Reshaping Japan-Korea Relations:
Transnational Advocacy Networks and the Politics of Redress

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DECLARATION

Except where otherwise acknowledged, this thesis is my own work.

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Notes on Terms and Romanization

Korean terms have been romanized in accordance with the Revised Romanization System, and Japanese terms, by the Hepburn Romanization System (with long vowel indicated by macrons, except for standardized spellings such as Tokyo). Romanized terms have been italicized in all instances with the exception of people’s names and organizations. Both Japanese and Korean names have been rendered by the convention of surname first.
Abstract

History problems remain the major bone of contention in contemporary Japan-South Korea relations. Paradoxically, while their historical roots in Japan’s colonization of the Korean peninsula have gradually receded, the diplomatic friction surrounding them has grown ever more intense. The post-Cold War era in particular has witnessed a marked surge in bilateral contention over the burden of the past.

Challenging conventional state-centric and national conceptions of history problems, this dissertation explains the paradox as a rise in contentious activism in Japan and Korea that began against a backdrop of democratization in the late 1980s. Driving this trend were the Korean victims of Japanese colonial and wartime policies, intent on exacting redress for their historical ordeals, and their support networks in Korea and Japan. Based on extensive fieldwork in both countries, it argues that the essential dynamics of these victim-centric history problems have evolved not along national lines, but between the two governments on the one hand, and transnational advocacy networks anchored in Japan and Korea, on the other. The pressure tactics of these networks have become increasingly effectual over time, manifesting as a new logic for the bilateral relationship: one in which citizens are now agents in shaping state-to-state interaction.

Drawing on case studies of Korean A-bomb victims, comfort women and forced laborers, the dissertation aims to explicate the influence of advocacy networks on inter-state behavior. It investigates the question: under what conditions and by what
means do transnational advocacy networks affect the way that states interact? Through this inquiry it also establishes why certain networks have greater bearing on state-to-state relations than others.

The analysis finds that among the array of tactics employed by transnational advocacy networks, those most likely to affect state-to-state interaction are: disclosure of inculpatory evidence; framing a grievance as a human rights issue; engaging external governments and international bodies; and litigation. In addition to (but not mutually exclusive of) these means, the conditions under which advocacy networks most affect state-to-state interaction are when: the target state is the sole culprit; the target state’s economic interests in the addressee state become threatened; and when a bilateral treaty clause is overturned.

By establishing a causal connection between advocacy networks and inter-state behavior, this study offers novel insights into the fraught diplomatic trajectory of post-Cold War Japan-Korea relations, addresses a lacuna in the scholarship on history problems, and builds on the theoretical understanding of the role of transnational advocacy networks in international politics.
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CHAPTER 1

Introduction

On August 30, 2011, the Constitutional Court in the Republic of Korea (hereafter, Korea or the ROK) delivered a landmark judgment: it was unconstitutional of the Seoul government to make no tangible effort to procure compensation from Tokyo on behalf of former Korean “comfort women” and A-bomb victims.¹ In response to this pronouncement, Seoul ratcheted up diplomatic pressure on Tokyo to its hitherto most assertive stance on this matter, sparking a downward spiral in their inter-governmental relations.

A mere nine months later, on May 24, 2012, the ROK Supreme Court delivered a similarly stunning verdict: Korean civilians that were subjected to forced labor under Japan’s annexation of the Korean peninsula (1910-1945) were entitled to compensation from the Japanese companies at which they had toiled.² This ruling rendered both the Korean and Japanese governments equally bewildered, as the forced laborer issue had been resolved in 1965 when they normalized their bilateral ties through the Treaty on Basic Relations.³ In undermining the treaty settlement, the court ruling set a precedent with the potential to open the floodgates to claims by thousands of forced laborers and

¹ The Asahi Shimbun (Korean Version), September 6, 2012.
² Nikkei Business, August 9, 2013.
other Korean victims of Japanese colonial and wartime policies, the victimization of whom had ostensibly been “settled” or shelved within the framework of the treaty. Consequently, the laborer issue rose to prominence on the two governments’ diplomatic agenda.

These judicial outcomes do not merely represent legal victories for the Korean victims. They constitute the tip of the iceberg of a sustained grassroots pressure strategy that has grown ever more sophisticated since the late 1980s. This has been predicated on the pursuit of “redress,” a blanket concept that encompasses apologies, compensation and various other particularistic measures premised on the restoration of the victims’ dignity and wellbeing (both in the physical and emotional sense). The court rulings were game changers in this pursuit. Indeed, in the former (2011) hearing, the victims filed suit against their own foreign ministry in Korea—and won, thereby precipitating an about-turn in Seoul’s stance on the issue of compensation vis-à-vis Tokyo. This maneuver by the victims would have been unthinkable prior to the ROK’s democratization in 1987, which gave way to the gradual separation of powers within the Korean state.

In the latter (2012) hearing, the verdict undermined not only the official position of the Japanese and Korean government on the laborer issue, but also overturned previous rulings issued by the Japanese Supreme Court and lower courts in Korea. Most astonishingly, in justifying the verdict, the Korean Supreme Court argued that these
previous rulings were flawed as they rested on an assumption that Japan’s colonial rule of Korea was somehow legitimate. The implications of these high level judicial decisions were profound and multifarious, and served to trigger a complex series of events that strained Japan and Korea’s already fraught diplomatic relations.

By tracing the causal chain that resulted in such rulings, we can thus begin to unravel a puzzle that has characterized contemporary Japan-Korea relations. That is, why have these so-called “history problems,” or issues rooted in the distant historical context of Japan’s colonization of the Korean peninsula, paradoxically grown more contentious between the two states over time?  

One would logically assume that the passage of time would help to heal historical grievances. To the contrary, however, recent decades have seen such problems increasingly dominate the agenda of summit meetings, undercut proposed bilateral accords, and hinder cooperation between the two countries writ large. In fact, 2012 was widely considered to be the lowest point in their bilateral relations since the two countries’ leaders passed the normalization treaty bill amidst enormous opposition in 1965.

The paradoxical trajectory of history problems has been particularly confounding for scholars of international relations (IR), in that the increasingly detrimental diplomatic

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4 For the purpose of the analysis, state will be defined as a political unit with sovereignty over an area of territory and the people therein.

impact of these problems defies their realist and liberal logic—two schools of thought that have dominated analyses of Japan-Korea relations. Indeed, despite the fact that both countries share a common ally in the US and face the mutual and growing threat of North Korea, they have been virtually unable to collaborate in the security realm on account of the burden of the past. What is more, while mutual economic exchange is often assumed to be “a powerful disincentive to conflict,”6 diplomatic friction over history problems has increased notwithstanding the two countries ever-deepening economic interdependence.

Given this contradictory logic, it is perhaps no surprise that IR analyses have not sufficiently accounted for this puzzling evolution. Consider, for instance, the conventional wisdom on the determinants of inter-state friction in relation to history problems: unsatisfactory apologies on the part of Japan, the behavior of political elites, US foreign policy, and divergent national memory narratives.7 While each of these determinants—which will be discussed in detail further on—account for spates of inter-state tension, they fail to explain the overall rise in such. In part, this limitation arises from the fact that they do not capture the dynamic of the causal chain of events that led to the downward spiral in relations over recent decades. Indeed, all four determinants are underscored by a state-centric conceptual paradigm, and/or an assumption that the contention over history has primarily manifested along vertical

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7 Examples of these arguments will be provided further on.
lines—that is, *between* the two countries, in a Japan versus Korea framework. Yet if we look to the 2011 and 2012 judicial outcomes, it is evident that societal pressure, or pressure “from below,” has influenced the way the two states interact *vis-à-vis* their historical legacy. Essentially, the rulings came as the result of a long line of litigation waged by the Korean victims in the judicial theatres of Japan, the ROK and the United States. The victims have been supported in this endeavor by numerous advocates in Korea and Japan. And litigation has been but one of an array of tools they have utilized in pursuing redress. The proceedings are thus indicative of a horizontal—rather than vertical—dynamic to the history problems, wherein contention has manifested between a transnational civil society and the two states. The primary dynamic, in other words, does not run between the two countries (i.e. along national lines), but between elements of their respective societies, on the one hand, and the two states, on the other (i.e. along society-state lines).

The victims and advocates driving these redress movements can best be conceptualized as “transnational advocacy networks:” loosely structured networks of activists, anchored in both societies and linked transnationally, that plead a particular cause. These networks have targeted not only the perpetrator state—the Japanese government—but also the Korean government, whom they hold accountable for failing to pressure Tokyo on the victims’ behalf (among other grievances). The friction that has arisen between the two states in relation to the past is no mere side effect of this

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8 This concept will be elaborated upon further into the chapter.
pressure from below; in fact, it is the stated aim of the networks to influence the
diplomatic handling of victim redress, by pushing the two governments to renegotiate
their 1965 treaty agreement and enact a new settlement on the networks’ terms.9

While manifesting most visibly in recent years, this societal pressure is not a recent
phenomenon. Advocacy networks began organizing in earnest around the plight of
Korean victims as early as 1965, in response to the inter-governmental indifference
towards redressing civilians witnessed in the normalization process. Spurred by the
liberalization of outbound travel and the democratization in the ROK, transnational
links gradually emerged between the networks of advocates in both countries; together
they highlighted the plight of Korean victims and urged the two governments to
re-contend the 1965 settlement. In the process of doing so, these networks have
reshaped Japan and Korea’s diplomatic relations vis-à-vis history problems. As their
respective redress movements grew apace, and the pressure strategies they employed
became increasingly sophisticated, accordingly inter-state contention mounted over
time.

This consequence is hardly surprising given that treaties, which have long been a
cornerstone of international relations, constitute “formally concluded and ratified
agreement[s] between states.”10 As one would presume, attempts by actors—whether

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9 Meeting of Korean forced laborer advocates, August 29, 2012, Tokyo.
state or non-state—to challenge treaty provisions are bound to produce inter-state turmoil. What is not clear or obvious, however, is how this pressure from below has come to have real political consequences for Japan and Korea’s state-to-state relations. Legal rulings in favor of Korean victims have not consistently produced friction between the two governments: the 2011 Constitutional Court ruling urged the Korean government to take action on behalf of both comfort women and A-bomb victims, yet diplomatic contention emerged only in relation to the former. Also, pressure tactics that have been utilized uniformly across different categories of victims, such as engaging human rights bodies to back their cause, have also produced varying inter-state effects. This suggests that there are intervening variables at work.

Through an examination of case studies of networks organized around Korean “comfort women,” forced laborers and A-bomb victims, this dissertation aims to explicate the influence of non-state actors on Japan-Korea state-to-state relations. It investigates the primary question of: by what means and under what conditions do transnational advocacy networks affect the way that states interact? Does their influence derive from the particular pressure strategies they employ or are exogenous factors, such as norms, paramount? Through interrogating these questions, it further aims to establish why certain advocacy networks have greater bearing on inter-state relations than others.

The dissertation will argue that among the array of tactics employed by transnational advocacy networks, those most likely to affect state-to-state interaction are: framing a

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11 These cases will be explained in a subsequent section.
grievance as a human rights issue; disclosure of inculpatory evidence; engaging external
governments and international bodies; and litigation. When utilized, these tactics tend to
produce contentious interaction between states. In addition to (and yet not mutually
exclusive of these means), the conditions under which advocacy networks most affect
state-to-state interaction are when: the target state (in this case Japan) is the sole culprit;
the target state’s economic interests in the addressee state (Korea) become threatened;
and when a bilateral treaty clause is overturned. The precise mechanisms by which
these outcomes occur will be elucidated throughout the dissertation.

Given the recent nature of developments in the history problems and consequent
downturn in Korea-Japan relations, a reconsideration of the determinants of inter-state
friction is a timely necessity. By establishing the causal connection between networks
and inter-state behavior, this dissertation will offer novel insights into the fraught and
paradoxical trajectory of the Japan-Korea relationship, addresses a lacuna in the
scholarship on history problems, and build on theoretical understanding of the role of
transnational advocacy networks in international politics.

This introductory chapter will proceed by evaluating the determinants of inter-state
friction as identified in the scholarly literature on Japan-ROK relations. It will then
establish a new framework for analyzing the two countries’ history problems, designed
to compensate for the limitations in the explanatory power of these determinants.
Subsequently, it will outline the aims of the study and the methodology and data that
will be utilized to achieve them. Lastly, it will provide a theoretical foundation for the
analysis of transnational advocacy networks, and will give an overview of the
Dissertation organization.

Determinants of Inter-State Friction

Over past decades, a plethora of scholarly works addressing history problems in Japan-Korea relations have emerged. In these, scholars have identified a number of determinants of inter-state contention and drivers of state behavior, whether implicitly or explicitly. These determinants, while not mutually exclusive of one another—indeed, there is a great deal of overlap between them—can be classed into four broad categories: (1) unsatisfactory apologies; (2) the behavior of political elites; (3) US foreign policy and (4) historical memory. However various, each of these determinants has been characterized by state-centricity and/or underscored by the assumption that history problems have manifested exclusively along national lines. Curiously, though, the political agency of citizens has been overlooked as a causal factor in inter-state friction. Although NGOs and other non-state actors have long been recognized as influential entities in world politics, scholars have been remiss in considering their workings in Japan and Korea’s history problems and the bilateral relationship more widely. This represents an anomaly given that both countries constitute mature democratic polities with vibrant civil societies.

Below I evaluate these four determinants in terms of their explanatory power for the more recent evolution of history problems. I argue that while each of these variables has influenced the behavior of the Japanese and Korean government vis-à-vis one another, and have all constituted a considerable source of friction, they fail to adequately account for the paradoxical trajectory of inter-state friction increasing over time. To understand this puzzling evolution, it is necessary to consider the agency of transnational advocacy networks and how this interacts with the already identified variables in shaping state-to-state relations.

Unsatisfactory Apologies

First, controversies about apologies have commonly been delineated in the IR and historical literature as a source of ongoing diplomatic strain. The correlation between apologies and friction has been explained in temporal terms—apologies were too long coming and too few and far between—and also with regard to their content—the wording of the apologies has been obscure and acts of wrongdoing have frequently been omitted.

In establishing the structural reasons why Japanese apologies were so long deferred in

the postwar period, scholars have often invoked comparisons between Japan and West Germany. The prevailing explanation for why these two countries followed vastly different trajectories in reckoning with their past is that the former completely ousted the Nazi government from political leadership after WWII, while the latter maintained “prewar and wartime politicians like Hatoyama Ichirō, Ishibashi Tanzan, and the depurged Class A war criminal Kishi Nobusuke” among its leadership ranks. Fundamental differences in the post-WWII war crimes tribunals held in Europe and in Asia have also been cited in explanation of Japan and Germany’s divergent paths. While European trials focused on crimes against humanity, at the Asian tribunals—which were conducted by the Western Allies and led by the United States—this category was not deemed to be relevant. Consequently, Japanese culpability for injustices toward civilian victims remained indeterminate.

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When Tokyo did come to recognize the need to make amends with its neighbors and began issuing apologies in the early 1980s, these came to be characterized by their calculated obscurity, insincerity, and what some have termed “diplomatic non/apology.”¹⁹ Even when Japanese heads of state were willing to extend relatively deeper expressions of atonement, right-wing domestic pressure often compelled them to “tone down” their level of remorse. As such, Tokyo’s apologies have been more inclined to incite friction and draw condemnation than placate neighboring countries.

In her seminal work on the topic, Sorry States, Jennifer Lind examines another facet of apologies that have complicated relations between Japan and Korea: the domestic backlash that occurs when Japanese leaders offer statements of contrition for the past. She argues that this backlash triggers alarm within Korean government and society, heightening their perception of Japan as a threat. The conclusion Lind draws is that apologies can be counterproductive for improving relations between two countries and thus, alternative expressions of contrition are generally preferable.²⁰

While scholars have convincingly shown that apologies or lack thereof have been a considerable source of friction in Japan’s relations with Korea, they have overlooked the factors that shape the Korean government’s stance on what constitutes an adequate apology from Japan, and why this stance has changed over time. In 1994, for instance,

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¹⁹ Field, op. cit., 12.
²⁰ Lind, Sorry States: Apologies in International Politics, op. cit.
Japanese Prime Minister Hosokawa Morihiro proffered an apology to his Korean counterpart, Kim Young-sam, for Japan’s colonial rule over Korea—including the “comfort women” system. Kim accepted this apology and stated that he did not expect any further overtures from Tokyo toward the victims. The more recent Lee Myung-bak and Park Geun-hye administrations, however, demonstrated a complete reversal of this stance, regularly insisting that Tokyo take further steps to redress the comfort women.

