection with Paragraph 1 of Article 3, the Japanese side wishes to learn the Korean view on the measure to be taken in case the deportation of a Korean is necessitated before the end of the two years' period.

11. With regard to Paragraph 2 of Article 3, the Japanese side wishes to learn the meaning of the word "consult" used in the same paragraph, whether it implies that deportation cannot be carried out without consent of the other party, and what could be done regarding a case when such consent could not be obtained. We would like to know whether the Japanese Government has to consult with the Korean Government on each case of deportation case by case, and what exactly will be the extent of the words "such matters as are required for the enforcement thereof".

12. Also in regard to the above mentioned paragraph, I would like to know whether the Japanese Government could unilaterally deport those Koreans who may not obtain due permanent residence under Paragraph 1 of Article 3.

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14. In regard to Article 5, we hold the same question as the above on Article 4.

15. As regards Article 6, I would like to know whether the Korean residents in Japan in this article include their descendants, including those who might be born in distant future.

They are about all for me to ask.

Mr. CHOI:

Mr. HIRAGA's questions dealt with many detailed points in the draft agreement. I remember I made answers at the previous session to a series of questions Mr. KATSUNO raised at the tenth meeting, and I think that, comparing the questions Mr. HIRAGA has made now with those of Mr. KATSUNO, my answers made at the previous session have covered most of Mr. HIRAGA's questions. To the other questions, I will study thereon and will give answers on later occasions.

Mr. KATSUNO:

Since the points of Mr. HIRAGA's questions are different from those of mine, I hope you would answer to Mr. HIRAGA's questions one by one.

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The Japanese side must be well aware of the fact that the matters covered by this draft agreement have been the problems for a long time to be settled between the two governments. Both sides have had enough experiences to feel that there should be a fundamental settlement thereof. It is also true that we know the background of the problems more than any other problems. However, as the Japanese side is lingering with so-called "general questions", including those which are too clear to be questioned, we cannot but think that the Japanese side is purposely wasting valuable time of the committee and delaying the solution of the pending problems. Now I like to know when will the Japanese side present its official views on our proposal.

Mr. KATSUNO:

Since Mr. HIRAGA has finished with his questions, we will be ready for our views as soon as the answers to Mr. HIRAGA's questions are given by the Korean side.

Mr. CHOI:

As regards items 13 and 14 of Mr. HIRAGA's questionnaire, I would like to explain on Articles 4 and 5 and their relations with Paragraph 3 of Article 7, respectively, of the draft agreement. According to the Japanese view that Korean residents in Japan lost so-called "Japanese" nationality on April 28, 1952 when San Francisco Peace Treaty entered into effect, though the Korean side does not recognize the Japanese view, those Korean residents should have enjoyed up to that date the same treatment as "national treatment". And in view of the fact that the acquired rights of those Koreans should naturally be respected, Articles 4 and 5 were proposed on the basis of the natural logics that those Koreans should be able to enjoy the same treatment up to this date. Will be entitled to do so up to the date of the coming into effect of this draft agreement. We made reservation item 3 when the Korean draft proposal was presented to the committee, because we have to be sure of what treatment the Japanese Government has granted to the Koreans concerned after the end of World War II. What kind of treatment are they now enjoying? We have to know it first. Therefore, the conclusive answer thereon can be given according to the Japanese answer to our question mentioned above, and Articles 4 and 5 should be re-considered accordingly, if the Japanese answer is different from our expectation.

Mr. KATSUNO:

As to the details of the treatments being rendered to the Korean residents in Japan, we will present them to the committee as soon as the whole picture is in hand.

Mr. CHOI:

It seems to be almost at the end of discussion for today. But, before closing the session, I would like to reiterate my wish that the Japanese side would cooperate with us in finding ways to expedite the works of the committee. Now, when shall we meet again?

Mr. KATSUNO:

Let us meet at 3:00 p.m., November 24, 1958.

Mr. CHOI:

No objection.

REMARKS: Before the meeting was adjourned, the committee agreed to the Joint Press Release which reads: "The committee continued substantial discussions on the legal status and treatment of Korean residents in Japan, and it was decided that the next meeting would be held at 3:00 p.m., November 24, 1958."

- The end -

0967

P123

1-13、 第 13 次 1958.11.24

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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. MEU-062

DATE 1124

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TO. Office of the President Foreign Minister

The 13th session of Committee on Legal Status of Korean Residents in Japan was held at 10:30 A.M. on November 24th at the Japanese Foreign Ministry. Next meeting will be held on December 1.

Item 1. Japanese side stated with regard to the actual treatments presently accorded to Korean Residents in Japan in relation to Article 4 and 5 that it has not finished the compilation of data concerned due to the fact it needs consultations with various ministries concerned. Our side renewed our request that Japanese side should submit its answers concerned as early as possible.

Item 2. With regard to series of Japanese questions which were presented at the meetings of both 11 and 12th sessions, our side confined our answers only those questions on which our stand is clear in view of the standing instructions of the Government and also from the purposes of our proposal. As to those Japanese questions for which the Government instructions are being awaited, our side reserved concrete answers thereto for future.

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
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Item 3. Pointing out that the present Japanese attitude cannot but be construed as that of dragging intentionally the works of the committee by putting up at this stage various technical questions regarding our draft agreement, our side made strong representations that Japanese side should make efforts for smooth and effective proceeding of the works of this committee and should enter into article-by-article discussions on the draft agreement as soon as possible. Our side also said that in the course of such article-by-article discussions questions and answers on detailed and technical matters should mutually be exchanged, and that now it is the time for Japanese side to express concrete views on various articles of our draft agreement, since our side has already presented our draft together with sufficient explanations on the spirit and purpose thereon.

Item 4. Early Government's instructions on my cable MIB-046 or composition Ad Hoc working party and OSS would be highly appreciated.

Ambassador Limb

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Tokyo, November 28, 1958

THIRTEENTH SESSION
COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

9860

1. Time and place: 10:30-12:25 a.m., November 24, 1958,
Rm. 411, Ministry of Foreign Affairs,
Japanese Government
2. Conferees:
- | | |
|----------------|--|
| Korean side: | Mr. CHOI, Kyu Hah
Mr. EA, Chai Heng
Mr. CHIN, Pil Shik
Mr. MOON, Chul Soon
Mr. ROH, Jae Won
Mr. OHN, Young Dal |
| Japanese side: | Mr. KATSUNO, Yasusuke
Mr. HIRAGA, Kenta
Mr. HIRAZUKA
Mr. SHIMIZU, Shiro
Mr. HASEGAWA, Shinto
Mr. NAKAGAWA, Toyokichi
Mr. NAGAHASHI, Hisa
Mr. SUGANUMA, Kiyoshi
Mr. TSUCHIYA, Mineo
Mr. IKEDA, Ken |

3. Gist of Talks:

Mr. KATSUNO:

With regard to the Korean counter-question in connection with Articles 4 and 5 of the Korean proposal, we are still conducting researches in order to collect the whole data as to the treatments which the Korean residents in Japan are now enjoying actually in connection with the said articles. Since the matter is related with other Ministries concerned, we require a certain time before we finish the complete collection of the data concerned.

Mr. CHOI:

Have you any other thing to say?

Mr. KATSUNO:

No, for today. I want to listen to your comment on the questions raised by Mr. Hiraga at the previous session.

Mr. CHOI:

If so, I would like to give my comment in connection with some of questions submitted by Mr. KATSUNO at the eleventh session and also by Mr. HIRAGA at the twelfth session.

First of all, concerning Mr. Katsuno's questions regarding Article 6 (1) of the draft agreement, the ground on which the said proposal was made was that Korean residents in Japan could return

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to the Republic of Korea without limitation of time. Therefore, Mr. Katsuno's "position" that there should be a certain limited period during which neither customs duties nor any other charges may be imposed on those movables which repatriating Korean residents will take with them to the Republic of Korea, is not justified, not only in the light of the principle that their property right should constantly be respected, but also in view of the fact that their freedom to return to the Republic of Korea with their properties will not be substantially restricted by limitation of the period.

Secondly, with regard to Mr. Katsuno's "understanding" that, concerning Article 6 (2) of the draft agreement, the amount of the fund to be remitted to the Republic of Korea by repatriating Korean residents will also be subject to "separate negotiations", I have to make it clear that there should be no restriction placed upon the amount of the fund which the repatriating Korean wishes to remit to the Republic of Korea. It may frequently happen that repatriating Koreans want to remit not only the cash in hand, but also proceeds from their movables or immovables which they may dispose of in Japan, when they want to repatriate to the Republic of Korea. In such case, it is quite natural that the funds mentioned above should be remitted to the Republic of Korea by the repatriating Koreans without any restriction placed on the amount of money to be remitted to the Republic of Korea. If there were to be any restriction placed upon the amount of funds to be remitted by repatriating Koreans, it would be tantamount to restriction on their property right itself, and, further, could not but be an indirect way of forcing them to give up their due property rights in the long run.

Also, I must make it clear that there should be no arbitrary measures employed by the Japanese Government authorities concerned in their remitting of funds to the Republic of Korea. In this connection, I would like to remind the Japanese side that it would also be arbitrary measures that the repatriating Koreans are forced to purchase so-called national bond, to pay various charges, or to make the so-called fixed deposit, etc. in their remitting of money to the Republic of Korea. Therefore, it should be understood that the amount of the funds to be remitted is beyond the scope of "separate negotiations" under Article 6 (2) of the draft agreement.

Thirdly, with regard to Mr. Katsuno's suggestion on the composition of ad hoc working party to handle the matter concerning "separate negotiations" under Article 6, I think that, before composing such an organ, a considerable progress had better be made of the fundamental points of our negotiations, though Mr. Katsuno's suggestion is now under study.

Now, I am going to give my view to some of questions raised by Mr. Hiraga at the 12th session.

(1) As to "the date of the termination of Pacific War...", the matter will come out later and, therefore, I would reserve my answer thereon.

(2) In connection with the problem of the inclusion of "descendants" in "the Korean residents in Japan", Mr. Hiraga stated that the reason for considering a special status and treatment for Korean residents in Japan is from the necessity of a "relief

measure" for those who had to change their "nationality" under special circumstances, etc. But it would be a big mistake, if Mr. Hiraga thinks that a special status and treatment is to be given to Korean residents in Japan as "a relief measure". As we all know, almost all of Korean residents in Japan had been compulsorily brought over to Japan as drafted labourers or heavy workers, or conscripted "military" workers for Japan's purposes.

It needs a serious determination of mind, when a Korean leaves his native town for good for other country which is thousands of miles away. No Koreans have, in fact, migrated into Japan of their own free will.

The then imperialistic Japan had utilized labouring power of the Koreans who had been forcibly taken to Japan, even to such extent that many of them lost their lives in the course of their hard labour.

Under the circumstances, Japan should be solely responsible for the present predicament and hardships of Korean residents in Japan. No man of conscience would allow Japan to treat human beings as cast-off shoes. It is quite natural that descendants of Korean residents in Japan should live in the places where their parents live. These descendants should be entitled to the same treatment as to be rendered to their parents, because they will succeed to the status of their parents in Japan who have in Japan their basis of living.

(3) Mr. Hiraga raised a question on wordings of the draft agreement at this stage which seems to be rather premature. But, inasmuch as he questioned about the difference of the meaning of the word "affirm" in the preamble from that of the word "confirm" in Article 2 (1) of the draft agreement, I wish to give my comment thereon.

The word "affirm" means "make firm". As we are fully aware, it is a customary practice in an international agreement that the purpose or spirit of the agreement is described in general terms in the preamble. So, we used such terms as "affirm" in the preamble.

On the other hand, in a specific article of an international agreement, it is also customary to use a word which has a legal bearing or meaning. The word "confirm" which means "make firm" by the formal authoritative assent, has been used as a word which describes the way how to "affirm" or "make firm the nationality of Koreans residing ...". Thus, it is obvious that the word "confirm" has been used in Article 2 (1) to show a formal action which the Republic of Korea and Japan take, that is to say, "to make firm something which already exists, by formal authoritative assent".

(4) Mr. Hiraga took the view that the Korean residents in Japan lost their "Japanese" nationality upon the first coming into force of San Francisco Peace Treaty. In this connection, I take a different view from Mr. Hiraga's. I do not think it right that the Japanese side connects the nationality problem of Korean residents with the coming into force of the San Francisco Peace Treaty. I want to avoid any long argument on this matter, but one thing that I have to make it clear at this stage is that the Government of the Republic of Korea was inaugurated on August 15, 1948, and

the Government was recognized as "the only lawful Government" of Korea by the United Nations and many of the countries of the world.

On what legal ground did Mr. Hiraga frequently say that Korean residents in Japan lost "Japanese" nationality, etc.?

Mr. HIRAGA:

The legal ground is on the "Japan-Korea Annexation Treaty" in 1910.

Mr. CHOI:

Mr. Hiraga touched upon a very serious problem. As the so-called "annexation treaty" had been compulsorily imposed (by force and duress), it is null and void.

(5) Now, as to Article 2 (2), Mr. Hiraga wanted to know the details of the Korean laws related to the international private law. I think that the information on the international private laws of Korea and Japan should be mutually supplied later when necessary. Therefore, I will not refer to the details of Korean laws concerned at this stage.

(6) As regards Mr. Hiraga's question regarding whether the word "permanent residence" or "permission thereof" in Article 3 (1) would mean the same thing under the Japanese Immigration Control Law. I cannot but doubt the real intention of the Japanese side in its discussion with the Korean side on the problem of Korean residents in Japan. The Japanese laws and regulations are only domestic laws and regulations of Japan and not international law.

- It cannot be justified that Japan always tries to adhere to her own "domestic" laws when she is negotiating on an "international" agreement with the Republic of Korea. The expression "permanent residence" or "permission thereof" shall be defined only in accordance with the present agreement, and not with the so-called Japanese laws concerned, and I think the "permanent residence" here means "permanent residence" in the literal sense of the word appearing in the present draft agreement.

(7) Concerning Mr. Hiraga's question as to the procedure for application for permanent residence, it is recalled that Mr. Katsuno once stated that, if the Japanese Government should follow the procedures as stipulated in Article 3 (1), it would create a problem on its budget, amounting to quite a "large" sum of money. At the 11th session, I stated, in reply, that, as to the procedures for granting permanent residence to Korean residents in Japan, it would be a problem worth studying to map out an idea by which permanent residence could be granted to Korean residents in Japan in a most economic, effective and time-saving manner, and that I asked the Japanese side if it had any good idea in its mind.

Now, I want to listen to the Japanese view in this regard if the Japanese side has prepared itself for making any remarks thereon.

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(8) With respect to Mr. Hiraga's question concerning the relations between "deportation" and "consultation", I remember that the Korean side has already expressed its view, and therefore I do not feel it necessary to repeat my remarks thereon. But I wish to add that the "permanent residence" subject to arbitrary deportation cannot be "permanent residence" in the true sense of the word, and that the case-by-case consultation is a logical conclusion from the "permanent residence" status to which Korean residents in Japan are entitled.

Mr. HIRAGA:

Do you mean that deportation of Korean residents cannot be carried out without the consent of the other party?

Mr. CHOI:

Unilateral or arbitrary deportation cannot be called the deportation which is to be carried out upon "consultation".

Mr. HIRAGA:

When deportation is carried out by the Japanese Government, it is carried out within the scope of the criteria specified in the Japanese laws concerned and not in any arbitrary manner. Thus, I don't know what kind of consultation Korean side wishes to have in the deportation, when you referred to "case-by-case" consultation.

Mr. CHOI:

You are always referring to so-called the Japanese laws, etc. It is quite unreasonable for you to try to adhere to your own domestic laws when both sides are negotiating on an international agreement.

Now, as to the subjects of the consultations as is stated in Article 3 (2), they are also relating to "such matters as are required for the enforcement thereof ..." which will come to light later as the present negotiations are making progress.

(9) With regard to Mr. Hiraga's question Nos. 13 and 14 in regard to Articles 4 and 5, and their relations with Article 7 (3), etc., I have already raised some questions at the 12th session, and therefore I do not want to repeat it. But it is recalled that I have already put forward a question regarding what kind of "special" treatment is now actually rendered to Korean residents in Japan. In the beginning of today's session, Mr. Katsumo stated that he needs a little more time in giving his answer to my question. I, therefore, would like to urge once again the Japanese side to give its answer to my question mentioned above.

These are the almost all I want to say at the today's session. I hope that the Japanese side will make constructive efforts to bring about a satisfactory settlement of the problems being handled at this committee.

Mr. HIRAGA:

As to the unanswered part of my questions, I hope the Korean side will give its answers at the next meeting.

Mr. CHOI:

I don't think that this is the stage where questions and answers are exchanged on a "minor and technical" points. I hope the Japanese side will give the Korean side answers on questions raised by the latter at today's session and previous sessions as well. Detailed matters will eventually be dealt with when the Committee enter into article-by-article deliberations.

Mr. HIRAGA:

It is very hard for the Japanese side to say "yes" or "no" on the Korean proposal before it grasps in detail the Korean view embodied in the draft agreement. My view is that, before entering into article-by-article discussions on the draft agreement, the Japanese side has to know the exact meanings of the various articles of the Korean draft agreement, and, therefore, I wish to have the Korean answers on the unanswered part of my questions.

Mr. CHOI:

The Korean side has already given the overall explanations on the purpose and spirit of the draft agreement, and also expressed its views on several points which were referred to by the Japanese side. Our draft proposal was made not in verbal form but in writing. Therefore, you can fully understand what the Korean proposal means, if you read the draft agreement. I urge that the Japanese side express its view on my questions already raised and on the draft agreement itself. I also think that our efforts have to be concentrated to arrive at the target of this committee as soon as possible. In so doing, we can expedite the smooth and effective proceeding of this committee. Beside these, we have many tasks to do; "separate negotiations" under Article 6, etc.

