

ETHNIC KOREAN MIGRATION IN NORTHEAST ASIA

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Historical Backgrounds of the Korean Migration

There are more than 5.65 million “overseas Koreans” (*Chaewoe tongpo*) in the world. Ninety-three percent of them are found in Japan, China, Russia, and the United States. In this paper we will discuss the ethnic Koreans in China and in the former Soviet Union. We know there are 2 million ethnic Koreans (*Chosonjok*) in China and half million ethnic Koreans (*Koryojin*) in the former Soviet Union. The host countries treat them as their own nationals. Therefore, it is important to examine the historical development of the Korean communities in China and Russia before the 1990s.

Table 1. Overseas Koreans in the Big Four Countries

	1991	1992	1995	1997	1999	Percentage
China	1,922,097	1,927,278	1,940,398	1,985,503	2,043,578	36.20
Japan	730,091	712,519	696,811	702,967	660,214	11.70
U.S.A.	1,452,149	1,553,577	1,801,684	2,000,431	2,057,546	36.45
CIS	NA	NA	461,145	450,104	486,857	8.63

Note: The figures include the Korean nationals who are working or studying in these countries.

Source: Ministry of Justice, *Chaewoe Tongpo Hyonhwang (Number of overseas Koreans)*, Seoul: Ministry of Justice, 1999.

Koreans in China (*Chosonjok*)

The history of the Korean community in China can be divided into three periods: embryonic (1896-1910), refugee (1910-1931), and immigrant (1931-1945). However, there were major changes to the community as a result of three historical incidents: (1) Japan’s surrender in 1945 and the subsequent return of Koreans in Japan and elsewhere to the Korean peninsula between 1945-1948, (2) the Chinese Civil War in Manchuria between the Communists and the Republicans and the enlistment of Koreans in the People’s Liberation Army (PLA) in Manchuria between 1945-1949, and (3) the Korean War between 1950-1953, which prompted a massive exodus of Koreans, including interpreters and nurses, into North Korea to support the PLA.

Although a quarter of the two million Koreans overseas returned to Korea after the Second World War,¹ and many Koreans from Manchuria were killed in war, the distribution of Koreans remained unchanged. Therefore, it is important to examine the development of Korean communities abroad prior to the Second World War.

The migration of Koreans to Manchuria began around the end of the seventeenth century. At that time, China’s Ming dynasty (1368-1644) was dissolved and the Manchu Qing dynasty became the principal power in Manchuria and in China proper.² The pattern of Korean migration into China was seasonal. The Qing court had prohibited any ethnic groups other than the Manchus from entering Manchuria and had agreed, in a treaty with Choson, to repatriate Koreans who had migrated to Manchuria.³

The Choson court also wanted to prevent Koreans from moving to Manchuria for fear of losing tax revenues and to ensure the safety of the border with China. The Chosun government beheaded convicted Korean immigrants when the Qing government transferred

them to their custody.⁴ However, in the middle of the nineteenth century, there was series of severe drought in the northern provinces of Chosun, forcing Korean farmers in the border area to immigrate to the forbidden territory. The Qing government reluctantly took in these immigrants to use them as a buffer against the growing Russian influence and to increase tax revenues.⁵

When the Qing government lifted the ban on immigration in 1875, Koreans were officially allowed to move to Manchuria. According to unofficial data, the Korean population in Manchuria was 34,000 in 1894. This increased to 73,000 in 1907, to 98,000 in 1909, and to 109,500 in 1910.⁶ When Japan annexed Korea in 1910, Japanese rule was very harsh. Through agricultural “reforms”, most of the farmland came under the control of the companies sponsored by the Japanese government. Japanese immigrants came to Korea as new owners of this land. As a result, Korean farmers who had lost their lands or the right to farm had to decide whether to work under the new landowners or to look for an alternative livelihood. Many farmers chose to leave rather than to work for the Japanese.⁷ The decision was reinforced by the relocation of centers of the Korean independence movement against Japan to Manchuria. Patriotic Korean fighters and intellectuals moved to Manchuria. By 1920, the Korean population had grown to 298,900.⁸ By 1930, it had reached 600,000. About 64 percent of them were in Gando, The people were mainly refugees or voluntary immigrants who had fled from the Japanese colonial rule in Korea.

After the Manchukuo government was established in 1931, there was a massive immigration of Koreans into Manchuria at the initiative of the Japanese. The Japanese government needed the Koreans to cultivate remote land in northern Manchuria and to create Japanised Manchuria. The Kwantung Army raised objections to this policy for strategic reasons, arguing that to conquer the entire region, more Japanese migrants were needed rather than Koreans.⁹ However, after the worldwide economic recession, the Japanese colonial government in Korea felt it necessary to send surplus Korean workers to Manchuria.

The migration of Koreans was conducted under an elaborate plan. The Colonial Office in Korea set up a scheme of “volunteer bases” and “units”.¹⁰ Under this scheme, each unit was allocated an area in Manchuria in which to settle. These migrant units were called “the Frontier Group.” Sometimes, a whole village from southern Korea was moved to Heilongjiang Province. Unlike the migration to Manchuria of earliest settlers, many of these Koreans were forcibly deported from Korea en masse, under the guise of voluntary migration. The villages where they settled were little more than concentration camps. At the center of each settlement was a Japanese police branch. There were fences and watchtowers to prevent the Koreans from escaping as well as to defend them against attack from the Communists.¹¹ The massive migration of Korean peasants generated many inter-ethnic problems in Manchuria. Ethnic tensions increased between Koreans and Chinese and the Japanese Manchukuo government took advantage of this. However, as Japan occupied Manchuria, these problems were not evident to the outside world. The plan, however, was drastically curtailed when the Japanese army invaded China proper in 1937¹²

After 1942, a shortage of workers in munitions factories forced Koreans to work in Japan. Men were conscripted into the Japanese army as soldiers and sent to the war-front and women were forced to work as “comfort women” (*wianbu*) for the Japanese Army. The migrant settlements were dismantled and runaway Korean soldiers were dispersed to China proper.

When the war ended in Manchuria, 2,163,515 Koreans remained there. However, the pattern of settlement had not greatly changed.¹³ The Korean people in Manchuria were mainly concentrated in two areas: Dongbiandao and Gando (Jiandao in Chinese, present-day Yanbian). Dongbiandao was across the Yalu River from the Korean border, and consisted of twenty counties. Gando was adjacent to the Tumen River.

Koreans in the Former Soviet Union (*Koryoin*)

Korean immigrants in Russia officially started after the Treaty of Peking (1860) when Russia became a neighbor of Korea. But, the Koreans had already moved into the Maritime Region as the land was under Qing control and forbidden for Korean migrants.¹⁴ They were also seasonal, irregular, and illegal migrants. The number of settlers reached 100 families in 1866. As a bad drought came in 1869, the Korean population jumped to 8,400 people. The Koreans crossed the Tumen River on the Korean-Russian border but also on the Russian-Manchuria border. By 1923, the number of Korean immigrants had exceeded 100,000 and by 1927 their number had reached 170,000. During the 1920s, however, the Korean population in the Russian Far East had reached an estimated 250,000.¹⁵ The motivation of the Korean immigration to Russia at that time was the same as that of the Korean migrants in Manchuria, to escape hunger and the Japanese rule in Korea.

The attitudes of the local Russians towards the Korean immigrants ranged from one of welcoming them for the cheap laborers they needed in the development of the area, to one of concern about the potential vulnerability to the advance of Koreans along the strategic coast of the Pacific Ocean.¹⁶ The Russian authorities registered Korean immigrants and started to permit them to obtain Russian citizenship.¹⁷ By 1914, a third of the Korean immigrants had become Russian citizens. Unlike in Manchuria, there were visible signs of successful assimilation of Koreans into the Russian communities. Many were converted to the Orthodox Church and Russified their names.

The October Revolution in 1917 brought great changes to the Koreans in Russia. Because most of the Korean activists were engaged in the anti-Japanese struggle, few Koreans were available to join the Bolsheviks.¹⁸ But, the Japanese intervention in Siberia and the Far East from 1918 to 1922, followed by the establishment of the Far Eastern Republic as a buffer state, prompted the Korean partisans to join the Bolsheviks in the fight against the Entente intervention.¹⁹ Following the establishment of the Soviet Union, therefore, Koreans in the country were permitted to become Soviet citizens and sovietization started in the Korean regions.