This oversight in the literature likely stems from the fact that analyses of apology politics have neglected to incorporate key societal actors engaged in history problems. Lind intentionally omits the victims’ and their advocates’ “evaluation of contrition (or willingness to accept an apology)” from Japan, on the grounds that doing so would “bias findings in favor of the theory that apologies facilitate reconciliation.” Inclusion of such actors may well have undermined Lind’s theory of a correlation between expressions of unapologetic remembrance and threat perception; indeed, such actors have consistently pressured the Japanese government for redress through weekly demonstrations and other forms of protest, regardless of changes in their threat perception vis-à-vis Japan. As a result of this omission of non-state actors in apology studies, a number of important questions remain unanswered. Why, for instance, have

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21 Acknowledging that it is a euphemism for sexual slavery, in this dissertation I employ the term comfort women (hereafter without quotation marks) on account of it being the most widely used in the academic literature and media reports on this topic.


Korean A-bomb victims (who hold the Japanese government accountable for their plight) deemed Tokyo’s apologies as acceptable, whereas comfort women have not? What are the diplomatic implications of this variation?

The apologies literature has moreover failed to distinguish between the diverse grievances that fall under the broad rubric of history problems, each of which requires its own idiosyncratic apology. Scholars have tended to lump such problems together in analyzing the shortcomings of Japanese apologies, suggesting that there exists a singular ideal form of apology that, if issued, would quell the tension between the two states. But a blanket apology by Japan for its colonization of the Korean Peninsula would never suffice, no matter how sincere; apologies are sought by various groups in Korean society for grievances stemming from the various injustices they were subjected to under war and colonialism. And in fact, apologies constitute merely one aspect of redress for these grievances. While comfort women demand an apology supported by a legislative resolution, others victims claim that an “official” apology would suffice. What remains to be examined is the implications of the diverse redress calls emanating from Korea, and how this shapes Seoul’s position on apologies, and, by extension, the Korea-Japan relationship.

*Behavior of Political Elites*

In close connection with apologies, the behavior and statements of Japanese and Korean political elites have also been identified as a key determinant of inter-state tension. In
the case of Japan, the actions and words of prominent officials and politicians have often served to nullify the apologies issued. In the ROK, meanwhile, leaders have been prone to utilize history problems for domestic political gain.

In the ROK, meanwhile, leaders have been prone to utilize history problems for domestic political gain. Such visits are typically conducted on or near the anniversary of Japan’s WWII surrender and often occur on the heels of Japanese apologies, thereby undermining their sincerity. To illustrate, when former prime minister and Socialist Party leader Murayama Tomiichi proffered a watershed apology on the fiftieth anniversary of Japan’s surrender, on the very same day, eight members of his cabinet embarked on a visit to Yasukuni. There have furthermore been moves by nationalist Japanese politicians and members of Abe Shinzō’s cabinet to

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27 Berger, op. cit., 283.
revise Murayama’s apology and issue a more “forward-looking statement that is appropriate for the 21st century;”\textsuperscript{28} they have further considered retracting Japan’s most humble expression of contrition to comfort women to date—the 1993 Kōno Statement.\textsuperscript{29} These actions have predictably sparked heated objection within Korean society and government.

In addition to these provocative acts, Japanese officials have frequently made inflammatory statements and denials in relation to its imperialist policies. Notably, in his first term as prime minister, Abe Shinzō commented to the effect that comfort women were not coercively recruited “in the narrow sense” of the word.\textsuperscript{30} Governor of Tokyo Ishihara Shintarō, on the other hand, argued that Japan’s annexation of Korea was the choice of Koreans, and that their ancestors are the ones to be blamed.\textsuperscript{31} At the diplomatic level, these actions and statements by Japanese elites have had grave consequences, including the recall of ROK ambassadors to Japan, the cancellation of bilateral summit meetings, and renewed demands for apologies from Seoul.

The behavior of Korean politicians vis-à-vis history problems has also been considered problematic for diplomatic relations. A number of scholars have pointed to the tendency of Korean presidential candidates to adopt anti-Japanese platforms in order to increase their chances of electoral success. Most notoriously, Roh Moo-hyun, the 2003-2008

\textsuperscript{28} This was statement was made in an interview with the \textit{Sankei Shimbun}, December 30, 2012.
\textsuperscript{29} \textit{The New York Times}, February 28, 2014. This will be discussed in Chapter 3.
\textsuperscript{30} Statement made by Abe Shinzō to reporters, March 1, 2007.
\textsuperscript{31} Statement made by Ishihara Shintarō to reporters, October 28, 2003.
president of the ROK, was prone to “exploit anti-Japanese sentiment to bolster his sagging poll numbers.”

It has also been argued that the Seoul government has a tendency to evoke its historical enemy—Tokyo—in the face of domestic political crises; this is allegedly premised on fostering internal solidarity and averting the public’s gaze from domestic problems. Consequently observers often assert that it is in Seoul’s interest that history problems remain unresolved.

While the statements and behavior of political elites have clearly affected diplomatic relations between Japan and Korea, analyses of such statements and actions have again neglected to pay sufficient attention to how they have been informed by societal actors. To be sure, scholars have noted that public opinion shapes the actions of leaders in both countries with regard to historical legacy issues; that is, the Japanese government panders to its right-wing constituents when making inflammatory statements, while its Korean counterpart adheres to popular opinion in domestic and diplomatic decision-making vis-à-vis history problems. Yet what has been overlooked is the interaction between activists in both countries with their respective governments, and the specific processes at play when they exert influence. While the literature has highlighted Tokyo’s susceptibility to the influence of the rightist spectrum of Japanese society, the efforts of Japan’s left-wing groups in advocating for Korean victims have

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32 Berger, op. cit., 238.
generally been regarded as inconsequential.\textsuperscript{33} Similarly, it has mostly gone unnoted that exchanges between history activists in the ROK and their domestic leadership have influenced the behavior and statements of Korean elites in their summit meetings with Japan, and in other diplomatic realms.

\textit{US Foreign Policy}

The policies of the United States have further been pinpointed as a source and driver of diplomatic discord between Japan and Korea.\textsuperscript{34} Yet in contrast to apologies and the behavior of political elites, US policy is considered to have shaped the two countries’ relations mostly by indirect means.

Scholars have shown that in the postwar period, Washington helped to institutionalize the lack of reconciliation between the two countries, through shaping the structural foundations of the Japan-Korea relationship toward this end. Indeed, the US-led San Francisco system, which purported to establish “an international framework for the

\textsuperscript{33} Two notable exceptions to this are Franziska Seraphim’s \textit{War Memory and Social Politics in Japan, 1945-2005} and Kamila Szczepanska’s \textit{The Politics of War Memory in Japan: Progressive Civil Society Groups and Contestation of Memory of the Asia-Pacific War}.

official pursuit of Japanese culpability and atonement for the war,”35 excluded Korea and China. As Seraphim affirms, “reconciliation with Communist China and war-shattered Korea was not called for under alliance agreements with the United States.”36 In addition to debarring the nations that had suffered the most at the hands of the Japanese Imperial Army from peace treaty arrangements, Washington and the Allies omitted a number of significant crimes from the Tokyo Trials.37 Moreover, as part of its anti-communist strategy in Asia, the US government was keen for Japan to swiftly reestablish diplomatic and economic relations with Korea, and thus pressured Japan to normalize its relations with the ROK’s authoritarian regime through monetary means. The outcome of this was an economic settlement between the two countries enacted “on behalf” of Korean civilian victims of Japan’s colonial and wartime policies.

In his influential text, Alignment Despite Antagonism, Victor Cha propounds another form of (indirect) influence that the US has exerted on Japan-Korea relations. He argues that in the Cold War period, the key cause of friction between Japan and Korea over historical legacy issues was not the issues per se, but perceived changes in the two countries’ respective security environment brought about by their common US ally.38 Cha expounds a “quasi-alliance model”39 to illuminate the trilateral dynamics between the US, Japan and Korea, and to support his thesis that “Japan and the ROK’s fears of

35 Seraphim, op. cit., 18
36 Ibid., 19.
38 Cha, op. cit.
39 Cha defines a quasi alliance “as one in which two states remain unallied but share a third party as a common ally,” Cha, op. cit., 3.
being abandoned or entrapped in their quasi-alliance relationship is a prime causal variable for policy outcomes.” In short, he argues that when Washington’s defense commitment to the Northeast Asian region wanes, “overarching security concerns compel Japan and the ROK to exhibit significantly less contention and greater cooperation over bilateral security issues.” Conversely, when the US demonstrates strong commitment to its allies, they are more prone to quarrel over their history issues.

Yet as Cha himself admits, the explanatory power of this argument is largely limited to the postwar and Cold War periods when external threats were high and security dependence on the US was acute. Post-Cold War developments in the bilateral relationship, however, cannot adequately be explained in these realpolitik terms. Indeed, while the history problems have constituted a perennial source of friction, they are by no means static in nature. With the unloosening of Cold War structures, links emerged between activists in the region and a new set of history problems came to the fore—ones that were centered on Korean civilian victims. The emergence and evolution of these problems has been shaped by the victims and their advocates within a changing sociopolitical context.

This is not to argue that US policy in the post-Cold War era has become irrelevant in Japan’s relations with the ROK; its role has simply changed. Against the backdrop of a rising and increasingly assertive China, Washington has begun to exert pressure more
directly on its two key Asian allies to surmount their historical burden. Yet a question that arises from this trend is, why has the US—particularly Congress—been so vocal on the comfort women issue but silent in regard to all other categories of Korean victims that have similarly begun to weigh of Japan-ROK relations, such as forced laborers?

*Historical Memory*

Finally, perhaps the most prevalent explanation for the confrontation over history between Japan and Korea has been the incompatibility of the two countries’ respective memorial landscapes and historical narratives of war and colonialism.⁴¹ As Thomas Berger explains, “the degree to which there exists a disjuncture between official narratives and either interests or historical memory, there are likely to be tensions over history.”⁴² Memory is closely correlated to apologies in the sense that, the level of repentance implicit in the official narrative of a nation, vis-à-vis its past wrongdoings, is generally reflected in the apologies it issues and the way in which it commemorates

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⁴¹ For an explanation of how the preservation of the Emperor in the postwar shaped the memory landscape in Japan, see J. Son, “Hyöndae ilbon-ui sangjing cheonhwangje-wa gieogui jeonseung” [Modern Japan’s Symbolic Emperor System and the Transmission of Memory], *Modern Japanese Research* 37 (2012): 305-326. For an account of how Korean (and also Chinese and Taiwanese) history textbooks depict colonization by Japan and in turn shape memory in Korea, see J. Ahn, “Ilbon Chimnyak mit gangjeomgi e daehan jubyeongukdeurui yeoksa insik: hanguk, jungguk, daeman godeung hakgyo yeoksa gyogwaseo-reul jungsimeuro” [Historical Understanding of the Japanese Invasion and Occupation of its Neighboring Countries – Chinese, Korean and Taiwanese High School History Textbooks], *History Education Research* 13 (2011): 45-80. For an analysis of the divergent memories of Japanese colonialism between North and South Korea, see J. Chung, “Goryeoin, sahallin hanin-gwa hangugin-ui yeoksa yeondae-wa munhwa tonghap” [Historical Coexistence and Cultural Integration of Koryo People, Sakhalin Koreans, and Koreans], *Unification Humanities* 61 (2015): 235-261. For a broad overview of friction stemming from historical consciousness in East Asia, see H. Kan (ed.), *Higashiajia no rekishi masatsu to wakai kanōsei: Reisen-go no kokusai chitsuyo to rekishi ninshiki o meguru shomondai* [Historical Friction in East Asia and the Possibility of Reconciliation: Problems Surrounding the Post-Cold War International Order and Historical Consciousness], (Gaifūsha: Tokyo, 2011); P. Seaton, *Japan’s Contested War Memories: the ‘memory rifts’ in historical consciousness of World War II* (London: Routledge, 2007); M. Kim (ed.), *Routledge Handbook of Memory and Reconciliation in East Asia* (Routledge: London, 2016).

⁴² Berger, *op. cit.*, 238.
such wrongdoings. More so than the above-outlined determinants of inter-state tension, memory politics has shed some light on the puzzle of how history problems have become increasingly contentious in Japan-Korea relations.

One school of thought argues that the geopolitical shift that occurred with the end of the Cold War reinforced divergent historical memories, and was thus detrimental to relations among countries in the region. Carol Gluck contends that this shift “brought uncertainty and drove nations both old and new to nationalistic reviews of their history.”

Echoing this view, Seraphim observes that “in the broader context of relocating international relations in a still-undefined post-Cold War world, unresolved historical injustices became imbued with political meaning and practical utility in many parts of the world… especially in East Asia, where regional and national divisions had for decades eclipsed the need for reconciliation, an East Asia, where regional and national divisions had for decades eclipsed the need for reconciliation an East Asia, where regional and national divisions had for decades eclipsed the need for reconciliation an East Asia, where regional and national divisions had for decades eclipsed the need for reconciliation and apology.” The result of this was increasingly “high political and cultural stakes” for how war was remembered in the region.

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45 Gluck, op. cit., 47.
In his excellent study of post-WWII memory politics, *War, Guilt and World Politics after WWII*, Berger examines the conditions under which it is in a state’s interest to promote a certain historical narrative, and the way in which historical memory “becomes a constitutive element in the concrete interests of states and political leaders.”

He argues that social trends in memory “crucially shape the way in which leaders and nations calculated their interests and their ability to implement their plans.” While Berger acknowledges the presence of societal actors in Japan and Korea’s history problems to a greater extent than other IR scholars, the analytic focus of his work remains the state, and the specific mechanisms by which non-state actors exert influence and the strategic intentions behind their actions is largely overlooked.

Although there have been a small number of studies that have analyzed the role of civic groups in shaping memory discourse in Japan and Korea, these have been largely limited to the domestic sphere. Seraphim’s rich account of the social politics of historical memory in Japan shows how civic organizations in Japan vie with one another to influence the discourse on history and memory, and the ways in which such organizations press their issues through political channels. In a similar vein, Gluck delves into the role of what she terms Japan’s civil society of “memory activists”—civic groups of all political persuasions that lobby for “recognition, compensation and commemoration;” she draws attention to how they utilize the media to shape memory

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46 Berger, *op. cit.*, 3.
48 Seraphim, *op. cit.*
consciousness. In the context of Korea, on the other hand, Chunghee Sarah Soh elucidates the contributions of “comfort women” activists in raising social consciousness of the issue, both domestically and in the international sphere. In charting the development of the comfort women redress movement she further reveals the tensions between the victims and their advocates. While these works have highlighted the importance of societal actors in Japan and Korea’s history problems, the transnational links between activists in the two countries and the political implications of their engagement in such issues has yet to receive systematic scrutiny.

Although this body of literature has demonstrated that “differences in historical views themselves can be a significant determinant of conflict,” there are limitations to the explanatory powers of this variable. Analyses of memory, whether collective, individual or otherwise, have inevitably been conducted exclusively along national lines, reinforcing the Japan-Korea binary dichotomy and obscuring the horizontal and transnational dynamics of history problems. As we shall see, however, contention has increasingly manifested along state-society—or, more specifically—inter-state-society lines. In fact scholars in Japan were among the first to speak out about the need for Tokyo to offer redress to the Korean comfort women; also Japanese activists were instrumental in politicizing the issue of Korean atomic bomb victims. What remains to

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49 Gluck, op. cit., 57.
51 Berger, op. cit., 230.
be examined is the implications of this transnational activism for the trajectory of friction over history problems in Japan-Korea relations.

**A New Analytical Approach to Korea-Japan Relations**

Evidently, the vast scholarship on Japan and Korea’s history problems has shed much light on the various drivers of inter-state contention. Yet the puzzle as to why relations have worsened over time, and in particular have taken a downturn in the post-Cold War period, is still largely unresolved. This is likely because the determinants of inter-state contention identified by scholars have captured mainly the governmental and top-down dynamics of the history problems.52 A further shortcoming is that these determinants have tended to be analyzed in a vertical (Korea versus Japan) framework. In light of recent developments in history problems, which are indicative of a bottom up and transnational dimension to Japan and Korea’s history problems, a new analytic framework that can incorporate such dynamics is called for.

Another prevalent weakness revealed in the literature review is the propensity of scholars to lump together and generalize about the various history problems under the broad analytical rubric of “the history problem.” If we consider the origins and dynamics of each issue that fall under this rubric, two distinct categories of history

52 Some scholars have drawn attention to the role of NGOs in history problems, but only in the comfort women issue. In Y. Ō numa, *Ianfu Mondai to wa Nandatta no ka: Media, NGO, Seifu no kōzai [What was the Comfort Women Issue? The Merits and Demerits of Media, NGOs and Government]* (Tokyo: Chūō Kōron Shinsha, 2007), for instance, they were identified as an obstruction between Japan and the comfort women victims in Korea when Japan created the Asian Women’s Fund in lieu of state compensation as a redress measure.
problems are discernable. First, there are issues that emerged in the context of the Cold War, a period in which US hegemony quarantined Japan from seriously grappling with its colonial misdeeds. These include Japanese history textbooks, Yasukuni Shrine visits, and the contested Dokdo/Takeshima islets. These issues have the potential to undermine national interests of territory and official narratives of history. As such, they manifested relatively organically as diplomatic problems—at the government level—and continue to be ignited at this level with little prompting from below. As Seraphim describes, “from 1982 on, public protest against Japanese textbooks and visits by Japanese prime minister to Yasukuni Shrine were ignited primarily by the complaints from the Chinese and Korean governments and official media and only secondarily by domestic political contestants.”

