

History and Status of the Overseas Koreans
Policies in the Democratic People's Republic of
Korea: *Focusing on the Act on the Protection of the
Rights and Interests of Overseas Koreans Adopted in
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Ri Thae Il
Korea University in Japan

Abstract

The Act on the Protection of the Rights and Interests of Overseas Koreans was adopted as Decree No. 15 of the Ordinance of the Supreme People's Congress (SPC). This Act is an important sector law that embodies the regulations for the protection of overseas North Korean rights stipulated in Article 15 of the Socialist Constitution of the Democratic People's Republic of Korea, which states that: "The Democratic People's Republic of Korea advocates democratic ethno-national rights as well as legal rights and interests recognized by international law for the overseas Koreans." The Act, consisting of 54 articles divided into five chapters, comprehensively regulates the overseas North Koreans' rights protection project, including the basic principles of the law as well as social politics, culture, and economic rights of overseas North Koreans, in addition to guidance control and penalties for overseas North Koreans' businesses. As stipulated in Article 1, the purpose of the Act is to implement the ideas and policies of the Workers' Party of Korea focusing on overseas North Koreans to ensure the democratic national rights and interests of the compatriots and to actively promote the unification and prosperity of their homeland. The adoption of this Act at the SPC is a significant step toward the full development and expansion of overseas North Koreans via the intensification of the overseas North Koreans' ethno-national pride and patriotic fervor and meaningful as a powerful legal security for the Democratic People's Republic of Korea to develop its business with overseas Koreans. Moreover, from the perspective of the movement of the Koreans in Japan, the adoption of said Act serves as a significant leap forward in terms of a legal security for an expansion in all parameters of the General Association of Korean Residents in Japan, the movement of the Koreans in Japan, and the motherland. With the enactment of this Act, overseas North Koreans have garnered the legal security in which their rights and interests are firmly defended well into the unforeseeable future under the protection of the Republic. The enactment of this law is a Republic's preferential measure corresponding to the full development of the movement

of the Koreans in Japan, a significant event in the history of the movement of the Koreans in Japan and a solid legal security premise to progress the struggle for the protection of compatriots' rights under the strong protection of the motherland. In fact, there are numerous North Koreans all over the world, and the laws related to overseas Koreans are a reflection of the philosophy and policies related to overseas Koreans under that country. This Act is the implementation of ideas regarding overseas North Koreans and related policies founded on the Juche ideology, the leading ideology of the Republic. Based on the understanding of the history and status of the Republic's overseas Korean policy, this article describes the political and practical significance of the Overseas Korean Rights Protection Act at the historical stage of revival of the General Association of Korean Residents in Japan, and proposes tasks and methods to demonstrate the effectiveness and living power of the law.

Keywords: the DPRK's policy toward overseas Koreans, Juche ideology, Act on the Protection of the Rights and Interests of Overseas Koreans, sociopolitical rights and interests, cultural rights and interests, economic rights and interests

Democratic People's Republic of Korea's Policy for Overseas North Koreans

What Is the Policy for Overseas Koreans in General?

The phrase “overseas Koreans” is polysemantic, and therefore the policy for overseas Koreans varies from country to country. In particular, the phrase “policy for overseas Koreans” is not commonly used by people other than the overseas Koreans or related officials themselves. In understanding the phrase “overseas compatriots,” the definition like “a fellow countryman living in a foreign country with the same blood relationship living in a foreign country, a foreign country, away from his hometown” (Han 1993, 12) is invoked, and what legal status is given to the overseas compatriots differs from country to country.

While some countries have inorganically created the category of “overseas compatriots” by policy or artificial means to ease their economic burden, other countries have unintentionally led to the existence of overseas compatriots due to foreign colonial rule. Yet, in the case of some other countries, dispersal of their nationals throughout the world has been an absolute necessity in the process of independence. This is why overseas nationals are called by various names such as diaspora, immigrants, and migrants.

As such, it is not simple to define who overseas nationals are and what the overseas nationals policy is. However, in general, the overseas nationals policy is defined by the national interest of their previous home country and do not deal with the problems raised by the overseas nationals themselves. Moreover, it can be said that overseas nationals themselves have discussed their problems in-depth in relation to their country of residence rather than to their home country.