The sovietization of the Koreans was completed in the 1920. An important incident during this period was that the Koreans sent a petition for the establishment of a Far Eastern Korean People's Republic to the All-Russian Central Executive Committee. The move was influenced by the decision of the Soviet government to form the Jewish Autonomous Republic in Birobidzhan. The petition was denied in 1929.²⁰ Along with the petition, some Korean farmers protested and clashed with Russians over the fact that the Russian collective farms got more land and were better provided with agricultural machinery. The Soviet local government was also alarmed by the waves of Korean and Chinese migrants into the Soviet Far East.²¹

Stalin's forcible transfer of Koreans along with other ethnic minorities, including Germans and Chinese, began in the early 1930s. These minorities were mainly classified as "the enemies of the class" and sent to the gulag, the labor camp.²² It was not until 1936 that

the scale of Koreans to Central Asia became massive. At least, 118,000 Koreans were forced to move to Kazakhstan and Uzbekistan. By 1939, the number of Koreans in Central Asia had reached 182,300. Before the transfer, the Soviet government executed more than 2,500 Korean Communists, mostly leaders of the Korean community in the Far East.²³ The reason for the forced migration of Koreans was political; the Soviet Union felt threatened by the aggressive policy of Japan in China, particularly in Manchuria. Nor did the Soviet government trust the Koreans in the Far East.

Thus, Koreans in the former Soviet Union lived in various republics until the Soviet Union collapsed. In 1989, the number of Koreans was 438,650 in fifteen republics.²⁴ Yet, the proportion of the Koreans in these republics did not reach 1 percent of the total local population. They were truly ethnic minorities wherever they were, and their Russification was particularly fast in Central Asia.

Migration of Ethnic Koreans to South Korea since the 1990s

Normalization of South Korea with the former Soviet Union and China resulted in a massive migration of ethnic Koreans in Northeast Asia. Although they are ethnic Korean migrants, the migrants from the two countries include deserters from North Korea (*Talbukja*), who are strangers to present day South Korea. Here, the Korean society is being tested in the notion of ethnicity, nation, nationalism, and human rights. South Korea is also facing the issue of migrant workers (*Woegukin nodongja*), mainly from South and Southeast Asia. The two issues are now on South Korea's social and political agenda.

For the purpose of this analysis, migration flows in and around South Korea, including ethnic Koreans, can be divided into 14 groups as shown in Table 2 below. The three ethnic Korean groups, i.e., Groups 1, 9, and 13, and foreign workers are directly related to South Korea. In terms of Korean society's reaction toward these groups, the question of Chinese of Korean ethnicity (*Chosonjok*) is of the utmost importance. The groups are differentiated from each another by two axes of coordinates—ethnicity and nationality. *Chosonjok* and *Koryoin* are related to both axes while foreign workers are aliens. *Talbukja* are a unique case because they are regarded as nationals of the Republic of Korea.

Table 2. Ethnic Korean Migration: Groups and Origins

Name of Group	Koreans in China (<i>Chosonjok</i>)	Koreans in the former Soviet Union (<i>Koryoin</i>)	North Korean deserters (<i>Talbukja</i>)	Foreign workers (<i>Woegukin nodongja</i>)
Origin	Northeast China	Russia Kazakhstan Uzbekistan Sakhalin	North Korea	Southeast Asia South Asia Africa Russia
Destination	1. South Korea 2. Japan 3. Russian Far East 4. United States 5. Europe 6. China proper	7. Russian Far East 8. Russia 9. South Korea	10. Northeast China 11. China proper 12. Russia 13. South Korea	14. South Korea

In this paper, we will look at groups 1, 9, and 13 and Korean society's reaction towards them. In the case of *Chosonjok*, around 150,000 Korean Chinese are reported to be living (legally or illegally) in South Korea in 2001. Another main destination of Korean Chinese migrants is China proper (*guannei*), in the coastal cities, where South Korean firms

are running their business. They are working as interpreters, housemaids, guides, and local representatives of Korean firms. Also, some Korean Chinese are working as shuttle traders (*botarijangsu*) in the Russian Far East. They are mainly seasonal migrants, but some of them have settled in market areas of Russian Far Eastern cities. However, these two groups, as well as the small number of Korean Chinese who are now working in Western countries, are excluded from the present discussion.

Migration of ethnic Koreans in the former Soviet Union to South Korea is relatively rare. The South Korean government has accepted into the country a small number of Koreans from Sakhalin, where they have no citizenship. Those Koreans were forced to move to Sakhalin before the Second World War when the island that was Japanese territory, and worked mainly as mine workers. Some of them have decided to return to Sakhalin to live with their families (Table 3). Ethnic Koreans in Central Asian countries are being moved again because of the emergence of nationalism in those countries. Initially, they were forced to move from the Far East in 1933 and scattered in such republics as Kazakhstan, Uzbekistan, Kirghizstan, and Tajikistan. Now, they are moving back to Russia, especially to Moscow, Volgograd, and the Far East. Most of them are not moving to South Korea because, in addition to economic reasons, they cannot use the Korean language due to the Russification they had undergone. Therefore, the number of *Koryoin* in South Korea is very small.

Table 3. Re-migration of Ethnic Koreans in Sakhalin as of 1998

Destination	Japan	Russia	North Korea	Remaining in Sakhalin	South Korea	Re-turning to Sakhalin from South Korea
Total	170,000	102,000	10,000	1,000	43,000	503
						145

Source: National Intelligence Service of the Republic of Korea (<http://www.nis.go.kr>)

In addition, South Koreans have had to cope with an influx of deserters from North Korea since the rapid deterioration of the North Korean economic situation in the 1990s. As of 2001, 401 new comers are reported to have come to South Korea.²⁵ The number of *Talbukja* has increased since 1994. In 1999, the annual number of new arrivals in the country reached more than one hundred. From 2000, the number has doubled. Now, around 1,600 *Talbukja* are known to live in South Korea. Although the number of *Talbukja* may be considered negligible, their presence in South Korea presents complex constitutional, political, social, and diplomatic issues.

Table 4. The Number of *Talbukja* in South Korea as of November 1999

Total	Present in South Korea	Deceased or Re-immigrated
1,050	836	214

Source: National Intelligence Service of the Republic of Korea.

Table 5. Annual Number of *Talbukja* arriving in South Korea

Year	1948-59	60-69	70-79	80-89	90	91	92	93	94	95	96	97	98	99
Total	1,050	275	210	59	63	9	9	8	8	52	41	56	85	71
														104

Source: National Intelligence Service of the Republic of Korea

Along with the ethnic Korean migration, foreign migrant workers have appeared in the Korean labor market since 1991. In 2000, over 172,000 legal migrant workers from Asian countries were registered as aliens.

Table 6. Registered Aliens from some Asian Countries in 2000

Total Registered Aliens	172,000
<i>Chosonjok</i>	22,000
Non-Korean Chinese	26,500
Indonesians	16,700
Filipinos	16,000
Vietnamese	15,500
Bangladesh	7,900
Pakistanis	3,200
Thais	3,200
Srilankans	2,500
Nepalese	2,000
Myanmar	800

Source: Ministry of Justice, *Ch'ulibguk T'onggye (Annual Immigration Statistics)*, 2000.

There were also 5,100 migrants from Uzbekistan and Kazakhstan, about half of them believed to be *Goryoin*. In addition, the Korean government estimated that more than 143,000 people from Asia were illegally staying in South Korea in 2000. These made up 76 percent of the 189,000 illegal sojourners in the country. But the government estimate seemed too conservative. Some estimated the total number of illegal workers could be as large as 300,000. About half of them were believed to be *Chosonjok*. In addition, there were 22,000 legally registered *Chosonjok*. In fact, on the Full Moon Day in October, the most celebrated ethnic anniversary in the Korean calendar, most newspapers indicated that the number of *Chosonjok* in South Korea reached 200,000, including 50,000 who gathered in a Seoul stadium for celebration.²⁶

In conclusion, among the many migrant groups in South Korea, around 200,000 *Chosonjok* are the largest. They are followed by 1,600 *Talbukja* and 25,000 *Koryoin*. The presence of foreign workers poses a different question to Korean society. Most of them can be identified easily by their racial features and language proficiency, because Korea is one of the most racially homogenous societies in the world. Moreover, Korean attitudes towards them are a part of comparative studies of international migration. The Korean government's policy towards ethnic Korean migrants, such as *Chosonjok*, *Talbukja* and *Koryoin*, shares some of the problems associated with its policy toward foreign workers. In addition, it poses important challenges to the Korean understanding of the Korean nation, Korean nationals, and overseas Koreans, as well as related issues of law and policy in South Korea.

The main task of this article is to identify the issues regarding the ethnic Korean migrants in South Korea. Therefore, issues of non-Korean foreign workers will be excluded from the present discussion unless they are related to the ethnic Korean migrants. Problems related to the ethnic Korean migration into South Korea can be divided into two parts; *Talbukja* as a part of Korean nationals (*Han'guk kukmin*) and *Chosonjok* and *Koryoin* as a part of overseas Koreans (*Chaeoe tongpo*).