In the late- and post-Cold War period, however, a new set of history problems came to the fore. These were centered on the plight of Korean victims of Japanese wartime and colonial policies. The two governments had long been aware of the policies that gave rise to these “victims” but did not make diplomatic issues of them. Rather, these issues had primarily social dimensions. Ultimately it was societal actors in Korea and Japan that highlighted them and proceeded to push them onto the diplomatic agenda, a process that occurred between the late 1980s and early 1990s. The same bottom-up dynamic has continued to drive these issues at the diplomatic level today.

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As touched upon previously, the societal actors behind this can best be conceptualized in accordance with Margaret Keck and Kathryn Sikkink’s notion of transnational advocacy networks. They define such phenomena as “sets of actors linked across country boundaries, bound together by shared values, dense exchanges of information and services, and common discourses.”  

54 The networks engaged in the history problems are constituted of loosely structured organizational arrangements including victims, individual activists, intellectuals, lawyers, NGOs and other civic groups; they are anchored in Korea and Japan and are linked transnationally. While the Korea anchor of the network consists mainly of ethnic Koreans, the Japan anchor is a mixture of Zainichi (resident in Japan) Koreans and ethnic Japanese, yet predominantly is composed of the latter.

Organizationally, transnational networks are “characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange… [and] often involve individuals advocating policy changes that cannot be easily linked to a rationalist understanding of ‘interests.’” 55 They are classified specifically as “advocacy networks” when their constituents “plead the causes of others or defend a cause or proposition.” 56 Indeed, the main objective of the transnational advocacy networks engaged in the history problems is to pressure the two governments to accede to the victims’ redress demands. In some networks, individual victims act as the primary advocates for fellow

55 Ibid., 8.
56 Ibid.
victims, essentially articulating their interests as victims.\textsuperscript{57} In other networks, however, individuals who are not victims per se, but rather, activists with a particularistic interest in the issue, act as the primary advocates of the victims; in this scenario, activists articulate the interests of victims \textit{on their behalf}.\textsuperscript{58} In the latter case, as one would presume, tensions emerge when the interests of the two parties diverge.

While these two broad categories of history problems can be distinguished in terms of their dynamics, this is not to say that they are mutually exclusive of one another. As we shall see, the Korean government has at times played the issue of territorial sovereignty off against the comfort women issue; conversely, the Japanese government has often attempted to placate its Korean counterpart over tensions surrounding the territorial issue, by making concessions on victim redress matters. This intertwining of the various history problems constitutes a recent development that has been particularly vexing for the bilateral relationship, and will be explored in the chapters that follow. It stands, however, that these two categories exhibit contrasting dynamics and thus require different analytical approaches.

Given the shortfalls in the existing literature, this dissertation proposes a new analytical approach for the study of history problems in post-Cold War Japan-Korea relations, one that hones in on the agency of transnational advocacy networks as the central variable,


\textsuperscript{58} \textit{Ibid.}
and examines how this variable interacts with the already identified determinants of inter-state friction. As this approach necessitates two levels of analysis—state and society—across two countries, the popular comparative framework that couples Japan-Korea relations with Franco-German relations will be eschewed in favor of delving into the intricacies of the Japan-ROK relationship.

**Aims, Method and Data**

*Aims & Method*

The premise of this dissertation is that agency matters politically for the Japan-Korea relationship in ways which are not yet fully understood; its aim is to explicate the impact of the agency of transnational advocacy networks on the two countries’ inter-state relations. It does not seek to decipher what constitutes a “resolution” or “reconciliation” over history problems, but simply, how agency functions as a determinant of inter-state friction. To do so, it interrogates the central question: under what conditions and by what means do transnational advocacy networks influence the way that states interact? Is their influence a result of the particular pressure tactics they employ, or are exogenous factors paramount? Through investigating this question, the dissertation will also explain the variation among networks’ ability to affect state-to-state interaction.

59 Doubtlessly, though, the findings will have implications for how such problems may be resolved, and these will be discussed in the conclusion chapter.
These questions will be examined through three empirically-based case studies of history problems. The case study approach is suitable for this research design in that it allows for the systematic analysis of the operation of causal mechanisms. Having multiple cases will also enable the findings to be theorized. The value of the case study method further lies in its high conceptual validity for determining the conditions under which specified outcomes occur, and the mechanisms through which this happens. To effectively draw inferences from the case studies a combination of within-case analysis and cross-case analysis will be employed.

In selecting the cases, the following factors were taken into account: (1) history problems that evidently exhibit transnational or horizontal dynamics would best enable the research questions to be probed; (2) history problems that emerged as diplomatic issues in the post-Cold War period would most effectually shed light on the puzzle of why such issues have become more contentious between the two states over time, particularly in this period; and (3) (a set of) history problems with certain constant variables would provide a sound basis for comparison. In light of these considerations, the three major victim-centric problems in Japan-Korea relations were deemed to be the most suitable cases. These include the matter of redress for (1) Korean comfort women, (2) Korean victims of the atomic bomb, and (3) Korean forced laborers. A detailed explanation of these cases will be provided in the following section.

Importantly, each of the three victim categories were victimized by events that occurred
in the same historico-political context: Japan’s annexation of the Korean peninsula and its imperialist expansion more broadly. Each category came to hold the Japanese government accountable for their plight, and, to an extent, the Korean government as well. They have all pursued redress from Tokyo in the form of apologies and compensation.

Despite these similarities, however, there have been marked differences in the effect of their respective redress pursuits on Japan and Korea’s diplomatic relations. The comfort women issue has been a constant source of diplomatic friction since it emergence on the agenda in the early 1990s. The atomic bomb victim issue, by contrast, manifested as a diplomatic issue around the same time, yet did not evolve to become a significant source of inter-state tension. The forced laborer issue, on the other hand, never really strained relations between the two governments until 2012, when it suddenly rose to diplomatic prominence.

There is much to be gained by comparing these three cases. In light of the dissimilarities in the effects they had on Japan-Korea diplomatic relations, it will be possible to isolate the variables that account for inter-state friction. This method is what Benedict Anderson referred to as negative comparisons: “This kind of [approach] focuses not on norms but on comparisons that emphasize and, I suppose, prioritize difference… The expectations of negative comparison are not scalar, do not rotate around well-known norms, and ask questions that a good deal of political science is not well equipped to
answer.”60 If one were to analyze the comfort women issue on its own—as scholars have often done, it is likely that one of the key determinant of inter-state friction would be identified as the democratization of Korean politics. Yet if we look at this issue alongside Korean forced laborers and A-bomb victims, this variable quickly becomes somewhat obsolete, as it functions as a constant among the three cases notwithstanding their differential outcomes.

In studying advocacy networks within the framework of international relations, two major methodological issues arise. The first is that networks “organize for action in ways that are not readily seen in traditional political science terms” and thus it is difficult to measure their actions and influence.61 The second is that there is a dearth of empirical evidence with which to analyze them.

With regard to the first issue, process tracing will be utilized to identify the causal mechanisms at work in each case.62 Specifically, the respective causal pathways of each case will be traced from the point at which networks exert pressure to the outcomes this has on the two governments’ stance (regarding redress issues) vis-à-vis one another. This will serve to establish whether the causal process hypothesized—citizen agency—is in fact evident in the sequence and also values of the intervening variables

Data

While state-centric approaches to the study of politics and IR, such as diplomatic histories, typically draw upon materials from foreign ministry archives and other government records, in the case of networks and other non-state actors, documentary evidence is not as readily attainable. The case study data sets to be analyzed in this dissertation were primarily collected through two twelve-month stints of fieldwork—one in Korea and subsequently one in Japan. The fieldwork entailed semi-structured interviews with the various constituents of the advocacy networks, including the victims and the NGOs/civic groups, lawyers, and scholar-activists that support them. Interviews were also carried out with the networks’ targets: government officials, including the head of the comfort women task force in Korea, as well as Japanese and Korean diplomats and ambassadors. Finally, academics and Japan-Korea observers with relevant expertise were also consulted. Qualitative analysis of the interviews will be utilized to understand the logic of the network constituents in framing their issues, formulating their pressure strategies, and their broader strategic objectives.

The interview data will be supplemented by secondary material and primary documentary evidence drawn from the victims’ litigation proceedings, statements and speeches made at their civic meetings, NGO publications (including fliers and pamphlets), archive material, newspapers and various government documents. Most of
these materials were obtained by visiting the premises of the network constituents, attending their meetings, or from archival depositories and libraries in Japan, Korea and the US.

A discussion of the potential limitations of the method and data will be included in the final chapter of the dissertation.

The Cases

Before introducing the cases, as each is centered upon victims, it is necessary to define this concept and its attendant notions of victimization and victimhood. According to the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, victims can be defined as “persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that do not yet constitute violations of national criminal laws but of international recognized norms relating to human rights.” From this definition, we can further extract two distinct concepts of victimization and victimhood. While on the one hand these are not entirely exclusive of one another, there is neither a linear association between them. The former generally denotes “an act of harm perpetrated against a

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63 This concept will be further delved into in the following chapter.
person or group,” while the latter refers to “a form of collective identity based on that harm.” In other words, while victimization entails an (often violent) act perpetrated upon a person or group, victimhood is an identity that is socially constructed on the basis of that harm. As the primary interest of this dissertation is agency exercised by victims (and their advocates), the notion of victimhood will be the more pertinent concept. At times, however, it will be necessary to reflect on the historical events that brought about their victimization.

We can further delineate victimhood as both an identity and a status: while some people identify themselves as victims (victimhood as identity), others are recognized externally as such (victimhood as status). Christiane Wilke explains this binary as follows:

Understandings of victimhood as identity … stress the “sense of injustice” dimension of victimhood. Yet victimhood becomes publicly acknowledged and established only through its other dimension: the “objective” verifiable breach of norms to the detriment of the victims. From this perspective victimhood is a social status that was created through the prior exclusion and victimization and should give rise to a new status of a “recognized victim;” a status that is tied to measures of redress.


66 Ibid.

67 Ibid., 527.

For the purpose of this dissertation, victimhood will be treated variably as identity and status. Particular emphasis will be given to the latter, though, as the emergence of the advocacy networks corresponded—or indeed, resulted in—recognition of the victims by the state, which in turn bestowed them with the status of victimhood. Having thus delineated the meaning of “victim,” we will now look briefly at the three case studies and the nature of victimization they entail.69

The term “comfort women” is a euphemism for the women and girls enslaved into sexual servitude by the Japanese Imperial Army between 1932 and 1945. This took place in Japanese occupied territories, particularly the Korean Peninsula.70 The victims were recruited through deceptive and coercive means, and numbered in excess of 100,000 (with an upper estimate of 200,000).71 In the ianjo or military brothels in which they were stationed, it was not uncommon for the women to be compelled to provide sexual services to ten to twenty soldiers per day. As a result of their ordeal, many of them contracted sexually transmitted disease, were rendered infertile, suffered from psychological trauma or even died.72

Korean forced laborers, on the other hand, were drafted during WWII to supplement Japan’s labor shortage. From 1939 to 1945, Korean men and women (in addition to

69 Again, the cases will be looked at in more detail in subsequent chapters.
70 The International Commission of Jurists estimates that were between 100,000-200,000 comfort women.
Chinese) were recruited systematically and often by coercion to fulfill this role. Initially their recruitment was carried out by civilian agents, then through official mediation (from 1942), and subsequently, under the aegis of national conscription (in 1944). They were sent to labor in factories and mines located in the Korean peninsula, Manchukuo, and the Japanese mainland, including Karafuto Prefecture (now Sakhalin and part of Russian territory). Estimates of the total number of Koreans conscripted vary between 700,000 and 2 million. Their victimization, which resulted in numerous fatalities, took the form of appalling work conditions, long work hours, and a lack of food and medical care; few of them received any payment for their efforts. The laborers sent to Karafuto—which became occupied by the Soviet Union just prior to Japan’s surrender—became stranded after the war, when they were refused repatriation to either mainland Japan or the Korean peninsula.

Finally, Korean A-bomb victims constituted roughly ten percent of the total 700,000 victims in the 1945 U.S. nuclear attacks on Hiroshima and Nagasaki. They came to reside in the A-bomb target cities—and Japan more widely—by three primary circumstances. First, many Koreans had lost their farms under Japanese land confiscation initiatives and subsequently migrated to Japan in search of work. Second, 

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many were drafted to provide labor, as described above, in what were mostly military industrial factories in Japan; since many of such factories were concentrated in Hiroshima and Nagasaki—cities with important military installations—thousands of laborers were consequently fell victim to the atomic bombing in August of 1945. Third, other Koreans migrated to Japan during the colonial period for “life style” reasons, which generally concerned escaping poverty and pursuing better economic opportunities; Hiroshima and Nagasaki were appealing options in this regard, given their geographical proximity to the Korean peninsula and status as thriving cities. While many of the victims died in the nuclear attacks or committed suicide due to anxiety about their health prognosis, those who survived were commonly afflicted by both physical and psychological maladies. The logic behind their decision to hold Japan—rather than the US—culpable for their plight, will be explained in Chapter 4.

Evidently, there is a degree of overlap among these victim categories, as some Koreans were “double victims” of forced labor and the atomic bomb. As they opted to pursue redress for their different grievances separately, however, they will be distinguished in the chapters that follow.

77 Ibid.
78 Ibid.
Theorizing Transnational Activism

In addition to unraveling the empirical puzzle of how history problems have become more contentious between Japan and Korea over time, this study contributes to the ongoing theoretical discussion on the role of transnational actors in international politics. Through examining the influence of transnational advocacy networks on inter-state behavior, it carries this discourse into the unchartered theoretical territory of diplomatic relations. By illustrating how networks change the way that states interact, it builds on the model established by Keck and Sikkink.

At the heart of the discussion on non-state actors has been the question of what kind of power do they possess? Scholars have concurred that while sovereign states remain the primary actors in world politics, “as the only ones that can levy taxes, and conscript and raise armies,” there now exists an array of non-state actors exercising varying degrees of power. 79 These actors include non-governmental organizations (NGOs), inter-governmental organizations (IGOs), and networks of diverse societal actors, to name but a few varieties. The debate on the capabilities of non-state actors in international politics has taken place within theoretical frameworks that emerged (or were revived) in the relatively recent 1990s: constructivism and transnationalism.

The constructivist approach to international relations, with its stipulation that interests,
identities, and roles are socially defined, has been useful for illuminating the ways in which non-state actors operate. Within this school of thought, the exercise of power is primarily conducted through communication: when actors—state or non-state—communicate with one another, common understandings of roles and behaviors are created; over time, these understandings become rules that govern behavior and further communication.\textsuperscript{80} According to this logic, the power of non-state actors lies not in their coercive ability, but in persuasive communication. While operating within the confines of legal frameworks established by states, they demonstrate through their actions that there are alternative social and political arrangements to those provided by the state; in effect, this can result in changed state practices.

Transnationalism, which is an offshoot of interdependence theory, has also informed the theoretical literature on non-state actors. A primary proponent of this theory, Thomas Risse-Kappen, defines transnational relations as “regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or international organization.”\textsuperscript{81} Transnationalism has been highly applicable to analyzing the workings of non-state actors in international politics, as the interaction among them is transnational and “potentially transformative.” The transnationalization of the activities of non-state actors was facilitated by the ending of

\textsuperscript{80} Ahmed & Potter, \emph{op. cit.}, 14-15.
\textsuperscript{81} T. Risse-Kappen, “Bringing Transnational Relations Back in: Introduction,” in Risse-Kappen (ed.) \emph{op. cit.}, 3.
Cold War; this enabled them to more effectively form coalitions across national boundaries, transposing domestic political issues to the international realm. In this post-Cold War context, NGOs and other civic groups increasingly addressed issues normally reserved for governments. The implications of this phenomenon for international relations are that nations are no longer able to control or contain disputes and negotiations over political problems.\(^2\)

Further facilitating transnational collaboration among non-state actors has been the proliferation of issues of global concern, such as environmental protection and sustainable development, which have provided new arenas of action. The impact of this transnational organizing and action has been the blurring of the “distinctions between domestic and global levels of politics,”\(^3\) and the transformation of the international power structure from a state-focused system, to one in which “effective power is being organized in a nonhierarchical manner.”\(^4\) Realism reminds us, however, that states continue to impose constraints on what non-state actors can achieve.\(^5\)

Drawing largely from these two schools of thought, scholars have theorized extensively about the domains in which transnational non-state actors exert influence and the implications of their activities for domestic and international politics. These theories

\(^2\) Ahmed & Potter, *op. cit.*, 12.
\(^3\) Khagram et al. (eds.), *op. cit.*, 4.
\(^4\) Keck & Sikkink, *op. cit.*, 200.
have been based primarily on empirical studies on the role of non-state actors in the issue areas of women’s rights, human rights, environmental problems, and the abolition of slavery. The geographic focus of such works has largely been limited to South America, Eastern Europe and Latin America. The pioneers of this field, Keck and Sikkink, summarize the stages through which non-state actors affect state behavior as follows: (1) framing debates and integrating their issues into government agendas; (2) encouraging discursive commitments from states and other policy actors; (3) bringing about procedural change at the international and domestic level; (4) influencing policy; and (5) effecting changes in the behavior of target actors.” Adding to this repertoire, scholars have noted that non-state actors function to create, re-frame and politicize issues; mobilize constituencies; and alter understandings of state interests and identities. They furthermore pressure for regime change and formation, as well as

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88 Keck & Sikkink, op. cit., 201.