However, after the end of the Cold War, especially in the early aughts, interests in overseas nationals increased in Europe and other countries, and the overseas nationals support laws enacted by these countries resulted in tension between those countries. As each country differs in philosophy

and policy toward overseas nationals, so do the contents of the laws to support them. However, one common thing about them is that it is difficult to find a country where the policy has been legislated from the perspective of independent fate of overseas nationals. In view of this, it can be said that the Democratic People's Republic of Korea (hereafter DPRK) is the only country that has legislated a policy to support its overseas nationals by linking their issues with the realization of its national independence.

The Nature and Specific Manifestation of the DPRK's Overseas Koreans Policy Based on the Juche Ideology

1) The Essence of the Policy

What is the nature of the DPRK's overseas Korean policy? The DPRK leader Kim Jong-il stated, "The issue of overseas Koreans is part of our national issue, and the essence of the issue is the autonomy of our nation" (Kim 1995). This statement implies that Koreans in Japan are not an ethnic minority of Japan but the overseas citizens of the DPRK and that the movement of the overseas Koreans is a national patriotic movement and its basic mission is to defend the democratic national rights, develop the prosperity of their socialist homeland, and reunify their motherland.

The contents of the Act on the Protection of the Rights and Interests of Overseas Koreans were formed and legalized, starting from the ideology and theory of the overseas Koreans' movement based on the Juche ideology. The issue of the overseas Koreans is part of the ethno-national issue, and the core of the issue is national independence. This philosophical explanation of the issue of the overseas Koreans depends entirely on the realization of national independence in the lives and fate of overseas Koreans.

Overseas Koreans have an independent national political system; so only when the home country has an unchanging policy to protect the independence of their people, can the overseas Koreans claim their ethno-nationality and have the premises upon which to enjoy independent life and true

happiness. The DPRK's policy on overseas Koreans has been established in line with this philosophy on overseas Koreans, and its main objective is to completely solve the overseas Korean problem. Then, what does a complete solution to the issue of overseas Koreans mean? In short, it means a complete realization of the ethno-national independence of overseas Koreans, as mentioned earlier. Since the Juche ideology is the starting point for all policies in the DPRK, it also serves as the starting point in establishing the policies for overseas Koreans.

Based on the Juche ideology as the keystone to the overseas Koreans' ideological movement, the Workers' Party of Korea encouraged all overseas Koreans to carry out a movement for the independence of overseas Koreans, and legalized the achievements and experiences created in the process. In that sense, the Act on the Protection of the Rights and Interests of Overseas Koreans is a shining embodiment of the philosophy of overseas Koreans' movements based on the Juche ideology and a legal weapon for the protection of their rights and interests. Then, what kind of movements should the Koreans in Japan involve themselves in?

The cause of the problem of the Koreans in Japan is the Japanese colonial rule, and the prolonged factor of the problem is the decolonization and the division of the national territory. Under the Treaty of Peace with Japan signed on April 28, 1952 (after liberation from the Japanese colonial rule) and a series of legislations enacted by the Japanese authorities to control the Koreans in Japan, the colonial and imperial governance systems were still in place, directly or indirectly defining the legal status of the Koreans in Japan. In this situation, they were convinced that a movement to thoroughly crush this power structure was essential to the success of their struggle for rights. The central emphasis of their movement was self-reliance, its essential spirit was patriotism, and its basic mission was the achievement of national-patriotic tasks.

The DPRK has consistently proposed policies for overseas Koreans based on the aforementioned philosophy on them. More specifically, it has sought to form national organizations such as the General Association of Korean Residents in Japan

to propel the overseas Koreans themselves to carry out an ethno-national patriotic movement based on their own power, rather than directly leading their movement. In this manner, the DPRK has become the only country that developed policies for its overseas nationals and yielded substantial results, having the General Association of Korean Residents implement the policies.

The adoption of the Act on the Protection of the Rights and Interests of Overseas Koreans is the fruit of the overseas Koreans' movement carried out under the leadership of the DPRK leader. It is also the enactment of the policies that the Workers' Party of Korea and the DPRK government have consistently pursued for the Koreans in Japan.