Mr. KATSUNO:

As I listened to the Korean views expressed today, I felt that there existed discrepancies of views between both sides. The Japanese side will make comment on the answers made by the Korean side in regard to the Japanese questions. I hope that exchange of questions and answers will be made continuously.

Mr. CHOI:

Mr. Katsumo, please understand that this is not a new problem; both sides exchanged their views at previous Korean-Japan conferences, and through routine diplomatic channels as well. If we continue to exchange questions and answers endlessly, I am afraid that this committee would go some other places than it is expected to go to.

I think that the Japanese side has to be sincere enough to avoid any possible result of making this place the site of discussion for the sake of discussions only. I hope your side will enter into the crux of the problems and your doing so will be a due course of this committee arriving at its target. It is essential that the committee should proceed with the right course which it should follow.

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Mr. KATSUNO:

You think as if the Japanese side were trying to make discussions for the sake of discussions only, but I believe that, in the course of exchanging questions and answers, the background of the Japanese way of thinking has also been known to the Korean side.

The exact meanings of various articles of Korean draft agreement are not clear to the Japanese side, and, therefore, I deem it necessary to continue to exchange questions and answers to the fullest extent so that an amicable settlement could be made of the legal status of Korean residents in Japan. It would be necessary to continue discussions by exchanging questions and answers, in order to forestall any future dispute on the problems concerning Korean residents in Japan. Therefore, present way of discussions will not always be a way leading merely to waste of time.

Mr. CHOI:

I know of the necessity of forestalling any future dispute in regard to problems concerning Korean residents in Japan. We are, therefore, together here to settle the problems concerning Korean residents in Japan. What I really meant was that, since the Korean side has already presented a draft agreement in writing and also given explanations on the purpose and spirit of the draft agreement, it was the time for the Japanese side to make a concrete answer on various questions raised by the Korean side. I said that I was afraid that if the committee were to continue to exchange questions and answers endlessly, this committee might be changed into a site for discussions for the sake of discussions only, of which the aims might be easily lost sight of.

Mr. KATSUNO:

I am afraid that you misunderstood me. I think our committee meetings made some progress.

Mr. CHOI:

I say that the Japanese side should express its constructive views on the draft agreement and the questions raised by the Korean side. I presumed that the Japanese side is aware of the historical background of how the Korean residents in Japan have been brought to Japan. Therefore, the Japanese side should give the Korean side clear answers without attempting to exchange mere questions and answers endlessly.

Mr. KATSUNO:

I will show you how the exchange of questions and answers helped the Japanese side know what draft agreement really meant. For example, we did not know it until we listened to your explanation that there should be no restrictions on the amount of the fund to be remitted by repatriating Korean residents to the Republic of Korea in connection with Article 6.

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Mr. CHOI:

It is crystal clear that there is no single word which could be interpreted as meaning that restrictions could be placed on the amount of money to be remitted in Article 6 (2) of the draft agreement. That is why I stated that your side raised many unnecessary questions at the cost of our valuable time. So, I hope that you will express "constructive" views on the questions raised by the Korean side.

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Mr. KATSUNO:

I take note of your remarks as the desire of the Korean side. When shall we meet again? Would it be all right to you, if the next session be held at 10:30 a.m., on Monday next, December 1?

Mr. CHOI:

I think that the earlier, the better. But I would not raise objection to your proposal on the holding of the next session. As to the press release, shall we follow the past precedent?

Mr. KATSUNO:

That will be all right.

REMARKS:

The Joint Press Release both sides agreed reads: "The committee continued substantial discussions on legal status and treatment of Korean residents in Japan, and it was decided that the next meeting would be held at 10:30 a.m., December 1, 1958."

~~CONFIDENTIAL~~

외비접수번호

No. 33

Tokyo, November 27, 1958

0994

Dear Mr. President:

As reported by my cable Nos. NTB-058 of November 22, NTB-062 of November 24 and NTB-064 of November 26, 1958, the 9th session of the Sub-committee on Other Claims regarding Art Objects, the 13th session of the Committee on Legal Status of Korean Residents in Japan and the 21st session of the Sub-committee on Vessels were held at the Ministry of Foreign Affairs of the Japanese Government, on November 22, November 24, and November 25, 1958, respectively.

I. Sub-committee on Other Claims Regarding Korean Art Objects:

The Japanese side, at this session, regretted that it was not in a position to give a reply to our request for return of art objects, pending a decision of the basic policy by the higher authorities. It continued that the Japanese delegation discussed with Foreign Minister Fujiyama on art objects in the past week, but a contemplated meeting of the Cabinet Ministers concerned to decide the policy on the matter regarding art objects and on other problems of the Korea-Japan Talks had to be postponed due to internal political difficulties in connection with the Diet proceeding.

Our delegation reiterated its stand that the matter on art objects should be settled, without connecting it to the settlement of the other problems, as soon as possible, pointing out that an early settlement of the matter would be of a significance to the smooth proceeding of the works of other committees. The Japanese side replied that, as the current internal political difficulties seem to be settled soon, the contemplated meeting of the Cabinet Ministers concerned could be held in the following week, if things should go smoothly.

His Excellency
Dr. Syngman Rhee
President of the Republic
of Korea

[원안: 문화재소송. 9차]

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II. Committee on Legal Status of Korean Residents in Japan:

Regarding our question on the actual treatments presently accorded to Korean residents in Japan in relation to Article 4 and 5 of our proposal, the Japanese side stated that it had not completed the compilation of data regarding the treatments due to the necessity for further contacts and consultations with various Ministries concerned. Our side renewed its request in this regard to give us an early answer. With regard to series of Japanese questions in connection with our draft agreement, which were presented at both 11th and 12th sessions, our side confined its answers only to those questions regarding which our stand was clear in view of the standing policy and instructions of the Government and also from the purpose of the concerned articles of our proposal.

As to those Japanese questions for which Government instructions are being awaited, our side reserved concrete answers thereto for future meetings.

Pointing out that the present Japanese attitude could not be construed as that of dragging intentionally the works of the committee by putting forth various technical and insignificant questions on our proposal, our side made strong representations that the Japanese side should make efforts for a smooth and effective proceeding of this committee and should enter into article-by-article discussions on our draft agreement as soon as possible. Our side further stressed that now, it was the time for the Japanese side to express its concrete view on our draft agreement, since our draft agreement in a written form had been presented together with sufficient explanation on the spirit and purpose thereon.

Government instructions on my cables NTB-046 on composition of ad hoc working party, and on NTB-055 would be highly appreciated.

III. Sub-committee on Vessels:

Our side requested again at this session that the Japanese side should give us a reply regarding the first list of 31 vessels falling within the scope of Agenda item A presented at the 18th session. The Japanese side firmly maintained that it wanted to proceed with the matter under Agenda item B, and then Agenda items C and D, subsequently, stating that both sides were of conflicting views on the legal basis of the Korean

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1-14 第 14 次、1958.12.8

MINISTRY OF FOREIGN AFFAIRS

INCOMING
TELEGRAM

R. O. K

NO. IS-911197

DATE 301030

TOKYO

CLASSIFICATION

TO. KYUNG MU BAI
FOREIGN MINISTER

THE JAPANESE SIDE REQUESTED THIS MORNING THAT
THE MEETING OF THE LEGAL STATUS COMMITTEE SCHEDULED TO
BE HELD AT 10:30 AM ON MONDAY, DECEMBER 1, 1958,
BE POSTPONED UNTIL THE NEXT MONDAY, DECEMBER 8 PD

AMBASSADOR LINE

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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. MTB-080
DATE 1209

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TO: Office of the President & Foreign Minister

The 14th session of the Committee on Legal Status of Korean residents was held at 10:30 on December 8, 1958. Next meeting will be held at 10:30 a.m. on December 15, 1958.

Item 1. At this meeting, our side tried to sound out the Japanese intentions in regard to questions set forth on page 2 of instructions No. Oijung 4365 dated November 24, 1958. At the meeting, the Japanese side stated in reply to our question put forward previously in connection with Articles 4 and 5 that, under Japanese laws, aliens can enjoy all property rights in the same way as Japanese nationals do with the only exception of mining right and that those Koreans who had mining right at the time of the coming into force of San Francisco Peace Treaty were required to dispose it or transfer

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the title during the period of 2 years from April 28, 1962 under the law concerned. It continued that aliens can enjoy occupations under Japanese laws in the same way as the Japanese do, excepting government and public officials. Pointing out again the special status of Korean residents, our side told the Japanese side that it could hardly make sense that the Koreans had been given same treatment as was accorded to ordinary aliens. Our side continued that it had proposed articles 4 and 5 on the premise that the Koreans were actually enjoying those property rights, etc. which they had enjoyed at the time of coming into force of San Francisco Peace Treaty and that, therefore, the Japanese unilateral measures depriving Korean residents of mining right were quite contrary to the exception that had been entertained by the Korean side in proposing

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the article concerned. Our side made it clear that it could not recognize propriety of such Japanese unilateral measures.

Item 2. Concerning the nationality of the Korean residents, the Japanese side maintained that they lost Japanese nationality by the coming into force of San Francisco Peace Treaty. It continued that it would not raise any objection to Korea's view that they are nationals of Republic of Korea, but Japan had legally nothing to do with the nationality of the Koreans in question after their losing of Japanese nationality, in view of the principle of the international law concerned. Our side told the Japanese that the so-called annexation treaty is null and void and pointed out that the Republic of Korea Government was establi-

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TO. page four

shed on August 16, 1948. It added that the Japanese insistence of its one sided view that the Koreans lost their "Japanese" nationality by the coming into force of the San Francisco Peace Treaty on April 28, 1952 would only hamper the smooth works of this Committee.

Item 3. With regard to the matter of granting permanent residence to the Koreans under reference, the Japanese side reserved its answer at the 14th session.

Item 4. In view of item 1 above, Government instructions on how to handle the matters (under Article 4 and 5) would be highly appreciated.

Ambassador Ligb

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Tokyo, December 10, 1958

FOURTEENTH SESSION
COMMITTEE ON LEGAL STATUS OF
KOREAN RESIDENTS IN JAPAN

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1. Time and place: 10:30 -12:10, December 9, 1958,
Room 411, Ministry of Foreign
Affairs, Japanese Government

2. Conference:

Korean side:

Mr. CHOI, Kyu Hah
Mr. EA, Chai Hang
Mr. CHIN, Pil Shik
Mr. ROH, Jae Won
Mr. OHM, Young Dal

Japanese side:

Mr. MATSUNO, Yasusuke
Mr. HIRAGA, Kenta
Mr. NAKAGAMA, Toyokichi
Mr. HIRATSUKA, Nenoichi
Mr. HASEGAWA, Shinzo
Mr. SHIMIZU, Shiro
Mr. SUGANUMA, Kiyoshi
Mr. TSUCHIYA, Minsao
Mr. IKEBE, Ken

3. Gist of Talks:

Mr. KATSUNO:

I think that the Korean side wished to know what treatments on property rights the Korean residents in Japan had enjoyed at the time of the coming into force of the San Francisco Peace Treaty, in connection with Article 4 of the draft agreement, and also how the treatments have been changed hitherto.

Mr. CHOI:

I would like to invite your attention to the fact that the Korean side requested you to inform the former of treatments presently as well as at the time of the coming into force of the Peace Treaty accorded to the Korean residents in Japan in connection with Articles 4 and 5 of the draft agreement.

Mr. KATSUNO:

Our researches revealed that there is hardly any restriction on the property rights enjoyed by aliens, in comparison with those by Japanese nationals. The only exception is in mining right. Of course, the Korean residents in Japan had enjoyed the said right before the Peace Treaty entered into force, but, since the Koreans lost their Japanese nationality upon the coming into force of the Peace Treaty, they became to be unable to enjoy such right and they were required to dispose of the said right or transfer the title thereof to the Japanese during the period of two years from April 28, 1952. Consequently, there is no Korean who holds such right presently.

Mr. CHOI:

How about occupations in connection with Article 5?

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Mr. KATSUNO:

Aliens can enjoy same occupations as the Japanese, except those in the government and public offices, under the Japanese laws concerned.

Mr. CHOI:

I thought that Korean residents in Japan have enjoyed rather special property rights and occupations than ordinary aliens enjoy, but, since your remarks seem to be somewhat unclear in that connection, I would like to know what exactly the "special treatments" mean as rendered to Korean residents in Japan.

Mr. KATSUNO:

Since there is hardly any discrimination, as mentioned a few minutes ago, in the treatments rendered to the aliens as compared with those granted to the Japanese, it can be said that there is no different treatments between Koreans and other aliens.

Mr. CHOI:

You said that Korean residents in Japan who had had mining rights up to the date of the coming into force of the Peace Treaty were made to dispose of their respective mining rights or transferred to the Japanese the same rights during the two year period, but, I wonder whether your side was right in taking such unilateral measures.

Mr. KATSUNO:

Even though you say that such measure was taken "unilaterally", our Government took the necessary measure by way of the due amendment of the laws concerned, since such matter is strictly within the jurisdiction of the Japanese Government.

Mr. CHOI:

It has been well understood that the matters concerning the Koreans are to be arranged between the two governments of the Republic of Korea and Japan, especially in view of the particular and historical backgrounds of the matters concerned. Since such a measure was unilaterally taken, without due consultation and agreement with us, on the matter of vital importance, I cannot but say that your remarks were quite contrary to the expectation entertained by the Korean side in proposing Articles 4 and 5 of the draft agreement.

Mr. KATSUNO:

Since the previous Japan-Korea Overall Talks which was broken down failed to bring about a settlement on this matter and also Korean residents in Japan have become aliens after April 28, 1952, they had to dispose of the mining rights as the aliens are not permitted to hold them in the light of the international practices concerned. Also, in view of the fact that the two year period was given for the necessary disposition or transfer of the said right, it could be said that the enough considerations were paid in the enforcement of the measures concerned.

Mr. CHOI:

Though questions on the matter will be raised by the Korean side later on, I must make it clear that the Korean side cannot recognize the propriety of the measures taken by the Japanese Government unilaterally and through no due consultation with us. In this connection, it is reminded that the Japanese Government has openly stated that the matters concerning the legal status and treatments of Korean residents in Japan were to be settled

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through due negotiations between the governments of the Republic of Korea and Japan.

Mr. KATSUNO:

That is a difference of views.

Mr. CHOI:

This matter is too serious to be disposed of in a way of "difference of views." You cannot ignore their basic rights, and, further, from the view point that those Koreans have had a particular historical background in their emigration to Japan, you cannot settle, in a way as you did, such matters which have a very important effect on their property rights and status. The Korean side will reserve its right to take up the matter in due course of time.

Mr. KATSUNO:

I would like to ask what could be the view of the Korean side in regard to our view that Korean residents in Japan lost their "Japanese" nationality after the Peace Treaty entered into force.

Mr. CHOI:

Before answering to that question, I would like to ask the view of the Japanese side as to what nationality they acquired after the Peace Treaty entered into force, according to your allegation that they lost "Japanese" nationality by virtue of the said treaty.

Mr. KATSUNO:

Since they lost their Japanese nationality by virtue of the coming into force of the San Francisco Peace Treaty, we have nothing to do with the nationality of the Koreans in question after they lost their Japanese nationality.

Mr. CHOI:

I am more than surprised to hear you say that your side has "nothing" to do with the Koreans in Japan. The Japanese Government had taken Koreans to Japan for the sake of its war purpose, and now it says that it had nothing to do with those Koreans in the matter of their nationality as well as their status and treatment. How could it be possible for the Japanese Government even from the moral view point to turn its back to them like cast-shoes? Don't you remember that your Government compulsorily brought those Koreans to Japan as labourers, heavy workers or military service men for its own purpose?

Mr. KATSUNO:

We are making legal discussions on the point of the nationality of Korean residents in Japan. Legally speaking, what nationality had Korean residents in Japan held according to the Korean view?

Mr. CHOI:

According to the Japanese view, Korean residents in Japan acquired the nationality of the Republic of Korea, after the coming into force of the San Francisco Peace Treaty. May I understand that your view is put in that way?

Mr. KATSUNO:

It is a principle that the nationality of its people is to be decided by the nationality law of the respective country. Since they lost their Japanese nationality by virtue of the Peace Treaty, the Japanese Government has legally nothing to do with the problem of their nationality, because such matter is to be decided by the nationality law of the respective country.

Of course, we do not mean that we have nothing to do with

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their treatments together with their nationality. Now, may I hear the view of the Korean side regarding the nationality of Koreans in Japan?

Mr. CHOI:

As has been already made clear, they are nationals of the Republic of Korea. And you will recognize that fact, won't you?

Mr. HIRAGA:

We would not raise objection to your contention that they are nationals of the Republic of Korea, but it is not the matter of consultation between the two governments.

Mr. CHOI:

Though I cannot catch your true intention embodied in the expression "the Japanese side would not raise objection to, etc.", I don't see why you do not positively say that you recognize the clear fact.

Mr. HIRAGA:

The matter is not of the nature of Japan's interference, since that is the matter which the Republic of Korea should decide.

Mr. CHOI:

What difficulty would you have in recognizing the fact positively?

Mr. HIRAGA:

In its nature, the Japanese Government is not able to do it. It would become an interference in other's domestic affairs.

Mr. CHOI:

Then, why has your side insisted that Korean residents in Japan had been "Japanese" nationals until April 28, 1952, despite that the Government of the Republic of Korea had been established on August 15, 1948?

Mr. KATSUNO:

Until the time of the coming into force of the Peace Treaty, they had held "Japanese" nationality on the basis of the Annexation Treaty between Japan and Korea.