Issues Related to the *Talbukja*

The question of *Talbukja* is an indicator of the legal, political, societal and even conceptual discrepancies of the South Korean society. According to the country's constitution, all North Koreans are nationals of the Republic of Korea. Article 3 of the constitution declares, "The territory of the Republic of Korea consists of the Korean peninsula and its adjacent islands." The Nationality Act reiterates this point. The declaration remains unchanged even though North and South Korea became members of the United Nations in 1991 as two separate independent states.²⁷ Therefore, the *Talbukja* question raises difficulties between the *de jure* declaration and *de facto* policy of South Korea. Beyond the human rights question of the *Talbukja*, several questions should be discussed—(1) the question of equality, 2) the diplomatic question regarding the status of the *Talbukja* in northeast China, 3) the legal question regarding the definition of "Korean nationals," and 4) the question of settlement, i.e., control and adjustment of the *Talbukja* in Korean society.

The Equality Question: Selective Admission

Until the 1980s, most *Talbukja* came to South Korea across the heavily militarized "demilitarized zone," in fact a quasi-frontier between North and South. But, in the 1990s, *Talbukja* crossed the northern borders of North Korea into China and Russia where some parts of the Tuman River are shallow and narrow (less than 100 meters in width). According to Table 4 and 5 above, a total of 1,050 North Koreans settled in South Korea during the period between the birth of South Korea and 1999. Even with the rapid increase in 2000 and 2001, the number of *Talbukja* who are now settled in South Korea does not exceed 1,600. Yet, many non-governmental organizations estimate that the number of North Koreans who are wandering around in northeast China, the Russian Far East, and even in Inner Mongolia reached no less than 100,000 as of 1999.²⁸ Meanwhile, the South Korean government insisted that the figure in 1999 was about 30,000. Whatever the estimates are correct or not, these numbers are far more than the North Koreans who have settled in South Korea. It is obvious that the South Korean government has maintained a selective policy to limit the entry of the *Talbukja* into South Korea.

What are the reasons for this selective policy? These can be categorized into domestic political reasons, inter-Korean relations, and diplomatic disputes. First, the South Korean government accepted *Talbukja* to show off South Korea's supremacy over the North, particularly until 1980s. Until 1993, the government allowed *Talbukja* to come into South Korea as a reward for "freedom fighters." The opposition parties criticized the government for diverting people's attention from internal political problems to the issue that gave rise to the popular feeling of brotherhood among the Korean nation. The case of Hwang Jangyup, the architect of North Korea's *Juche* ideology and advisor to Kim Jung-il is believed to have changed the political atmosphere of South Korea at the time of his defection to South Korea through China and the Philippines. The change in popular mood was particularly visible at election times. The selective acceptance of former North Korean officials, diplomats, trade and foreign functionaries, intellectuals, and artists can be viewed in the same light.

Secondly, inter-Korean relations have influenced the development of South Korea's policy regarding *Talbukja* in the country. North-South relations improved after the conclusion of the Basic Agreement for Reconciliation, Non-Aggression, Exchange and Cooperation between North and South (the "South-North Basic Agreement" for short) in

1992 and, particularly, after the commencement of the Sunshine Policy by the Kim Dae-jung government. As *Talbukja* have been defined as “traitors of the fatherland,” the North Korean government has appealed to the South not to intervene in their internal affairs. The South Korean government has demonstrated sensitivity to this issue by adopting a cautious approach to the *Talbukja*.

South Korea’s effort to avoid diplomatic disputes with other countries, such as Russia and China, is a third reason for its selective admission of *Talbukja*. The Seoul government finds it impracticable to extend its diplomatic protection for North Koreans in northeast China and the Russian Far East, because these countries recognize North Korea as an independent state. A constitutional question arises if South Korean diplomatic representatives refuse to accept North Koreans who insist they are South Korean nationals according to South Korea’s constitution. This is related to the question of the status of the *Talbukja* discussed below.

Faced with the possibility of diplomatic disputes with North Korea, Russia, and China, and cognizant of the desire of *Talbukja* to settle in South Korea, with the support of South Korean NGOs, the South Korean government has adopted a selective method in deciding which North Koreans to admit into the country. The Act on Protection and Resettlement Assistance for *Talbukja* of 1997 was the result of the selective policy.²⁹ The South Korean government announced that it would accept all *Talbukja* who expressed to South Korean diplomatic missions their desire to settle in South Korea, but in practice the government was selective in its admission decisions. According to the 1997 act, North Koreans in third countries may apply to South Korean embassies for protection. The Minister of National Unification or representatives of the minister review the application for protection and decide whether to grant the request. Here, protection means various forms of assistance until the North Korean applicants are fully settled in South Korea. The ministry can decline an application if it is likely to cause serious political or diplomatic difficulties for South Korea. The ministry can also deny entry of North Koreans if they have lived in a third country or countries for a substantial period. Although how long the “substantial period” would be is a subject to debate, the purpose of this stipulation is to refuse entry to the 20,000 *Chogyo*, the North Korean nationals who have lived in China since 1949. Different from *Chosonjok*, the Chinese nationals of Korean ethnicity, the *Chogyo* are believed to help North Korea to capture *Talbukja* in northeast China.

Not all North Koreans who are fleeing from North Korea and wandering in China and Russia wish to come to South Korea. Many move to and fro between China and North Korea to quell their hunger or make money by smuggling. Yet, the selective acceptance by South Korea has turned many North Koreans away and the number of *Talbukja* in the country is kept to a minimum. The increasing numbers of *Talbukja* settling in South Korea in 2000 and 2001 evidently shows that the South Korean government has been more willing to accept more *Talbukja* into the country.

The Diplomatic Question: the *Talbukja* in Northeast China

The status of the *Talbukja* in foreign countries, particularly in China, has become an important question for South Korea. China, a traditional ally of North Korea, insists that its handling of North Korean defectors is a matter for its relations with North Korea, not South

Korea. The Chinese government has informed South Korea that it will settle the matter according to its domestic law and its agreements with North Korea.

Jilin Province's Law on Border Control of 1993 provided for the prosecution of North Korean defectors and those who aid them. Yet, the legal punishment was minimized because the Central Government did not pay serious attention to the matter and the Yanbian Korean Autonomous Prefecture took pity on the North Korean defectors who entered their territory to quell their hunger. Evidently, the Chinese governments, both central and provincial, viewed the North Korean defectors as transient migrants who needed help from their ethnic Korean relatives in Yanbian.

But the situation changed in 1997 when Kim Dae-jung was elected President. The new leader showed a new policy toward the overseas Koreans. This created a new atmosphere in dealing with the *Talbukja* as well. A dramatic increase of *Talbukja* due to the famine and flood in North Korea in 1997 stirred the South Korean public. Many NGOs organized numerous rallies and campaigns to support the North Korean defectors in China. Broadcasting companies released documentary films on the situation of the "starving North Korean brethren." South Korea appealed to the international community with a reference to the human rights of the *Talbukja*. The representative of the United Nations High Commissioner for Refugees (UNHCR) in Beijing argued that the *Talbukja* entering China should be treated as "refugees" who were fleeing from "political persecution." Thus, the status of *Talbukja* became a serious diplomatic issue.³⁰

The Chinese government was outraged by the remarks of the head of the Beijing Office of the UNHCR and made a public announcement on the matter. The Chinese government identified the *Talbukja* as temporary, transitory migrants, and illegal trespassers of Chinese territory. It argued that the treatment of the *Talbukja* is an *internal* matter of the People's Republic of China, as well as a bilateral matter with North Korea. The outcome was dramatic. Externally, the Chinese government marginalized the South Korean government on this matter. Moreover, many *Talbukja* who were captured by the Chinese authorities (*gong'an*) were handed over to the North Korean security police who arrested their fleeing nationals on Chinese soil. Most of the captured *Talbukja* were executed or sent to prison camps in North Korea. Yet, the South Korean government could not do anything except to demand that the condition of the *Talbukja* should be improved. The Chinese government adopted a tougher policy toward those who aided the *Talbukja*. Beijing regarded accepting *Talbukja* into one's home as a crime and imposed a heavy fine on the aiding family. The fine charged was typically larger than the average annual salary of the individuals concerned. The Chinese government also added to the country's criminal law a clause on the defiance of border control as a crime, targeted specifically against the *Talbukja* as well as those aiding them.

After the diplomatic dispute involving China, South Korea, and the UNHCR, it is said that the treatment of the *Talbukja* has improved. Earlier this year, for example, the Chinese government permitted a North Korean family who fled their country to go to South Korea via a third country. This can be seen as the Chinese government's implicit acknowledgement that some *Talbukja* are refugees.

Legal Questions: Korean Nationals?

The questions concerning the legal status of *Talbukja* are complex. They are related to the treatment of *Chosonjok*, who are Chinese nationals. Therefore, it is important to know

the degree to which South Korea recognizes the Chinese laws regarding the ethnic Koreans in China. Also relevant are the laws before the birth of South Korea. The South Korean government has not made a clear statement on this matter. However, a review of the cases related to the nationality law and administrative treatment of the *Talbukja* gives us some idea of the development in this area. Two cases are noteworthy—the cases of Han Yeongsook and Yi Yeongsoon. The first is about a person who lived in China as a North Korean national (*Chokyo*) for a long time and later sought South Korean nationality. The latter relates to a woman who was born in Korea during Japanese rule and had lived in North Korea until she moved to China in 1960.