2) The Concrete implementation of the DPRK's Policies for Overseas Koreans

The DPRK's policies for overseas Koreans have been embodied through its statements, including those by the Foreign Ministry, and its socialist constitution and other national laws, demonstrating their effectiveness.

① *The Statement by the Foreign Ministry of the DPRK (August 30, 1954)*

Protecting the legitimate rights of overseas Koreans is the government of the Democratic People's Republic of Korea's firm principle of the policies for them. The government of the Democratic People's Republic of Korea requests that the Japanese government recognize the legitimate rights of Koreans living in Japan as the citizens of the Democratic People's Republic of Korea, guarantee their freedom to fight against Syngman Rhee's puppet regime and foreign invaders, immediately release the Koreans who have been forcibly detained, stop their deportation, guarantee them all legitimate rights such as freedom of residence and employment, safety of life and property, and democratic national education, return all of their illegally confiscated properties to them, and take

measures to prevent all these rights violations from being repeated in the future.

This statement not only specifies the DPRK government's principled and solid foundation for relations with Japan, but also its stance toward Koreans living in Japan.

② *The Socialist Constitution of the Democratic People's Republic of Korea (enacted in 1972 / amended in 2019)*

The Democratic People's Republic of Korea shall champion the democratic national rights of Koreans overseas and their rights recognized by international law as well as their interests." (Article 15)

The requirements for becoming a citizen of the Democratic People's Republic of Korea are defined by the Law on Nationality. A citizen is under the protection of the Democratic People's Republic of Korea regardless of domicile. (Article 62)

As the Constitution is the basic law of the state and the foundation of other laws, it is of great significance in taking legal measures to protect overseas Koreans that the provisions related to their protection are specified in the Constitution. In other words, it is unprecedented in the world that a state's constitution contains a provision regarding the protection of its overseas citizens, and this can be said to show the originality and superiority of the DPRK Constitution.

③ *Nationality Law of the Democratic People's Republic of Korea (October 9, 1963)*

Koreans and their children who have possessed the Korean citizenship prior to the establishment of the Democratic People's Republic of Korea and who have not abandoned their citizenship prior to the date of the promulgation of this Law; and aliens who have acquired the citizenship of the Democratic People's Republic of Korea in a manner prescribe by law. (Article 2)

Citizens of the Democratic People's Republic of Korea irrespective of their residence shall receive the political and legal protection of the Democratic People's Republic of Korea. (Article 3)

Since overseas Koreans are by definition those who live abroad outside their home countries, provisions necessary to take legal measures to protect them should be given in sector laws such as the Nationality Act. In this sense, the Republic's Nationality Law is particularly significant for Koreans living in the so-called enemy country of Japan. Originally, sovereign states have the obligation to protect their citizens, and can exercise the right to protect their citizens against the country where their citizens live. To do so, a provision stipulating that Koreans in Japan are citizens of the DPRK had to be included in the Nationality Law. The DPRK's Nationality Law clearly delineates the Republic's inviolable rights and responsibilities toward overseas Koreans, and is of great significance in that it clearly specifies the terms of protection of its overseas citizens (Lim 1990, 36).

④ *Law of the Democratic People's Republic of Korea on External Civil Relations (September 6, 1995)*

The Law of the Democratic People's Republic of Korea on External Civil Relations shall contribute to protecting the rights and interests of the parties concerned in external civil relations, as well as to further developing external economic cooperation and exchange. (Article 1)

This law is significant in that it regulates the judicial and legal relations of overseas Koreans, which have not been clearly defined in the past laws.

⑤ *Law of the Democratic People's Republic of Korea on Equity Joint Venture (September 9, 1984)*

The State shall ensure that equity joint-venture enterprises in priority projects and those with overseas Koreans enjoy such preferential treatment as reduction

of or exemption from tax, favourable conditions of land use and preferential bank loaning. (Article 7)

The enactment of the Law of the Democratic People's Republic of Korea on Equity Joint Venture paved the way for Korean business owners in Japan to engage in economic activities not only in Japan, but also in the DPRK and the third country on the basis of the relationship with the third country's trading targets. The enactment of this Law also led to the establishment of the Chosun International Joint Venture Company and joint venture banks and to the enactment of the Law on Foreigners' Investment, the Law on Contractual Joint Ventures, and the Law on Foreign Enterprises. In the 1990s, 227 joint venture contracts were signed between the citizens in the DPRK and the Korean business owners in Japan.