Mr. CHOI:

Our side has already made it clear that the so-called "Annexation Treaty" is null and void ab initio, and, since there have been arguments between both sides in connection with nationality affairs, we have more reasons for insisting on the necessity of affirming the nationality of Korean residents in Japan.

Mr. HIRAGA:

If the Annexation Treaty were to be null and void, what, then, had their nationality been prior to April 28, 1952.

Mr. CHOI:

Whatever you might say, the so-called "Annexation Treaty" compulsorily imposed by Imperialistic Japan, is null and void. I don't see why the Japanese side is raising such argument which serves no purpose other than irritating the feeling of the Korean side. I would like to make it clear that the one-sided argument that the Korean residents lost their "Japanese" nationality by the coming into force of the San Francisco Peace Treaty, quoting the so-called Annexation Treaty, etc., would only hamper the smooth

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proceeding of the works of this committee.

In view of the above, and also in the light of the Japanese attitude as was taken in Mr. Katsuno's answer to the Korean question in regard to the mining right, etc. of the Korean residents in Japan, I must say to the Japanese side that it is only trying to push through, at the negotiations table for an international agreement, the "unilateral" dispositions and the effects of its own "domestic" laws. I must point out that such Japanese attitude would not only hamper the smooth proceeding of this committee's works, but also lead the course of this committee to other unexpected direction.

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Now, I would like to remind the Japanese side that we have several questions unanswered by the Japanese side in regard to the Korean draft proposal. For instance, our side asked the Japanese side of the latter's view on permanent residence to be granted to the Korean residents in Japan. Also, since the Japanese side made it clear that it would accord Korean residents "special status and treatments" different from those accorded to ordinary aliens, the Korean side wishes to be informed of the details of such special status and treatments.

Mr. KATSUNO:

We will answer those questions later on, on the proper occasions. Shall we adjourn today's meeting?

Mr. CHOI:

When shall we meet again?

Mr. KATSUNO:

Let us meet again at 10:30 a.m. on December 15, 1958, coming Monday.

Mr. CHOI:

No objection.

REMARKS:

Before the meeting was adjourned, both sides agreed to the Joint Press Release which reads: "the committee continued substantial discussions on the legal status and treatments of the Korean residents in Japan, and it was decided that the next meeting would be held at 10:30 a.m. on December 15, 1958."

- The end -

INCOMING
TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

R. O. K.

NO. MFR-090

DATE 1216

~~C O S E~~
CLASSIFICATION

TO. Office of the President & Foreign Minister

The 15th Session of the Committee on Legal Status of Korean Residents in Japan was held at 10:30 a.m. on December 15th. Next meeting was tentatively decided to be held at 10:30 a.m. on December 22nd.

The Japanese side set forth at this meeting its official position and views regarding our draft agreement as follows:

1. The phrase in the preamble " the necessity to affirm the nationality ... " shall be deleted as Japan consider it neither appropriate nor necessary to stipulate the matter in an international agreement though it would not raise objection the Korean view that they are nationals of Republic of Korea.

2. As regards Article 1, the phrase " including the descendants ... " shall be deleted.

/ 3. As regards

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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. MTB-090
DATE _____

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TO.

Page two

3. As regards Paragraph 1 of Article 2, the whole paragraph shall be deleted under the same reason as stated regarding the preamble. As regards Paragraph 2 of Article 2, the paragraph shall be deleted as it would not be necessary.

4. With regard to Article 3, firstly, the conception of the wording "permanent residence" is the legal one according to the scope of the Japanese laws concerned but not physical one; secondly, instead of taking complicated measures simpler procedures for granting "permanent residence" shall be sought; thirdly, the problem of deportation and that of the permanent residence are two sides of a thing, Japan proposes to deal with the problem of permanent residence together with that of deportation without leaving the latter problem for future consultation, / under a consideration

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MINISTRY OF FOREIGN AFFAIRS
R. O. K.

NO. MTB-090

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CLASSIFICATION

Page three

TO _____

under a consideration that deportation criteria those applied to the Koreans in question will be less rigid one than that applicable to ordinary aliens. In connection with the problem of deportation, Japan wishes to have an early reply from the Korean side to its proposal regarding deportation criteria made on July 11th - see Hanildae No. 1293 of July 14th; fourthly, under the above conditions, all the Korean residents will be granted permanent residence.

5. As regards Articles 4 and 5, reservation item 3 and paragraph 3 of Article 7 shall be withdrawn. In that case, though the said article would be actually be stipulations for the caution's sake, the Japanese side would not object to the article if Korean side insists on including the article in the Agreement.

/ 6. With regard to

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6. with regard to Article 6, the Japanese side maintains that the immunity stipulated in Paragraph 1 shall be accorded for a limited period " for example 3 years", and regarding Paragraph 2 limitation shall be set on the amount to be remitted, and that the procedures for remitting money and the types, etc. of movables referred to in the article shall be arranged through a sub-committee before the signing of this Agreement.

7. As was proposed above, Paragraph 3 of Article 7 shall be withdrawn .

8. As to the matter concerning the coming into force of this Agreement in connection with Paragraph 2 of Article 7, this Agreement would follow a relevant form to be decided upon in connection with other agreements to be concluded at the Korea-Japan Overall Talks.

/ 9. With regard to

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NO. MFB-090

DATE

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TO. Page five

9. With regard to deportation of illegal entrants, the Japanese side holds a position that the Korean side agree, by way of exchange of letters or otherwise, to accept those illegal entrants whom the Japanese Government decides to deport to the Republic of Korea.

10. Having expressed its official views, the Japanese side said it may enter into article by article discussion from the next session on the Korean proposal.

Reserving the expression of our concrete views on the Japanese position for future session, our side made brief comment thereon countering the Japanese views and regretted that the Japanese position as set forth above was too far from the Korean stand. In accordance with Government cable instructions FTB-029 and also Paragraph 6, item 8 of Government instructions Oijung 4355 of November 24, our side amended ~~articles 4 and 5~~ / 5 of our draft

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TO. _____ Page six

5 of our draft agreement as instructed, withdraw reservation item 3 and Paragraph 3 of Article 7.

Ambassador Limb



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Tokyo, December 22, 1958

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LIST OF TALKS
FIFTH 8TH SESSION
COMMITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN

1. Time and Place: 10:30-12:10, December 15, 1958, at Room 411, Ministry of Foreign Affairs, Japanese Government
2. Conference:
 - Korean side: Mr. CHOI Kyu Nah
Mr. SA Chai Hang
Mr. CHIN Pil Shik
Mr. ROH Jae Won
Mr. OSM Young Dal
 - Japanese side: Mr. KATSUNO Yasusuke
Mr. HIRAGA Kenta
Mr. HASEGAWA Toyokichi
Mr. HASEGAWA Shinzo
Mr. SHIMIZU Shiro
Mr. SOGANUMA Kiyoshi
Mr. IKEDA Ken

3. Gist of Talks:

Mr. Katsuno:

I wonder if there is anything for your side to say at today's session. Our side has expressed some of our views in the course of putting forth questions regarding the Korean draft agreement throughout previous meetings of the committee. I think it is advisable to restart the committee's works in the new year in a better atmosphere rather than making hot discussions on the legal status problems of the Korean residents, at the year-end season.

Mr. Choi:

As to the conducting of the committee's works in a better atmosphere, the Korean side would not raise any objection to your remarks as the Korean side desires to proceed smoothly with the committee's works. As to your remarks on a temporary recess of the committee meeting during the new-year season, I am not yet in receipt of any instructions from the higher level thereon. Therefore, I think we have to continue our works of this committee, unless otherwise instructed.

Mr. Katsuno:

Then, I would like to present official views of the Japanese side on the Korean draft agreement. I am not ready to give them in writing at today's meeting. I also would like to make it clear in that connection that they will represent the basic views and outlines of principles that the Japanese side holds, and that any expressions of mine in this regard would be subject to correction when necessary.

In some points, the Japanese views might be considered as much different from those of the Korean side, but, I would like to hear the Korean opinion

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thereon in future sessions.

1) With regard to the preamble of the draft agreement, the Japanese side proposes the phrase "the necessity to affirm the nationality of Koreans .." to be deleted therefrom, as the Japanese side does consider it neither appropriate nor necessary to stipulate the latter in an international agreement. (Although it would not raise objection to the Korean view that they are nationals of the Republic of Korea.)

2) As regards Article 1, the Japanese side would not raise any objection thereto, except that the phrase "including the descendants..." be deleted.

3) With regard to Article 2, first, the Paragraph 1 shall be wholly deleted under the same reason as stated regarding the preamble, and, secondly, the whole of Paragraph 2 is proposed to be deleted, as the same paragraph is not necessary as was already explained so by Mr. Hiraga.

4) With regard to Article 3, first, the conception of the wording "permanent residence" is the legal one according to the scope of the Japanese laws concerned, but not physical one; secondly, instead of taking complicated measures, simpler procedures for granting "permanent residence" shall be sought; thirdly, as the problem of deportation and that of the permanent residence are two sides of a thing, the Japanese side proposes to deal with the problem of permanent residence together with that of deportation without leaving the latter problem for future consultations, with a consideration that deportation criteria to be applied to the Koreans in question will be less rigid one than that applicable to ordinary aliens.

Under the above conditions, all the Korean residents will be granted permanent residence.

In connection with the problem of deportation, the Japanese side wishes to have an early reply from the Korean side to its proposal regarding "deportation" criteria made on July 11, 1958 (see HANJIDAE No.1293 of July 14, 1958).

5) As regards Articles 4 and 5, the Japanese side proposes that Reservation Item 3 and Paragraph 3 of Article 7 be withdrawn. In that case, though the said Articles would not be of substantial meaning, the Japanese side would not object to the inclusion of the articles, if the Korean side insists on including the articles in the agreement for the caution's sake.

6) Concerning Article 6, the Japanese side takes the position that the immunity stipulated in paragraph 1 shall be accorded for a limited period, for example, of 3(three)years, and, regarding Paragraph 2, limitation shall be set on the amount to be remitted, and that the procedures for remitting money and the types, etc of movables referred to in the article under reference shall be arranged through a sub-committee before the signing of this agreement.

7) As was proposed above, Paragraph 3 of Article 7 shall be withdrawn.

8) As to the matter concerning the coming into force of this agreement in connection with Paragraph 2 of Article 7, this agreement would follow a relevant form to be decided upon in connection with other agreements to be concluded at the Korea-Japan Overall Talks.

9) With regard to deportation of illegal entrants, the Japanese side holds a position that the Korean side agree, by way of exchange of letters or others, to accept those illegal entrants whom the Japanese Government decides to deport to the Republic of Korea.

10) Having expressed its official views, the Japanese side proposes that the committee enter into article-by-article discussions on the Korean proposal from next session.

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Mr. Choi:

At a glance of the Japanese views as expressed here in connection with the Korean draft agreement, I find that there are some proposals which run counter to some basic points of the said draft agreement. I wonder if the Japanese side would kindly submit to us in writing the main points of the statement it made today, so that we can grasp the exact meaning thereof without any misunderstanding.

Mr. Katsuno:

We may submit the gist of the Japanese views in writing at next session.

Mr. Choi:

I will refrain from making a detailed comment at this session on the statement made by the Japanese side. But, if I am allowed to make my brief remarks thereon, I would like to say a few words.

I think that, if the Japanese side should be well mindful of the historical background of those Koreans who have come to reside in Japan, the Japanese side could place no objection to providing the Korean residents with such conditions as would enable them to manage their peaceful living in Japan from the moral and humanitarian viewpoints as well as from the legal point of view.

Frankly speaking, it is with deep regret and disappointment that the Japanese side has come out with such proposals and views which are far from being reasonable. From the Japanese statement, I can easily observe that the Japanese side is far less interested in furnishing those Koreans with proper situations under which they could live in peace than in working out methods of deporting those Koreans concerned out of Japan. To take an instance, the Japanese side proposes to grant "permanent residence" within the scope of the Japanese domestic laws concerned, only in exchange for a certain stipulation on the deportation of Korean residents.

As regards Article 6, the Japanese side takes position that there should be a limitation of the period during which immunity from any duties on the movables to be taken out of Japan by the repatriates could be considered, and that a ceiling should be set on the amount of money to be remitted by the repatriates. Now, then, could I think that the Japanese Government is sincerely considering measures to enable those Koreans to enjoy their property rights with the feeling of security and stability?

I will refrain from touching upon the matter regarding the deportation of illegal entrants in Japan at this moment. But, I can say at least that, if the Japanese side had the intention and sincerity to settle this matter regarding which an agreement was already made, the matter would easily be settled at this committee.

The Japanese side, in its views, wished to neglect all the important matters for the Korean side such as affirmation of the nationality of Korean residents and stipulations regarding descendants of those Koreans. Further, the promise of "permanent residence" to Korean residents is linked with the deportation problem, on the condition that the conception of the said permanent residence shall be according to the scope of the Japanese domestic laws concerned.

Thus, the substance of the Korean positions in regard to the legal status and treatment of Korean residents in Japan has been lost sight of, according to the Japanese statement. I simply wonder how we could possibly reach an agreement regarding the subject matter on the basis of the Japanese views as sticking to its own domestic laws concerned.

With regard to the conception of "permanent residence," it would be such difficult for both sides to reach an agreement on that matter, if the Japanese side insists only on the application of its one-sided legal conception to a matter to be decided upon by an international agreement.

In connection with Articles 4 and 5, it is to be greatly regretted that the Japanese side has taken unilateral measures on the property rights, i.e. mining right, and occupations of Korean residents without any due consultations with the Korean side.

Now, I would like to state that the Korean side wishes to withdraw Reservation Item 3 and Paragraph 3 of Article 7, on the condition that the phrases in both Articles 4 and 5 which read "the present Agreement" shall be changed to read "the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951."

Mr. Katsunos

As regards the conception of "permanent residence," it is necessary to define the term in accordance with the Japanese domestic laws concerned. Of course, we would be ready to consider favorable conditions in granting permanent residence.

Mr. Choi:

I must call your attention to the fact that we are here working for the conclusion of an international agreement. If anything is to be defined as a part of an international agreement, it should be done in full consultations between the parties concerned. Therefore, the conception of "permanent residence" is to be decided upon in accordance with the decision to be made at the conference table for such international agreement.

Besides, it should be a basic way of thinking that Korean residents in Japan are those aliens who are under a special situations different from ordinary aliens in general. It is, therefore, difficult for us to understand that the Japanese side is trying to place those Koreans under the same situation as applied to the ordinary aliens.

Mr. Katsunos:

It is regretful that the Korean side thinks as if the Japanese side were aiming at only the deportation of those Koreans, with no intention to consider the peaceful livelihood in Japan of those people. Our request must also be considered as was yours.

Mr. Choi:

According to your view and proposals, our due demands were not favourably considered by the Japanese side. It is the impression that the emphasis was centered on the matter on deportation instead of that of permanent residence in connection with the legal status and treatment of Korean residents in Japan.

So much for today's session, leaving the detailed views on the Japanese statement for future sessions.

Mr. Katsuno:

Let us tentatively decide the date of next meeting at 10:30 a.m. on December 22, 1958.

Mr. Choi:

No objection.

Remarks:

Before the meeting was adjourned, both sides agreed to the joint press release which reads: "the Committee continued substantial discussions on the legal status and the treatment of Korean residents in Japan, and it was tentatively decided that the next meeting would be held at 10:30 a.m. on December 22, 1958."

- The end -

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P159 1-16 第 16 次、1959.8.31

P160
着信電報
東京

外務部
O.R.D.
種別

番号 TM-08143
日時 8.29.12:50



외 부 부

각 신 전 보
TOKYO

O.R.D.
문 ㅁ

번호 TM-08143
인시 291250

TO: OFFICE OF THE PRESIDENT. FOREIGN MINISTER.

THIS IS TO REPORT THAT THE LEGAL STATUS COMMITTEE MEETING WILL
BE HELD AT 11 A.M., MONDAY, AUGUST 31.

CHIEF DELEGATE HUH

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P161

外務部

4292年(1958年)9月5日

第16次在日韓人法的地位委員会 会議要録

1. 要旨：

日本側はこの問題を討議して行くにおいては、他の問題討議と歩調を合わせて進めなければならないという意思表示をして来たが、わが側は他の問題の解決のためにも法的地位に関する問題が優先的に討議されなければならないと主張した。

2. 問題点：

法的地位委員会の進行と、他の委員会の進行をどう調節するのか。

3. 意見：

上の日本側の態度から見て、日本側が特に比重を多く置いている平和線問題等で、ある程度の進展がある兆候が見える前には、前回の会議でのように今回の法的地位委員会でも遅延作戦を使う可能性がある。

P162 韓日代(政)第165号

壇紀 4292年9月3日

韓日会談首席代表 許 政

外務部長官 貴下

件名、 第16次在日韓人の法的地位委員会会議議事要録送付の件
頭の件、去る8月31日日本外務省で開催された第4次韓日会談第16次在日韓人の法的地位委員会会議(会談再開以後の初会議) 議事要録を別添のように送付いたします。
別添 この本文

September 3, 1959

GIST OF TALKS
SIXTEENTH SESSION
COMMITTEE ON LEGAL STATUS
OF KOREAN RESIDENTS IN JAPAN

1023

1. Time and Place: 11:00 a.m. - 11:30 a.m., August 31, 1959, at Room 211, Foreign Ministry, Japanese Government

2. Conferees:

Korean side:

Dr. YU Chin-O
Mr. CHOI Kyu Hah
Mr. CHIN Pil Shik
Mr. HAN Kibong
Mr. ROH Jae Won
Mr. LEE Chang Soo
Mr. KWON Tae Woong

Japanese side:

Mr. KATSUNO Yasusuke
Mr. HIRAGA Kenta
Mr. MIYAKE Kihiro
Mr. HASEGAWA Shingo
Mr. MORI Junzo
Mr. HIRATSUKA Nenoichi
Mr. NAKAGAWA Toyochichi
Mr. NAKAJIMA Toshijiro
Mr. IKEDA Ken

3. Gist of Talks

Dr. Yu

(introduced the members of our delegation to this Committee.)