89 Khagram et al. (eds.), op. cit., vii.
serve to enforce existing international norms and rules.\textsuperscript{90} Some scholars assert that non-state actors have transformed the practice of national sovereignty by “blurring the boundaries between a state’s relations with its own nationals and the recourse citizens and states have to the international system.”\textsuperscript{91}

However wide ranging these effects of non-state actors are, they are overwhelmingly limited to domestic polities or international organizations. In other words, although the focus of scholars has been the transnational arena in which non-state actors operate and exert influence, their theoretical assertions on the effects of such have largely concerned single state processes, rather than inter-state ones.

Other theoretical approaches that postulate a more transnational effect of non-state actors still have their limitations. Robert Putnam’s “two-level” game metaphor, for instance, made inroads into explaining the entanglement of domestic politics and international relations, and the role of non-state actors therein. He argues that international negotiations between governments occur in tandem with and are simultaneously shaped by domestic negotiations between the government and societal actors.\textsuperscript{92} This two-level game, however, does not capture the intricacy of Japan and Korea’s history problems and the transnational function of non-state actors. The redress issues centered on Korean victims have “transcultural resonance” and are thus not

\textsuperscript{90} Keck & Sikkink, \textit{op. cit.}, 199.
\textsuperscript{91} \textit{Ibid.}, 1-2.
confined to domestic politics; activists in Japan have often pressured the Korean government on behalf of Korean victims, and the victims in turn have directly pressured the Japanese government. These processes present a layer of complexity to Putnam’s metaphor that could perhaps be described as a “four-level” game.

Given that the emergence of the Korean victim redress movements closely coincided with the ROK’s democratization, one might also point to transitional justice theory as an interpretive framework. This describes the tendency of states to implement redress for past human rights abuses in the context of regime change. In recent years, the theory has further been extended to incorporate redress practices in states that are already established democracies; in this case, the transitional aspect denotes radical change in state practices, rather than regime change. Yet the explanatory use of this theory is confined to the domestic realm. It thus does not encapsulate the essential dynamics of the victim-centric history problems, which entail victims in one nation pursuing redress from a foreign state. It also fails to explain how the redress pursuit of victims can affect diplomatic relations between a target and an addressee state (in this case Japan and Korea, respectively).

Keck and Sikkink’s notion of the “boomerang effect,” as described in their seminal study *Activists Beyond Borders*, constitutes the closest fit to the workings of advocacy.

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networks in Korea-Japan relations. The “boomerang effect” illustrates a pressure pattern characteristic of non-state actors seeking to influence the local (domestic) state. In the authors’ words, “when channels between the state and its domestic actors are blocked, the boomerang pattern of influence…may occur: domestic NGOs bypass their state and directly search out international allies to bring pressure on their states from outside.”\(^94\)

In this way, the authors argue, transnational networks provide actors with indirect leverage over their own governments, as represented in the following diagram.\(^95\)

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\(^94\) Keck & Sikkink, *op. cit.*, 45.
\(^95\) *Ibid.*, 12.
The pattern depicted in this model, however, does not adequately explain how victims pressure a foreign target, in that once again, the ultimate effect of the network’s pressure is confined to the domestic polity. Furthermore, the model delineates the function of networks that traverse authoritarian and democratic states (State A and State B in the diagram, respectively). Within this dynamic, information, finances and other resources that networks mobilize flow from the latter to the former.

In this dissertation, I expand upon Keck and Sikkink’s idea of the “boomerang effect” to show how networks operate between two democracies. Specifically, I develop a model to explicate the pressure pattern that manifests when victims pursue redress from a foreign target state, and how this pattern can result in increased tension between the addressee and target state. I show that integral to this process is the existence of transnational links between the victims and their supporters residing in the addressee nation, on the one hand, and activists residing in the target nation, on the other. In this arrangement, the target nation-based activists apply pressure directly on their own state and, at the same time, provide financial and other forms of material support to the victims to assist them in challenging the target. Simultaneously, the victims and their domestic advocates pressure their own government—the addressee state—urging it to push the target state on their behalf. This pressure pattern (represented on the following page) can, under certain conditions, produce diplomatic friction:
This model will be presented with additional components in the conclusion chapter. It does not purport to account for every manifestation of friction in Japan-Korea relations, but to rather illustrate the pattern of tension created by transnational advocacy networks in the pursuit of redress. While drawing on the above outlined frameworks of transnationalism and constructivism, the dissertation will extend the theoretical assertion that transnational advocacy networks shape state practices in domestic spheres, to encompass inter-state practices. It will furthermore elucidate the markedly different structural environment networks operate in when anchored in two democracies, and the new forms of leverage that arise in such a context. By examining the function of
networks in Japan and Korea’s history problems, the dissertation takes the theoretical discussion on transnational advocacy networks into the empirically understudied realm of victim redress, and the neglected geographic region of Northeast Asia.

**Organization of the Dissertation**

Rather than taking as its jumping off point the emergence of history problems on Japan and Korea’s diplomatic agenda—which has been the common approach of IR studies in this field—this dissertation will begin by examining how such problems were originally socially constructed, subsequently politicized, and then pushed onto the bilateral agenda. Toward this end, the historical development chapter will trace the emergence of the advocacy networks that formed around the plight of the three victim groups, and the process of how they became transnationally linked. Starting from the immediate postwar period, the chapter will examine the impetus behind the networks’ formation and the ways in which their respective trajectories were shaped by the political opportunity structure in the domestic (Korea and Japan) and international sphere. This will constitute the first attempt to intertwine the histories of the three sets of victims.

The following three chapters will present the individual case studies, each of which will be divided into three analytical sections. The first of these will survey the pressure strategy and tactics employed by the networks in pursuing redress, and the logic behind their approach. The second will assess the response of the two governments to the networks’ various tactics, and the degree to which they were willing to meet the
networks’ demands. The final section will analyze the effect of the networks’ pressure strategies on Japan and Korea’s state-to-state interaction. In addition to the agency of the networks, exogenous causal factors will also be accounted for in each case.

Based on the case study analyses, a subsequent chapter will extrapolate the primary variables that determine the means and conditions under which transnational advocacy networks change the way that states interact. In doing so, it will explain the variation between the three cases.

Lastly, a concluding chapter will assess the wider empirical implications of the results, identify pathways for further research, and relate the findings to the contemporary theoretical debate on the role of transnational actors in world politics.
CHAPTER 2

The Emergence of Transnational Advocacy Networks

_In the end, being recognized as a victim is a right and even arguably, a privilege, not bestowed equally on all injured people._
— Jacoby, _op. cit._, 517.

That fact that thousands of Korean civilians had been subject to forced labor, sexual servitude and the atomic bombings, was not unknown to the governments of Japan and the newly formed Republic of Korea in the postwar and post-colonial period. Notwithstanding such knowledge, when the two states negotiated the restoration of their diplomatic ties through the 1965 Treaty on Basic Relations, redress for civilian victims was not a paramount governmental concern; rather, economic and geopolitical interests predominated. Adding to the victims’ predicament was that the treaty and its attendant bilateral agreements culminated in the waiving of the rights of Korean civilians to claim compensation from Tokyo at any point in future. It thus set in place a formidable legal obstacle and left them without ostensible recourse to redress.

Given that the plight of civilians was ostensibly “settled” in the normalization process, how then did the matter of redress for Korean comfort women, A-bomb victims and forced laborers ultimately emerge on the two states’ diplomatic agenda? This chapter argues that central to this process was the emergence of transnational advocacy networks. Against a backdrop of political and social change in 1970s Korea and Japan,
the victims first began to attain public recognition. This spurred activists to mobilize in both countries, form networks around the three categories of victims, and establish transnational links with one another. Through fact-finding and engaging the media these networks functioned to convert the plight of victims into social agendas, precipitating their emergence as “issues” of redress. Moreover, as the ROK embarked on the path to democratization in the late 80s, the Seoul government became increasingly receptive to such issues, facilitating their politicization. Due to the fact that the victims uniformly held the Japanese government culpable for their plight, Seoul was compelled to take up their grievances with Tokyo, thereby transforming them into diplomatic issues or “history problems” in the late 1980s.

To lay the historical foundation for the analysis of how advocacy networks influence inter-state relations in the subsequent case study chapters, this chapter traces the mobilization of these networks in Japan and Korea; it establishes the means by which they became linked transnationally and why the trajectories of the three classes of victims evolved along disparate lines. In doing so, it begins with an examination of the social and political context of the aftermath of WWII and the colonial period with a view to illuminating why the victimhood of A-bomb victims, comfort women and forced laborers was so long repressed, and how their mobilizing potential to mobilize was thwarted. Next, it analyzes the logic behind the normalization process between Japan and Korea and the implications of such for the victims. Lastly, it reveals the circumstances under which the advocacy networks ultimately mobilized in full force,
and how the victims’ plight made it onto the diplomatic agenda. In the process of doing so we begin to unravel the puzzle of how history problems have grown more contentious between Japan-Korea over time, and the role played by transnational advocacy networks therein.

**Victimhood Suppressed: Post-colonial Korea and Postwar Japan**

From 1945 to the early 1960s, a combination of social, cultural and politico-economic factors in South Korea and Japan served to impede the public’s recognition of Korean comfort women, A-bomb survivors and forced laborers as victims deserving of redress. While the laborers were a partial exception to this in that they attained a degree of recognition in this period, which led to the emergence of a nascent advocacy network; however, in light of its various structural constraints, this network failed to flourish. And beyond the domestic realm of Japan and Korea, the international political context was similarly non-conducive to citizens standing up and demanding redress from foreign states.

**Ubiquitous Victims in Post-Liberated Korea**

At a fundamental level, the lack of recognition in Korean society can be explained by a simple factor: by any basic definition of victim, most Korean civilians who experienced colonization or were recruited to contribute to Japan’s war effort could be regarded as victims—save for a few “collaborators.” This was not least because the lives of all civilians in Korea had, to varying degrees, been adversely affected by colonial
subjugation and the subsequent division of the peninsula. Indeed, Japan’s colonial policies were designed to supplant Korean culture and to subdue and assimilate its people;\textsuperscript{96} officials often implemented them through force, inflicting physical and psychological trauma on their colonial subjects.

Consequently, when the Korean peninsula was liberated from Japanese rule in 1945, there were no distinct categories of victims (such as “comfort women”) in existence. This is not to say that the public was unaware of what the victims in question had endured under colonialism and war; in fact, their awareness led to the victims’ alienation. Korean society was particularly unforgiving of those that had taken up residence in Japan, and was quick to accuse them of being pro-Japanese, regardless of the circumstances by which they ended up there—be it forceful mobilization or voluntary migration.\textsuperscript{97} This attitude of total negation of the colonial ruler was part of the decolonization process and reclaiming of national identity.

Adding to the victims’ predicament was that they were virtually stateless in the early postwar period. This was problematic for the attainment of recognition as it is “only stable and legitimate political contexts [that] provide opportunities for injured people to become part of the political agenda.”\textsuperscript{98} Koreans who remained in Japan were soon stripped of their legal status, while those who were repatriated to the putative homeland

\textsuperscript{98} Jacoby, \textit{op. cit.}, 520.
found themselves in a divided peninsula.

In light of the fact that were no discernible “categories” of victims in the early post-colonial period, presumably the (three groups of) victims in question did not regard themselves as such. Even if they had recognized their own victimhood, they were too preoccupied with making a living to do anything about it. Indeed, the Koreans that were mobilized to support Japan’s imperial expansionism were generally plucked from the lower socio-economic strata of Korean society. As one A-bomb survivor relates, “amidst [the post-colonialY situation, the only goal of the Korean victims was to survive, and we therefore couldn’t afford to engage in movements in pursuit of compensation.”99 They opted rather to suppress their grief.

*The Burden of Social Stigma*

While these conditions account for the general lack of acknowledgement of the victims, there were also circumstances specific to each of the three categories that explain their delayed recognition.

In the case of the A-bomb survivors, there were two main reasons that their victimhood remained long suppressed. First, many of the victims bore visible scarring and injuries, and as there was little knowledge of A-bomb-related illness at the time, they were

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commonly believed to be suffering from Hansen’s disease (*hansen pyeong*), also known as leprosy.\(^{100}\) As one victim attests, “the stereotype of the [A-bomb] victims among Korean society was severe: we were treated like leprosy patients.”\(^{101}\) There was also a concern that the radiation the victims had been exposed to was transmittable or contagious. The survivors who were fortunate enough to bear no visible scarring attempted to conceal their victimhood on the premise that there was no incentive—such as the offer of compensation—to “come out,” and doing so would only render them susceptible to stigmatization. “If you went public, you could not get married anymore… I had to remain silent,” another victim recounts.\(^{102}\) Secondly, while to the Allies the dropping of the atom bombs effectively brought about Japan’s capitulation and the termination of WWII, from the standpoint of Korean society, it had fortuitously hastened the nation’s independence from their colonizer. As such, the atomic bombs were widely regarded as “saviors” in Korea, and its casualties, the necessary sacrifices for the peninsula’s liberty.\(^{103}\)

The Korean A-bomb survivors that remained in Japan after the war did not fare much better. Under US occupation, information on the impact of the A-bombs was censored,\(^{104}\) and meanwhile citizens in Japan were struggling to survive amidst

\(^{100}\) Ibid.

\(^{101}\) Ibid.

\(^{102}\) *The Japan Times*, August 2, 2005.


economic devastation. It was not until the early 1950s, after the occupation forces had withdrawn, that the Japanese atomic bomb survivors were recognized publicly and officially as victims in need of redress. At this juncture, however, the issue was framed exclusively in terms of Japanese victimhood; Koreans did not fit into the emergent narrative of Japan as the sole nation to be subject to this most “cruel and unusual bomb.”

The victimhood of comfort women similarly went unrecognized among the public. In post-colonial Korean society, the comfort women system was perceived as having constituted a form of licensed prostitution in a military setting; and as cultural mores emphasized female chastity and stipulated that women should be virgins at the time of marriage, those that had been engaged in this system were considered tainted or impure. As most of the comfort women were at marrying age—in their early 20s—upon liberation, like the A-bomb victims, they too deliberately concealed their “shameful pasts” in order to avoid discrimination. This was more achievable in their case as the physical effects of their ordeal were not so conspicuous. As one former comfort woman explains, “in Korea, it was said that if a woman couldn’t protect her chastity, her village

105 For an excellent overview of the postwar social milieu in Japan, see: J. W. Dower, Embracing Defeat: Japan in the wake of WWII (New York: W.W. Norton & Co/New Press, 1999), especially Chapter 1.
107 Japanese Emperor Hirohito, Daiō-ta-sensō-shūketsu-no-shōsho [Imperial Rescript on the Termination of the War], August 15, 1945.
would be cursed; therefore, I felt ashamed and didn’t want to tell anyone.”

While some women succeeded in hiding their pasts from their spouses, others were found out and were consequently turned away by their husbands, parents and communities; some did not even venture to return to their hometowns in the knowledge they would be unwelcome.

Likewise, Korean forced laborers typically “refrained from publicly discussing their hardships in Japan to avoid shameful (but usually inaccurate) accusations of collaboration.” Female laborers in particular recall being treated with contempt following their repatriation, mainly on account of their work in Japan having contravened “the Confucian code of virtue.” Similarly to the comfort women, not a few of them saw their marriages disintegrate once their pasts were revealed to their husbands.