Han Yeongsook³¹ was born in China during Japanese rule in Manchuria, the present-day northeast China. Soon after her birth her family moved to Shanghai. In 1957, the Chinese government decided that the ethnic Koreans who were living in Northeast were identified as Chinese nationals (*Chosonjok*). But, those ethnic Koreans who were living south of *Shanhaiguan*, a traditional line between the Han Chinese and the barbarians, were classified as North Korean nationals (*Chokyo*).³² Under this rule, Han Yeongsook was treated as a foreigner and renewed her residency status every two years. Later she married a Chinese national, but retained her nationality. In the late 1980s, she found a job in a joint venture with a Korean company, Daewoo. With a Chinese passport, which she obtained through bribery, Han made a brief visit to South Korea on a travel certificate issued by the South Korean foreign ministry. Upon the expiration of her period of stay, however, she refused to return to China and requested the Ministry of Justice to ascertain her Korean nationality. She had also filed with the national residency registration and was given a national resident card. The district office, however, cancelled her residency registration because she had not submitted the required certificate of invalidation of her passport. What complicated her case was that she had used a forged Chinese passport. The only legitimate legal document she had was the travel certificate she had obtained from the South Korean foreign ministry. Han appealed the district office's decision, but the court ruled that the decision revoking her national residency status was valid. Han's appeal to the Supreme Court also failed.³³ Since only travel certificates were available to *Chosonjok* until 1992, the rule of the Supreme Court effectively blocked the claims of *Chosonjok* that they were ROK nationals on the basis of their settlement in South Korea. After Han's case, the government found a solution by expanding the scope of "permanent resident returnees." Subsequently, Han was able to settle permanently in South Korea.

The case of Yi Yeongsoon relates to a decision on nationality before 1948. Yi Yeongsoon was born in Korea during Japanese rule and had lived in North Korea until she moved to China in 1960. Therefore, she was a North Korean national (*Chokyo*). She married a *Chosonjok*, and entered South Korea in 1992, but did so with a forged Chinese passport and a formal South Korean visa. She decided to settle permanently in South Korea. When she went to the police, she initially identified herself as a North Korean. Yet the police regarded her as an illegal Chinese sojourner and handed her over to the immigration authorities. The immigration authorities issued a deportation order. She then claimed she was a national of the Republic of Korea ((as all North Korean nationals are nationals of the Republic of Korea according to the constitution of South Korea), arguing that she was born in North Korea, had lived there until 1960, and the North Korean embassy in China had issued a national identification card when she presented her alien resident card of China.³⁴

The Seoul High Court ruled that Yi was a South Korean national and the deportation order should be revoked. The Supreme Court affirmed the decision.³⁵

These cases above showed the South Korean government's position on the South Korean nationals. Here, all North Korean nationals are nationals of the Republic of Korea wherever they were and whether they enjoyed the citizenship of the republic or not.³⁶ It is simply a matter of proof of North Korean nationals. But the main problem comes from the *Chosonjok*. Many *Chosonjok* insisted that they were North Korean nationals and that they lost their certificates while wandering around China. It is sometimes very difficult to determine whether an ethnic Korean is *Talbukja*, *Chokyo* or *Chosonjok*. Since 2000, illegal migrants from China by sea have included *Chosonjok*, *Talbukja*, and even Han Chinese. Therefore, the South Korean government treated the matter very cautiously. The case of Kim Yonghwa, still pending in the court, is an example. Without proper documentary proof, he insists that he is a *Talbukja*. The case is to test human rights in South Korea as well as the expansion of the nationality recovery procedure without material proof. Naturally, the nationality question of *Talbukja* is related to the question of *Chosonjok*.

The Settlement Question: Control and Adjustment in Korean Society

The treatment of *Talbukja* who are safely settled in South Korea is a social issue in South Korea. The issue can be divided into two parts: control and adjustment. When a *Talbukja* arrives in South Korea, the control procedure starts.³⁷ The purpose of the investigation into the background of the individual and his/her motives to come to South Korea is to determine whether the person is indeed a *Talbukja* and has no links with the North Korean spy rings. If the individual is cleared, he/she undergoes a special program that lasts for three months to aid his/her adaptation in the South Korean society, followed by a job-training program. At this time, *Hanawon*, the only education center for defectors in South Korea, takes care of the new *Talbukja*. Also, the *Talbukja* receives special material support and a job guarantee when he/she starts a new life. The benefits the individual receives are far smaller than the real cost of living in South Korea. In 1999, the government increased the material benefit four times, to 27.6 million won (approximately \$20,000), but removed the job guarantee. Regardless of the individual's place of residence, he/she is subject to monitoring by police. A police officer is assigned to each person for two years. The surveillance is mainly for protection against terrorist attacks by the North, but it also aims to monitor the person's behavior in general. In fact, there was a murder case by a former North Korean in South Korea after the individual was released from the surveillance. Therefore, the government's position seems to be in a dilemma between protection and control.

The most difficult problem that *Talbukja* face is finding a job and adapting to the new society. Because a job is no longer guaranteed and, despite the job-training program, many *Talbukja* are unable effectively to function in the new job if they find one, the unemployment rate among them is very high. It is believed that almost one-third of the *Talbukja* are jobless. More importantly, they are entering a peripheral part of Korean society, because most of them earn less than average Korean workers.³⁸ Many social scientists, including medical psychologists, are critical of the present system of adaptation, which mainly focuses on explaining the South Korean society and giving job education.³⁹ The critics argue that the focus of the program should be shifted to the problem of alienation of the *Talbukja* from both North and South Korean societies. From North Korea's perspective, the *Talbukja* have

betrayed their fatherland. However, the South Koreans are not eager to welcome them as freedom seekers in their country. The self-identity among the new citizens of South Korea has weakened by the guilt and disapproval they experience under these circumstances. Unable to adapt to a very different society than the society they had abandoned, many *Talbukja* have become criminals. More than 50 such cases have been reported. Evidently, their adaptation is not working.

In short, issue of *Talbukja* has been transformed from a diplomatic one to a social problem in South Korea. In the meantime, the legal question about their nationality has become important. This question is closely related to the *Chosonjok* and the South Korean government's policy toward them.

Issues Related to the *Chosonjok*

As noted earlier, the Korean Chinese population has reached almost 2 million. About 200,000 of them are believed to be living in South Korea. Thus, the *Chosonjok* question is not only a domestic problem for the South Korean government but also a diplomatic issue with China. There are five types of ethnic Koreans in China: *Chosonjok*, legal and long-term *Chokyo*, illegal *Talbukja*, legal and short-term arrivals from North Korean, and South Koreans. As mentioned before, the Chinese government classified ethnic Koreans into two groups in 1957: those who lived in *Guannei* (China Proper), who were classified as foreigners (*Chokyo*, literally "overseas Koreans") and those ethnic Koreans in Manchuria who became Chinese nationals (*Chosonjok* in Korean and *Chaioxianzu* in Chinese) as a part of China's minority nationality (*shaoshu minzu* in Chinese). With this, North Korean defectors are living in China. Another two ethnic Korean groups are the North and South Koreans who are legally working or studying in China. Relations among these groups alarmed the Chinese government and became the basis of China's policy toward the Korean Chinese after 1992. Therefore, Korean Chinese migrants in South Korea are not the sole problem for the South Korean government.

Issues related to the Korean Chinese migrants in South Korea can be divided into four parts: (1) the conceptual issue of who the overseas Koreans (*Chaewoe Tongpo*) are, (2) the legal issue regarding fake marriages between Koreans of different categories, illegal sojourners, and smugglers, (3) the labor issue concerning the trainee employment system and working conditions in South Korea, and (4) the diplomatic issue with the Chinese government. Yet, these four issues are inter-related and affect each other.

The Conceptual Issue: Who are the Overseas Koreans (*Chaewoe Tongpo*)?⁴⁰

The question of "who are the Overseas Koreans" is based on another question, "Who are the Korean nationals?" The Nationality Act of 1948 after the birth of South Korea provided for three conditions to be a Korean national at birth: (1) one's father was a national of the Republic of Korea, (2) one's mother was a Korean national if one's father is/was unidentified or stateless, and (3) one was born in the Republic of Korea was if both parents were unidentified or stateless. The Nationality Act was most recently amended in 1997 when several provisions were revised to adapt the principle of equality between the sexes.⁴¹

The legal problem arose when South Korea established diplomatic relations with the former Soviet Union and China, both of which had permitted ethnic Koreans in their territory to become citizens of those countries, respectively. In the case of Korean Chinese, the Chinese Communist Party (CCP) announced the "Decision on the Korean People in

Yanbian,” which stated, “the CCP and the Chinese government confirmed that the Koreans in China are a part of the national minorities in China. However, the CCP recognized a special relationship with North Korea in politics, political thought, economics, religion, and family. Therefore, a clear distinction must be made between the Korean minorities (*Chaioxianzu*) and the overseas Koreans (*chaogiu*).” “A person who has been registered in Yanbian as a Chinese citizen is considered a member of the Korean minority in that autonomous prefecture. An ethnic Korean who was not registered in Yanbian as a Chinese citizen or who came from North Korea after 1945 without permission from the Chinese authorities is regarded as a North Korean national. Although his/her family may reside in North Korea, if the head of the family is living in Yanbian and possesses a house or land, he can apply for Chinese citizenship.” Yet, this decision had no real effect because of the outbreak of the Korean War.⁴² Therefore, the nationality of ethnic Koreans in China was decided in 1957 as explained earlier.