Mr. Katsuno

(introduced the members of the Japanese delegation to this Committee.)

Besides, Mr. Isaki, Director of Asian Affairs Bureau, Foreign Ministry, or Mr. Miyake, Councillor of Foreign Ministry, will attend this Committee as observer at any time.

Dr. Yu

For our side, Mr. Chang Kyung Keun and Mr. Lee Ho will attend this Committee as observer at any time.

If the Japanese side has anything to make mention of at today's meeting, I would listen to it first.

Mr. Katsuno

The Committee on Legal Status of Korean Residents in Japan has long been at recess since last December 15th.

The fourth Japan-ROK talks has recently been reopened, and its plenary meeting decided that three problems concerning Korean residents in Japan be discussed at this Committee. Pursuant to the decision, we are having the sixteenth session --counted from last year-- of this Committee. Last year, former delegates exchanged their views on legal status problems of Korean residents in Japan. I hope that discussions on legal status problems of Korean residents in Japan will be conducted in the spirit of mutual concession and understanding, and that our discussions be kept pace with works of the other committees dealing with various issues pending between the two countries.

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Dr. Yu

I am pleased by the fact that the Japanese side has agreed to the Korean side's proposal that three problems on legal status of Korean residents in Japan be adopted as agenda items, and that this Committee has started its works today.

The current political tension between the Republic of Korea and Japan was caused by absence of a settlement on legal status of Korean residents in Japan. Therefore, the solution to this problem through discussions would set a favorable starting point towards the settlement of the other complicated issues pending between the two countries.

~~...the Japanese side has agreed to the Korean side's proposal that three problems on legal status of Korean residents in Japan be adopted as agenda items, and that this Committee has started its works today.~~

~~...the current political tension between the Republic of Korea and Japan was caused by absence of a settlement on legal status of Korean residents in Japan. Therefore, the solution to this problem through discussions would set a favorable starting point towards the settlement of the other complicated issues pending between the two countries.~~

Your government's unilateral decision, in February of this year, to send part of Korean residents in Japan to the northern part of Korea made the situation far more complicated and intensified tension between the two countries. The Korean side proposed, with a view to seeking a settlement of the tense situation by reciprocal and peaceful means, to discuss the three problems for a solution at this Committee.

The Korean residents in Japan, whose number amounts to as many as 600,000 have indescribably suffered hardships, tangible or intangible, due to the unsettlement of their legal status in Japan. Prompt settlement of this problem would mean more than a settlement of one of the issues pending between the two countries. From the humanitarian point of view, it is also a matter of great urgency.

In discussing these problems, our contention will only be based on reasonable and humanitarian grounds. If any dispute continues to take place between the two countries, the communists alone would be benefited. I hope that the Japanese side comes into discussion on these problems with sincerity and broad point of view.

The Korean side also hopes that the settlement of the other over-all issues pending between the two countries would be made at these overall talks now under way.

Dr. Yu

I would like to fix the date of next meeting, if the Japanese side does not have anything to mention further. Substantial matters will be discussed at next meeting.

Mr. Katsuno

It is desirable not to fix the date of next meeting now. I think, Mr. Sawada will meet Ambassador Yiu who recently returned from Seoul, and they may have talks over this problem. So it would be better to fix the date of next meeting after their talks.

Dr. Yu

I think it would be better to fix the date of next meeting tentatively on coming Wednesday or Thursday in order to expedite our discussions at this Committee.

Mr. Katsuno

It is desirable, as I told, to fix the date of next meeting later on.

Dr. Yu

I hope that next meeting would be held as soon as possible.

Mr. Katsuno

I have no objection.

- the end -

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P166 1-17 第 17 次、1959.9.7

P167 外務部

4992 年(1958 年)9 月 15 日

公覧

9 月 7 日に開催された第 17 次在日韓人法的地位委員会では、在日韓人の国籍及び範囲に関する問題に対して多くの議論があったが、日本側の主張は昨年のもので何ら変化がない。

P168 韓日代(政)第 176 号
壇紀 4292 年 9 月 10 日

韓日会談首席代表 許 政

外務部長官 貴下

件名、 第 17 次在日韓人の法的地位委員会会議議事要録送付の件
頭の件、 去る 9 月 7 日日本外務省で開催された第 4 次韓日会談第 17 次在日韓人の法的地位委員会会議の議事要録を別添のように送付いたします。

別添 議事要録 1 部

以上

September 10, 1959

1029

GIST OF TALKS
SEVENTEENTH SESSION
COMMITTEE ON LEGAL STATUS
OF KOREAN RESIDENTS IN JAPAN

1. Time and Place: 10:35 - 11:20 a.m., September 7,
at Room 212, Foreign Ministry,
Japanese Government

2. Conferees:
 Korean side: Dr. YU Chin-O
 Mr. LEE Ho (as observer)
 Mr. CHOI Kyu Hah
 Mr. CHIN Pil Shik
 Mr. HAN Kibong
 Mr. ROH Jae Won
 Mr. LEE Chang Soo
 Mr. KWON Tae Woong

 Japanese side: Mr. KATSUNO Yasusuke
 Mr. HIRAGA Kenta
 Mr. MIYAKE Kijiro
 Mr. HASEGAWA Shinzo
 Mr. MORI Junso
 Mr. HIRATSUKA Nenoichi
 Mr. NAKAJIMA Toshijiro
 Mr. NAKAGAWA Toyokichi
 Mr. IKEDA Ken

3. Gist of Talks:

Mr. Katsuno

If your side has any suggestions on how to proceed this meeting or any other opinions, I would like to listen to them first.

Dr. Yu

This committee meeting on Legal Status of Korean Residents in Japan is not a newly-held one, but a continued session. I think that our side put forward a proposal last October, which had been discussed before. Since during the long recess and unexpected situation has developed, it is first hoped that opinions be exchanged regarding the old proposal made last year. It will be amended if it has any points to be amended. I hope that a foundation be laid by exchanging opinions first for making a draft agreement on this problem. I would like to know your side's opinion.

Mr. Katsuno

I think that the Japanese side has agreed to resume this committee meeting to discuss the three categories of Korean residents in Japan which the Korean side proposed. I would like to know what connections exist between the three

categories of Korean residents in Japan and the proposal which was presented before the recess of this committee.

Dr. Yu

As I stated before, the classification of Korean residents in Japan into the three categories was done due to the development of the new situation. I think that the Korean side's proposal has never been withdrawn. The first two categories of the three are concerned, for the most part, with legal status problems of Korean residents in Japan.

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Mr. Hiraga

I would like to know if your side has any new proposal in connection with the three categories of Korean residents in Japan.

Dr. Yu

It does not necessarily mean that our side has any new proposal. But as the Korean residents belonging to the third category has never been discussed before, our opinions on them will be quite new to the committee.

Mr. Hiraga

If your side has any new proposal to make in relation to this problem, I hope that it will be presented, even though not today, as soon as possible.

Dr. Yu

I agree with you. However, it is desirable to exchange opinions before any formal proposal is presented.

Mr. Katsuno

I think that this committee meeting is a continued session from last year, and there was submitted the Korean side's proposal on legal status of Korean residents in Japan. Various problems regarding Korean residents in Japan, such as their nationality, treatment, property to be taken home, and deportation of criminals other than illegal entrants, were discussed and both sides made their stands clear. However, there was difference of opinions between the two countries as regards the scope of Korean residents in Japan, especially on the question that whether their descendants be included or not. I hope that many disputable problems be discussed one by one seeking a concrete solution.

Dr. Yu

I have no objection. It was true that such many problems as to nationality of Korean residents in Japan, treatment of Koreans having permanent residence, property in possession of returnees, deportation problems, were discussed. I also hope to discuss them one by one for a solution.

Mr. Katsuno

It is desired that the scope of Korean residents in Japan be discussed in detail at next meeting. Some questionable points in the preamble of the Korean proposal may be adjusted following agreement on substantial matters.

Dr. Yu

I think it is more desirable to proceed to discussions in a way to embody agreement reached on substantial matters into articles rather than to have discussions on prepared articles.

Mr. Hiraga

In relation to legal status of Korean residents in Japan, I would like to know Korean side's views on the scope of Korean residents in Japan.

Dr. Yu

I remember that our side made the proposal to the effect that the Koreans who had been resident in Japan before August 15, 1945 when World War II ended, and their descendants (子孫) as well be included in the scope of Korean residents in Japan. However, the Japanese side expressed dissenting opinions as to the inclusion of the descendants in the scope of Korean residents in Japan. If permanent residence is to be accorded to Koreans in Japan, the second or third Korean generation in Japan has most urgent necessity to be accorded it first rather than the Koreans resident in Japan before the end of World War II. It is because the Koreans resident in Japan before the end of the War had, in a certain sense, such reliances for their livelihood in the homeland as their hometowns, relatives, while their second or third generation born in Japan had less connections with their homeland.

As the system of jus sanguinis is adopted by both countries in the acquisition of nationality, Koreans born in Japan are regarded as Korean nationals. If the territorial principle were to be applied to Koreans born in Japan, they would acquire the Japanese nationality. It is, therefore, a matter of urgency to recognize permanent residence for such Koreans who were born in Japan but has little connections with their homeland. They may feel as if they were in a foreign country even if they are sent to homeland.

Mr. Hiraga

I would like to know the descendants are meant by only those Koreans who continued residing in Japan after their birth in Japan.

Dr. Yu

Synthetic explanations on details of the descendants cannot be given now. However, it is certain that such Koreans who left Japan temporarily in order to study abroad or to visit their homeland on business are within the scope of the descendants.

Mr. Katsuno

They do not belong to the scope of the descendants whose domicile has been transferred to their homeland, do they?

Dr. Yu

I do not want to stick to the word of (子孫). It is conceivable to define them to the extent of lineal descendants (直系尊属). There may be many problems in relation to property rights and inheritance rights. Definite explanations will be given later after study.

Mr. Hiraga

In Japan, there is enforced the law 'Horei' (法令) to rule the conflict of laws. How about in your country?

Dr. Yu

I think that a similar law is enforced in Korea.

Mr. Hiraga

I will see a copy sent to you later. Now I would like to explain our views on the nationality problem of the Korean residents in Japan. I hold the Korean proposal made last year that the Korean residents in Japan shall be recognized as the nationals of the Republic of Korea by both governments of Korea and Japan.

The problem of nationality is, in principle, a matter of domestic affairs. However, the nationality problem of Koreans resident in Japan is a particular one, because it has to be settled as a part of the post-war arrangements of the World War II. Before the war ended, the Japanese government had accorded rights and obligations to Koreans resident in Japan regarding them as Japanese nationals. It is because of this fact that the Japanese government's recognition is necessitated in the settlement of the nationality problem of Koreans resident in Japan.

Mr. Katsuno

Shall we adjourn today's meeting?

Dr. Yu

When shall we have next meeting?

Mr. Katsuno

How about coming Monday?

Dr. Yu

Wednesday or Tuesday of this week is desirable. I would like to listen to your side's opinion as soon as possible.

Mr. Katsuno

How is it to have next meeting at 10:30 a.m. on Friday of this week.

Dr. Yu

No objection.

(Remarks)

Before adjournment, both side agreed to the following press release: "Substantial matters were discussed at today's meeting on legal status of Korean residents in Japan."

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P173 1-18 第 18 次、1959.9.11

P174 韓日代(政)第 179 号
壇紀 4292 年 9 月 16 日

第 4 次韓日会談首席代表 許 政

外務部長官 貴下

第 4 次韓日会談第 18 次在日韓人法的地位委員会議事要録送付の件

頭の件、去る 9 月 11 日日本外務省で開催された表記委員会の議事要録を別添のように送付いたします。また議事要録に記録されているように、同会議で日本側が在日韓人に関して下記のように、3 つの点に及ぶ法律的及び技術的見解ないしは質問を提示したことがあるのですが、これに対する政府の見解を回示して下さることを仰望するものです。

- 記 -

1. 4291 年 10 月 21 日付わが側協定草案第 1 条に関して、「太平洋戦争戦闘終了日時」と規定されているのを、後日これに関する紛争を防止する意味で、具体的な日時で表示したらどうか。
2. 子孫に関して法的概念を確立させる必要があるが、在日韓人の直系卑属であっても太平洋戦争戦闘終了時に韓国、ないし日本以外の外国に住所を持つ者は子孫の範疇内に含ませられないものであり、日本で出生以後日本に居住する在日韓人の直系卑属だけを含むのが妥当なものである。
3. 在日韓人の国籍確認問題に関して日本側としては、同協定によって在日韓人の国籍を新しく確定しようというのではなく、既定事実をただ確認しようというものと理解しているのであり、法的技術的見地から何時、彼らが如何なる法的根拠から、大韓民国国籍を取得したかに関して明らかにして下さるよう願います。

別添、この本文

September 15, 1959

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GIST OF TALKS
EIGHTEENTH SESSION
COMMITTEE ON LEGAL STATUS
OF KOREAN RESIDENTS IN JAPAN

1. Time and Place: 10:30 - 12:00 a.m. September 11,
1959, at Room 411, Foreign Ministry,
Japanese Government

2. Conferees:

Korean side: Dr. YU Chin-O
Mr. LEE Ho
Mr. CHOI Kyu Ha
Mr. EA Chal Hang
Mr. CHIN Pil Shik
Mr. HAN Kibong
Mr. ROH Jae Won
Mr. KWON Tae Woong

Japanese side: Mr. KATSUNO Yasusuke
Mr. MIRAGA Kenta
Mr. MIYAKE Kijiro
Mr. HASEGAWA Shinzo
Mr. MORI Junzo
Mr. HIRATSUKA Nenoichi
Mr. NAKAJIMA Toshijiro
Mr. NAKAGAWA Toyokichi
Mr. IKEBE Ken

3. Gist of Talks:

Mr. Katsuno

At today's meeting the Japanese side wishes to discuss the term of "descendants" in order to define it from the legal point of view. As the concept of descendants is vague, I think it should be legally cleared in connection with the question on whether it be included in the scope of the Korean residents in Japan.

Dr. Yu

At the previous meeting, I suggested that both sides exchange views on overall problems in general first before entering into detailed discussions on the proposed agreement article by article.

Mr. Hiraga

It is my understanding that we are to enter into article by article discussions on the Korean draft agreement at today's meeting.

Dr. Yu

As I stated at the previous meeting, our proposal made last year has not been withdrawn. I suggested then that mutual views in general be exchanged first, withholding discussions on the said proposal for a while, because there had developed a new situation. I referred to the matters on the scope of Korean residents and on the nationality as part of the exchange of general views on overall matters. Therefore, I would like to listen to the Japanese views first, if any, as to the scope of the Korean residents in Japan and their nationality problem. Thereafter, I would present our general views further on other matters concerned.

Mr. Hiraga

I would like to set forth our views in connection with article 1 of the Korean proposals as follows:

Firstly, "the date of the termination of hostilities of the Pacific War" quoted in the proposed agreement should be determined lest there should be conflicting interpretations.

Secondly, it is necessary to define the term of descendants from the legal point of view. For instance, the following question may be raised, that is, whether such descendants of Korean residents be included in the "descendants", whose domiciles were in Korea or in a country other than Japan, at the time of the termination of hostilities of the Pacific War.

The Japanese side^{is} of the opinion that such Koreans who were domiciled in a country other than Japan, even if they were lineal descendants of Korean residents in Japan, be excluded from the scope of the "descendants". Accordingly, we hold that the scope of "the descendants" be limited to the lineal descendants who have been residing in Japan continuously after their birth in Japan.

Another question may also be raised, that is, whether children who were born of a father of U.S. citizenship and a mother who is a Korean resident in Japan be included in the scope of the descendants of the Korean residents in Japan. The legitimacy or illegitimacy of the descendants also leave room for discussion. It is, therefore, hoped that the scope of the Korean residents in Japan be defined as strictly as possible. I think that a mere fact of lineal descendants in blood relations is not sufficient to define the descendants in this regard. Besides, I would like to know how the descendants are related to the treatment that is provided in Article 3 and so forth in the proposed agreement.

For instance, in connection with the provisions of Article 3 which stipulates that a Korean resident can apply for permanent residence, within two years after coming into force of the proposed agreement, with a registration certificate, I would like to know on how this provision would be applied to a person who was born two years after the coming into force of the proposed agreement.

Thirdly

Thirdly, as regards the confirmation of nationality of the Korean residents in Japan, it is necessary to be cleared

that whether Article 2 of the draft agreement purports to confirm their nationality already established or whether their nationality is to be established newly by virtue of the said Article. The Japanese side takes the former view. In this connection I would like to know (from technical view point) on what legal basis and when those Koreans became nationals of the Republic of Korea. We don't mean that they are Japanese nationals. Frank discussions on these problems are sincerely desired.

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Dr. Yu

Our views on the questions raised by you now will be given later on when we enter into detailed discussions on the problems concerned.

I am now going to present our general views on other problems on the Korean residents in Japan.

As regards paragraphs 1 and 2 of Article 3, there is no change in their fundamental principles.

As regards Article 4, which relates to property rights of the Korean residence in Japan, there is no change in principle.