Notwithstanding these factors, the laborers were more willing than comfort women and

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112 Kyodo News, August 12, 1999. Virtue is perhaps the highest moral goal of Confucian thought, combining principles of benevolence and proper, moral conduct.
A-bomb victims to come forward and demand redress in the aftermath of WWII. This resulted in the emergence of a nascent advocacy network centered on their plight. In September 1945, Korean laborers in Japan began staging violent protests against their working conditions and lack of pay, doubtlessly encouraged by their Chinese laborer counterparts who were similarly engaged. These protests earned them a degree of public recognition, particularly among the ethnic Korean community in Japan. In this context, in October 1945, Zainichi Koreans established the League of Korean Residents in Japan (Zai Nippon Chōsen Renmei, or simply Chōren), with the principal aims of procuring wages owed to the laborers from Japanese corporations and repatriating Koreans to Japan.

The laborers’ protests failed, however, to garner the support of officials. Quite to the contrary, their actions were seen by the Japanese government and Supreme Commander for the Allied Powers (SCAP) as posing a security threat. This was due both to the public disturbance created by the protests and the communist proclivities of Chōren. Unsympathetic to their claims, Tokyo, with the compliance of SCAP, ordered domestic corporations to continue their use of Korean labor to fulfill the need for coal of Japan and the allied armies. The Chinese laborers and allied POWs, on the other hand, were

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116 Kim, op.cit., 177-178. Chōren will be discussed in more detail in Chapter 5.
Faced with the Korean laborers’ unrelenting protests, however, SCAP eventually realized the need to send them home.\textsuperscript{119} Upon their repatriation, a process that was largely completed by January 1946, the laborers once again mobilized and demanded their unpaid wages.\textsuperscript{120} All that their pleas amounted to, though, was the to-ing and fro-ing of their wages between the US and Japanese governments. In March 1946, SCAP established the “Custody Account of the Supreme Commander for the Allied Powers” in the Bank of Japan in Tokyo, ordering corporations that had utilized forced labor to deposit their outstanding wages therein.\textsuperscript{121} Yet the funds failed to be credited to the laborers, as US officials feared this would open up the floodgates to individual payment claims—a scenario the United States Army Military Government in Korea (USAMGIK) was not prepared to handle.

Consequently, the laborers became more organized in their efforts to secure their wages. In January 1948, they established the Repatriates’ Comrade Society (Kwihwan Tongchihoe) and together issued a demand to the Korean government for three billion

\textsuperscript{118} This suited the corporations who wanted to ensure the continued production of coal and thus maintain the engine of Japanese industry and transportation. \textit{Ibid.}, 13-14.


\textsuperscript{121} General Headquarters, Supreme Commander for the Allied Powers, “Monthly Summation of Non-Military Activities in Japan and Korea [MSNMAIJK],” no. 6 (1945-1948). These funds were intended to provide for unpaid wages, allowances, and repatriation claims of surviving family members\textsuperscript{121} and by March 1947 had accrued to more than ¥2.6 million.
won—the collective amount owed to them according to their estimates. The ROK government heeded their calls, urging the US to investigate the situation. In response, SCAP directed the Japanese government to establish a “Foreign Creditors’ Yen Deposit Account” in the Bank of Japan, and to deposit the credits owing to foreigners that had worked for the imperial government. Tokyo obliged, ordering the unpaid wages of Korean and Taiwanese military servicemen to be remitted to the account in February 1950.

This limited degree of official recognition attained by the Korean laborers, however, was soon supplanted by geopolitical developments in their divided homeland. As hostilities increased between the Soviet-backed northern sphere and the US-backed-southern sphere of the peninsula, the Korean War broke out and continued to rage for three years. Unsurprisingly, against this backdrop, the laborers’ bid to attain redress was quashed, and the nascent advocacy network surrounding them largely disbanded.

With the spread of the Cold War throughout Asia, Washington came to see Japan as its most crucial ally in the fight to contain communism. The US government thus initiated a “reverse course” in its occupation policy, away from punishment towards economic

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125 This is relative to other former colonies. Indonesia, for instance, declared its independence in 1945, and when the Dutch government agreed to this in 1949, its international status was recognized.
rehabilitation. An important aspect of this “reversal” was the revoking of punitive reparations, which had significant implications for the forced laborers. A memo that was circulated within SCAP’s General Headquarters (GHQ) reveals that MacArthur sought to avoid any compensation claims (including those from Korean and Chinese laborers) from reaching the Department of Army in Washington, as this could potentially hinder Japan’s economic recovery. Just after the outbreak of the Korean War on June 25 1950, the ROK’s Mission in Japan requested that SCAP hand over the Korean funds from “Foreign Creditors’ Yen Account.” Yet after lengthy deliberation, SCAP denied this request on the grounds that part of the funds belonged to residents in North Korea, and it would be difficult to determine their whereabouts amid the upheaval of war. Subsequently, as the US government became increasing preoccupied with its fight against communism, the assets belonging to Korean, Chinese and Taiwanese laborers became frozen in the Bank of Japan. The efforts of the forced laborers and their advocates to procure the wages accordingly began to dwindle.

Evidently, in the immediate postwar and post-colonial period, circumstances were not ripe for advocacy networks to emerge—neither domestically nor transnationally—and to instigate redress campaigns for the victims. For comfort women and A-bomb survivors, social stigma was a key factor behind the suppression of their victimhood. As

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127 “Interpretation of Korean and Chinese Claims,” May 31, 1949, RG 331, Box 3943, National Archives and Records Administration.
we learnt from the forced laborer case, however, even if networks had mobilized around the respective victims’ plights, the political context was not amenable to the emergence of grievance-based identities, nor to state responsiveness to citizens’ claims for redress.

**Postwar and Post-Colonial Inter-State Settlements, 1951-1965**

Owing partially to the fact that advocacy networks failed to emerge in force in the aftermath of the war and colonial period—at the point that WWII was brought to a formal close through the enactment of treaties between Japan and its former adversaries—the plight of Korean victims remained largely disregarded at the (inter-)state level. As a consequence of being neglected at the juncture in which Japanese imperialism was appraised through treaty settlements, the victims’ subjugation essentially became institutionalized. This was because postwar treaties typically contained clauses waiving the rights of parties concerned to make further claims for compensation arising from the war and colonialism at any point in future.

*The San Francisco Peace Treaty*

The first and most significant of the postwar treaties, the San Francisco Peace Treaty (hereafter SFPT), provided an opportune chance for the matter of Korean civilian victims to be addressed. Enacted between Japan and some of the Allied powers (and signed by forty-eight nations) in September 1951, the SFPT purported to deal with Japanese wartime transgressions and to officially end the war. In essence, however, the treaty privileged the victims of the allied countries. This was evinced in its stipulation
that: “It is recognized that Japan should pay reparations to the Allied Powers for the
damage and suffering caused by it during the war.”128 Indeed, there was little concern
among the allies for the nations that had borne the brunt of Japanese imperialism,
namely, Korea (North and South), the Republic of China in Taiwan and the People’s
Republic of China in mainland China—none of whom were party to the treaty.129

Originally the US had intended to include South Korea but then reversed this decision
on the grounds that “only those nations in a state of war with Japan and which were
signatories of the United Nations Declaration of 1942 would sign the treaty.”130 The

ROK government tried to circumvent this requirement by arguing that the Korean
Provisional Government (KPG) had in fact issued a declaration of war,131 and that
South Korea should be regarded as an ally on account of the Shanghai Provisional
Government of Korea having fought with Chiang Kai Shek’s Nationalist government;
yet the US responded to the effect that it had never recognized the KPG. While this was
the official rationale of the US government for excluding the ROK from the treaty,
scholars argue that the underlying reasoning behind this decision was Washington’s
wariness of Korean nationalism and concern that ROK delegates would disrupt the
conference by lambasting Japan for its imperial policies. There was also strong pressure

128 The San Francisco Peace Treaty, Article 14a.
129 The latter two countries were excluded from the SFPT in light of the Chinese Civil War and ensuing

controversy over which of the two governments was legitimate. The North Korean regime was
predictably precluded on the grounds that it was engaged in a war against the US at the time.
130 FRUS, 1951, Vol. VI Part 1, 1182-83.

from Japan and the UK to have South Korea shut out from the SFPT. As a result, both the Korean government and its citizens were sidelined in the treaty process.

In resolving the issue of Japanese wartime aggressions against the allies, the SFPT initiated a pattern of setting aside the rights of states and their citizens to claim compensation against the perpetrator party in future. This was stipulated in the SFPT as: “Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.” This trend towards the provision of state immunity as part of treaty agreements set the stage for the eventual settlement between the Japanese and Korean governments.

The 1965 ROK-Japan Normalization Treaty

The second and perhaps more likely forum through which the victims could procure redress, was the negotiations over the normalization of relations between Japan and the ROK. This entailed the signing of a treaty and some accompanying bilateral agreements to settle Japan’s colonization of the Korean peninsula. However, once again, the victims

133 Article 19(a). In line with the US intent to affirm Japan as its key ally in Asia, the final treaty settlement also included a guarantee for the US to maintain bases in Japan; and in tandem with the treaty Washington established a security alliance with Tokyo.
were not given due consideration and there was little they could do about it. While those who had been repatriated to Korea were rendered relatively voiceless under a succession of authoritarian leaders, those that remained in “democratic” Japan had no clear legal status, much less a political voice. Owing to the fact that the forced laborers had managed to attract the attention of the Japanese, ROK and US governments in preceding years, they were discussed as part of the treaty negotiations. Yet, as we shall see, the comfort women and A-bomb victims did not receive a mention. In the recently declassified record of the negotiations it was revealed that the two governments were well aware that certain categories of Korean civilians were deserving of compensation. Ultimately, though, state interests prevailed and the victims were not conferred any form of redress after the final settlement.

The 1965 treaty represented a watershed in the Japan-Korea relationship and came to shape the two countries’ interactions in fundamental ways. Essentially it shelved many of the contentious issues stemming from Japan’s annexation of the Korean peninsula and represented more of an economic settlement than a “reconciliation.” It thereby laid the foundation for the “hot economics and chilly politics” that came to characterize the two countries’ contemporary bilateral ties. And as will be made evident in subsequent chapters, by imposing a formidable obstacle to the victims’ ability to exact redress in future years, the treaty moreover came to shape the pressure tactics and strategies of the advocacy networks once they emerged in force. In the following sections we examine the strategic context in which the treaty came to fruition, the logic behind the terms of
its enactment, and the consequences of such for the victims.

State Interests

The normalization of relations between Japan and Korea was a long while coming. Although talks over the prospect of a treaty had begun as far back as March 1952—just as the SFPT was ratified—they were characterized by emotionalism and a lack of political will on both sides to come to an agreement. In the meantime, Japan restored its diplomatic relations with the Soviet Union in 1956, which had, for various reasons, refused to be party to the SFPT.\textsuperscript{134} It was not until the early 1960s, though, that a confluence of interests occurred among Japan, South Korea and the US; this served to heighten the motivations of Japan and the ROK to reach a compromise and of Washington to push its two allies toward this end. As a result, in 1965, the Treaty on Basic Relations between Japan and the Republic of Korea (\textit{Nikkan Kihon J\text{"o}yaku}, Jpn., or \textit{Han-il Gibon Joya}, Kor.) was born. Rather than redress for civilian victims, a combination of economic, political and security concerns underscored the logic of the treaty and the normalization process more broadly.

South Korean Interests

In South Korea, the advent of Park Chung-hee’s authoritarian regime (1962-1979) and the change this brought to the ROK’s foreign (and domestic) policy broke the stalemate

\textsuperscript{134} Among the Soviet Union’s various objections to the SFPT were the fact that China was not party to the treaty, that the treaty established Japan as an American military base and thereby drew the two countries together in military coalition directed at the Soviet Union, and that the treaty did not recognize the Soviet Union’s territorial sovereignty over South Sakhalin and the Kuril Islands.
in the negotiations with Japan. Under Park’s predecessors, Rhee Syngman and Chang Myon, little progress had been made towards a settlement. Rhee, who led the Liberal Party and served as ROK president from 1948 to 1960, was content with the US commitment to South Korea and did not feel the need to reestablish relations with Japan. He was moreover a staunch nationalist, unabashedly anti-Japanese (though, it might be added, not averse to employing those who had collaborated closely with Japanese colonialism in positions of power), and prone to stirring up anti-Japanese sentiment in Korea. While Rhee was insistent upon procuring an apology from Japan for its colonial transgressions, the Japanese government—although keen to resolve the issues of territorial waters and fishery rights with its neighbor—felt that acquiescing to this demand would have too high a political cost.

Prospects for a settlement improved in 1960, when Chang Myon of the Democratic Party rose to power following Rhee’s ousting by a pro-democracy student-led uprising. Chang sought to improve Korea’s relations with Japan as a means to engender economic growth, which he hoped in turn would bestow greater political legitimacy on his party. But due to the fierce domestic backlash he faced in light of this plan, a deal with Japan was not realized under his leadership.

136 Ibid., 433
137 Ibid.
The problem of domestic opposition was overcome in 1961, when a coup led by Korean Army Major General Park Chung-hee ushered in an era of authoritarian rule in Korea. Not only was Park willing to resort to force to silence his domestic opponents but he was also pro-Japanese. Having formerly served as a junior officer in the Japanese Manchukuo Imperial Army, he maintained several personal friendships with a number of Japanese elites. Despite being a nationalist like his predecessor Rhee, Park’s nationalism was premised rather on the hope that Korea would modernize in a similar fashion to Japan, and ultimately surpass it. Under the strategic banner of buguk gangbyeong (rich nation, strong army), he pursued a pragmatic approach towards normalizing relations with Tokyo, aimed at reaching a political and economic settlement.\(^\text{138}\)

Mired in the process of state building, Park’s interests in signing a treaty with Japan were essentially two-fold. First, he was bent on repairing Korea’s war-shattered economy and saw normalizing relations with Tokyo as the quickest means to this end.\(^\text{139}\) not only would a treaty settlement entail a compensation payout, it would also ensure unrestrained economic ties between the two countries. Park’s financial motivations for signing a treaty with Japan were buttressed by the US government’s decision to decrease its aid to South Korea, as part of its global foreign policy to replace


\(^{139}\) When Park came to power, South Korean’s per capita annual GNP was $80, only $9 more than its level at the end of the Korean War in 1953. Ibid., 434.
grants-in-aid with loans. Up until 1963, the US had provided over $200 million to South Korea but this was set to drop to $149.3 million in 1964, and further to $131.4 million by 1965. In light of this decrease in capital, Park came to regard the normalization process as an urgent economic necessity.

Second, as Park’s government was essentially a military junta that had come to power via a coup, enacting a treaty with Japan would strengthen his legitimacy as leader of the ROK in the eyes of both his domestic constituencies and the US, upon whom the nation was dependent on for its defense. Ultimately, Park wished to be regarded as a reliable ally that was accommodating of Washington’s security interests; this meant making a “political overture towards Japan,” given that from the US perspective, the containment of communist threats in East Asia would not be feasible so long as its alliances with South Korea and Japan—its most important Asian ally—were left uncoordinated. In a further display of loyalty, Park committed a considerable number of combat troops to the Vietnam War in support of the Washington’s fight against communism.

Evidently Park’s motives in signing the treaty were by and large economic and political

142 Park wanted to show to his people that his government had the backing of the international community.
143 Goh, op. cit., 171.
144 Lee, op. cit., 435.
in nature; the rectification of wrongs committed against his citizens by Japan was not a high priority.

*Japanese Interests*

Japan’s interests in normalizing its relations with the ROK, by contrast, were for the most part strategic. Having largely recovered from WWII by the early 60s, Japan was searching for a new global and regional role, and was keen to shed the shackles of its imperialist past and develop a reputation as a pacifist liberal democracy. The realization of a treaty with its former Korean colony would indeed effectively demonstrate that Japan had become a liberal democratic player. Tokyo realized the opportunity to negotiate a treaty on pragmatic terms when Park Chung-hee grasped the reins of power and began making diplomatic overtures.

Similarly to the ROK, Japan’s concern about maintaining its alliance with the US was also a motivating factor in restoring neighborly relations. United States Secretary of State, Dean Rusk, had urged Japan to settle South Korea’s property claims to shoulder some of the US burden of financing Seoul’s economic development.

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145 The Japanese Foreign Ministry’s Diplomatic Bluebook, published in 1957, established Japan’s henceforth (three) principals of diplomacy and foreign policy. These included (1) cooperation with the United Nations, (2) membership in the Asian community; and (3) the maintenance of ties with the free world.

146 South Korea’s “claims” were centered mainly on property rights, such as postal money orders, land holdings, stocks, bond holdings etc., rather than compensation for individual civilians. The amount of the claims settled between the two countries was to be settled politically instead of legally. For a more detailed explanation of this, see J. Lee, *op. cit.*, 41-45.
programs.\textsuperscript{147} Ikeda Hayato, Japanese prime minister from 1961 to 64 (the crucial period of negotiations between the two countries), believed Washington looked upon his South Korea policy as a testing ground for Tokyo’s commitment to the US-Japanese security alliance, and also burden sharing in regional geopolitics more broadly.