Regarding the Korean Nationality Act,⁴³ depending on when an ethnic Korean living in China or the former Soviet Union acquired his/her citizenship and what type of citizenship the individual had in the host society, South Korean citizenship may be extended to him/her. A person obtaining the citizenship of another country on a voluntary basis loses his/her Korean citizenship. Yet, as noted earlier, most ethnic Koreans in northeast China the acquisition of Chinese citizenship was not voluntary. Moreover, Koreans under Japanese rule who had applied for Chinese citizenship were not allowed to give up their legal status as far as the Japanese government was concerned. Therefore, whether their acquisition of foreign citizenship, Chinese or Japanese, was voluntary is debatable. Also, the acquisition of Chinese citizenship by ethnic Koreans happened before the Korean Act of Nationality.⁴⁴ Therefore, the question of their citizenship before 1948 is a complicated matter and the South Korean government has so far evaded the question.⁴⁵

When *Chosonjok* started to come to South Korea in the mid-1980s, the South Korean government did not stamp visas on Chinese passports but insisted that Korean Chinese obtain South Korean travel certificates to enter the country. There are two explanations for this policy. One is that there was no formal diplomatic relationship between China and South Korea, and the Chinese government also used the same method, avoiding stamping a visa on Korean visitors’ passports. Second, the South Korean government regarded the *Chosonjok* as Korean national or overseas Korean at least, because the travel certificate was usually used as a substitute for a Korean passport. Subsequent developments tend to support the second explanation.

In order to avoid the problem, the Korean government introduced a new system, a “nationality adjudication (*kukjeok p’anjeong*) procedure,”⁴⁶ which protected the *Chosonjok* who applied for Korean citizenship until they obtained citizenship. They were legally identified as “permanent resident returnees” (*yeongju kwikukja*). The initial purpose of the system was to prevent the *Chosonjok* from being admitted as aliens. Eligibility was gradually expanded from the descendants of former anti-Japanese independence activists to their spouses, lineal ancestors or descendants. Later, *Chosonjok* women who were married to Korean farmers were also admitted as permanent resident returnees.⁴⁷

The situation changed with the normalization of relations between China and South Korea. Korean Chinese apparently were Chinese nationals and aliens in South Korea. Korean Chinese who wished to make money in South Korea were eager to come to South Korea. Presidential candidate Kim Youngsam promised to introduce a new overseas Korean

policy, which would allow dual citizenship for Korean Chinese. Following his victory in the election and a heated debate inside his government, Kim Young-sam decided to revise the Nationality Act.⁴⁸ Here, visa status and relaxing some restrictions such as amount of exchanging foreign money and rights to buy real estates. But, it was the opposition leader Kim Dae-jung who promised a more substantial change during the presidential election campaign. He proposed the establishment of a special Office for the Overseas Koreans (*kyopo ch'eong*). He withdrew this idea when he became President. However, his government introduced special legislation granting overseas Koreans, including foreign citizens, certain rights, which were not available to aliens of non-Korean descent. The bill prepared by the Ministry of Justice contained provisions for foreign citizens Korean descent (*han'gukye woegukin*). It granted almost the same legal privileges to Koreans overseas as in Korea. Unlike other foreign citizens, overseas Koreans were treated as natives in real estate transactions and could even join the national health insurance and get a state pension. The bill faced strong opposition from the Ministry of Foreign Affairs and Trade (MOFA), which expressed the critical comments of foreign governments on the bill. The ministry criticized the bill on the grounds that it was a narrow-minded approach based on blood relationship. As a result, the bill was changed when it passed.⁴⁹

The Act on the Immigration and Legal Status of Overseas Koreans (Overseas Koreans Act) of 1998 defines “overseas Koreans.” There are two categories of overseas Koreans (*Chaewoe Tongpo*): Korean nationals overseas (*chaewoe kukmin*) and Korean compatriots having foreign nationality (*haewoe kukjeok tongpo*). The former simply means South Korean citizens who are long-term residents in foreign countries. The latter category is subject to debate. The Act defines *haewoe kukjeok tongpo* as “persons who have emigrated abroad after the birth of the Republic of Korea, i.e., 1948, and have relinquished their Korean nationality, their lineal descendants, and persons who emigrated before the birth of the Republic of Korea and had their Korean nationality expressly ascertained before acquiring foreign nationality.”⁵⁰ As shown above, the definition excludes most *Chosonjok* and *Koryoin* from the category of *haewoe kukjeok tongpo*. Therefore, around 2.5 million Koreans in China and the CIS out of 5.65 million ethnic Koreans overseas are denied the considerable freedom in visa status, economic rights, and social benefits, such as health insurance, that the newly defined “overseas Koreans” enjoy.

Naturally, *Chosonjok* and NGOs protested against the law. In response, the government took supplementary measures relaxing entry requirements. Some *Chosonjok* have relatives in South Korea, but most of them do not have or cannot find South Korean relatives. For most *Chosonjok*, therefore, the “industrial trainee” regime provides the more accessible entryway into South Korea. As a result, the relaxation of restrictions on visas by relatives in entry qualification did not ease the barrier to entry into South Korea. Now, the NGOs’ protests are focused in easing the entrance barrier rather than amending the law itself. The National Assembly has decided to put the issue on its agenda.

The Legal Issue: Forged Inter-marriages, Illegal Sojourners and Smugglers

Illegal Korean Chinese sojourners in South Korea are estimated at more than 150,000. Most of them have entered the country as industrial trainees or visitors to relatives but have overstayed their visas. In addition, many sojourners are using various methods to enter the country and stay. Some come with a fake Korean passport, some falsely claim marriage to Korean citizens, and some illegally enter the country via dangerous sea routes.

In early October 2001, the Korean public was shocked to hear a report about 25 Chinese citizens who were found dead in a closed cabin and later discarded to the sea. Most of the dead were Han Chinese and this fact alarmed the Korean government because Korea had become a destination for many Han Chinese seeking employment. The present number of smugglers is unknown. The National Maritime Policy Agency has made public that the number of captured *Chosonjok* has been increasing rapidly. In 1997, the number was 1,349. After the economic slowdown in Asian countries, the number declined to 256 in 1998 and 407 in 1999. In 2000, however, the number increased to 1544. As of September 2001, the number stood at 884.⁵¹ Therefore, the government estimates illegal human smugglers in the country at more than 5,000. The government arrested 224 brokers of human smugglers in 2000, almost three times the number in the previous year (there were 82).⁵²

To come to Korea, *Chosonjok* migrants pay the smugglers around ten million Korean Won (less than \$8,000), which amounts to a ten-year salary for manual workers in Yanbian. Therefore, the *Chosonjok* who wish to come to Korea borrow the money from other people who are often members of criminal organizations. If they fail to come to Korea, they try many times until they succeed because they do not have enough money to repay their debt.

Fake marriages are another method *Chosonjok* migrants use to come to South Korea. Yet, the Korean government has taken advantage of this as a way of dealing with the problem of declining female population in the country's rural areas. *Chosonjok* brides enter South Korea legally by paying their matchmakers three million won. Some of them discover they cannot adapt to the South Korean rural way of life. Some have simply fled from their husbands because marriage was not their real purpose for coming to South Korea. During the period between 1994 and 1998 in Cholla Namdo Province, 24 percent of 559 couples between *Chosonjok* and South Korean citizens were divorced after the *Chosonjok* wives became Korean citizens.⁵³ Another quarter of the *Chosonjok* brides simply fled. The exodus of *Chosonjok* women is not only a problem for Korean society. It is also a problem for the *Chosonjok* communities in China. In the rural areas of Yanbian Korean Autonomous Prefecture, there are very few women in the ages between 15 and 50.⁵⁴

The increase of illegal sojourners of Korean Chinese has coincided with the increasing rate of denied visa applications. The Korean embassy in Beijing announced that 10.18% of 98,209 applications were rejected in 2000. The rejection rates in 1998 and 1999 were 4.35% and 5.77%, respectively.⁵⁵ Illegal migrants were estimated to be about one half of the *Chosonjok* who obtained a proper visa. That is, the number of illegal *Chosonjok* sojourners has rapidly increased in recent years.