However, in connection with the treatment of the Korean residents in Japan, I am of the opinion that the Korean residents shall also be granted the treatment equal to Japanese nationals with respect to education, economic activities and social welfare (social security included) as well. It is also desired that the descendants of the Korean residents should be admitted to Japanese schools on an equal footing with Japanese nationals. Likewise the Korean residents should be able to establish and run their schools of various grades and types.

The problem concerning the repatriation to the Republic of Korea of individual Koreans is provided in Article 6. I want to make it clear that the Government of the Republic of Korea not only welcomes their repatriation but also intends to encourage them to return. It is, therefore, desired that measures be worked out on this problem at the earliest date so as to expedite the return of as many Korean residents in Japan as possible.

As regards Article 6, which relates to their property to be taken away, it is necessary to stipulate the principle of placing no restrictions on the quantity of such property. This does not necessarily mean that a vast quantity of their movables is taken home at one time. I admit that separate arrangements with the Japanese government is necessary on the method of taking their movables away from Japan.

As regards paragraph 2 of Article 6, which relates to the remittance of their funds, I am of the opinion that no charges should be imposed on it, and whole amount of their funds be made remittable, although I don't mean necessarily that the whole amount of their funds shall be remittable at one time when they return to Korea.

Next, I am going to make a new proposal, which is aimed at seeking measures to encourage the Korean residents to return en masse to the Republic of Korea. The above-mentioned provisions of Article 6 are concerned only with their individual returns.

The followings are related to mass return of the Korean residence in Japan. Provided that the Japanese Government pays compensations necessary for their repatriation to and re-settlement in the Republic of Korea within a limited period after the coming into force of the proposed agreement, our Government is ready to receive them and make every possible effort to facilitate their re-settlement in Korea. Such action, if taken by the Japanese government, is sure, I believe, to encourage the return of as many Korean residents as possible.

Furthermore, I hold that such provisions of the proposed agreement relating to property rights, remittance of funds, shall also be applied to those Koreans who return en masse.

As regards Article 7, there may be possible adjustment in technical points, though no change appears necessary at present.

As the views I have stated so far are of general character, any change in them is conceivable in the course of the discussions after Japanese opinions are heard.

Mr. Katsuno

Your remarks on paragraphs 1 and 2 of Article 6 of the Korean proposal of October 20, 1958 sound to us to be a substantially new proposal. Also, we would separately discuss the problem of the quantity of property to be taken by repatriates.

Your proposal on the mass repatriation to the Republic of Korea of the Korean residents is something entirely new. Do I understand correctly that the original Korean proposal of October 20, 1958 will be superseded by this new one?

Dr. Yu

I am afraid that you have misunderstood my remarks. Article 6 of the Korean proposal remains as it was in principle. I said there should be in the said article a clause clarifying that no restrictions should be placed on the quantity of property to be taken by the repatriates. It is correct that our proposal regarding the mass repatriation of the Korean residents is something new.

We are considering to re-arrange the original Korean proposal of October 20, 1958 on the basis of various points I have just explained. In the course of re-arrangement, there may be some changes in the order of articles, when necessary.

Mr. Hiraga

Regarding your proposal on the mass repatriation of the Korean residents to the Republic of Korea, you proposed that the Japanese government pay compensation to the repatriates and provide facilities for the repatriation. Exactly what do

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you mean by "compensation for the repatriates to resettle"?

Dr. Yu

If necessary, we can sufficiently theorize basis for such claim. However, since you will easily know that we mean, we would not attempt to waste time in this connection, today. It is easy to resume that the repatriates are mostly poor.

In view of the historical background of their immigration to Japan, I believe the Japanese government would not refuse to pay compensation to them for their resettlement in Korea, even from the humanitarian viewpoint. What is more important in this regard is, we should endeavor to encourage them to repatriate to the Republic of Korea.

Mr. Hiraga

As to "the historical background" which you mentioned, I am afraid that I don't fully understand it. Do you mean that the compensation for the resettlement in the Republic of Korea covers expenses for repatriation, housing and setting up occupation, etc.?

Dr. Yu

We will have to continue the exchange of our views on this matter. We do not ask for such large sum of money as to lead a wealthy life. But, it should be enough for them to restart a decent life.

Mr. Katsuno

Since the proposal is of great importance, we should like to give it a careful study. Regarding your proposal on education, economic activities, social security, etc. for the Korean residents, we will give you a reply after a careful study.

Dr. Yu

As we have presented our general views on various problems concerning Korean residents, we would like to hear the Japanese views.

Mr. Katsuno

We will give you our views at the next session, if possible.

(Remarks)

1. It was agreed that the next meeting of the Committee would be held at 10:30 a.m., September 19, 1959, Saturday.

2. Both sides agreed to adopt a press release which reads as follows:

"The 18th session of the Committee on Legal Status of Korean Residents in Japan was held at 10:30 a.m., September 11. Both sides continued substantial discussions on legal status, treatment, repatriation to the Republic of Korea of Korean residents in Japan. It was agreed that the next meeting of the Legal Status Committee would be held at 10:30 a.m. September 19, 1959."

⊆ The End -

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P180 1-19 第 19 次、1959.9.26

P181 外務部

4292 年 10 月 6 日

公 覧

9 月 26 日に開かれた第 19 次在日韓人法的地位委員会では在日韓人の処遇、韓国への送還、特に補償問題等に関する原則に対して日本側に答弁することを要求したが、これに対して日本側は始終一貫在日韓人に関する問題をケースバイケースで討議することを提議し、まず在日韓人の範囲及び国籍問題から討議しようと、従来主張をくり返した。

P182 韓日代(政)第 191 号

壇紀 4292 年 10 月 1 日

韓日会談首席代表 許 政

外務部長官 貴下

第 19 次法的地位委員会会議 議事要録送付の件

頭の件、去る 9 月 26 日日本外務省で開催された在日韓人法的地位委員会 19 次会議議事要録を別添のように送付いたします。

別添 この本文

October 1, 1959

GIST OF TALKS
NINETEENTH SESSION
COMMITTEE ON LEGAL STATUS
OF KOREAN RESIDENTS IN JAPAN

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1. Time and Place: 10:30 - 12:10 a.m., September 26,
1959, at Room 411, Foreign Ministry,
Japanese Government

2. Conferees:

Korean side:

Mr. LEE Ho
Mr. CHIN Pil Shik
Mr. HAN Kibong
Mr. OHM Young Dal
Mr. ROH Jae Won
Mr. KWON Tae Woong
Mr. LEE Chang Soo

Japanese side:

Mr. KATSUNO Yasusuke
Mr. HIRAGA Kenta
Mr. MIYAKE Kijiro
Mr. HASEGAWA SHINZO
Mr. MORI Junso
Mr. HIRATSUKA Nenoichi
Mr. NAKAJIMA Toshijiro
Mr. NAKAGAWA Toyokichi
Mr. NAGAHASHI
Mr. IKEBE Ken

3. Gist of Talks:

Mr. Katsuno

(Introduced a new Japanese member, Mr. Nagahashi, of
Foreign Exchange Bureau, Finance Ministry.)

Mr. Lee

As you know, Dr. Yu has not returned from Seoul yet, and
Minister Choi, who was supposed to act on behalf of Dr. Yu in
his absence, also went home owing to the change of his official
status. Being not a formal member, I attend this Committee in a
vicarious capacity today.

At today's meeting, I would like to hear Japanese views on the
principles which Dr. Yu set forth at the previous meeting in
relation to over-all matters concerning legal status of the
Korean residents in Japan.

Mr. Katsuno

It is true that at the previous meeting Dr. Yu expressed
his views on over-all matters. However, However, the compen-

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sation problem he then referred to was a real surprise to our side. The Japanese side holds that no discussions shall be made on the compensation problem at this Committee.

Furthermore, I was rather confused to learn that some press reports on the compensation issue were carried in Korean newspapers, despite the agreement reached at the previous meeting that no press release would be made thereabout in view of the delicacy of the matter at the present stage. Your attention is invited to this matter.

Mr. Lee

As regards the mass repatriation to the Republic of Korea and compensation problems, it was agreed not to release them to the press for the time being, at the previous meeting. As far as I know, no news about such problems was intentionally released by our side, though some press articles on them were found in Korean newspapers. I do not know how and from what source they were released. Such news reports might come of the speculation of reporters. Anyhow, it was a regrettable case for our side, too.

Regarding the compensation problem which your side objected to discuss at this Committee, I hold that the problem has to be discussed at this Committee, though a definite view is withheld on account of my vicarious capacity.

Mr. Katsuno

I suggest to stop arguing over the case of the press reports. Mutual attention is desired in this respect.

At today's meeting I would like to hear your opinions further on any other problems except the compensation problem.

Mr. Lee

Since Dr. Yu stated our views on over-all matters at the previous meeting, I want first to hear Japanese views on the matters in general including the compensation problems at today's meeting.

Mr. Katsuno

The Japanese side, as I told, holds that the compensation problem shall not be discussed at this Committee.

I would like to hear your opinions on any other problems, besides the general views which Dr. Yu stated.

Mr. Lee

I hardly understand what you meant by "any other problems". Since our side set forth views in principle on over-all matters, it is reasonable, only after Japanese views are heard, to start discussing them in detail. Therefore, I want first to hear Japanese views on the substantial points on which our views were stated by our side at the previous meeting.

As regards the compensation problem on which your side are positively denying to discuss at this Committee, I think it is a quite proper proceeding to exchange views on it since the problem was put forward for discussion by our side.

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Mr. Katsuno

At the outset of the previous meeting, the status of Korean residents who want to remain in Japan was discussed. Adq, in this connection, the Japanese side raised a few questions, that is, what were exactly meant by "the Korean residents in Japan", and by "their descendants". I think the solution of these questions is a basis on which solution of other problems may depend. Therefore, as exchange of views, I hope that some explanation be given by your side on the questions which were raised by us in relation to them.

In addition, I would like to know that either your side has any intention to discuss the Korean proposal as a whole, or to discuss it article by article. I further wonder if your side has any particular subject in mind to start with.

Mr. Lee

I know that your side, at the previous meeting, raised a few questions regarding the Korean proposal of last October. However, such questions can be regarded as problems of mere technical character compared with the substantial matters on which Dr. Yu stated our views. So I want to hear Japanese views on any of the points Dr. Yu stated.

Mr. Katsuno

At the begining, the status of Korean residents who want to remain in Japan was discussed. However, Dr. Yu proposed the repatriation problem of Korean residents for discussion. I think they will be such Koreans who had been resident in Japan who return to Korea. So it is first necessary to define the scope of the Korean residents. The Japanese side, after presenting its views in general regarding the definition and scope of Korean residents, brought up a few questions about them. Therefore, I would like first to hear your clarification on such questions.

Mr. Lee

I do not know how this Committee meeting will be proceeded in future when Dr. Yu returns from Seoul. But, the few Japanese questions with respect to the scope of the Korean residents, as I said, are of mere technical character compared with the principle matters on which the Korean side presented its view.

I think if the Japanese side express its views on the principles we stated, works of this Committee will be much expedited.

Mr. Hiraga

I remember that Dr. Yu stated in principle, that Korean residents should be accorded equal treatment with Japanese nationals with respect to education, economic activities and social security. He further referred, in connection with the repatriation, to such problems as to property to be taken home, remittance of funds, etc.

For our Japanese side, it is the possible way of answer, if asked, to say roughly yes or no on each of such principles. Such answer seems to serve no purpose. Therefore, it is desirable to discuss points one by one. I think that to frame a clear definition of the Korean residents in Japan is the

first step towards solution of the other problems regarding their treatments.

Mr. Lee

It is true that Dr. Yu expressed such principles which Mr. Hiraga now referred to. I remember that, Dr. Yu stated, besides them, some other principles on such problems as the confirmation of nationality, special permanent residence, property rights and occupation rights, ~~and occupation rights.~~

For our side, I would like to hear your stand on these principles even in the way as Mr. Hiraga now suggested.

As regards the scope of Korean residents in Japan, the rough definition was already given, either in the Korean proposal or in Dr. Yu's remarks, to the effect that those Koreans who had been residing in Japan since the end of the hostilities of World War II and their descendants. Therefore, some Japanese questions regarding the descendants are of minor and technical character in comparison with the principles we stated.

I remember that the Japanese side, at the previous meeting, promised to express its views on the principles we then stated at next meeting. Your contention today, therefore, makes me rather confused.

(Some heated discussions on the way of proceeding the Committee discussions were repeated in similar way between the two sides.)

Mr. Katsuno

It is, of course, an important problem to discuss on how the Korean residents be treated. However, in my opinion, Korean residents in Japan fall under the scope of aliens in general and they should not be treated differently from other aliens, though you side may raise objection to such treatment.

I think that the scope of Korean residents and the problems of their nationality and descendants are to be first clearly defined before entering into discussions on the problems of their property rights, education, etc.

Mr. Lee

I do not deny the importance of defining clearly the scope of Korean residents in Japan. Nevertheless, as I repeated, the few Japanese questions with respect to the definition of the Korean residents given in the Korean proposal are of quite technical character.

Though Mr. Katsuno now contended that the Korean residents belong to ordinary aliens, I am, on the contrary, of the opinion that they are special aliens who should be accorded special treatments by the Japanese government. That is why they have been the subject of our discussions at this special committee.

Mr. Hiraga

In relation to the definition of the Korean residents given by your side, I once proposed that "the date of termination

of hostilities of the Pacific War" be determined concretely to avoid divergent interpretation. And I further raised some questions as the "lineal descendants" which your side suggested as the scope of the descendants. So I expected today your side would give some clarifications on my questions.

Regarding the principle matters which you mentioned of, I think many problems are included therein. Therefore, it would be difficult to answer them at one time. Firstly I would like to discuss the nationality problem, if any more time is available, or at next meeting.

Mr. Lee

As I repeated, the Korean side wants to hear first Japanese views on the principle matters in general on which ours were set forth at the previous meeting. Shall we fix the date for next meeting if no more time is available for today?

Mr. Hiraga

At next meeting, I would like to hear Korean views on the problem of the nationality confirmation. Thereafter, Japanese views thereon will be stated.

Mr. Lee

At next meeting, we will expect that the Japanese side presents its views in general on the over-all points in reply to Dr. Yu's remarks made at the previous meeting, though I don't mind on what point your side should start with.

(Remarks)

- Before adjourning the nineteenth session of the Committee;
- 1) It was agreed that next meeting would be held on 10:30 a.m., 30th, inst.
 - 2) The Japanese side desired to know that on what grounds and when - from quasi-legal, aside from political, point of view - the Korean residents in Japan became nationals of the ROK at next meeting.
 - 3) The following press-release was agreed: "The Committee continued discussing substantial matters regarding the legal status of the Korean residents in Japan."

- the End -

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P188 1-20 第 20 次、1959.10.14

P189 韓日代(政)第 200 号
壇紀 4292 年 10 月 19 日

第 4 次韓日会談 首席代表

外務部長官 貴下

件名、在日韓人問題委員会第 20 次会議 議事要録送付の件
頭の件、去る 9 月 26 日第 4 次韓日会談在日韓人問題委員会第 20 次会議議事要録を別
添のように送付いたします。

THE TWENTYTH SESSION
COMMITTEE ON PROBLEMS OF KOREAN RESIDENTS
IN JAPAN

Tokyo, October 14, 1959

1. Time and Place: 10:30 a.m. - 11:40 a.m., October 14, 1959
Room 311, Japanese Ministry of Foreign
Affairs
2. Conference:
- | | |
|----------------|---|
| Korean side: | Dr. YU, Chin-O
Mr. EA, Chai Mang
Mr. CHIN, Pil Shik
Mr. HAN, Ki Bong
Mr. ROH, Chae Won
Mr. LEE, Chang Soo |
| Japanese side: | Mr. Yasusuke KATSURO
Mr. Kanta HIRAGA
Mr. Kijiro MIYAKE
Mr. Shinzo HASEGAWA
Mr. Junzo MORI
Mr. Toyokichi NAKAGAWA
Mr. Ken IKEDA |

1050

3. Gist of Talks:

Mr. Katsuro:

Until the last meeting of the Committee, we have heard the general views of the Korean side regarding the problems of Korean residents in Japan. Today, we would like to present our views. As it is difficult for us to present our views on all aspects at one time, we will state our views on the problem of Korean residents who wish to stay in Japan, to the extent we have so far studied. Now, Mr. Hira-ga will speak on behalf of the Japanese side.

Mr. Hiraga:

I want to cover three points concerning Articles 1 and 2 of the Korean proposal of October 20, 1958.

1. With regard to Article 1 concerning the date of the termination of hostilities of the Pacific War, the Japanese side is of the opinion that a definite date should be fixed, such as August 15 or September 2, 1945. Of course, if the Korean side has any other date in mind, such date would also be considered.

2. With regard to Article 1 concerning the 'descendants' of Korean residents, the Japanese side has no particular objection to the basic point as introduced by Mr. Yu that the 'descendants' should mean 'lineal descendants.' However, we are of the opinion that such definition of the lineal descendants should further be clarified in detail. For instance, primarily the descendants as stipulated in Article 1 should be those who are lineal descendants born in Japan of Korean residents in Japan and continuously residing in Japan. Further, he should be a legitimate issue of a Korean resident father. If he is an illegitimate issue, his mother must be a Korean resident. By this way, we think that legal definition of the descendants could be made possible.