In spite of these motivating factors, the Japanese government held a number of reservations towards enacting a treaty with the ROK. Ikeda was not confident of his ability to align Japanese public opinion behind the property claims issue,\textsuperscript{148} and feared that it could produce a crisis akin to the 1960 US-Japan Mutual Security Treaty protests. He conveyed these concerns to Rusk:

The [Japanese] opposition parties, including the Democratic Socialist Party, are strongly against spending vast sums of money to settle the claims issue. Whereas in South Korea the military regime can put into effect its decisions instantly, in Japan things have to be put through the Diet proceedings. It is simply not possible for us to do things in the way they do them.\textsuperscript{149}

Ikeda’s predicament was not helped by Park’s authoritarian style of rule, which had brought together the Japanese opposition parties, press, and intelligentsia, and the more liberal elements within the LDP to oppose what they perceived as a repressive military

\textsuperscript{149} \textit{Ekonomisuto}, November 21, 1961.
dictatorship. Counteracting this opposition, however, was a group of Japanese businessmen who were lobbying Tokyo to sign a treaty so they could pursue investment opportunities in Korea.150

The Japanese government’s desire to normalize its relations with Korea was thus driven by strategic imperatives rather than a desire to repent for the past.

US Interests
US interests in urging Japan and Korea to sign a treaty, on the other hand, were at once economic and strategic.151 While Washington had shown little concern for ROK-Japan rapprochement in the SFPT process, the late 1950s saw a transformation in its global security strategy of containment, which rendered conciliation between its Northeast Asian allies a high priority. This strategic shift occurred amid a growing perception among US policy makers that communism had an economic (in addition to political) dimension, and would need to be attacked on this front. This realization dawned as Washington witnessed Russia and North Korea undergo significant economic growth, while South Korea’s economy remained stagnant. US officials sensed that the timing was right for a treaty to come to fruition when Park—a pragmatic and powerful military leader who was cable of curtailing leftist forces in Korea—came to power. Attesting to this fact, shortly after Park’s coup, the US House Committee on International Relations

issued a recommendation to the National Security Council that it take measures to improve Korea-Japan ties.\textsuperscript{152}

In encouraging the ROK to effectuate a deal with Japan, the US was hoping that Korea could kick start its economy and thereby offset Washington’s intended curtailment of aid; this was driven by a concern that the reduction in funds would have deleterious consequences for the ROK and possibly lead to a crisis. Moreover, the US wanted Korea to modernize so it would become a strong and stable state in its own right, capable of curbing the expansion of communism in Northeast Asia, and thereby reducing the need for an American presence on the peninsula.\textsuperscript{153} In encouraging Japan to pursue a treaty with the ROK, the US hoped that Tokyo would shoulder some of the costs of economic development in South Korea and eliminate a source of instability that could result in a new American military engagement.\textsuperscript{154} This was made all the more necessary in light of the failure of the first of Park’s five-year economic development plans, and his second five-year plan requiring a considerable infusion of foreign money—which Washington was not prepared to provide.

In addition to these economic factors, the US strategic premise for urging

rapprochement between Japan and the ROK was the formation of a “trilateral Cold War network of deterrence among Seoul, Tokyo, and Washington against the trilateral alliance network among Beijing, Moscow and Pyongyang.”\textsuperscript{155} The US also hoped that the ROK would serve as a shield against Japan from communist military threats and wanted Korea aligned with other countries of the “free world.”\textsuperscript{156} More generally, Washington desired peace between its two Northeast Asian allies so it could focus on its frontline battle against communism in Vietnam.

In sum, Washington’s motivations for pushing its two alienated allies to make amends were strictly geopolitical in nature. Reparations for Korean civilian victims or a genuine “reconciliation” were not at stake.

\textit{The Final Negotiations}

In light of these powerful economic, political and strategic interests among the states involved in the Japan-ROK normalization process, the issue of redress for Korean colonial and wartime victims was submerged when the final terms of the treaty were negotiated. The settlement would thus have far-reaching ramifications for the victims when they began to actively pursue compensation and apologies in future years. This is not to say, though, that the states involved were unaware of the victims’ plight at the time of the negotiations. We have seen that the forced laborers came to be recognized

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\textsuperscript{155} J. Lee, \textit{op. cit.}, 406.
\textsuperscript{156} Kim & Baik, \textit{op. cit.}, 81.
\end{flushleft}
by the three governments shortly after the war’s end. Moreover, one month prior to the signing of the treaty (as we will later see) the matter of Korean A-bomb victims was brought to the attention of the ROK government.

But despite Korean officials knowing of the large numbers of atomic bomb victims among their nationals prior to signing the treaty, Park made no request to Tokyo to compensate them or the comfort women, who were still yet to come forward. In hindsight, the honorary president of the South Korean Atomic Bomb Victims Association suspects that “the Korean government was under strong pressure from the United States not to bring up the issue [of A-bomb victims] because the use of atomic bombs would be characterized as inhumane.”\(^\text{157}\) He further maintains that, “Seoul remained sensitive to successive US administrations and did not make a good-faith effort to solve [this] problem.”\(^\text{158}\)

In tandem with the treaty, the two governments reached a settlement on claims pertaining to Korean civilians through the “Agreement Between Japan and The Republic of Korea Concerning the Settlement of Problems in Regard to Property and Claims and Economic Co-operation.”\(^\text{159}\) The intent of this accord was “to settle the problems of both countries and their peoples and the claims between both countries and

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\(^{158}\) Ibid.

their peoples,” and also “to promote economic co-operation between the two countries.”

In negotiating this agreement, Japan, with its booming economy and relatively closer relationship to the US, held the upper hand. The ROK government did in fact attempt to procure compensation from Tokyo for the estimated 1.03 million Koreans that had labored or served in the Japanese Imperial Army, demanding $US364 million dollars toward this end. This figure was calculated at a rate of 200 dollars per survivor, $1,650 per death and $2,000 per injured person. For its part, the Japanese side expressed a willingness to provide compensation directly to the individuals in question, yet ultimately, the two sides settled on a lump sum payment with the understanding that the Korean government would handle individuals’ compensation. As a condition of receiving this sum, the Seoul government agreed to waive future reparation claims at the individual and government level against the Japanese government and corporations. The two parties agreed that Tokyo would provide a grant in aid to the amount of $US300 million, a $US200 million government loan and a $US300 million commercial loan, on the proviso that all claims “concerning property, rights and interests” of the Korean government and its people “have been settled completely and finally” (kanzen katsu saishūteki kaiketsu).

Tokyo framed this money as an “economic fund” while

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162 Zaisan oyobi seikyū-ken ni kansuru mondai no kaiketsu narabini keizai kyoryoku ni kansuru Nipponkoku to Daikanminkoku to no aida no kyōtei [Agreement Between Japan and the Republic of Korea Concerning the Settlement of Problems in Regard to Property and Claims and Economic Cooperation], Article 1, June 22, 1965.

the Park government emphasized to Koreans that it constituted reparations. In this way, the state-to-state deal enacted “on behalf” of Korean victims institutionalized their subjugation and set in place a legal obstacle to their procurement of redress in future.

Once the details of the negotiation and settlement reached opposition parties and the masses in South Korea and Japan, large-scale protests erupted. It is noteworthy that these protests were not focused on the fact that certain categories of victims had been neglected in the agreement; indeed, there was still limited public recognition of them at the time. Rather, in Korea, citizens were outraged by what they perceived as Park’s submission to Japan. That their president was willing to sign a treaty without eliciting an apology and to accept funds that did not constitute reparations, amounted to a complete sell-out for them. Some were also apprehensive that the treaty would mark

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164 T. Park, “Han-il hoedamsigi cheong-gugwon munje-ui giwongwa migug-ui yeoghal” [The Origins of the Demand for War Reparations and U.S.’ Role during the Korea-Japan Treaty Negotiation] *Hanguk-sa Yeon gu* 131 (2005): 35. In addition to the property and claims issue, the main issues of contention in the final negotiations included: (1) whether South Korea’s jurisdiction covered the whole Korean peninsula or only the territory south of the armistice line; (2) the implications of the normalization treaty for the status of the two countries’ previous treaties, such as the 1910 annexation document; (3) the fisheries-Peace Line problem; (4) sovereignty over Dokdo/Takeshima Island; and (5) the status of Korean residents in Japan. In regard to South Korea’s jurisdictional reach on the peninsula, Japan agreed to recognize the ROK as the only legitimate government in Korea. The two governments skirted around the issue of the legality of the 1910 annexation document by declaring all previous treaties void. They agreed to abolish the Peace Line and establish a jointly regulated fishing area. The issue of territorial sovereignty, however, had to be shelved as no compromise could be reached between the two parties. With regard to the status of Korean residents in Japan, it was agreed that all those who had resided in Japan prior to the defeat and their direct descendants would be granted permanent status in Japan, while the status of succeeding generations would be decided by the two governments at a later date.

the beginning of a new phase of economic and political subjugation by Japan.\textsuperscript{166} In response to the vociferous opposition to the treaty, Park invoked martial law from June 3 to July 28, in 1964, and again from August 26 to September 25, in 1965.

In Japan, objection to the treaty was considerable but never reached the proportions witnessed in Korea. Voiced by antigovernment groups and opposition parties, the focus of the discontent was the section of the treaty in which the Japanese government recognized South Korea as the sole legitimate ruler on the peninsula—in spite of North Korea’s claim to the contrary; citizens were concerned that this could hinder reunification between the two sides. There was also a perception that the treaty constituted the beginnings of an “anti-communist alliance among Taiwan, South Korea and Japan”\textsuperscript{167} that could potentially exacerbate the Cold War.\textsuperscript{168}

In spite of this opposition, the treaty was signed by the two parties on June 22 1965 and came into effect on December 18 of the same year. In making this political bargain in relation to the legacies of Japan’s colonial rule, the two governments shaped the Korea-Japan relationship into a cooperative economic partnership. Attesting to the fact that financial considerations had been of paramount importance to Park in enacting the treaty, the funds (from Japan) intended for the Korean laborers and military conscripts were utilized for his industrial project. Most of the money was channeled into social

\textsuperscript{167} \textit{Ibid.}, 55.
infrastructure projects including the construction of the Soyang Dam and Gyeongbu Expressway, and the establishment of POSCO, a steel-making company. None of the funds filtered down to the laborers. This neglect of the victims by the two governments that was symbolized in the normalization process, was to provide impetus for grassroots attempts at pursuing redress thereafter.

The Foundations of Transnational Advocacy

Up until now, a number of constraints were functioning to impede the rise of transnational advocacy networks and the responsiveness of the Korean and Japanese governments to the victims’ need for redress. Against a backdrop of social and political change that occurred in the domestic (Korea and Japan) and international sphere from the 1970s, however, these constraints gradually began to dissolve. The result was a more comprehensive public recognition of Korean victims and the emergence of full-fledged advocacy networks with transnational dimensions. In this section we look at the social and political transformation behind this process, and how activists in the two countries came to collaborate in advocating for Korean victims.

Japan

In early 1970s Japan, a new trend in reflection on the legacy of Japanese imperialism began to unfold. This was partly ushered in through the legal struggle waged by Japanese historian Ienaga Saburō against the Ministry of Education’s revisionist textbook screening system. After suffering a series of legal defeats, the tide turned for
Ienaga in 1970 when the Tokyo District Court ruled that the Ministry’s rejection of his textbook amounted to censorship, and that it had exceeded its authority. While this turned out to be a rather short lived victory in a protracted legal battle, Ienaga’s widely publicized struggle had a lasting impact on historical consciousness and historiography in Japan. As Kersten describes, “the hundreds of historians who appeared as witnesses for Ienaga over the years… had seen that it was indeed possible to combine morality and social responsibility with the study of history, particularly regarding the research and writing of Japan’s WWII history. For many of these individual scholars, passive collaboration would no longer be an option.” Furthermore, following the normalization of relations between Japan and China in 1972, the relatively progressive Japanese newspaper, Asahi Shimbun, published a series on Japanese war crimes in China, including the Nanking Massacre. As a result of these developments, in the mid-1970s the term “postwar responsibility” (sengo sekinin) was coined by Japanese scholars and entered into intellectual discourse.

Over the next decade, this discourse grappled with an array of issues pertaining to the

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which gradually reached the masses. As part of this trend, Wada Haruki, another Japanese historian, became one of eight Japanese intellectuals who issued a public statement in August 1982; it called on both the people and government of Japan to recognize the nation’s colonial and war transgressions and to apologize to Koreans—including comfort women. Following this, in 1984, Japanese journalist and feminist Matsui Yayori, published an article (again in the Asahi Shimbun) detailing the testimony of a former Korean comfort woman residing in Thailand. Notably, these developments in Japan preceded the “coming out” of comfort women and the rise of their advocacy network. In the same year, the Japanese Emperor Hirohito issued the first official apology for Japan’s colonization of the Korean peninsula to ROK President Chun Doo-hwan, during his visit to Japan.

This progression towards critical reflection on the past gained considerable momentum with Hirohito’s death in 1989, and further with the electoral defeat of Japan’s conservative Liberal Democratic Party in 1993. The latter development marked the end—albeit it temporarily—of a long-held political monopoly in Japanese politics. At this juncture, issues of Japan’s postwar responsibility vis-à-vis Asia became “tied to the politics of redefining its position in the world;” this represented a departure from Japan’s earlier attempt to define a global role for itself without coming to terms with its

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172 For a detailed overview of postwar debates in Japan, see Kersten, *Democracy in Postwar Japan*, op. cit.
174 Statement by Emperor Hirohito to President Chun Doo-hwan, September 6, 1984, Tokyo.
175 Seraphim, *op. cit.*, 25.
past injustices, exemplified in the 1965 Japan-ROK treaty. As a result of these occurrences, by the 1990s, various issues stemming from Japan’s imperialist history had become mainstream news in the Japanese media.

Korea

In Korea, meanwhile, regime change constituted the critical factor in increasing public recognition of the victims and paving the way for the emergence of advocacy networks. Years of civil discontent with the authoritarian leadership and being subjected to martial law and tear gas, a nationwide struggle for democratization unfolded in the late 1970s and continued throughout the 80s, culminating in democratization. The transition to democracy, which began in 1987, was essential for the mobilization of advocacy networks as it enabled the emergence of a rights-based culture, and allowed activists to lobby the state and make rights-based claims without restraint—something that had not been permitted under authoritarian rule. Jacoby describes the political opportunities that democratization brings to victims as follows:

In democracies people mobilize politically given greater rights consciousness and higher expectations that the political system will be responsive to their plight. Victims expect their struggles to produce positive results in a democracy [as it] offers avenues for expressions of dissatisfaction and anger through the political process as opposed to against it, providing greater opportunity for reform as opposed to violence and revolution.176

176 Jacoby, op. cit., 520.
As democratic transition progressed to consolidation in the mid-1990s, presidents such as Kim Young-sam and Kim Dae-jung actively encouraged the involvement of NGOs in national politics,\(^{177}\) which in turn granted activists greater access to political elites and governmental-decision making. As Katharine Moon observes, “legal and political conditions for independent civic engagement improved markedly” at this juncture.\(^{178}\)

Democratization not only enabled citizens to engage more freely in political activism, it also introduced incentives for the Korean government to be receptive to the victims of Japanese colonial rule. Theories of recognition posit that in times of political transformation a crisis of legitimacy occurs; under such conditions a state can enhance its legitimacy by recognizing certain categories of victims, thereby demonstrating its “authority in matters of justice and injustice.”\(^{179}\) In other words, “the state’s recognition of victims is intertwined with [its] desire to be recognized as legitimate.”\(^{180}\)

Rapid economic growth in Korea, which coincided with democratization, further provided a favorable context for the government to respond to victims’ demands. It did so by altering the power relations between the ROK and Japan. Spurred by the Seoul Olympics, the Korean economy expanded rapidly in the 1980s, achieving its first

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\(^{180}\) *Ibid.*
significant trade surplus (US$7.7 billion) in 1987 and continuing this into 1988 (US$11.4 billion).\textsuperscript{181} This enabled the ROK government to reduce its level of foreign debt and begin to diversify its economy. Seoul’s economic growth coupled with the successful hosting of the Olympic Games, translated into a more confident and assertive diplomatic posture vis-à-vis Japan (and its US ally) than when the two countries had negotiated the treaty. This resulted in an increased readiness to push contentious issues, such as redress for its citizens, with its former colonial adversary.

\textit{The International Sphere}

These domestic developments in Japan and Korea occurred amid a global normative shift towards the rectification of historical injustice and the advent of an age of apology, which was further conducive to the victims coming forward. With the breakdown of Cold War structures from the late 1980s, symbolized by the toppling of the Berlin Wall in 1989, the “primarily domestic politics of negotiating the meanings of the wartime past began to engage a global, rights-based approach to memory and restitution.”\textsuperscript{182} Against this backdrop, the content of Japan’s history textbooks, which had been regarded as a primarily domestic affair, emerged as bilateral issue in Japan’s relations with Korea and China.