Thus far, the statements and regulations embodying the DPRK's policies toward overseas Koreans have been examined. The enactment of the Act on the Protection of the Rights and Interests of Overseas Koreans is in line with the Republic's conventional policies toward overseas Koreans, and at the same time, it is a clear expression of the overseas Koreans-oriented policy during the Kim Jong-un era.

The Act on the Protection of the Rights and Interests of Overseas Koreans Embodying the Perspective of the Juche Ideology toward the Movement of Overseas Koreans

1) The Legislative for Motive for Enactment

The direct trigger behind the enactment of the Act on the Protection of the Rights and Interests of Overseas Koreans is related to the insertion of overseas Koreans regulations when the party's regulations were revised at the eighth Congress of the Workers' Party of Korea (January 2021). For the first time in the history of the Party, the provisions regarding overseas Koreans were inserted into the Party's regulations. The contents are as follows: "It newly stipulates the contents of ensuring the democratic ethno-national rights and interests of overseas Koreans, firmly binding them under the banner

of patriotism and creating ethno-national pride and patriotic enthusiasm” (*Rodong sinmun*, January 10, 2021). The Act on the Protection of the Rights and Interests of Overseas Koreans is a legal measure for the government to carry out the decisions made at the eighth Congress of the Party, as well as a legal promise of the Supreme People’s Assembly, the representative body of the people, to implement overseas Korean policies in accordance with the Party’s standpoint.

What should be noted here is the relationship between the Party and the State in the Democratic People’s Republic of Korea. Article 11 of the Socialist Constitution of the Democratic People’s Republic of Korea stipulates, “The Democratic People’s Republic of Korea shall conduct all activities under the leadership of the Workers’ Party of Korea,” and Article 87 stipulates, “The Supreme People’s Assembly is the highest organ of state power in the Democratic People’s Republic of Korea.”

As can be seen from these stipulations, it is the mission and role of the DPRK government to enforce the provisions enacted by the representative body of the people called the Supreme People’s Assembly under the leadership of the Workers’ Party of Korea. Therefore, the insertion of the provisions for the protection of the rights and interests of overseas Koreans into the Rules of the Workers’ Party of Korea means that the state set out on the mission to substantially carry out national activities for them by enacting related laws. In this context, the 6th meeting of the 14th Supreme People’s Assembly adopted the Act on the Protection of the Rights and Interests of Overseas Koreans. As such, the Act is the legislation of the policies toward overseas Koreans based on the Juche ideology, and can be said to be a symbol of the DPRK’s overseas Korean policy during the Kim Jong-un era.

The background of the enactment of the Act also needs to be understood in relation to the ten-year revolutionary decree proposed by Supreme Leader Kim Jong-un. The essence of the ten-year revolutionary decree is that his system and foundation have been finally established through the decree. It can be said that this Act was enacted under the leadership of Supreme Leader Kim as his firm command system laid the ideological, organizational, and public foundation for

the enactment. The enactment of the Act also conveys the message that Koreans in Japan and other overseas Koreans should also engage in the full-scale development of the DPRK's socialism.

The Contents of the Act on the Protection of the Rights and Interests of Overseas Koreans: Embodying the DPRK's Policy Focusing on Overseas Koreans

Contents and Characteristics of the Act on the Protection of the Rights and Interests of Overseas Koreans

1) The Basic Structure and Main Contents of the Overseas Korean Rights Protection Act

The Act on the Protection of the Rights and Interests of Overseas Koreans consists of five chapters, which specify the DPRK's principle and policies to defend the rights and interests of overseas Koreans, the contents of the rights that overseas Koreans should enjoy (three), and penalties imposed by the state against violators of the rights of overseas Koreans. Among them, the most notable provisions are Article 6 advocating the rights of overseas Koreans recognized by international law based on the principle of non-intervention in the internal affairs of states, Chapter 3 detailing the right to national education and culture, and Articles 50–54 stipulating penalties against domestic institutions and organizations that violate the rights of overseas Koreans.