3. With regard to Article 2 concerning the nationality of Korean residents in Japan, the Japanese side understands that, by virtue of coming into force of the San Francisco Peace Treaty, the Korean residents lost their Japanese nationality. Besides, the Japanese side has no intention to claim that the Korean residents hold Japanese nationality, and this point was already set forth in the Japanese domestic laws concerned. Also it is the view of the Japanese side that the problem of deciding the nationality of a person is a matter of concern of a state or states which claims that she is a national of such state or states. Besides, since the Japanese side, as a matter of fact, is going to conclude an agreement with the Republic of Korea on the Korean residents, this fact itself evidently proves that the Japanese side does not object the contention that the Korean residents are nationals of the Republic of Korea. The decision of the nationality of Koreans is, therefore, not a matter for the Japanese side to participate in, interfere with or make agreement with the Korean side.

In view of the above, the Japanese side takes the view that the stipulation of Paragraph 1 of Article 2 is not only inappropriate but unnecessary.

As regards Paragraph 2 of Article 2, as the stipulation of the same paragraph is a matter of course, the Japanese side opines that the same paragraph is unnecessary.

Accordingly, the Japanese side is of the opinion that Article 2 as a whole is not necessary. In this regard, we would like to add that the Japanese side should refrain from giving impression of interfering in other's domestic affairs in deciding the nationality matter of the Korean residents.

This is about all I have to say today. Thank you.

Dr. Yu:

We would like to hear the opinions of the Japanese side on the other matters concerning the Korean proposal of October 20, 1958, and also we hope to hear the views of the Japanese side on the matters which have been brought up under the new situations.

As the discussions develop, we will be able to draft a new proposal on the problems of Korean residents. Therefore, we wish your side would express your views on the newly raised matters, they are on matters concerning those Koreans who desire to repatriate to the Republic of Korea.

Of course, the problem has been already touched upon in the proposal of October 20, 1958, but the new idea is based on our policy of encouraging as many Korean residents as possible to repatriate to the Republic of Korea. Therefore, we would like to hear also your opinions on our new idea for repatriation of Korean residents in a large number to the Republic of Korea within a limited period of time.

Mr. Katsumi:

We will of course discuss the matters concerned in due courses. But, as a matter of order in proceeding the Committee's works, we are now discussing the problem of those Koreans who will remain in Japan. We would like to hear the opinions of the Korean side on ours just presented by Mr. Hiraga concerning the three points as aforementioned. If the Korean side has any opinion contrary to ours, we would be ready to listen to it.

As for the problem on the repatriation to the Republic of Korea of Korean residents, we have no objection at all to the fundamental point of the policy. In the 'conditions' of the repatriation, we can point out that such repatriation can be carried out en masse and individually upon their own free will. Since the problem was proposed by the Korean side on September 11, we are still studying it among the ministries concerned and we are not ready to present concrete views of the Japanese side.

While this committee proceeds with other matters, for instance one on those Koreans who will stay in Japan, we will have enough time to study it and make up our views on the problem concerned. As regards the facilities to be provided for the repatriates, we would like to have the Korean side make suggestions in details what kind of facilities or treatments are necessary for such repatriation, so that we would be able to study them.

We understand that the Korean side proposes for repatriations of Korean residents both in group and by individual. As to the group repatriations, many Koreans returned to the Republic of Korea shortly after the end of World War II. The reasons which necessitate such mass repatriation usually are that travels between the two countries concerned are restricted for some reasons and so, the Governments concerned have to provide those repatriates with special means of transportation. Since there exist quasi-diplomatic relations between the Republic of Korea and Japan, as evident from the Korean Mission stationed in Japan and there is regular transportation available between the Republic of Korea and Japan, we don't see why such mass repatriation of Korean residents is necessary, especially in the light of the fact that the two countries are belonging to the free world.

Dr. Yia:

1. First, in regard to Mr. Hiraga's view, we will present our views next time. In the meantime, I would like to point out, in connection with the matter of 'descendants,' that there is a problem of dispersed families. I don't know how many, but I know there are many, and certainly considerations should be given to their reunion. I do not insist that the Japanese side should make a formal reply now but I hope that it would give a consideration to such necessity.

1053

2. As regards the mass repatriation, I would like to make clear the basic principle of our policy concerning the mass repatriation before entering into further discussion. The problem of Korean residents' repatriation discussed at the previous talks had a place in our proposal of October 20, 1958. But at that time, the proposal dealt mainly with the problem of individual repatriation. It is the new policy of the Korean Government, however, that both the Governments of the Republic of Korea and Japan should take positive measures to encourage as many Korean residents in Japan as possible to return to the Republic of Korea in a short period not as 5 or 10 years. We must take further steps to encourage such repatriation. Mr. Katsuno certainly had a point of reason in his contention concerning the necessity of 'mass repatriation'. But, the reason why we consider mass repatriation this time is that there are many Korean residents who are too poor that they need governmental aid for their repatriation.

Therefore, we should enable Korean residents to repatriate either individually or in group at their convenience. As to the facilities to be given to the repatriates, we can point out the facilities in inland and maritime transportations and others necessary for the repatriation.

Mr. Katsuno:

As regards the dispersed families in connection with the 'descendants' problem, we can understand that there are dispersed families whose masters have their basis for livelihood in Japan with their dependants living in Korea. But, it should be put into consideration that, among the dispersed families, there are some whose members have separated themselves upon their own will.

When persons falling under such category entered illegally into Japan, they have received special treatment to stay in Japan without being detained in Omura Camp. When the agreement on the Korean residents' problem is reached, they may be allowed to visit Japan for reunion with their families. As to the scope of members of dependants of the dispersed families requiring reunion, there should be a certain classification thereof such as wife, minors, etc.

Dr. Yu

We should further discuss on the problem of the reunion of the dispersed families later on. As the problem on the repatriation of Korean residents to ROK is a main subject of this Committee as well as the problem of Korean residents to stay in Japan, we expect that the Japanese side would make efforts to bring about a satisfactory settlement of the repatriation problem. Of course, the Korean side is ready to exert its effort for a reasonable result in this regard.

Also I should like to suggest that, rather than spending the Committee's time for discussing on the details of certain technical and procedural matters, it would be better for the Committee to have experts of both sides discuss and draw up a draft of technical arrangements to be attached to the agreement concerned.

Mr. Katsuno

As regards the details in the problem of the repatriation of Korean residents, we have difficulties in deciding the details of facilities and treatments to be provided for the repatriates for we had already an experience in repatriating en masse Chinese residents to the China Continent after the end of World War II. Therefore, it is difficult for the administrative level of the Japanese side to work out better facilities and treatment for Korean repatriates beyond its scope which had been set at the time of the Chinese repatriation.

But if the Korean side make a clear-cut proposal in this regard, we would be willing to study such proposal.

Dr. Yu

On that problem, we would have to exchange views from every angle before reaching a conclusion. But, I would like to emphasize that, since the problem of Korean residents is unique in its nature, special considerations should be paid by the Japanese side to the problem of the repatriation of Korean residents to ROK.

Would there be other matters to be discussed for today?

Mr. Katsuno

Shall we adjourn?

Dr. Yu

No objection.

(Remarks)

1. It was agreed that the next meeting would be held at 10:30 a.m. on October 20, Tuesday.
2. Both sides agreed to a press release which reads:
"The Committee on Problems of Korean residents in Japan was held at 10:30 a.m., October 14, 1959. At this meeting, both sides continued substantial discussions on the repatriation of Korean residents to the Republic of Korea and other problems of Korean residents in Japan."

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- End -

작성 전 보

(A)

외무부
C O K E
공민

번호 MTB-224

날짜 10201930

To : Office of the President
Foreign Minister

The 21st session of the Committee on the problem of the Korean Residents in Japan was held at the Japanese Foreign Ministry from 10:30 a.m. to 12:15 noon, October 20.

1. At this meeting, discussions were made mainly on the problem of the repatriation to ROK of Korean Residents in Japan. The Japanese side said that, in the mass repatriation, the Japanese Government would provide the repatriats with the transportation to the port of embarkation, billeting, feeding and medical aid at the port. As regards the method of the remittance of funds and of taking away of property by the repatriats, the Japanese side said that it would give a most favorable consideration in this regard within the frame works of the Japanese domestic laws concerned. In connection with the Japanese remarks on the remittance of fund and taking away of property, our side emphasized that in principle no limitation should be imposed upon the amount of property (including fund) to be taken away by repatriats, and that procedural matters in this regard should be decided upon

비 고:

(A)

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수신 시간:

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외무부

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ROK and other matters concerned.

- 2. Due to the fact that some members of the Japanese side are taking official trip for the next week, it was decided that next meeting will be held at 11:00 a.m., November 2, Monday.

Chief Delegate Huh

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비 고:

수신시간:

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외무부

확신전보

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번호

일시

Page 2

through negotiations between the ROK and Japan, pointing out the unreasonability of applying Japanese domestic laws in the connection. Our side also reiterated our policy for encouraging as many Korean residents as possible to repatriate to the ROK in short. In this regard, our side emphasized that, since the problem of the Korean Residents is unique in its nature, the Japanese side should take positive measures in giving special treatments for the repatriation of Korean Residents to the ROK, including the remittance of fund and taking away of property. Japanese side stated in reply that whether the number of actual repatriats would be many or few largely depends upon the concrete and practical measures to be taken by the ROK Government for receiving such repatriats. In this connection, our side made it clear that the measures to be taken by the ROK Government for receiving the repatriats are not the matter to be dealt with at this Committee, and further requested Japanese side have more sincerity for giving special treatments to the Korean Residents in their repatriation to the

비 고:

수신시간:

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P199 韓日代(政)第 203 号

壇紀 4292 年 10 月 29 日
韓日会談 首席代表 許 政

外務部長官 貴下

件名 第 21 次在日僑胞問題に関する委員会 会議議事録送付の件

頭の件、去る 20 日日本外務省で開催された韓日会談第 21 次在日僑胞問題に関する委員会の会議議事録を別添のように送付いたします。

別添 この本文

October 29, 1959

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GIST OF TALKS
TWENTY-FIRST SESSION
COMMITTEE ON PROBLEMS
OF KOREAN RESIDENTS IN JAPAN

1. Time and Place: 10:30 - 12:10 a.m., October 20,
1959, at Room 411, Foreign Ministry
Japanese Government
2. Conferees:
Korean side: Dr. YU Chin-O
Mr. LEE Chai Hang
Mr. CHIN Pil Shik
Mr. OHM Young Dal
Mr. LEE Won Dal
Mr. ROH Chae Won
Mr. KWON Tae Woong

Japanese side: Mr. KATSUNO Yasusuke
Mr. HIRAGA Kenta
Mr. MIYAKE Kijiro
Mr. HASEGAWA Shinzo
Mr. MORI Junzo
Mr. HIRATSUKA Nenoichi
Mr. NAKAJIMA Toshijiro
Mr. NAKAGAWA Toyokichi
Mr. NAGAHASHI
Mr. IKEBE Ken

3. Gist of Talks:

Dr. Yu

As for the Japanese views which were stated at the previous meeting regarding the scope and nationality problem of the Korean residents in Japan, they are under examination now.

At today's meeting, I would like to hear Japanese views regarding those Korean residents returning to the ROK, as was provided in the Korean proposal of last October. Furthermore, I would like to know views of the Japanese side on the Korean government's proposal, as was presented orally in September or as was stated after my recent return from Seoul, to facilitate the repatriation to the ROK of as many Korean residents in Japan as possible to the ROK within a shortest period.

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Mr. Katsumo

Two categories of the Korean residents - the one who want to return to the ROK, the other who want to remain in Japan - have been concurrently discussed at this Committee. In presenting views of the Japanese side on the problem of the Korean residents returning to the ROK, I hope that Korean views be also given as to such questions as 'concrete date of the termination of hostilities of the Pacific War', 'definition of the descendant', and 'the scope of the Korean residents in Japan', which were repeatedly asked by our side. Korean views thereon, when given, will serve much for the progress of this Committee's works.

The Japanese side hopes too that as many Korean residents as possible be able to return to the ROK. Noting that they are nationals of the ROK who return to the ROK, I believe that the motive force for their return depends, not upon what facilities the Japanese government affords to them, but upon what extent the Korean government makes preparations and offers facilities for their re-settlement in terms of its domestic policy. For our Japanese side, we will give every possible assistance to facilitate their repatriation.

As regards the transportation when they return en masse, the Japanese government has readiness to offer such facilities as billeting, meals, first-aid medicine and transportation to a gathering place where the repatriates embark.

Dr. Yu

Korean views regarding 'the concrete date of the termination of hostilities of the Pacific War, ' the scope of the descendant', etc., will be presented later after over-all views of the Japanese side are heard.

You now stressed that the Korean government should work out practical policy for the re-settlement of the repatriates. It is a matter of course that our Government should make full preparation for receiving the repatriates in case a great number of them returns to Korea. However, in this respect, it is quite unnecessary to discuss at this Committee what measures have to be taken by our government in return for the facilities which your government offers.

I have to repeat again that our government is ready to prepare fully for receiving the repatriates, and that our government receives them regardless of their past political activities.

Mr. Katsumo

I did not mean that your government has no planned programme for receiving the repatriates. However, how many Korean residents would return to the ROK is, I think, mainly dependent on what practical policy be planned out by the Korean government, besides the policy of disregarding their political activities in the past, though number of repatriates may, in part, be affected by the extent of what facilities the Japanese government affords.

I was told that your government was carrying out such practical policy as housing programme, cultivation programme of salt-farms, etc., for the refugees from north Korea. So I believe that it is the time for the Korean government to work out technical programme in preparation for those Koreans who return from Japan.

1064

Turning back to the transportation facilities, vessels have to be arranged at the expense of the Korean government. It is a quite exceptional case that the Japanese government arranged vessels for the illegal Korean entrants. As there is the regular shipping service between Japan and ROK, vessels for the repatriation should be provided by the Korean government.

As regards the funds to be taken home, not more than 45,000 Yen shall be settled through Japan-ROK Open Account in a form of 'traveler's letter of credit'. The funds in excess of 45,000 Yen shall be deposited in Japanese banks in the name of the owner, and be afterwards settled, upon owner's application, through Japan-ROK Open Account in accordance with the provisions of Japanese laws and regulations.

As regards the property to be taken home, which can be classified as hand baggages, personal belongings, occupational instruments, etc., they shall be permitted to be taken home unless their exportation is prohibited by the provisions of Japanese laws and regulations. Such valuable papers as stocks, bonds, deposits, securities, etc., shall not be permitted to be taken home because their exportation is prohibited by the provisions of the Japanese laws and regulations concerned.

And the Japanese government shall not impose any kind of export tax on any of the property which the repatriates take home. The proprietary rights of the property which may leave in Japan shall, as a matter of course, be legally recognized.

What was stated above is, in general substance, the maximum possible facilities which the Japanese government can afford.

Dr. Yu

You have just stated the Japanese views on the practical procedures of how to remit the funds and of how to take the property to Korea.

Our views on these matters will of course be presented later. However, I would like to draw your attention on two points now.

First, though opinions may differ concerning such procedures, I believe no difference of opinions exist as to the principle that the whole value of the property be taken home. Since the Japanese government can never seize nor confiscate the property, supposing that some property be left in Japan as a result of a ROK-Japan arrangement, it is possible in the end to take the property home in different forms.

Therefore, I believe that the principle of taking home the whole value of the property is not affected at all.

I would like to hear Japanese views on this matter.

Second, I hold that the remittance of funds and the taking home of property of Korean residents in Japan shall not be regulated by the provisions of Japanese laws and regulations, but by special arrangements between the two countries.

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Mr. Katsuno

I would like to answer your question on the principle of taking home the whole value of property, at later meetings after consultation with Japanese ministries concerned.

What I just stated covers the whole points of the Japanese views on the matter.

The financial obligations covering such expenses as transportation, billeting, meals, medicine, in case of the mass repatriation, mean a considerable burden to the Japanese government.

I think the Korean residents in Japan may roughly be divided into two groups, excluding those who return home individually at their own expense: the one who want to return to the ROK if transportation fee is available; the other who hesitates to return in fear of how to make living after their arrival in Korea. Therefore, I believe that, if the Japanese government provides the transportation facilities to a gathering place and the Korean government works out practical policy for their re-settlement in Korea, the number of the Korean residents who want to return home will be much increased.

Dr. Yu

What you have just stated so far makes me feel that you figured the problem of the repatriation under normal circumstances, centering around the measures to be taken for the repatriates.

Though I withhold to repeat the historical backgrounds, the problem of the Korean residents in Japan is a unique case.

The Korean residents in Japan whose number amounted to as many as two million when the Pacific War ended, did not come to Japan as immigrants nor did they come to Japan to engage in commercial activities as aliens.

Their treatment, which should have been settled by agreement upon the termination of the Pacific War, remains unsettled so far. As fourteen years have elapsed since the end of the War, it might be forgettable that the settlement of their treatment is part of the special post-war arrangements. For this reason, the problem of either their repatriation to the ROK or their continued residence in Japan has to be settled not by unilateral measures of the Japanese government in accordance with the provisions of Japanese domestic laws, but by agreement between the ROK and Japan.

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In the past, our government concentrated on the problem of their treatment, because the remaining Korean residents - about 1,400,000 Korean returned home under the control of the SCAP - were considered to have settled or to have intended to settle in Japan. Nevertheless, most of them are so miserably poor that some of the poverty-stricken Korean residents are said to have expressed their will to go to the communist-controlled north Korea.

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Under such situation that cannot be left to develop any further, the Korean government, seeking a thorough-going solution to the problem, has decided to take as many Korean residents in Japan as possible to home. And in case a large number of the Korean residents in Japan be able to return to the ROK, I believe that the relation of the ROK and Japan will be much improved, and that none but real communist would go to north Korea.

Therefore, I hope that the Japanese side give deep considerations to the Korean residents in Japan so that their treatment may be governed, not by general regulations that are applicable under ordinary circumstances, but by special regulations to be arranged between the two countries. You must not forget that the repatriation problem is a part of the post-war arrangements.