While an embryonic transnational civil society had long been apparent around the globe,

\textsuperscript{181} “General Agreement of Tariffs and Trade,” Committee on Balance of-Payments Restrictions, World Trade Organization (June 14, 1989) accessed online at: http://www.wto.org/gatt_docs/English/SULPDF/91430056.pdf

\textsuperscript{182} Seraphim, \textit{op. cit.}, 28.
there was a proliferation of transborder networks linking non-state actors in the early 1990s. These networks addressed issues varying from environmental problems and women’s suffrage, to human rights. Their lobbying efforts worked to engender an international recognition of women’s rights, symbolized by the enactment of UN resolutions in the early 1990s geared towards the protection of women from human rights abuses. A combination of these changes made the conditions ripe for the recognition of Korean victims of Japanese colonialism and war.

The Antecedents of Activism between Japan and Korea

The question that arises, though, is how did citizens of the ROK—the victim nation—come to engage in networked activism with citizens of Japan—the perpetrator nation? Against the backdrop of the above-outlined transformations, specific developments laid the foundation for joint advocacy efforts between the two sides. These include: (1) Japanese involvement in the Korean democracy movement; (2) collaboration between Zainichi Koreans and Japanese citizens on the issue of mandatory finger printing and alien registration in Japan; (3) the liberalization of outbound travel in Japan and Korea; and (4) solidarity among Korean and Japanese Christian churches in Japan.

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185 While this process will be examined in detail in the following chapter, in reference to the comfort women issue, suffice it to say for now that these resolutions included The Vienna Declaration and Programme of Action (VDPA) and The Declaration on the Elimination of Violence Against Women, both of which were enacted in 1993.
Japanese Involvement in the Korean Democracy Movement

The first essential arena of transnational collaboration was the Korean democracy movement.† The state sponsored kidnappings and terror tactics carried out under Park Chung-hee’s repressive regime in the 1960s and 70s, and carried on by Chun Doo-hwan in the 1980s, captured the attention of a number of progressive Japanese intellectuals, including Ōe Kenzaburo and Wada Haruki.‡ Events such as the wide-scale demonstrations in South Korea against the 1965 Treaty, Park Chung-hee’s amendment of the Constitution in 1971, Kim Dae-jung’s abduction from Japan in 1973, and the death sentence imposed on Korean poet Kim Chi-ha in 1974 (though ultimately not carried out), served to mobilize a number of activists around the globe—including many Japanese, to action.†† Rallying under the banner of Korean “democracy and reunification (with North Korea),” Japanese citizens and intellectuals engaged in hunger strikes and sent letters to their then Prime Minister Tanaka, requesting that he intervene on Kim Dae-jung’s behalf.††† To formalize their engagement in Korean political and human rights issues, Japanese activists established the Japan-Korea Liaison Council for Solidarity with the Democracy Struggle in South Korea (Nikkan Renren, Kankoku

† My thanks to Gavan McCormack, a participant in this campaign, for sharing this information with me.
‡ These Japanese intellectuals have continued to collaborate with Korean intellectuals on matters pertaining to peace in Northeast Asia well into the 21st century. See for instance Hankyoreh Shimbun, August 21, 2009.
††† Ibid., 94.
Minshuka Tōsō ni Rentai Suru Nihon Renraku Kaigi), in the early 70s. Attesting to the importance of the role of Japanese citizens in this cause, thirty-three activists, including Wada Haruki (who was later to become prominent in the comfort women issue) were invited to Seoul in 2001, where they were officially thanked by President Kim Dae-jung and his predecessor Kim Young-sam.

Collaboration between Zainichi Koreans and Japanese Citizens

Collaboration between Japanese citizens and Zainichi Koreans in the domestic context of Japan provided another essential platform for the transnational linking of activists in the two countries; in fact, Zainichi Koreans were to become a core constituent of the Japan anchor of the advocacy networks supporting Korean comfort women, forced laborers and A-bomb victims. However, collaboration between Japanese and Zainichi Koreans was not forged through the joint pursuit of redress for Korean victims, but another problem: the mandatory fingerprinting and registering of alien residents in Japan (shimon onatsu mondai). While this system had been put in place by the Japanese government in 1952, it only became a major issue around 1980, when Zainichi Koreans started protesting on the grounds that the requirement was discriminatory. These protests evolved into a large-scale fingerprint refusal movement, which drew the

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191 The Korea Herald, August 11, 2010.
support of the Korean government and also various civic groups in Korea.\textsuperscript{193} Most importantly, the movement gained the backing of many Japanese citizens and lawyers,\textsuperscript{194} which effectively galvanized solidarity between them and the Zainichi activists. One such activist, Lee Yang-soo, was arrested in 1982 on account of not carrying his alien registration card—he had left it at home and was only carrying his drivers license, and recalls that the help he received from Japanese lawyers at this time served to mitigate the distrust he was harboring towards the Japanese populace in general.\textsuperscript{195}

When the issues of postwar restitution for Korean victims emerged, many of the Zainichi who had been involved in the *shimin undō* in the 80s, as well as Japanese citizens who fought alongside them in their battle against discrimination, turned to advocate for these victims, conceiving of their plight in the same discriminatory context.

*Liberalization of Outbound Travel in Japan and Korea*

The liberalization of outbound travel from Japan, in 1964, and later in Korea, in 1989, provided further momentum to the transnational activism between the two countries. Tokyo’s hosting of the Olympic Games in 1964, led to the relaxation of foreign travel


\textsuperscript{194} Ibid., 650.

\textsuperscript{195} Interview with Lee Yang-soo, advocate for Korean colonial and war victims, November 22, 2012, Tokyo.
restrictions which had been set in place after WWII to facilitate the rebuilding of the economy. It is no coincidence that Mindan (a South Korea-affiliated Zainichi association) sent a delegation of activists to Korea in 1965 to advocate for atomic bomb victims there;\textsuperscript{196} this, as we will soon see, marked the beginning of transnational activism on the victims’ behalf.

Likewise, Seoul’s hosting of two major international sporting events, the Asian Games in 1986 and the Olympic Games in 1988, led to the loosening of outbound travel restrictions by the Korean government, and the issuance of passports to Korean citizens. This resulted in a 526 percent increase in outbound travel between 1989 and 1995,\textsuperscript{197} which coincided with an upsurge in the number Korean victims travelling to Japan and filing redress lawsuits against Tokyo. With the ROK’s liberalization of overseas travel, the exchange of people between the two countries increased markedly from January 1989. In light of this trend, the two heads of state signed the “Note on Simplification of Visa Issuance Procedure” on the occasion of President Roh Tae Woo’s visit to Japan in 1990, an agreement that entailed the waiving of a visa fee and the issuance of a multiple-entry visa effective for a year.\textsuperscript{198} While scholars have presented democratization in Korea as the key factor in facilitating the victims’ redress movements, from the activists’ standpoint, this easing of travel restrictions was more

\textsuperscript{196} Y. Kim, \textit{op.cit.}, 105.
\textsuperscript{197} J. Mak, \textit{Tourism and the Economy: Understanding the economics of tourism} (Honolulu: University of Hawaii Press, 2004).
Solidarity amongst Korean and Japanese Churches in Japan

A fourth factor that promoted networked activism between the two countries was a deepening of ecumenical relations between Japanese and Korean churches in mid-1980s Japan. Christianity served as a symbol of unity and provided a common identity among Christians of both ethnicities. In 1984, the United Church of Christ in Japan, known as Kyōdan, established a Convenant of Cooperation with the Korean Christian Church in Japan (KCCJ); this was part of a broader attempt by Japanese Christians to establish relations with Churches throughout Asia. They pursued this in accord with the logic that Japanese people “could not resume church life” in the postwar era “without first acknowledging and confessing [their] war related sins.” KCCJ also worked in solidarity with the National Christian Council in Japan (NCCJ) in campaigning on various social issues concerning Korean residents in Japan, including fingerprinting and reunification of the Korean peninsula. This solidarity between the two sides brought issues of discrimination against Koreans to the attention of Japanese church groups, and they later came to play a significant role in the advocating for Korean comfort women.

199 Interview with Lee Yang-soo, advocate for Korean colonial and war victims, November 22, 2012, Tokyo.
200 My thanks to Yamamoto Nobuto for pointing this out.
Together, these four factors provided the basis for transnational collaboration on history problems between the two countries’ citizens.

The Emergence of Advocacy Networks

As a result of the far-reaching socio-political and economic developments outlined above, the scene was thus set for the victims to attain a more comprehensive recognition, and for activists to take up their cause. This section briefly examines how this transpired for each of the three classes of victims, before going into more detail in the following case study chapters.

Atomic Bomb Victims

Korean A-bomb victims had begun gathering as early as 1959 in the ROK’s Hapcheon County in South Gyeongsang Province. This region, from which more than 70 percent of the total Korean victims were conscripted by Japan, is still today host to the highest concentration of A-bomb victims in the ROK. The meetings at this stage did not signify the beginnings of organized grassroots activism: they were convened with the sole purpose of recording the contact details of victims that had returned to the Korean peninsula.

205 A lot of Hapcheon residents moved to Japan to undertake construction work. This was due to a combination of the particularly poor living conditions in Hapcheon and the relatively high number of building contractors there. Once in Japan, they worked on the construction of roads and an airport, among other projects. Interview with Lee Nam-Jae, member of Hapcheon House of Peace, March 13, 2012, Seoul.
In fact, it was in Japan that an advocacy network first organized around Korean A-bomb victims. This occurred in connection with the redress movement centered on the Japanese A-bomb victims, which took off in the mid-1950s. In response to the Japanese movement, the Tokyo government enacted the Atomic Bomb Relief Law in 1957; while this law was intended to provide the victims with medical assistance, it did not extend to those that had been repatriated to Korea. As many Zainichi Koreans were aware that the victims in the ROK had yet to receive redress, they perceived this as discriminatory.

It was this realization that encouraged activists in Japan to mobilize in the early 1960s. A key organization behind this development was The Korean Residents Union in Japan (Zainihon Daikanminkoku Mindan, or Mindan), whose role was augmented by a number of Japanese citizens. In the first instance of transnational advocacy for victims in Korea, the Hiroshima branch of Mindan established a 25-member research group and on May 22 1965, and embarked on a month-long mission to the ROK to investigate the predicament of the A-bomb victims residing there.\(^{207}\) The timing of this was highly significant as the two governments were in the final stages of the treaty settlement.

Mindan’s delegation brought a measure of public recognition to the victims by attracting the attention of the Japanese media: two local daily newspapers, the Nagasaki

Shimbun and Chūgoku Shimbun, published articles detailing Mindan’s mission.\textsuperscript{208} These reports posed a challenge to the dominant discourse on the atomic bombings as a uniquely Japanese tragedy. In Korea, Mindan’s visit also resulted in marginal public and official recognition of the victims; the Dong-a Ilbo, a daily Korean newspaper, caught wind of the delegation and subsequently published the first article about the victims in the ROK.\textsuperscript{209} In addition to meeting with the victims in person, the Mindan delegation consulted with the Minister of Health and the Korean Red Cross, urging them to establish a fact-finding mission and to provide treatment for the victims. Both the ROK government and Korean Red Cross attended to these calls and began making a registry of victims, which led to the identification of 462 survivors.\textsuperscript{210} It is noteworthy that the Institute of Radiological Sciences of the Korea Nuclear Energy Institute was also compiling survey data on the A-bomb victims at this time.\textsuperscript{211}

After the treaty’s conclusion and on the heels of Mindan’s visit, it dawned on Korea’s A-bomb survivors that in spite of attaining (limited) recognition, they had no recourse to redress. As one of the victims describes, “because the investigation of Korean A-bomb victims was conducted prior to the signing of the Korea-Japan treaty, we were expecting that there would be some kind of compensation from the Japanese

\textsuperscript{208} Nagasaki Shimbun, May 14, 1965; Chūgoku Shimbun, May 14, 1965.
\textsuperscript{209} Dong-a Ilbo, June 14, 1965.
government after the negotiations; however, our expectations were dashed.”

Indeed, despite the fact that their Japanese victim counterparts were being looked after, the Korean government gave no indication that it would enact a similar relief law on their behalf.

These circumstances thus became the impetus for the victims to get organized, and by 1966, grassroots activism sprouted in Korea. Three citizens, Bae Do-hwan, Kim Jae-geum and Yeom Dong-su—among whom the former two were A-bomb victims, and the latter, a supporter—began to meet regularly in Myeongdong, downtown Seoul. Together they attempted to locate additional survivors and encourage them to come forward through their personal contacts and by posting ads in newspapers. In 1967, they formalized their association by establishing the South Korean Atomic Bomb Sufferers Association in Seoul, and thereafter set up branches in places with high concentrations of victims, including Hapcheon County and Pusan. In the same year, the victims and their supporters staged their first demonstration outside of the Japanese Embassy in Seoul.

While transnational links had existed between the victims and their advocates in Japan since Mindan’s visit to Korea in 1965, their relations became formalized in 1967 when Japanese activists established the Association of Citizens for Supporting South Korean

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212 Ibid.
213 Kim, op. cit., 106.
214 Ibid.
Atomic Bomb Victims in Osaka (with additional branches in Hiroshima and Nagasaki). In December of the same year, the National Board of Executives of the Association of Japanese A- and H-Bomb Victims Organizations decided to launch an investigation into the conditions of Korean A-bomb survivors. By January 1968, Korean victims then became integrated into the Japanese memory landscape of the atomic bombing: a memorial service was held in their honor in front of the A-bomb survivors’ monument in Hiroshima Peace Park, and was convened by the South Korean Buddhist Church in Japan with the help of a number of other civic organizations.

The decisive development that brought the Korean A-bomb victims comprehensive public and official recognition, however, was when Son Jin-doo, one such victim, won a lawsuit against the Japanese government in 1978. Son had illegally entered Japan’s Saga Prefecture in December 1970 seeking medical treatment for radiation-induced illness, and was subsequently arrested.\(^{215}\) Unperturbed by this, Son filed a number of lawsuits to challenge Japanese government’s claim that it would only provide assistance to A-bomb victims in Japan. Japan’s Supreme Court ruled in his favor in 1978, arguing that Tokyo had an ethical responsibility to assist Son and, by extension, other Korean victims of the A-bomb.\(^{216}\) This landmark ruling compelled the Japanese government to officially recognize Korean A-bomb victims.

\(^{215}\) Kim, op. cit., 134-135.

\(^{216}\) The Washington Times, October 25, 1996.
The advocacy network continued to gather momentum over the next few years, and in 1988, the analogous Japanese group, the Association of Citizens for Supporting South Korean Atomic Bomb Victims, published a report detailing their predicament (in Japanese).\textsuperscript{217} Then, in March of the same year, the newly democratic ROK government discussed the matter of redress for the victims with Tokyo at a bilateral summit meeting. The issue had thus made it onto the diplomatic agenda.

\textit{Forced Laborers}

Similarly to the A-bomb victims, the advocacy network for Korean forced laborers (re-)emerged in the wake of the normalization treaty. Although there was not a great deal of exchange between activists in the two countries at this early stage, the network was indeed transnational. In 1965, the first Japanese language study on the issue, \textit{Kyōsei Renkō no Kiroku} (Records of the Forced Recruitment of Koreans),\textsuperscript{218} was published, which was followed by a proliferation of similar publications in Japan and Korea over the next few years; together these helped to bring the issue to public attention.\textsuperscript{219} The network became organized in 1972 when the Chōsenjin Kyōsei Renkō Shinsō Dantai (Truth Association for Korean Forced Laborers) was formed by Japanese  


activists and began campaigning on the victims’ behalf.\textsuperscript{220}

Meanwhile, in Korea, the laborers established the Society for Pacific War Victims and Surviving Family Members (Taepyongyang Chongchaeng Hisaengcha Yuzuokoe) in April 1973. This occurred largely in response to a feeble attempt by the Korean government at providing redress. After channeling the funds received from the Japanese government into infrastructure projects, “as a token gesture Park [Chung-hee’s] government opened up a ten-month window for victims of the Pacific War from May 1971 to March 1972, but placed severe restrictions on who qualified:” the laborers that remained in Japan, Manchuria and Sakhalin, were excluded.\textsuperscript{221}

With this increasing momentum, the two governments began cooperating on the issue in 1973, when Tokyo agreed to provide Seoul with the remains of 911 deceased laborers.\textsuperscript{222} It was only after the ROK democratized, though, that the matter became a notable diplomatic issue. In 1989, members of Korea’s ruling Democratic Justice Party began demanding that Tokyo provide compensation to the laborers,\textsuperscript{223} and in response, Japanese officials launched an official investigation into the issue the following year.