① Chapter 1 stipulates the basics of the Act on the Protection of the Rights and Interests of Overseas Koreans

The mission of the Act (Article 1), the definition of overseas Koreans (Article 2), the basic principle of protecting overseas Koreans' rights (Article 3), the

principle of establishing the Juche Ideology (Article 4), the principle of ethno-national independence and unity (Article 5), the principle of no interference in internal politics (Article 6), the target of application (Article 7), and application of the law (Article 8).

② *Chapter 2 stipulates the protection of socio-political rights and interests of overseas Koreans.*

Basic demands for protection of social and political rights of overseas Koreans (Article 9), nationality selection and parental rights (Article 10), the right to vote (Article 11), the right to solidarity, exchange, and cooperation (Article 13), protection of the rights of overseas citizens and measures against infringement (Articles 14 and 21), the right to settlement (Article 15), and the right to stay (Article 17), the right to dispose of properties, such as division and inheritance, (Article 18), the right to petition (Article 19), and national commendation (Article 20).

③ *Chapter 3 stipulates the protection of cultural rights and interests of overseas Koreans.*

Basic demands for the protection of cultural rights of overseas Koreans (Article 22), the rights of national education (Article 23), the right to academic exchanges and school excursions (Article 24), the right to free education (Article 26), recognition of graduation and professional qualifications from ethno-national education institutions, including Korea University in Japan (Article 27), the establishment of traditional cultural groups (Article 28), guarantee of the right to establish and operate a national culture base (Article 29), the rights to national culture and arts education and to national cultural activities of art organizations such as the Geumgangsán Theater Troupe (Article 30), the right to preferential treatment (Article 31), the right to national sports activities (Article 33), the right to science and technology exchange, and cooperation (Article 34),

and protection of intellectual property (Article 25).

④ *Chapter 4 stipulates the protection of economic rights and interests of overseas Koreans.*

Basic demands for the protection of economic rights and interests of overseas Koreans (Article 36), the creation of overseas Korean companies (Article 37), economic cooperation procedures (Article 38), preferential measures for economic cooperation (Article 39), measures against infringement of overseas Korean's business rights (Article 40), and countries banned from economic transactions (Article 41).

⑤ *Chapter 5 stipulates guidance and control for overseas Korean businesses.*

Basic demands for guidance and control for overseas Korean projects (Article 42), guidance for overseas Korean projects (Article 43), duties of the central overseas Korean business guidance agency (Article 44), duties of the overseas Korean business department of the local people's committee (Article 46), status of the General Association of Korean Residents in Japan and overseas Korean groups (Article 47), duties of institutions, enterprises, and organizations (Article 48), supervision and control of overseas Korean businesses (Article 49), and dispute resolution, compensation for damages, and penalties (Articles 50–54).

This Act was adopted to protect the rights and interests of overseas Koreans not only politically but also in practice, and it can be said to be effective in promoting more detailed and sector-specific laws in the legislature.

Main Features of the Act

1) Enacted as a Domestic Law of the Democratic People's Republic of Korea (Article 8)

The first feature of the Act is that it was first enacted as a domestic law of the Democratic People's Republic of Korea. Article 8 of this Act stipulates, "Matters not regulated by this Act in relation to the protection of the rights and interests of overseas Koreans shall be governed by the relevant laws and regulations. If there is anything different from this law in the agreement between our Republic and other countries, it shall be followed." The issue of protecting the rights and interests of overseas Koreans is not a mere matter of policy or custom, but a matter that should be legally and institutionally guaranteed. The Act on the Protection of the Rights and Interests of Overseas Koreans is a special law in relation to a series of other laws that regulate the rights and interests of overseas Koreans. Therefore, overseas Koreans are subject to the regulations of the Act, not to those of domestic laws, and their rights and interests can be raised more specifically to the home country based on the Act. In other words, based on the Act, overseas Koreans may be exempted from the regulations of other laws.