Mr. Katsumo:

I do not want to refer to the historical backgrounds of the Korean residents in Japan, either. It is admitted that they did not come to Japan as foreign immigrants.

However, the investigation of the Japanese side revealed that 1,400,000 of two million Korean residents returned to the ROK, and the rest of them remained in Japan of their own free will. As most of them are not war-time draftees, the remaining Korean residents in Japan are to be treated as ordinary aliens. So, as you say, it is not in accordance with the prevailing practice, but belongs to a special case that the Japanese government undertakes, in connection with the proposed mass repatriation, such financial obligations as is necessary for repatriates to get to a gathering place.

I think it is the duty of the ROK government to protect its own nationals. Therefore, it is quite a matter of reason that leading role in the mass repatriation of the Korean residents to the ROK be played by the Korean government, while the Japanese government offers every possible assistance.

Dr. Yu

I hold the problem of the Korean residents in Japan has to be settled by the cooperation of the two countries. In view of the current situation, they tends to become a minority race in Japan. Such tendency is not a favourable phenomenon for the Korean residents themselves nor for your country. I am not going to quote such foreign precedents as the Versailles treaties or the treatment of the Irish in England, because I believe that the problems of the Korean residents in Japan should be solved, not by mere mechanical application of the foreign precedents, but by

Mr. Katsuno

At next meeting, Japanese views regarding the treatment of the Korean residents remaining in Japan will be presented. Thereafter, I would like to hear views of the Korean side.

(Remarks)

1. It was agreed that next meeting be held at 11:00 a.m., November 2, 1959.
2. The following press release was agreed: " At today's meeting, substantial matters regarding the repatriation of the Korean residents to the ROK and others were continuously discussed."

(Observation)

The views formally expressed by the Japanese side at today's session are much stiffer than those which have so far been expressed by the Japanese side at informal meetings.

- End -

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specific methods which would be arranged by agreement of the two countries.

I do not deny that some facilities which the Japanese government affords for the mass repatriates are also a kind of special ones. But stronger considerations must be given them, taking into account of the fact that the settlement of such treatment is part of the post-war arrangement.

Mr. Katsuno

For our Japanese side, it is up to the free will of the Korean residents whether they return to the ROK or remain in Japan. When they choose to return to the ROK, the leading role to facilitate their return should be undertaken by the Korean government.

There were about two million Korean residents in Japan when the Pacific War ended. During the period of August 1945 - March 1946, 900,000 of them returned to Korea by means of the vessels which the Japanese authorities offered, while 500,000 of them returned individually at their own expense. Thereafter, the Japanese government offered again to the remaining Korean residents whose number amounted to about 650,000 the last available opportunity to return to the ROK. Of 500,000 applicants, 160,000 actually returned.

Therefore, as the rest of the Korean residents remained in Japan of their free will, the Japanese side believes that the post-war arrangement for them was completed.

In the meantime, as the Korean government decided to receive mass repatriates, the Japanese government, corresponding to the decision, is ready to give possible assistance to them. However, I believe that unless practical policy for receiving them, besides the political considerations, is worked out by the Korean government, their return en masse to the ROK will not be much encouraged.

Dr. Yu

You just contended that the post-war arrangements for the Korean residents in Japan was completed. However, I hope you to understand that they were done unilaterally by the Japanese side. As no measures have so far been done for the Korean residents through mutual agreement of the two countries, and the problems of the Korean residents in Japan have been discussed at this Committee as an item of the agenda of the ROK-Japan talks, I consider that the problem of Korean residents in Japan has never reached a settlement so far.

With respect to the free will of the Korean residents which Mr. Katsuno now referred to, the Korean government by no means intends to compel them to return to the ROK.

As regards the active policy which required to encourage their return, I think it is matter of course for the Korean government to work out detailed plans in preparation for them. However, such measures are not of such character as to be discussed at this Committee.

P207 1-22 第 22 次、1959.11.2

P208 韓日代(政)第 215 号

壇紀 4292 年 11 月 12 日
韓日会談 首席代表 許 政

外務部長官 貴下

件名 在日僑胞の問題に関する委員会 会議録送付の件

頭の件、去る 11 月 2 日日本外務省で開催された第 22 次在日僑胞の問題に関する委員会会議議事要録を別添のように送付いたします。

別添 この本文

November 11, 1959

GIST OF TALKS
TWENTY-SECOND SESSION
COMMITTEE ON PROBLEMS
OF KOREAN RESIDENTS IN JAPAN

1071

1. Time and Place: 11:00 - 11:50 a.m., November 2,
1959, at Room 320, Foreign
Ministry, Japanese Government
2. Conferees:
- Korean side: Dr. YU Chin-O
Mr. LEE Chai Hang
Mr. CHIN Pil Shik
Mr. OHM Young Dal
Mr. LEE Won Dal
Mr. KWON Tae Woong
- Japanese side: Mr. KATSUNO Yasusuke
Mr. HIRAGA Kenta
Mr. MIYAKE Kijiro
Mr. HASEGAWA Shinzo
Mr. MORI Junso
Mr. HIRATSUKA Nenoichi
Mr. NAKAJIMA Toshijiro
Mr. NAKAGAWA Toyokichi
Mr. NAGAHASHI
Mr. IKEBE Ken

3. Gist of Talks:

Dr. Yu

At the previous meeting, the Japanese side stated its views on the question of Korean residents who will return to the ROK. At today's meeting, I would like to listen to Japanese views on the question of Korean residents who will remain in Japan.

Mr. Hiraga

So far, the Japanese views have been stated concerning the Korean proposal of last October. Our views having been stated on the provisions of articles 1 and 2 of the proposal, I am now going to refer to the rest of articles at today's meeting.

With reference to article 3 which stipulates the permanent residence and deportation of Korean residents, the

Japanese side is of the opinion that they have inseparable relation each other. Therefore, the Japanese government has readiness to permit permanent residence to Korean residents in Japan by means of simple procedures, provided that the ROK government accepts deportation of the Korean residents who have violated Japanese laws or the Koreans who have illegally entered Japan.

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Moreover, I make it clear that the Japanese side is ready, in case of Korean residents, to relax the deportation criteria, as compared with aliens in general, for some years after the coming into force of an agreement which is now under negotiation between the two countries.

The extent of how far the deportation criteria be relaxed for Korean residents was stated in our paper which was delivered to the Korean side on July 11, 1958. Any answer thereto, which we still expect to have, has not been yet presented by the Korean side. However, it is our government's stand that the Korean government should accept the deportation of such Korean residents whose continued residence in Japan cannot be permitted because of vicious nature of the offense they may involve, and the deportation of Korean illegal entrants.....

Let me allow to make some corrections of what I have just stated. I have mistakingly stated ~~due~~ to my wrong memory. The whole criteria of deportation provided in the Japanese domestic law were covered in the above-mentioned paper of July 11, 1958. Repeatedly speaking, the following six categories, which correspond to the international practice, are listed as the deportation criteria:

- 1) Person who are sentenced guilty by courts.
- 2) Person who engage in relevant business to prostitution.
- 3) Person who render assistance to illegal entrants.
- 4) Leprous patients, person of mental disorder or person of poverty who are taken care of by public organization.
- 5) Person who stay illegally in excess of the term of residence
- 6) Person who, by act of violence, breach the Constitution or laws, or disturb public order.

However, it has been our government's stand, and will remain same for some years to come, not to deport Korean residents only because of their poverty.

It is possible to treat, by virtue of the provisions of the Peace Treaty, Korean residents in Japan as aliens in general. But the Japanese side admits it reasonable to accord them special treatment for some years to come in view of their historical backgrounds. I make it clear that the Japanese government has readiness to accord special treatment to Korean residents for some years to come, if an agreement be concluded as a result of the negotiation under way now between the two countries.

I hope that views of the Korean side be presented on this matter.

Articles 4 and 5 are related to the occupation and property rights of Korean residents, which are not entitled to enjoy by aliens in general. There are few occupations, apart from government officials, which are prohibited to be enjoyed by aliens in general by Japanese domestic laws. 'Pilot' may be only occupation which is prohibited to aliens. The investigation of the Japanese side revealed that there is no Korean resident who holds such occupation or enjoys such property rights at present, which are prohibited to be enjoyed by aliens. Therefore, I think it unnecessary to insert such provisions of articles 4 and 5 in the proposed agreement, because they have no practical meanings.

With reference to the provisions which stipulate that any occupation or property rights enjoyed by Korean residents at the time of the coming into force of the Peace Treaty be retroactively recognized, the Japanese side hardly understands the meanings and possible outcome of such provisions. However, the Japanese side makes it clear that such provisions are not acceptable because they might cause confusion in the order of the Japanese domestic laws.

As regards article 6, which stipulates the property to be taken home by repatriates, the substantial points of the Japanese views are not different from what was stated at the previous meeting in connection with the proposed mass repatriation. In case of individual return of Korean residents to the ROK, no facilities such as billeting, medicine, etc., will be offered by the Japanese side.

What was stated above covers the whole points of the Japanese views on the Korean proposal of last October.

Dr. Yu

Though the Korean side has its own different views on what was stated by you, I withhold to express them, because I intend, at today's meeting, to listen to Japanese views.

However, I have one question. You have just contended that no Korean residents, according to the Japanese investigation, hold any occupation or enjoy any property rights which are not allowed to aliens in general. However, as far as I remember, there was a considerable number of Korean residents who held such occupation or enjoyed such property rights. If there is none of such Korean residents at present, I want to know how and for what they have lost such occupation or such property rights.

Mr. Hiraga

The fact was found by our inquiry to the ministries concerned. I think that the Japanese side has never stated that there was a considerable number of such Korean residents.

With reference to the mining right which is not allowed to be held by aliens, some provisions of the Japanese mining industry law was revised upon the entering into force of the Peace Treaty. According to the revision, the mining right enjoyed by Korean residents at the time of the coming into force

of the Peace Treaty was continuously recognized for the following two years in anticipation of the conclusion of an agreement as a result of the Japan-ROK talks then under way. However, unfortunately no agreement was reached within the two years. If there had been any Korean resident who enjoyed mining right at that time, the mining right might have been transferred, after the elapse of the two years, to the national treasury of the Japanese government.

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It is also conceivable that the Korean resident concerned disposed of the mining right within the two years. Actually, no mining right of Korean residents, according to the investigation of the Japanese authorities, has ever been transferred to the Japanese national treasury. Accordingly, the mining right of Korean residents enjoyed at the time of the coming into force of the Peace Treaty was lost by means of free disposition within the limited two years.

As to the occupation, apart from government officials, few occupation, except pilot, are prohibited to be held by aliens. I think that there is no Korean resident who engages in pilot.

Dr. Yu

With respect to the occupation, I remember that there was a considerable number of Korean residents who engaged in teachers or served as local officials. If they are now dismissed, I want to know how and for what they were dismissed.

Mr. Hiraga

There is no discrimination of nationality in the employment of teachers, and no Korean resident has ever been dismissed for mere reason that he is a Korean resident.

Dr. Yu

Views of the Korean side on what was stated by your side will be presented at later meeting.

Remarks

1. The date for next meeting would be decided later on by mutual consultations.
2. The following press release was agreed upon: At today's meeting, substantial discussions were continuously made on the repatriation problem of Korean residents to the ROK and others."

- End -

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- 4 -

P213 2. 参考資料 : 1-3 次韓・日会談 在日韓人の法的地位委員会 討議概要及び
第 4 次韓・日会談予備交渉での在日韓人の法的地位関係問題

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第 1 章 第 1 次、第 2 次、第 3 次会談の在日韓僑法的地位問題討議概要

(1) 第 1 次会談

在日韓僑の法的地位に関する問題は、その議論された由来が長くなったもので、1949 年 5 月鄭恒範大使時代に議論されたことがあって、再び 1950 年 3 月金龍周公使時代に SCAP と討議したことがあり、1951 年 8 月申性模大使が赴任した直後にはこの問題は本格化し、SCAP の提議で 8 月 24 日から SCAP で韓米間で問題解決方途に関して、当時の駐日代表部参事官葛弘基博士及び渡日中にあった兪鎮午、林松本両氏の尽力で準備会談を開催したことがあって、これが全体的な韓日会談の契機になったのである。

この問題に関する分科委員会は 1951 年 10 月 30 日、即ち日本の新出入国管理法が発効する 11 月 1 日の 2 日前の日、第 1 次会合をして以来同年末休会に至るまで 21 次の会合をくり返した結果、相当な進捗があったが、この期間中の討議成果は次のようなものだった。

本来日本は、在日韓僑問題に関して別に誠意がなかったし、ただ在日韓国人が韓国国籍を持ったことを韓国側に確認させ、平和条約発効後に彼らを「外国人」として取扱い、一般外国人に加える全ての制限を在日韓国人にも加えようというものだった。これに対して韓国側は、在日韓国人が日本において特殊な地位を占める外国人であることを指摘し、一般外国人よりは優待を受けなければならないという主張で対抗したのである。このような韓国側の主張に対して日本側は「無理な主張」だと内外に宣伝することで、彼らの立場を有利にしようとしたが、われわれは「韓国は決して全ての韓国人に一般外国人より優越な地位を認めると言うのではない。1945 年 8 月 9 日以後に日本に入国した韓国人に関しては、一般外国人待遇を受けるのに対して何らの異議がない。ただそれ以前から日本に居住する韓国人は現在、一般外国人とは違う特殊な地位を持っているのが事実なので、その既成事実をそのまま認めるといふものだ」と主張し、日本側を説服させると同時に第三者に対しても、韓国側の主張が決して正義公平の原則と国際法の原理に違反するのではないということに納得させるのに努力したものである。

以下具体的内容に関して分説すると次の通りだ、

(A) 国籍問題

上述したように当初に日本側は本会談で、在日韓国人が韓国国籍を持ったことを韓国側に確認させることで終えようとしたので、下記三個条項を日本側提案として提出した。

(1) 在日韓国人は対日平和条約発効で日本国籍を離脱し、韓国国籍を取得する。

(2) 在日韓国人の国籍は、戸籍を基準にして決定する。

(3) 在日韓国人の日本国籍取得(Naturalization)は、日本国籍法に依って行う。

以上のような日本側提案に対して韓国代表は、何人が自国国籍を持つかという問題及び Naturalization の問題は国際法上、「国内問題」(Matter within the domestic jurisdiction)で、国際会議の議題になる性質のものではないことを指摘すると同時に、韓国政府は日本に在留する韓国国民に対して国際法上保護権を持ったので、韓日会談においては日本側においての彼らの処遇及び法的地位に関して議論しなければならないと主張し、それ以後国籍分科委員会においては国籍問題よりも、主に在日韓国人の処遇及び法的地位に関して討議を展開した。

(B) 永住権問題

在日韓国人の日本内永住権許可に関しては当初に日本は、自国の「出入国管理令」に依って在日韓国人からいちいち永住許可申請を受けて、彼らが(1)善良な人なのか(2)独立して生計を維持するだけの資産または技能を持つ人なのか(3)彼らの日本永住が日本国の利益に合致するか等を審査してその許可余否を決定し、またその申請に際しては一人当たり日本貨幣 2 千円の手数料を取ると主張したが、論戦をくり返した結果、韓国政府の在日代表機関で登録証明書を発給すれば、日本側は彼らの外国人登録簿と対照して、その韓国人が 1945 年 8 月 9 日以前からの居住者であることだけ確認すれば、何らの審査もせず、また何らの手数料も取らずに永住権を付与するという点まで譲歩した。

永住許可に関連する問題は退去強制(Deportation)だが、退去強制の事由の内、最も在日韓国人に該当者が多いのが「貧困者、放浪者、身体障害者で日本の国家または地方公共団体の負担になっている者」に対する退去強制だ。日本の「生活保護法」に依って日本政府から生活扶助費を貰っている韓人の数字は約 6 万人に達し、その金額は年額日本円で約 6 億 6 千万円に達するが、日本政府はこれら韓人を漸次退去させるといったものだった。ただし事実上の貧困者であっても日本政府から扶助費を貰っていない者は退去強制の対象にならないというものだ。

この問題に関しては韓国側は一種の Dilemma に陥った。即ち日本側が主張するように貧困者に対する生活扶助は、これからは韓人には支給しないということ承認すれば、貧困を理由に退去強制を受ける韓人はいなくなるだろうが、代わりに事実上生活扶助費に依存している赤貧者の生活が問題であるだけでなく、これはまた在日共産主義者たちに韓国政府を誹謗する資料を提供することになるものだ。共産主義者たちは日本政府の韓人貧困者に対する生活扶助費支給を、まるで自分たちが日本政府と闘争した結果獲得したものかのように宣伝しているのだから、韓日会談の結果そのような扶助費がなくなることになれば、彼らが即時これを韓国政府に対する悪宣伝の材料に使うことは火を見るより明らかだ。だからと言って退去強制を甘受することもできない境遇なので、

(1) 韓人貧困者に対する生活扶助費は継続すること。

(2) 生活扶助を受ける韓人に対しては、彼らが経済的自立が可能な時まで、一定な年限の間、退去強制を行わないこと

を提議したのである。これに対して日本側は

(1) 今後 1 年間は生活扶助を行うことを約束する。それ以後にも韓人貧困者に対する生活扶助は継続するが、韓国との国際条約に依って行うのは 1 年で終え、それ以後は自主的に行う。

(2) 今後 1 年間、貧困を理由に退去強制に該当する者がいる時には事前に韓国政府と協議して、韓国側で適当な保護手段を講じてくれれば退去強制をしないようにするという提議をした。