These trends troubled the South Korean government. With an increased budget to prevent illegal migration, the government took a tougher method to stop illegal sojourners from entering the country. Yet, the problem is very complex as it involves differences in the economic situation, social conditions, and diplomatic disputes of the countries concerned, and efforts of the South Korean government alone cannot solve it.

Labor Issue: Trainee Employment System and Working Conditions

In 2000, there were 105,000 "industrial technological trainees"⁵⁶ engaged in manual labor in South Korea. *Chosonjok* accounted for 15 percent of these trainees. Their legal status is exactly the same as that of the workers from other Asian countries. Therefore, the *Chosonjok* trainees and foreign workers have been considered in the same legal light, and social activists have made efforts to promote the interests of *Chosonjok* workers and laborers

from other countries simultaneously. The *Chosonjok* are the main part of the migrant work force in the country, including illegal workers, and, since the *Chosonjok* have been removed from the category of “overseas Koreans,” there is no difference at all in the eyes of the law.

However, the real policy on the *Chosonjok* and the rationale behind it are somewhat different from the policy toward other foreign workers. At the moment, activists supporting *Chosonjok* are arguing that the ethnic Koreans should be treated much differently from other foreign workers. To give preferential treatment to the *Chosonjok* does not necessarily mean to reduce the number of workers from other countries. But, the situation is developing in that direction as the government is facing vocal protests from the *Chosonjok* and the NGOs concerned. On the one hand, people agree that the size of foreign workers should be strictly controlled. On the other hand, they insist that the approach to the *Chosonjok* workers should be different in conjunction with the movement to embrace all ethnic Koreans around the world as a global Korean community.⁵⁷

Even before the current debate, the treatment of the *Chosonjok* workers was already different from that of other foreign trainees. Trainees’ allowances reflected national differences and in dollar terms, those from China received the greatest amount. The allowances were supposed to be determined on the basis of the national per capita income and the wage level in the trainees’ home countries. But this did not explain why Korean Chinese should receive more. Another reason for the differential had to do with the market situation. Illegal *Chosonjok* workers, most of whom could speak Korean, were working in sectors different from those in which other foreigners worked. Many illegal *Chosonjok* were employed in restaurants, construction industry, and other service sectors, including as housemaids and babysitters.⁵⁸

The wage preference for the *Chosonjok* workers notwithstanding, they still find themselves in a complex legal situation, like other foreign workers in South Korea. Illegal workers find it difficult to claim their entitlements because of the danger of exposing their illegal status to the authorities.⁵⁹ Therefore, they are vulnerable to mistreatment by employers. Common complaints from the illegal workers are physical beatings, hiding of passports, threats to report to the police, delayed payments, industrial accidents, lack of medical treatment, and even sexual abuse.⁶⁰ There are also disputes over such wage-related issues the level of wages, overtime compensation, bonuses, and monthly leave with pay. Self-esteem is a particularly important issue to the *Chosonjok* workers. Because they have no barriers in language and physically look indistinguishable from South Korean workers,⁶¹ they tend to understand the unstated meaning of some of their employers’ remarks more easily than other workers. This gives them a more acute sense of discrimination and humiliation. So, they complain that employers ask them to work like Korean workers but are treated like other foreign workers. Moreover, they complain that they are ethnic Koreans and should be treated differently in the fatherland because South Korea is the only foreign place where they can work. Sometimes they feel antagonistic toward other foreign workers who they think have many other foreign countries to go to for work.

Chosonjok are not necessarily the best foreign workers as far as South Korean employers and other Korean workers are concerned. Employers initially think that the affinity in language and culture should work positively in their workplace. However, *Chosonjok* have the highest rate of disappearance among the foreign workers in the trainee system.⁶² This is explained mostly by the large gap between the trainees’ allowances and the potential market wages for *Chosonjok*.⁶³ Yet, the company that employs foreign trainees has

some legal responsibilities. The disappearance of a trainee from the workplace is not only an economic problem. Moreover, *Chosonjok* who have lived under the socialist system in China have a different attitude to work from South Korean workers. Employers often complain that they work like Chinese but ask for treatment as Korean workers.

Korean workers have mixed attitudes towards the *Chosonjok* workers. They are sympathetic for *Chosonjok* as their ethnic brethren but they do not accept *Chosonjok* workers as their equals.⁶⁴ According to a study,⁶⁵ Korean workers are friendlier toward *Chosonjok* than they are toward other foreign workers. This is probably because of the language proficiency and other cultural affinity. Yet, the South Korean workers are not ready to accept *Chosonjok* into their unions.⁶⁶ Moreover, they oppose the idea of equal treatment for foreign workers.

In short, the idea to accept more *Chosonjok* trainees to compensate for the exclusion of *Chosonjok* from the category of overseas Koreans is now facing a challenge from the labor market where the employers and workers do not have a preferential attitude toward the *Chosonjok* workers.

The Diplomatic Issue with the Chinese Government

The Korean government's policy toward the *Chosonjok* has been heavily influenced by the Chinese government's attitude. The *Chosonjok* who constitute a part of the 55 minority nationalities in China have posed diplomatic challenges to South Korea. Diplomatic disputes start from the concept of *Chosonjok*. That is, are they a part of the Chinese nation or the Korean nation? Second, does "nation" in this context mean nationality or citizenship?

The Chinese Communist Party (CCP) has claimed that their policy towards the ethnic minorities has promoted regional autonomy⁶⁷ for the minority nationalities based on the equality among nationalities in a *multi-ethnic state*. The CCP redefined "nation" to mean the citizenship of the new communist China⁶⁸ and imposed the concept on the society as an ideology for the construction of a modern multi-ethnic state. There are 56 sub-nations or nationalities (*zu*) including the Han Chinese under the newly defined *Chinese nation* (*Zhonghua minzu*) in a "great multi-national family" (*duominzu dajiating*). Strictly speaking, therefore, there is only one nation (Chinese, *Zhongguo-ren*) in China. Under the nation, there are 56 nationalities. In fact, the Korean minorities in China (*Chaoxian-zu*) are different from the Koreans (*Chaoxian-ren*) in the Korean peninsula. The former is a part of the Chinese nation, which embraces the concepts of nationality and nation as in English usage. Although *Chaoxianzu* shares ethnic marks with their brethren in Korea, the CCP insists that they are an inseparable part of the Chinese nation.

In China's development of a nation-state led by the (Han) Chinese, sovereignty and territorial integrity were emphasized; and the Han Chinese were recognized as representing the nation. An emphasis on territorial integrity has endangered the nominal regional autonomy of ethnic minorities because the regions where most of them live are located in border areas. The CCP cannot tolerate a secessionist movement by ethnic minorities such as the Tibetans because of their emphasis on territorial integrity and sovereignty. Within this context, Korean Chinese had been sinicized heavily until the normalization in 1992.

The South Korean-Chinese normalization encouraged ethnic ties between South Koreans and *Chosonjok*. Ethnic revival was eminent.⁶⁹ The Chinese government was alarmed, because the rise of ethnic nationalism in China related not only to the Korean

Chinese but also other ethnic minorities in the country, possibly as a gear of separation from the Chinese nation. The Chinese government classified the Korean minorities as one of the “dangerous ethnic groups.” This classification included the Mongols, the Uyghurs and the Tibetans. These groups were perceived as having the potential to undermine the stability of Chinese society.⁷⁰ This fact is important because China’s policy toward the Korean minorities in the country is connected to its policies toward North Korea and South Korea.

The Chinese government expressed their discontent with the treatment of the *Chosonjok* in South Korea. Apparently, the Chinese government expressed their regret about the Special Law on Overseas Koreans, but did not explain explicitly its definition of “nation”. It seems, however, that China’s policy toward the *Chosonjok* in South Korea has been relaxed. It appears that the Chinese government thinks the problem involves mainly the Korean government and the illegal *Chosonjok* sojourners in South Korea and China cannot intervene. More importantly, the Chinese government is likely to think that the *Chosonjok* problem is not a serious threat to China’s internal stability any more.

Another open remark by the Chinese government about the treatment of the *Chosonjok* by the South Korean government related to the growing number of fraudulent cases involving immigration brokers and Korean Chinese migrants. The immense demand for entry into Korea among the *Chosonjok* has led to the development of illegal migration networks in China as well as in Korea. Many prospective *Chosonjok* workers paid brokers application fees for industrial trainee status in South Korea. Fraudulent transactions commonly involved illegal networks providing contacts between South Koreans and *Chosonjok*. Although misrepresentations and fraudulent advertisements by immigration brokers were the main problem, thousands of *Chosonjok* protested in front of the Korean Embassy in Beijing, demanding that the criminals be found and their money returned to them. Many protesters killed themselves. Fearful of an ethnic division between Koreans and *Chosonjok* in China and in response to pressures from Korean NGOs, the Korean government promised, albeit reluctantly, to repay them some of the money they had lost. The Chinese government also expressed interest in the matter but refused to accept money from the Korean government. Beijing considered the fraudulent cases as private matters. It appeared to understand the payment should be done by the (criminal) brokers, not by the South Korean government.