2) Originality and Practicability of the Regulations over Overseas Koreans (Article 2)

The second feature of the Act is that the regulations over overseas Korean are original and practical. Article 2 of the Act states, "Overseas Koreans are ethnic Koreans living in other countries with either DPRK or foreign citizenship." Under this regulation, overseas Koreans will be ethnic Koreans are defined as those with either DPRK or foreign nationality. As can be seen, the regulations over overseas Koreans based on consanguinity, not citizenship, is a highly original and practical regulation that suits the wishes and circumstances of overseas Koreans, including the Koreans in Japan. Considering that the law divides the subject of rights among overseas Korean compatriots and overseas DPRK nationals according to the contents of rights and interests and stipulates them in the provisions, it can be seen that the regulations over overseas Koreans were established with the implication of international legal demands.

3) Specification of the Principle of Dispute Resolution with Supervisory and Control Agencies (Chapter 5)

The third feature of the Act is that legal sanctions in cases where institutions, businesses, and organizations of the DPRK infringe the rights and interests of overseas Koreans will be subject to highly strict regulations. It is noteworthy that all business rights with overseas Koreans were unified into the central overseas Korean business guidance agency, and that the General Association of Korean Residents in Japan is defined as an overseas Korean organization delegated by the central overseas Korean guidance agency. In addition, it can be analyzed in two aspects: legal measures to help overseas Koreans contribute to their homeland with confidence, and the Republic's expression of confidence in overseas Koreans.

4) Regulations on the Three Categories of Rights and Interests (Chapters 2–4)

The fourth feature of the Act is that the rights that overseas Koreans can enjoy are divided into three categories: socio-political rights, cultural rights, and economic rights. In particular, according to this Act, their ethno-national education rights are supposed to be protected as cultural rights.

In the Act, the rights that overseas Koreans should enjoy in the political, economic, and cultural realms, which are the basic arenas of social life, and active protection measures for ethno-national education rights are specifically stipulated in terms of actively defending them. Here, along with the achievements reached by international human rights law, it can be seen that the Juche theory of human rights is underlying the rights of overseas Koreans.

5) Regulations on the Mission of the Act (Article 1)

The fifth feature of the Act is that its mission is to encourage overseas Koreans to actively pursue the path for the unification and prosperity of their homeland. Article 1 of the Act states, “The Democratic People’s Republic of Korea’s Act on the Protection of the Rights and Interests of Overseas

Koreans protects the democratic rights and interests of overseas Koreans by thoroughly implementing the country's policies for overseas Koreans, firmly binds them under the banner of patriotism, and promotes their national pride and patriotism." This regulation is based on the ideology of the overseas Koreans' movement, which sees them as a driving force to join the great struggle to realize ethno-national independence, not just as those to be protect and given preferential treatment. The core meaning of the Act is that it defines overseas Koreans as part of the DPRK people, who possess the Juche competence.

The Significance of the Enactment of the Act on the Protection of the Rights and Interests of Overseas Koreans and the Tasks for Fulfilling Its Effectiveness

Significance of the Act on the Protection of the Rights and Interests of Overseas Koreans

1) Legalization of the Policies for Overseas Koreans in the Kim Jong-un Era

First of all, the Act is a concrete and qualitative implementation of Kim Jong-un's policies for overseas Koreans in the sense that it is the first follow-up measure after the Party's regulations were revised at the eighth Party Congress to include provisions related to overseas Koreans for the first time in the history of the DPRK. With the adoption of this Act, a legal guarantee (Article 3) has been established for all kinds of national benefits that the state can provide overseas Koreans with long-term and stable policies. In particular, the Act is characterized by its balanced and sophisticated contents (Article 2 and Article 6) as it applies not only to the holders of the DPRK nationality but also to the Koreans with foreign nationality and include overseas Koreans in the efforts to develop the DPRK into a powerful socialist state.