(C) 処遇問題

在日韓国人の処遇問題に関して、日本側は対日平和条約発効後在日韓国人に対して一般外国人と同一な待遇をしたし、今後締結される韓日間の通商航海条約においては韓国人に対して最恵国民待遇(Most Favored Nation Treatment)を供与する用意があったが、韓国代表は最恵国民待遇云々は将来相互間入国する者に関する問題なので今議論することではなく、終戦前から日本に居住していた特殊外国人である韓国人の待遇に関するものを決定しようということだから、在日韓国人は現在日本において参政権を除いては日本国民と同一な待遇、即ちいわゆる内国民待遇(National

Treatment)を受けているので、そのような現在の待遇を将来にも継続供与せよと主張した。これに対して日本側は在日韓国人に対して、韓日通商航海条約に依らずに将来永久に内国民待遇を供与することは、日本国内に「二種の外国人」を認めるもので、これは国際法上類例がないので到底承認できないが、現在一般外国人には禁止されている権利、または資格として(例えば鉱業権等)韓国人が享有しているものは既得権なので、その人が日本に在留する限りこれを認定し、ただ相続及び日本人以外の者に対する譲渡は、法令で特に容認される場合以外には認められないと主張した。

そこで案だが、韓国代表が当初に主張したように、在日韓国人に永久に National Treatment を許与せよということを最後まで固執するのは、多少無理な感がなくはない。しかし日本側が主張することを承認すれば、そのような特殊な権利を持つ者が急死等の場合、不当にその権益が損害を受ける恐れがあるので、日本側の提案をそのまま受諾するのは不可能で、少なくとも10年ないし30年の期間を定めその期間の間は、一般外国人には禁止された権利であっても韓国人には認めるよう主張するのが良いだろうと思料する(国際法上の類例を探してみると、外国人の土地所有を許容した国家が新しく法を定め、外国人の土地所有を禁止する場合には大体は5年、10年等一定の期間を定め、その期間は在来の土地を所有していた外国人には土地所有を容認することが例になっている)。

(D) 帰還者の動産携帯及び送金問題

この問題に関して最初日本側は、全面的に日本の輸出貿易管理令(動産は重量4千パウンドまで、送金は日本円で10万円まで)と為替管理法に依って制限することを主張したが、韓国代表は

(1) 帰還者の財産搬出は自由であること。その数量や種類に何らの制限を加えないこと。

(2) 財産搬出に関しては、何らの課税もしないこと。

(3) しかし財産搬出の名目で密貿易を行ったり、アヘン、火薬等、禁制品を運搬することは不可なので、これを防止するために韓日両国が協力することを提議した。

これに対して日本側では大蔵省、通産省等の猛烈な反対があったが、結局韓国側の主張を原則的に容認し、ただ

(1) そのような特別取扱いには期限をつけること。

(2) 密貿易防止、送金方法に関しては、もう一度専門家に細目協定を行わせることを提議して来た。

以上から看知できるように本委員会は、他の分科委員会より比較的早く原則的な意見接近を見た。1952年の会合は22次から36次会合に至るまで、およそ15回の会合を通じて鋭意共同案作成のために努力した結果、前年会合の討議内容に特に変更はなく、遂に別添のような共同案(附一参照)を作成するのに成功した。

(2) 第2次会談

第2次韓日会談の国籍分科委員会では、次のような問題が討議された。

A. 強制退去の問題

不名誉の行為を犯した者、または社会の善良な福祉を阻害したもので、入国管理令に依って強制退去処分を受けた者は現在460名であり、その内昨年5月に125名の引受けを韓国政府が拒絶したので、日本の対韓関係が悪化すると同時に、善良な在日韓国人に一種の不安が醸成されているので、迅速に解決することを日本側が要請したのに

対して、
わが側は

本件は会談以後に発生し、該当者は犯罪事実に対する確定判決を受け、服役後に収容所に拘束されたこと

該当者の中には拘束停止を正式に提訴したが、却下されたということ

当然韓国政府で彼らを引き受けるものと予想して拘束したと、またその送還が不可能な時にも継続して拘束するという日本側の意図を再確認し、その不当性を法的に追窮した。

B. 拘束処分の非法性

わが側は司法手続きも経ずに、行政処分で個人の身体を 1 年以上、または無期限に拘束するということは、日本の憲法で許与された人権思想に背馳すると問い合わせたところ、日本側は行政処分を取ったとしても日本憲法第 31 条に依るものであり、長期拘束を予想しなかったものが、わが側の引き受け拒否に因って事実上そうなったものであり、その違法事態は日本側に有責だと断言できないと主張し、これに対してわが側は昨年の会談で正式に、韓日協定が成立した後に発生する退去該当者に関して、韓国政府と事前協議をすることになったが、その該当者がこの協定成立以前に発生したと、退去処分に関して事前協議がなかったという事実は、国際慣習上非友好的であり、責任は日本側にあると反駁した。

日本側はこれに対して一般国際慣習上、事前協議の合意があったとしても、国家の主権として退去処分権を行使できるし、過去韓国政府が引き受けた前例があり、また国籍未確定ということは創設的效果を意味するものではないと主張したが、わが側は昨年合意した協定案は、国籍の未確定状態を確認するためのものであり、在日僑胞の国籍に関しては両国間で事実上の合意があったが、日本の在日韓人に対する声明と登録事務取り扱いを見ても、在日韓人の国籍は法的に今なお未確定状態なので、国籍が確定する時まで事前協議なしには、韓国側として退去該当者を引き受けられないと主張したが、日本側は主権の行使として自主的に強制送還権を行使し、貧困者に対しては歴史的事実を考慮して、即時には退去を実施しないと、また「事前協議」という意味は実質的審査というよりも、単に事務連絡上の手続きだと解釈して、昨年の会議を抹消し新しく協議しようと言うので、わが側は共同草案第 1 条に依る実質的待遇問題が十分に協定できない現在においては、在日僑胞の国籍問題も未確定なものであり、駐日代表部の在日僑胞に対する外交保護権の行使として、在日僑胞が事実上大韓民国の国籍を取得したと認められると主張することは、国籍を保留したものであり、法的効果を即時爾来するものではないという意味を主張し、「事前協議」において昨年日本が別途協定案まで提出したのは、退去に関する事務的手続きより実質的内容を意味したものであり、主権の発動としての強制退去権行使は、自由意思で入国した平常の外国人に限ったものだとして反駁した。

C. 自由帰国問題

わが側が自由帰国者に対する特別待遇を要請したところ、日本側は特に貧困者の自由帰国に対して、船賃をあげればどの程度の帰国者を予想するのかと反問まで有ったので、わが側は次のような要望事項を提出した。

(1)自由帰国者の財産搬出と送金に関して、原則的に日本の国内法の制限なく自由に許可すること。

(2)日本円の送金は特別措置を取ること

例えば convertible account(換替計定)、または貿易の Open account とすること。

D. 永住権付与とその制限

日本側から在日韓人に永住権を付与するが、

a 前科者は一定な年期に限って居住を許可するが、その品行の状態を見て期限の延長を認め、

b 未成年者はまず年限を設定してその居住を許可し、成年以後において付与された居住上の地位に関しては、日本政府の一方的判断に依ってこれを決定したい。

強制退去該当者は前記した既得権を喪失するだろうし、強制退去に対する規定は条約文面上で表現せずに附属交換公文で明らかにしたいし、それと貧困者で自由帰国する場合には特に優待する予定であり、一方継続して在留する生活困難者に関しては韓国側でも面倒見るべき責任があるので、必要な場合には前記した貧困者に対しても退去権を行使する予定だと発言するので、

わが側は在日韓人の地位に言及し、SCAP 管轄時には在日韓人を日本人として取り扱ったし、彼らの国籍問題に関しては日本の独立前後を問わず、合意した事実がないことを再確認させた後、永住権とその制限問題に対して次のように反駁した。

前記した永住権付与において前科者と未成年者に限っては、差別を設定しようという日本側の意見に賛成できないし、昨年の会議では韓日間の協定が成立した後、これから発生する犯罪者を対象にして即ち、罪刑法定主義でその取扱い問題を討議したもので、前記のような細分はその待遇において、昨年のもより不利なことを意味するのであり、貧困者に対する保護問題に関しては、そうなった原因が過去に日本政府が招来したものであるため、国籍協定が成立した以後においても、継続して援助措置を取ってくれることを期待すると同時に、一方で日本政府の責任にも限界があるものと考え、韓国は戦争を遂行する国として、在日韓人の生活保護措置まで取るのが難しい立場にあるとした。

(1) 前科者に対する取扱い

日本側は、前科者取扱いに関する日本側の根本的態度は、両国の友好関係のために国際慣行に符合しなければならないという趣旨の下に、合理的に取扱うことにあるとしながら、前科者たちに3年間の居住権を付与するが、この間遵法生活を順調にすればその居住期間を延長したり、あるいは永住権を付与すると説明するので、

韓国側は、前科者を含む全ての在日韓人に一律に永住権を付与しても、退去強制権行使には支障がないだろうし、今から新しく永住を許可するのではなく、過去にいた韓人の永住権を確認することに過ぎないので、例えば今から新しく入社するのではなく、入社していた正式社員を履歴書をかき回して、正式社員を仮社員に貶めるのは不当なことである。要は昨年会議当時の資料に依れば、在監者1万名とその他を含めても総合5万名に過ぎないので、彼らも日本の法律を遵守すれば居住できるという趣旨下で、一般人と区別なく全部永住権を付与せよと強調した。

(2) 貧困者に対する保護

日本側は、貧困者に対する保護措置を、韓国側が取るのが難しいと発言したが、これに対する責任を無期限に引き受けるのは困難なので、最悪の場合には韓国側で保護責任を引き受けることを要請したので、

韓国側は彼らの生活保護を保障するために、「日本生活保護法」の適用を明文化する動議までしたし、元来海外同胞はお金を儲けて本国に送金することで本国を援護するのが通例なので、本貧困者に対する保護問題に関しては、韓国側としては日本側の誠意によって、援護措置を取ることを期待するしかないと説明した。

E. 国籍規定の方法

日本側は条約の中で国籍を規定しないで、条約に附属する交換公文で決めるのはどう

かと言ったが、

韓国側は領土の変更がある場合には、「住所地領有国の国籍を推定する」という原則を在日韓人の国籍に関して適用するならば、在日韓人は日本国籍を貰い、その自由意思によって祖国の韓国国籍を選択できるのだが、今回の会談でこのような原則と違う協定を締結するなら、それは条約に明示されなければならないと反駁した。

F. 登録の本質とその手続き

わが側から、韓国政府に対する登録は大韓民国国籍取得の確認行為になると同時に、日本に関連しては永住許可の要件行為になるという趣旨下にその登録を実施するし、これが在日韓人を把握する最善の方法と考える。従来駐日代表部では仮登録の形式で実施したが、手数料その他の事情から、登録完了した者が 20 万名に過ぎないが、日本政府で外国人登録に依って大韓民国国民に登録されたものを除くなら、結局は左翼分子の問題だけ残るのだから、この問題は日韓両国が協議して適当に処分できるだろうと主張すると、

日本側は、問題点は登録行為と永住許可申請との関連性にあるが、登録しなければ永住許可が付与されない以上、登録行為自体で必要で十分な要件が具備することになるので、ただ残った問題は強制退去問題だけである。

したがって現在日本政府が実施した外国人登録証を、そのまま認定したらどうなのか、韓国側から在日韓人を把握する方法として、登録を実施すると発言したが、

日本側としては登録を事務的手続き上の問題として取り扱いたい。現実において日本国内治安問題が発生するかも知れないと反駁したのに対して、

60 万にもなる国民に関して一度しかない問題なので、国家的立場から困難を克服しなければならぬし、日本もこれに協力しなければならぬだろうと主張した。

以上討議した外に、合意に達しなかった

国籍確認問題

強制退去に関する問題

永住資格を認定する登録問題

を挙示して討議しようとしたが、

韓国側はまず、強制退去の問題において、

犯罪に因って 1 年以上の刑を受けた者の強制退去においては、確定判決謄本(写本)を提示し、

退去の原因が貧困の場合には、韓国の同意を得て、

その他の理由に因る退去は、真正な証拠を提示することを主張したが、

日本側は概括的説明には日時が要ると述べた。

(3)第 3 次会談

4286 年(1953 年)10 月 12 日に開催された。開会劈頭わが側は、当時大村収容所に拘束されている 120 名の韓人の釈放要求したところ、正常交渉として代表部と日本出入国管理庁がこの問題を解決しようということで合意を見た。

そしてわが側は、前記 120 名の法的地位は協定成立前にはその国籍が未確認状態にあり、また共同協定案に依ると、事前協議なしには退去処分を取れないことを指摘すると、

日本側は実際現在まで大村収容所に拘束しているのは遺憾に思うが、このような事態を解消するためには現在ではなくても一定な時期に、新しく合意が成立した後とか、あるいは韓国側が引受けを約束してくれれば、その取扱いを研究して適当に処理すると発言すると同時に、貧困の理由では強制退去を実施しないが、しかし日本側の財政状態が不健全なので、無制限には援護措置を継続するのが困難なのに照らして、韓国側が保護責任を引き継いでくれ

ることを望み、その方法として援助金を立て替える方式を取っても良いとした。

わが側はこれに対して再び、強制送還と引受け自体が共同協定案第1条国籍条項、同3条事前協議の条項に関連する問題であり、換言すれば強制退去に関しては国籍が確認された以後に、韓国と事前に協議して決定することになったので、一時的に拘束するなら判らないが、無期限に2年数か月も身体を拘束し死亡者まで発生させるというのは、一種の処罰だと認めざるを得ないと反駁した。

しかし日本側は、強制退去は主権の自由な行使だから前記該当者は韓国側で引受けなければならない、現在韓国側で引受けると約束すれば即時釈放措置を取ると述べ、法理上で論争しても一致点を発見できないので、本件問題は今回の会談と別途に協議して解決しようと提議した。

わが側はこれに同意する一方、普通の刑事犯人が日本に逃亡して来て、日本当局の同情を得るために政治犯人だと言動をすることで、両国間に良くない関係を造成しているが、このような犯罪人を韓国側に引き渡すよう協力してくれるよう要請したが、

それは別途に犯罪人引渡し協定を締結しなければならない問題だと、日本側は答えた。

第2章 予備交渉と在日韓僑の法的地位問題

(1) 予備交渉における進展状況

第4次韓日全面会談の再会のために進行した予備交渉において、在日韓人の法的地位問題は若干の進展を見たと言えることができる。この問題に関して細部的な面で具体的合意に到達してはいないが、第4次会談でも本問題が議題に採択されることで合意を見たし、注目されるのは日本政府が予備交渉終結に際して、合意した文書(別添号)で日本収容所に抑留されている韓人の内、第2次世界大戦終結以前から日本に居住していた韓人は、これらを日本国内に釈放することにし、特に未公開附属合意書(別添号)に依って日本側が、第4次会談で在日韓人の処遇問題が討議されることを予想し、ここで満足すべき合意が成される時まで、第2次世界大戦終結以前から日本に居住していた韓人を抑留しないと約束したので、これは即ち、日本側が初めて1945年8月9日以前から日本に居住していた韓国人の特殊地位を文書上で認めたもので、これから在日韓僑の永住権獲得のための橋頭堡を確保したと言えるものである。

またこの問題と関連して予備交渉で注目される点は日本側が、未公開合意議事録(別添)に依り第2次世界大戦終結以後に日本に不法入国した韓人の本国送還問題を、第4次全面会談で討議するのに同意したということだ。

勿論この問題は、固有な意味においての在日韓人の法的地位問題に属するものではない異質的なものだが、便宜上本問題と関連して1、2、3次会談でも暫時言及されたことがある。

この不法入国者送還問題の沿革を見ると、日本にいる韓人不純分子たちを本国に送還させようとするわが政府の要求に依って、前記したように1、2、3次会談でもわが側に依って提起され、不法入国者送還の引受け問題と関連して、わが政府が指摘する不純分子の送還を施行するよう日本側に要求したこともあったのだが、日本側が退去強制権行使は国内問題に属す事項であり、またこの問題は犯罪人引渡し条約で規定される性質の問題だとして、これに応じなかったのだが今回の予備交渉で、わが側の要求でこの問題が討議の対象に挿入されたものだ。しかしまだ解決されるべき問題は多くある。

在日韓人の国籍問題だけでも事実上、黙示的には彼らが韓国籍を持つというのに疑問の余地はないが、厳密に法的に見れば彼らの国籍は、まだ未確認状態にある。彼らに付与されるべき永住権問題も今なお解決できずにいるのであり、退去強制及び帰還韓僑の

日本からの財産搬出問題等が全て、全面会談で本問題に関する重要な論点になるだろう。国際法上の原則に照らして強制追放の合法性の余否が扱われなければならないし、またこの問題に関連して韓日両国の国籍法、戸籍法及び相続法等が比較研究さなければならないだろう。

(2)本問題の今後の論点

前章で述べた1、2、3次会談で討議され合意に達しなかった数多くの問題が、再び討議の対象になることは贅言を要しないが、まずは前回の会談で長い議論の末に共同案(別添号)が作成され、これを中心に議論が展開されたように、第4次会談で他の特異な事情がない限り、必然的にこの共同案が交渉の出発点になるだろう。したがってこの共同案に対する双方の意見の差異点が、重要議論対象になることは明白だ。この共同案を中心に差異点を見ると次の通りだ。

(A) 第3条2項

本協定発効後永住権を付与される在日韓人の退去強制に対して、韓日両当局がその実施のために必要事項に関して、相互協議する期間を韓国側が協定発効後5年を主張しているのに反して、

日本側は3年を主張しているのである。即ち日本側は本協定発効後3年が経過した以後には、一方的措置でこれら在日韓人の強制追放を決定しようというのだ。

(B) 第6条