The *Chosonjok* who have been defrauded have set up an organization and sent their representatives to South Korea. They have changed their demand for monetary compensation to a demand for 1,000 openings in industrial training for *Chosonjok*. In October 2001, they pressed their demand for an open job markets for *Chosonjok* and for status equal to other overseas Koreans.⁷¹ As of this writing, the demand is still pending in the National Assembly.

Conclusion

This paper mainly focused on the ethnic Korean migration in South Korea. However, the issues of ethnic Korean migration to other countries and foreign migrant workers in South Korea are intertwined. Moreover, the case of North Korean defectors, *Talbukja* is an international question rather than a domestic one within South Korea. It was also noted that the *Chosonjok* question is a diplomatic issue with China, which firmly insists on the narrow definition of “nation” as a basis of its ideology.

This study has discussed some issues related to the ethnic Korean migrants in South Korea. These issues are fairly new in the Korean academic circles. Therefore, basic studies are woefully inadequate. Meanwhile, developments are moving faster and faster. Legal, political, economic, social, and industrial relations approaches to the phenomenon are being developed in recent years, but, studies that examine the topic from comprehensive perspectives of international relations or within the broader context of East Asian are very rare.

In the face of complex issues arising from encounters with foreign workers as well as ethnic Korean migrants in their country, South Koreans have begun to rethink about their concepts of nation and ethnicity. As their society becomes increasingly open in the context of globalization, South Koreans are trying to find a way to embrace national unification and global standards at the same time. In their effort, nationalism and globalism cannot contradict each other. However, to accept an ethnocentric view on nationalism is likely to cast away the notion of global standard in South Korea. Thus, the case of *Chosonjok* in Korea provides a window on the development of the society, internally as well as internationally.

Notes

- ¹ Kim Donghwa, *Chungguk Chosonjok toknib undongsa* (History of the Independence Movement of the Koreans in China), Seoul: Neutinamu, 1990, p. 12.
- ² At the end of Ming dynasty, Koreans represented 30 percent of the population in Manchuria. Wen Zhongzhe, “Manzhou fuheminzu zhongde Chaoxianzu qiren jiqi houyide zuxueweni (Ethnic Koreans and Their Descendants among the Manchu Ethnic Group)” *Zhongyang Minzu Daxuebao*, No. 1 (1997), p. 43.
- ³ Yang Shaoquan, *Zhongchao guanxishi lunwenji* (A Collection of Articles on the History of Sino-Korea Relations), Beijing: Shijie Zhishi Chubanshe, 1988, p. 303.
- ⁴ Chungguk Chosonjok Ch’ongnyon Hakhoe (Association of Young Koreans), eds., *Chungguk Chosonjok imin silok* (A History of Immigration of the Korean Chinese), Yanji: Yanbian Renmin Chubanshe, Yanji, 1991, p. 315.
- ⁵ Wen Zhongzhe, p. 40.
- ⁶ Yang Shaoquan, p. 306, and Chungguk Chosonjok Ch’ongnyon Hakhoe, eds., pp. 317-318.
- ⁷ Yang Shaoquan, p. 308.
- ⁸ Hyun Kyuwhan, *Han’guk iminsa yon’gu* (Studies of History of Korean Immigration), Seoul: Samwhainsejusikhoesa, 1976.
- ⁹ Chungguk Chosonjok Ch’ongnyon Hakhoe, eds., p. 340.
- ¹⁰ Kwon Lib, ed., *Chungguk Chosonjoksa Yon’gu* (Studies of History of the Korean Chinese), Yanji: Yanbian Renmin Chubanshe, 1993, pp. 197-201.
- ¹¹ Pak Kyongsu, *Yonbyon nong’ob kyongjesa* (A History of the Yanbian Agricultural Economy), Yanji: Yanbian Renmin Chubanshe, 1987, p. 100.
- ¹² Chungguk Chosonjok Ch’ongnyon Hakhoe, eds., pp. 343 and 349-350.
- ¹³ Kim Taek, ed., *Kilim Chosonjok* (Koreans in Jilin Province), Yanbian: Yanbian Renmin Chubanshe, 1995, pp. 11-17.
- ¹⁴ Daesook Suh, ed., *Han’gukkwa Reosia Kwan’gye* (Russo-Korean Relations), Seoul: IFES, Kyungnam Univ., 2001, p. 65.
- ¹⁵ Songmoo Kho, *Koreans in Soviet Central Asia*, Helsinki: the Finnish Oriental Society, 1987, pp. 16-17.
- ¹⁶ Daesook Suh, ed., pp. 66-71.
- ¹⁷ Songmoo Kho, p. 17.
- ¹⁸ Daesook Suh, ed., Yi Seogu trans., *Soviet Hanin Paeknyonsa* (Koreans in the Soviet Union), Seoul: Taeam, 1989, p. 20. This book was originally published in English after a conference in Japan, 1983.
- ¹⁹ M.T. Kim, *Iljeha Keukdong Siberia ui Hanin Sahoejuuijadeul* (Korean Socialists in the Russian Far East under the Japanese Rule), Seoul: Yeoksa Bip’yongsa, 1990, pp. 72-87. This book was originally published in Russian in 1987.
- ²⁰ Cheong Taesu, trans. and ed., *Soryon Hanjoksa* (History of the Soviet Koreans), Seoul: Taehan kyokwaseo jusikhoesa, 1989, p. 281.
- ²¹ Nikolai Bugai (Choi Jeongoon trans.), *Chaeso hanindeului Sunansa* (Suffering History of the Soviet Koreans), Seongnam: Sejong Institute, 1996, p. 17.
- ²² *Ibid.* pp. 21-22.

²³ Yi Kwangkyu and Chon Kyungsoo, *Chaeso Hanin* (Koreans in the Soviet Union), Seoul: Jipmundang, 1992, p.78. This fact was newly revealed after the collapse of the Soviet Union.

²⁴ *Ibid.*, p. 105

²⁵ *Yonhap News*, October 14, 2001.

²⁶ *Joong Ang Ilbo* (Daily), October 4, 2001.

²⁷ In the Basic Agreement for Reconciliation, Non-Aggression, Exchange and Cooperation Between North and South in 1992, the two countries defined their relations not as state-to-state relations but as a “transitory and special relations” for the future unification. (“8-15 T’eukjib t’oron [Special Discussion for the Liberation Day],” *Chosun Ilbo* (Daily), August 14, 1996.

²⁸ Yi Geumsun, *Talbukja munje haegyol bang’an* (Solutions to the Problem of Talbukja), Seoul: Korea Institute for National Unification, 1999, p. 53.

²⁹ Yoon Injin, “Talbukjai Namhansahoe chokung siltaewa chongch’akjiwonui saeroun ch’opkeun (A New Approach to the Adjustment and Settlement of the *Talbukja* in South Korean Society), *Hankuk Sahoehak* (Korean Sociology), Vol. 33 (Autumn, 1999), pp. 3-6.

³⁰ Yoon Yeosang, “Chungguk Tongbukjiyeok Talbukja siltaewa chiwon pang’an” (Conditions and Countermeasures of the *Talbukja* in China’s Northeast), paper presented at a conference on the human rights of North Koreans, held in Seoul in 1998.

³¹ For details of the case, see Han Yeongsook, “Chogukkwaui chonjaeng 50nyon” (50-year-war against the fatherland), *Wolgan Chosun*, May 1993.

³² Jeanyoung Lee, “China’s Policy towards the Korean Minority in China, 1945-1995” unpublished doctoral dissertation, University of London, 1999.

³³ “Bukhan gukjeok jungguk gyopo sosong keut paeso” (North Korean from China Lost Suit), *Chosun Ilbo*, February 4, 1994; “Bukhan gukjeok Han Yeongsook ssi, hanguk gukjeok chwideuk paeso” (North Korean Han Yeongsuk Lost Action for Acquiring Nationality), *Chosun Ilbo*, August 28, 1994.

³⁴ “Bukhan gukjeok soyujado Taehanminkuk kukmin p’ankyol” (North Korean Nationality means Korean National), *Chosun Ilbo*, November 12, 1996.

³⁵ Supreme Court, November 12, 1996, 96nu1221; cited in Chulwoo Lee, “Us and Them in Korean Law: The Creation, Accommodation and Exclusion of Outsiders in South Korea,” draft of unpublished paper, 2001, p. 43.

³⁶ It is because Article 3 of the Constitution declares, “the territory of the Republic of Korea consists of the Korean peninsula and its adjacent islands.” (*Chosun Ilbo*, July 21, 2000.)

³⁷ Yoon Injin, “Kuknaewoe Talbukjai saenghwal siltaewa chiwon panghyang” (Living Conditions and Countermeasures of the *Talbukja* in Korea and the World), pp. 127-128.