2) Checks against the Japanese Government

Second, the enactment of the Act can be said to be an important historical incident as it will help to check the Japanese authorities' crackdown on and a series of regulatory policies against Koreans in Japan amid the deadly situation in this region, and empower them for the struggle to protect their rights and interests in line with the demands of a new era characterized by pride and dignity. This Act enforces the obligation of not only the state but also of the central overseas Korean business guidance institutions, other institutions, and organizations to guarantee the rights of overseas Koreans. In addition, it establishes the status of the General Association of Korean Residents in Japan (Article 47) and Korea University in Japan (Article 27) under DPRK laws, and guarantees special rights for the Geumgangsán Theater Troupe (Article 27). It also allowed the General Association of Korean Residents in Japan's national education, rights protection, economic cooperation projects, and patriotic projects, including the homeland visit project, to become systematic legal projects under North Korea's domestic laws. As a result, the right to ethno-national education, a core right of Koreans in Japan, is defined as a universal right recognized under international law and a legal right that the DPRK government should protect responsibly, which is significant in the strengthening and development of the movement of the Koreans in Japan.

According to the Act, all Koreans residing in other countries are overseas Korean citizens with the DPRK nationality and are thoroughly foreigners in their country of residence. Therefore, they have democratic ethno-national rights in their country of residence and legitimate rights recognized by international law. Specifically, they have democratic ethno-national rights such as the right to support their home country in their country of residence, the right to engage in patriotic activities, the right to conduct democratic ethno-national education in Korean, the right to political and legal protection by the DPRK government, and the right to return to the DPRK. In addition, they have the right to permanent residence in their country of residence, the right to economic activities, and the right to legal protection in

addition to basic human rights such as freedom of media, publication, assembly, and demonstration. The Act allows overseas citizens of the DPRK to avail themselves of these internationally recognized legal rights in their host countries.

The Japanese authorities should absolutely protect the rights and interests of overseas Koreans stipulated by this Act, although the issue of defending legal rights recognized in international law binds multiple countries and originally only through treaties signed between foreign countries. The greatest significance of the enactment of the Act is that it provides legal security to Koreans to fight for their rights against the Japanese government in line with the demands of a new era of self-esteem and dignity.

3) The Beneficial Rights Granted to Overseas Koreans in the Home Country and Their Obligations

Third, the Act on the Protection of the Rights and Interests of Overseas Koreans paved the legal way for overseas Koreans to take the lead in implementing the Workers' Party of Korea's strategic plan to focus all its efforts on socialist economic construction and the government's current policies. This Act also made it possible to take beneficial measures that provide economic and life benefits for the Koreans in Japan, who have been suffering from chronic economic difficulties. In accordance with this Act, business proceedings, preferential measures, and the prohibition of rights violations have been clearly legislated, and legal security (Chapter 4) has been achieved to develop and expand economic cooperation projects. In particular, the penal provisions serve as legal and informative devices that allow overseas Koreans engaged in capitalist transactions to be more active in joint ventures with their homeland, guaranteeing the effectiveness and power of the Act.

The Tasks for the Effectiveness and Power of the Act on the Protection of the Rights and Interests of Overseas Koreans

1) Major Propaganda Projects Targeting Domestic as Well as Foreign Publics

Above all, the contents and purpose of the Act on the Protection of the Rights and Interests of Overseas Koreans should be actively promoted to the Koreans in Japan. In particular, the rights and interests stipulated in the Act should be clearly explained to the affiliated societies of the General Association of Korean Residents in Japan, which can directly exercise the rights regulated in the Act and enjoy the benefits thereof. For example, the Korean Medical Association in Japan can help Korean doctors establish hospitals in their homeland, and the Korean Chamber of Commerce and Industry in Japan can help Korean businessmen gain more profits through trade and joint ventures with their homeland. The General Association of Korean Residents in Japan should accurately inform its affiliated societies of their compatriots' rights and interests available under the Act as well as of how to enjoy them so that the societies can carry out their projects more efficiently through collaborative relationships with their compatriots. At the same time, they should also carried out projects with the Japanese authorities at a higher level.

It is not easy to demonstrate the effectiveness and practicability of the Act in the conditions in which the Japanese government currently pursues an anti-DPRK policy. Given this, it is necessary for the authorities of the DPRK to execute external propaganda projects in the manner of convincing the Japanese government that they can enjoy the benefits of the Act.

2) The Role of the General Association of Korean Residents in Japan and the General Association of Korean Residents in Japan in the Enforcement of the Act

The headquarters of the General Association of Korean Residents in Japan should also make more efforts to enhance its authority. As specified in the Act (Article 47), the Association is a highly dignified overseas civil organization of the DPRK as well as an association of overseas Koreans that strengthens and develops the movement of the Koreans in Japan. This implies that the Association is equivalent to the consulates and embassies of the DPRK and therefore

should be a gateway for enforcing the rights stipulated in the Act. In other words, the Association is supposed to be the only gateway in Japan that can defend the rights and interests guaranteed in the Act and deal with the violations of them. In order to do so, the existing organizations should be dramatically reshuffled to create a new overseas Korean rights protection department (tentative name) in the core of the General Association of Korean Residents in Japan, and a new subordinate organization should also be established in each local headquarters.

In addition, in the process of actually exercising the rights and interests regulated stipulated in the Act, the General Association of Korean Residents in Japan should seek new initiatives befitting the new era of self-esteem and prosperity.

3) The Role of the General Association of Korean Residents in Japan in the Establishment of the Rules and Regulations of the Act

Representatives of the Korean residents in Japan, including the General Association of Korean Residents in Japan and its affiliates, should play a leading role in establishing rules and regulations to enforce the provisions of the Act on the Protection of the Rights and Interests of Overseas Koreans. No other ethno-national group or association has been systematically implementing projects for the Korean residents in Japan, who have desperate interests in the economic development of the DPRK and the independent peaceful unification of their homeland, as long as the General Association of Korean Residents. Therefore, in the process of making rules and regulations related to the Act, the Association will be able to utilize the Act in pursuing the improvement of inter-Korean relations and the unification and prosperity of their home country. The Act on the Protection of the Rights and Interests of Overseas Koreans can be said to a legislation embodying the “lived experiences” of the General Association of Korean Residents in Japan, which have been actively developing relations with their home country since its formation, based on the DPRK’s policies toward overseas Koreans. This is also why the Association can

play a pioneering role in the enforcement of the Act.

Conclusion

This article has discussed the significance of the enactment of the Act on the Protection of the Rights and Interests of Overseas Koreans and the tasks in ensuring its effectiveness. The most important and vital task is to strengthen the capability the General Association of Korean Residents in Japan and the movement of the Koreans in Japan to implement the Juche ideology. Above all, it is important to recognize that the enactment of the Act has raised the struggle for the rights and interests of overseas Koreans, particularly the Koreans in Japan, to a higher level. In addition, the enactment of this law shifted the struggle to protect the rights of overseas Koreans from opposition to ethno-national discrimination to the struggle for their legitimate rights as overseas citizens of the DPRK, thus highlighting the necessity for and importance of establishing the theory of rights and struggle based on the sense of belonging to the DPRK. In other words, it emphasizes the need to (re)recognize the relationship between the lives of overseas Koreans and the prosperity of their motherland.

Next, based on the Act on the Protection of the Rights and Interests of Overseas Koreans, the way has been opened to solve the various problems facing overseas Koreans, particularly the Koreans in Japan, by appealing them to the DPRK. As stipulated in the Act, the DPRK government is ready to provide the greatest benefits to overseas Koreans and has special consideration for the General Association of Korean Residents in Japan. Nevertheless, if the DPRK government fails to prevent the Association's ethno-national education program from being diminished or prevent the Koreans in Japan from breaking away from the Association or being distanced from their homeland, the intent of the Act is unlikely to be fully carried out. The effectiveness and power of the Act can be clearly demonstrated by enlightening the Koreans in Japan on the fact that their life and happiness are closely associated

with the establishment of a strong homeland and the realization of unification.

I hope to further develop this study in the future by clearly presenting the tasks posed in the process of fulfilling the effectiveness and power of the Act on the Protection of the Rights and Interests of Overseas Koreans so that it can play a role in taking further steps toward the full development of the General Association of Korean Residents in Japan and the movement of the Koreans in Japan.

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