³⁸ More than 65 percent of the *Talbukja* earn less than one million won a month. Some point out that more than 80 percent of them earn less than one million won. (Yoon Injin, *Ibid.*, p. 122.)

³⁹ “Talbukja suyongchaek jaegemo to pilyo” (Deserter Policy Needs Reconsideration), *Yonhap News*, December 8, 2000; “Talbukja eui aetaneun hosoo” (A Desperate Appeal from a Deserter from North Korea), *Yonhap News*, July 7, 2000.

⁴⁰ For this section, I benefited very much from the work by Professor Chulwoo Lee on foreign migrants in South Korea, and I want to acknowledge with appreciation the information and insight he shared with me.

⁴¹ The Korean Cabinet recently ratified an amendment to the clause on nationality so that a foreign-born person whose mother is an ethnic Korean mother who was originally a Korean national can apply for Korean citizenship. (*Yonhap News*, October 16, 2001.)

⁴² Ryu Choonsoo, “Chosnjok inimindeul sokeseo” (Among the Korean Nationalities), December 1948; reprinted in *Seungri* (Victory), Beijing: Minjok Ch’ulp’ansa, 1992, pp. 708-715.

⁴³ Je Seongho, “Han’guk kukjeokbeobui kibonwonch’ikkwa munjejeom” (Basic Principle and Problems of the Korean Nationality Law), paper presented at the conference on “Legal Status of Foreigners in Korea: Ethnic Chinese,” organized by the Association for the Study of Overseas Koreans, Seoul, June 15, 2001, pp. 103-105.

⁴⁴ Yi Jonghun, “Jaeoe dongpo jeongchaek kwa jaeoe dongpobeop eui kaeson panghyang” (Improving Direction of Overseas Koreans Policy and the Basic Law for Overseas Koreans), paper presented at the annual conference of the Association for the Study of Overseas Koreans, Seoul, 2001, p 8.

⁴⁵ The Constitutional Court ruled on November 29, 2001 that the legal provision excluding overseas Koreans who moved to China and the former Soviet Union before 1948 and their descendants from receiving legal benefits was unconstitutional. The provision will remain in effect only through 2003. The Constitutional Court’s decision ruled that the Overseas Korean Act unconstitutional for requiring ethnic Koreans to prove that they had held Korean citizenship before 1948, the founding of the South Korean government, as a condition for receiving the benefits granted under the act. The law gives “overseas Koreans” the right to get jobs and do business in Korea, but many ethnic Koreans in China had been excluded from its provisions, because they had difficulty proving their historical citizenship after leaving Korea in the 1930s, during the period of Japanese colonialism. (*Jong Ang Ilbo* [Daily], November 30, 2001.)

⁴⁶ In the new Nationality Law of 1997, the procedure was formally legalized and added in the Article 20. (Chulwoo Lee, “Us and Them in Korean Law: The Creation, Accommodation and Exclusion of Outsiders in South Korea,” draft of unpublished paper, 2001.

⁴⁷ Finally, it was legalized in 1999. (*Chosun Ilbo* [Daily], October 12, 1999.)

⁴⁸ Yi Jonghun, “Jaeoe dongpo jeongchaek kwa jaeoe dongpobeop eui kaeson panghyang (Improving Direction of Overseas Koreans Policy and the Basic Law for Overseas Koreans),” paper presented at the annual conference of the Association for the Study of Overseas Koreans, Seoul, 2001, p. 3.

⁴⁹ Yi Jonghun, “Jaeoe dongpo jeongchaek eui gwaje wa jaeoe dongpo gibbonbeop eui jejeong munje” (Tasks of Overseas Koreans Policy and the Problem of Making the Basic Law for Overseas Koreans), *Ipbeop josa yeongu* (Legislative Studies), No. 249 (1998), pp. 146-72.

⁵⁰ Yi Jonghun, “Jaeoe dongpo jeongchaek kwa jaeoe dongpobeop eui kaeson panghyang,” p. 8.

⁵¹ *Jung Ang Ilbo* (Daily), October 22, 2001.

⁵² *Jung Ang Ilbo* (Daily), October 22, 2001.

⁵³ *Dong Ah Ilbo* (Daily), April 17, 1999.

⁵⁴ The average ratio of unmarried men to women in rural areas is 20:1. In a village in Helong of Yanbian, the ration reaches 40:1. (Kim Byeongho, “Chungguk Chosonjok Nongch’onsahoeui Wikiwa Taech’aek (Crisis and Solution of Korean Chinese Rural Society), *Asiataepyongyang Chiyokyon’gu* [Journal of Asia-Pacific Area Studies], Vol. 3 Number 1 [August 2000], p. 50.)

⁵⁵ *Yonhap News*, September 27, 2001. Meanwhile, the estimated number of visas has also increased rapidly: 56,000 (in 1998), 80,000 (1999), 88,000 (2000), and 100,000 (2001 as of October). (*Joong Ang Ilbo* [Daily], October 22, 2001.)

⁵⁶ The system was introduced in 1991. Its purpose was to support small and medium Korean companies to find cheap labor. Korean workers were increasingly reluctant to work in so-called 3D (dirty, difficult, and dangerous) jobs. Foreigners began to fill such jobs began to be filled. The system can be seen as a legal compromise between small and medium Korean companies and the government. There were some disputes over the management of the trainee system between the government and the Association of the Small- and Medium-Sized Companies. (*Chosun Ilbo* [Daily], August 28, 2001.)

⁵⁷ Yu Kilsang, a researcher in the Institute of Labor Studies, insists that the government should permit the *Chosonjok* workers to work legally and those workers should be the majority among foreign workers. He concludes that a preferential system for a particular ethnicity can be found in Japan where the second-generation Japanese Brazilians are given preferential treatment. (*Joong Ang Ilbo* [Daily], October 23, 2001.)

⁵⁸ *Chosonjok* babysitters (*Yonbyon ajumma*) are popular among young working Korean couples. (*Chosun Ilbo* [Daily], October 28, 2001.)

⁵⁹ Employers are also fearful of the police pursuit of illegal workers because they cannot find cheap substitutes. (*Chosun Ilbo* [Daily], December 31, 1996.)

⁶⁰ The amount of delayed payments during the first half of 2001 reached almost one billion won from 814 workers. (*Chosun Ilbo* [Daily], September 11, 2001.)

⁶¹ Among the most serious adjustment problems for other foreign workers are the language barrier (34.3%) and food (16.9%). (Byoung Mohk Choi, "Foreign workers' Adjustment in Korea: Comparing Filipino and other Workers," paper presented at the annual conference of the Association for the Study of Overseas Koreans, Seoul, 1999, p. 150.

⁶² As of September 2001, the flight rate of *Chosonjok* reached 48.5 percent. (*Chosun Ilbo* [Daily], October 30, 2001.)

⁶³ The average monthly wage of the trainees was 650,000 won (US\$500), and illegal foreign workers earned an average of 790,000 won (US\$ 600) in 2001. Most of the illegal *Chosonkok* workers, however, earn more than one million won. (*Joong Ang Ilbo* [Daily], October 23, 2001.)

⁶⁴ . Some workers complain that their low wages have not changed because of the continuing influx of cheap *Chosonjok* workers. (*Chosun Ilbo* [Daily], July 17, 2001.)

⁶⁵ Seol Donghoon, *Oegukin nodongja wa han'guk sahoe* (Foreign workers and Korean society), Seoul: Soul National University Press, 1999, pp. 390-403.

⁶⁶ A branch under a special unit of the Democratic Labor Union (*Minju Noch'ong*) was initiated as a union for foreign workers in May 2001. (*Chosun Ilbo* [Daily], May 26, 2001.)

⁶⁷ Thomas Heberer, *China and its National Minorities*, Armonk: M.E. Sharp, 1989, pp. 40-43. Jiang Ping, eds., *Zhongguo minzu wentide lilunyu shijian* (Theory and Practice of the Chinese Nationalities Question), Beijing: Zhonggong zhongyang dangxiao chubanshe, 1994, pp. 155-232.

⁶⁸ Here, the nation is purely a creation of the Chinese state. For the origins of the nation and its relations with nationalism, see "The Warwick Debate between Anthony D. Smith and Ernest Gellner," *Nations and Nationalism*, Vol. 2, Part 3 (November 1996), pp. 357-388, and Anthony D. Smith, *National Identity*, London: Penguin Books, 1991, pp. 43-70.

⁶⁹ For the cultural revival among the Ethnic Koreans in China, see Jeanyoung Lee, op.cit., chapter 5.

⁷⁰ *Dong Ah Ilbo* (Daily), January 28, 1994.

⁷¹ Yi Youngsook, the president of the *Chosonjok Sangjohoe* (Mutual Aid Association of the *Chosonjok*), submitted a formal request to the Korean government and the NGOs concerned in a seminar on *Chosonjok*, which was held in the National Assembly on September 25, 2001.