\textsuperscript{220} A number of other Japanese associations became involved in the issue at this time, which we will examine in Chapter 5.
\textsuperscript{221} Despite their being tens to hundreds of thousands of victims, the final number of claimants amounted to a mere 11,787 victims or their bereaved family members.
\textsuperscript{222} *Hanguk Ilbo*, June 23, 2003.
\textsuperscript{223} *Kyodo News*, August 17, 1989.
Comfort Women

The comfort women advocacy network was the last among the three classes of victims to materialize. This was presumably a result of the deep stigma attached to the issue and the highly sensitive nature of the ordeal they endured. The victims thus had to be coaxed by their advocates to come forward.

While since the 1970s Japanese intellectuals had been writing about comfort women and speaking out about the need to redress them, networked advocacy for Korean comfort women first sprouted in the ROK in the late 1980s. For a long while prior to that (throughout the 1950s and 60s), Korean women had been largely indifferent to feminist issues of prostitution and sexual violence. Yet, their consciousness gradually changed with the introduction of kisaeng sex tourism in the 70s; this catered in part for the influx of (male) Japanese tourists in Korea that occurred after the restoration of the two countries’ diplomatic ties, and triggered protests amongst Korean Christians and feminist activists. A series of similar events pertaining to sexual violence ensued in Korean society around the same time, which served to raise awareness of the relationship between power and sexual violence. These included a court case filed by a female student against the Korean government in 1986, based on charges of sex torture. This was followed by an international seminar on Women in Tourism that was convened in Seoul in 1988 and organized by The Korean Church Women United. During the

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224 Yoon, _op. cit._, 10.
225 See Korean Church Women United, _Kisaeng Kwankwang [Kisaeng Tourism]_ (Seoul: Korean Church Women United, 1983).
conference, the comfort women phenomenon was raised by this church group, which had just conducted a survey on the issue.

In this context, the conference attendees began to conceive of what had happened to the comfort women within the broader framework of sexual violence against women. While there were no comfort women victims willing to come forward at this time (in 1988), feminist activists in Korea began to campaign on their behalf and were supported by women from church groups in Japan.

A feminist professor at Korea's Ewha Womans University, Yun Chung-ok, was particularly instrumental in encouraging public recognition of the victims. After meeting with the aforementioned Japanese journalist and feminist, Matsui Yayori, and exchanging information about comfort women,226 Yun initiated her own fact-finding and research into the issue; in 1990, she published a series of reports on her findings in a Korean newspaper.227 Then, in May of the same year, the Korean Women’s Church Federation issued a statement to South Korean President Roh Tae-woo, demanding that he take the issue up with Japan during his state visit.228

Despite—or perhaps due to—the Korean government’s lack of a response at this juncture, the movement rapidly gained momentum. In July 1990, activists in Korea

227 Ibid.
formed the Korean Research Group of Women Drafted for Military Sexual Slavery by Japan, followed shortly thereafter by the Korean Council for the Women Drafted for Military Sexual Slavery; the latter was to serve as an umbrella organization for the various groups engaged in the issue. Partly as a result of the growing public recognition of the victims, but also the Japanese government’s denial of its involvement in the comfort women system, former comfort woman Kim Hak-soon decided to “come out.” In August 1991, she relayed a widely publicized testimony about her ordeal. This event served to prompt numerous other comfort women around the world to follow suit. As one of the victims relates, “I started to realize that it was not I who should be ashamed, but the Korean and Japanese governments.”

In light of these developments, it became impossible for the two governments to ignore the issue. Within months of Kim Hak-soon’s press conference—August 1991—the Korean government began pressing Tokyo to conduct fact-finding into the matter and to show remorse toward the victims. Subsequently, when Japanese historian Yoshimi Yoshiaki unearthed archival material in 1992, which implicated the Japanese Imperial Army in the comfort women system, the issue became cemented on the diplomatic agenda. From this point on, there was no putting a lid on it.

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231 “Ooku ha Chosenjin Jyosei” [Many were Korean Women], The Asahi Shimbun, January 11, 1992. See also, Yoshimi, op. cit.
Conclusion

Evidently, the victim-centric “history problems” did not organically evolve as diplomatic issues. They were pushed onto the bilateral agenda from below. This constituted a long and protracted process, and having traced such, we can now begin to understand the paradox of events from the past becoming increasingly contentious between states overtime.

Indeed, for decades after their liberation, the victimhood of Korean civilians who suffered the most under war and colonialism was suppressed by social and cultural mores, and any early attempts by them and their advocates to mobilize were stymied by the socio-political context. Although the two governments were aware of the colonial and wartime policies that had victimized Korean civilians when they normalized their relations, the matter of their redress was superseded by state-driven economic and geopolitical interests.

However, spurred by this neglect in the treaty settlement and fueled by socio-political change, public recognition of the victims gradually increased, and the victims took on grievance-based identities which emboldened them to demand redress. This led to the formation of advocacy networks in both countries, which were crucial in bringing the facts of their victimhood to light and turning their plight into an “issue.” It was not the rise of the networks per se that got these issues on the diplomatic agenda. Timing indicates that crucial to this was also the structural transformation brought about by
democratic transition in Korea. This process meant that the Korean government could no longer ignore the voices of its citizens and, backed by its rapidly growing economy, was increasingly prepared to raise such issues with Japan.

Getting their respective causes on the inter-state agenda, however, only marked the beginning of the networks’ campaigns. As they sought to exact comprehensive redress over subsequent decades, they faced formidable hurdles—not least in the form of the 1965 treaty. As will be revealed in the case studies that follow, transnational activism continued to be crucial in overcoming these obstacles. Moreover, the Korean anchor of the network had to learn how to practice democracy and to use its principles and tenets to their advantage. This did not happen overnight. Through examining the attempts by the three victim categories to challenge the two governments, we will see that the same bottom-up dynamic that got the issues on the bilateral agenda continued to drive them at the diplomatic level, essentially reshaping ROK-Japan diplomatic relations.
Chapter 3
Comfort Women:
Gendered Victimhood and Human Rights

Since its emergence on the Japan-Korea diplomatic agenda in the early 1990s, the comfort women issue has evolved to become a—if not the—major stumbling block in the two countries relations. In contrast to other history problems which have tended to flare up sporadically, the matter of redress for comfort women has posed a constant bone of bilateral contention; it has commonly dominated the agenda of summit meetings and was a major contributing factor to the downward spiraling in Japan-Korea diplomatic relations in 2012—from which they are yet to fully recover from. And whereas other history problems have remained largely confined to the bilateral sphere, the comfort women issue has taken on an international dimension, evidenced by the intervention of governments and organizations worldwide.232

This chapter examines the role of the Korean comfort women advocacy network in shaping this diplomatic trajectory of the issue, up until 2014. It aims to investigate the means and conditions under which the network has influenced state-to-state interaction. Toward this end, it assesses the evolution of its pressure tactics, the response to such by the Japanese and Korean governments, and how these tactics in turn affected the diplomatic handling of the issue. It argues that the network essentially influenced

232 This will be discussed in detail further on in the chapter.
inter-state interaction by engendering international normative pressure for the issue to be resolved, undermining governmental attempts to settle the issue when it deemed them inadequate, and challenging bilateral treaty clauses through leveraging the ROK judiciary against the executive branch.

Network Composition

Before proceeding to analyze the role of the comfort women network, however, it is first necessary to determine its constituents. As it was women, then as now, that were susceptible to the form of crime that comfort women endured—rape at the hands of military officials—from the time the issue emerged it was conceived of in terms of gendered victimhood. It thus drew the support of numerous feminists in the two countries (and beyond), who came to constitute the backbone of the network. Among such were the aforementioned Professor Yun Chung-ok and Japanese journalist Matsui Yayori. The intellectual input of these feminists—many of whom were also academics—was critical to the framing of the comfort women issue as a human rights violation, and also to the enlistment of support from international human rights bodies—as later we shall see.

The plight of comfort women found further resonance among religious practitioners in Japan and Korea, particularly Christians and Buddhists, who came to form another pillar of the network and provided financial support for its advocacy efforts. As

\[233\] The comfort women network has been supported financially and otherwise by Korea’s Joggye
mentioned in the preceding chapter, church groups in Japan had a history of involvement with Korean Christians on issues concerning ethnic discrimination against Zainichi Koreans. The narrative of the comfort women victims as virgins—often only teenaged at the time of their recruitment—whose purity was tainted by the colonial overseer through rape, also struck a chord among them.

The comfort women issue also attracted more broadly those with an interest in human rights. Noteworthy among such were Japanese and Korean lawyers who came to shape the legal strategy of the victims, provided them with pro bono representation, and engaged in government lobbying on their behalf. Moreover, a number of Zainichi Koreans, both men and women, extended general support to the various victims of Japan’s colonial rule—not limited to comfort women. In particular, the bilingual (Japanese/Korean) language ability of (some of) these Zainichi activists proved invaluable in the victims’ litigation proceedings and the overall facilitation of their visits to Japan.

Besides these categories of citizen-activists, there were several organizations established with the purpose of procuring redress for the victims. The analysis that


234 These will be elaborated on further into the chapter.
235 These include Hong Seong-Phil, Shimizu Yukiko, Aitani Kunio, Takagi Kenichi, Hayashi Yoko and Yokota Yuichi.
follows will focus on the most predominant among such organizations: the Korean Council for Women Drafted for Sexual Slavery (Kor. Hanguk Chongsindaemunje Taechaek Hyopuihoe; hereafter the Korean Council or the Council)\textsuperscript{236} and the House of Sharing (Kor. Nanum ui Jib),\textsuperscript{237} on the Korea side; in addition to Ianfu Mondai Kaiketsu Ooru Rentai (All United; hereafter Ooru Rentai)\textsuperscript{238} and Violence Against Women in War Network-Japan (VAWW-NET Japan),\textsuperscript{239} on the Japan side. Most of the transnational networking—which focused on facilitating the victims’ lawsuits in Japan—was conducted between the Korean Council and Ooru Rentai. Domestic networking, on the other hand, which was carried out among NGOs/individual activists on the two countries, centered more on public consciousness-raising. While studies on democratic governance suggest that Korean NGOs tend to operate part-time while their Japanese counterparts function full-time,\textsuperscript{240} the converse tendency has held for those advocating for comfort women and other Korean colonial victims. This is owing to the fact that the majority of the victims reside in Korea and require full-time support, and also that the Korea-based organizations have received partial funding by the Korean government. Their Japanese counterparts, on the other hand, have been financially reliant upon membership fees and their own fund-raising initiatives.

\textsuperscript{236} The Korean Council was formed on November 16, 1990. In addition to its main office in Seoul, it also maintains a branch office in Pusan.
\textsuperscript{237} The House of Sharing was established in Gwangju, Gyeonggi Province in 1995, on land donated by the Joggye Buddhist Order. A number of former comfort women victims reside on its premises.
\textsuperscript{238} Ooru Rentai was established as an alliance of a number of civic groups in Japan committed to championing justice for comfort women.
\textsuperscript{239} The Violence Against Women in War Network-Japan was formed in 1998. Its members established the Women’s Active Museum on War and Peace in Tokyo, 2005. Another Japanese group involved in the issue has been the Association for Clarifying Japan’s War Responsibility (Sengo Sekinin wo Hakkiri Saseru-Kai).
\textsuperscript{240} Lee & Arrington, \textit{op. cit.}, 327-350.
Finally, as the comfort women victims themselves gradually came forward, many of them joined the network as activists under the representation of the two aforementioned Korea-based organizations. While there were numerous activists throughout the world who also came to be involved in the issue, as the interest of this study is the impact of advocacy networks on the Japan-Korea relationship, the analysis will concentrate on its anchors in these two countries.

**Pressure Strategy and Tactics**

As the organization responsible for registering and directly providing material and emotional support for the comfort women, the Korean Council quickly emerged as the most powerful constituent of the network. Formed as an amalgamation of eighteen social and women’s organizations, it was members of the Korean Council that enunciated seven demands of the Japanese Government on the victim’s behalf when they first came forward in 1992. These demands in turn came to define the bounds of what would constitute an acceptable resolution to the issue: (1) Acknowledge the war crime; (2) Reveal the truth in its entirety about the crimes of military sexual slavery; (3) Make an official apology; (4) Make legal reparations; (5) Punish those responsible for the war crime; (6) Accurately record the crime in the history textbooks; (7) Erect a memorial for the victims of the military sexual slavery and establish a historical museum.241 These seven claims were designed with the logic of restoring the victims’

241 Pamphlet published by the Korean Council (date unknown).
dignity and ensuring the non-repetition of the crime they had endured. The appeal for state compensation was premised on the desire for the Japanese government to take legal responsibility for the victimization of comfort women. The Korean Council deemed this as necessary to absolve the victims from the shame associated with their ordeal. This was affirmed by one of the former comfort women interviewed: “What we want is to have our honor restored; legal compensation (beopjeok bosang) is the standard means of doing this.” Presumably, this was also considered essential to undermine the assertion of the Japanese right wing that comfort women were prostitutes who had volunteered their services.

The network’s strategy for realizing these objectives was predicated at once on counteracting and effecting a change in the Japanese government’s policy on the issue. Tokyo’s initial position on the comfort women issue was three-fold: there was no proof of official involvement by the Japanese Imperial Army in the comfort women system and thus, no apology would be proffered; all matters pertaining to the colonial period and war had been settled through postwar treaties and bilateral accords between Japan and Korea; wartime compensation claims were a judicial rather than a governmental matter and thus should be dealt with through courts. Chief of the Employment Bureau of the Japanese Ministry of Labor, Shimizu Yoshio, succinctly summed up this stance in June 1990: “The establishment of brothels for the soldiers and the mobilization of the

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242 Interview with the Korean Council, July 22, 2009, Seoul.
women were done by civilians, and an investigation of the government is out of the question.”

To achieve its goals, the network employed a diverse range of pressure tactics from fact-finding and disclosure, grassroots and professional lobbying, as well as protest and litigation. These tactics evolved over time in accordance with changes in Japan’s policy and the network’s own successes and failings. In this section we examine the tactical repertoire of the network and the logic underpinning its pressure strategy.

*The Human Rights Frame*

In its incipient stage, the comfort women network employed a two-pronged approach of procuring the backing of international organizations and parliamentary bodies, whilst simultaneously pressing the Japanese government directly for redress. The former objective was intended to engender international normative pressure on Tokyo to acquiesce to the seven demands, and the latter, to persuade it to change its stance on the issue. The network initially bypassed the Korean government in the belief that “it values its economic partnership with Japan too highly to exert genuine pressure” vis-à-vis Japan on the victims’ behalf.

A key step in the early strategy of any advocacy network is to frame their cause in terms

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245 Interview with the Korean Council, November 2, 2009, Seoul.
of issue type and culpability. Frames constitute an essential aspect of redress campaigns as they act as schemata of interpretation on an issue, and entail the strategic inclusion and omission of phenomena. As David Snow et al. describe, they function to help “attract participants, allies, supporters, and media attention in order to influence political discourse and change. One can have the most compelling issue or cause, but tactically too broad a frame can limit participants, supporters and the target audiences.”

The comfort women issue was framed from the onset as a human rights violation. This was evinced in the language of the terms of the redress demands, which featured in pamphlets produced by (and on the website of) the Korean Council: “acknowledge the war crime,” “reveal the truth about...crimes of military sexual slavery,” and “make legal reparations.” On a practical level, this frame was reinforced through the convening of biannual “human rights camps” (jinken kyanpu) at the House of Sharing in Korea. These 5-day/4-night camps aimed to inform the younger generation of their role in ensuring that the historical facts of the comfort women system are not forgotten; thus, in the course of the camp, participants would visit the onsite museum, meet the victims and to discuss various facets of the comfort women issue with one another.

248 Ibid.
Factors that informed this framing process were the input of intellectuals in Korea, such as retired professor Yun Chung-ok, who were well versed in human rights discourse, and also, the intent of the network to appeal to international justice forums so as to make certain the issue would have universal reverberation and not be conceived of as an intra-Asian problem. This human rights conceptualization furthermore rendered the comfort women’s plight a contemporary issue, providing a sharp contrast with—and posing a challenge to—the Japanese government’s treatment of it as a postwar reparations matter to be dealt with in accordance with treaty terms. The human rights frame also served a particular utility for the victims: many of the comfort women were undereducated and thus did not have the tools to articulate what had happened to them; through the issue framing process, they were educated into the human rights discourse and given a framework through which to understand their ordeal.

In addition to defining the nature of an issue, all successful frames for matters of redress for an injustice an in must identify a culprit. This is requisite for instigating legal proceedings, delineating the redress target, and justifying the redress demands. Despite the fact that there was Korean complicity in the recruitment of comfort women and the running of ianjo—the military brothels in which the women were stationed—culpability was exclusively directed at Tokyo; this was based on the fact that the Japanese imperial government had masterminded the comfort women system. Any accusation of Korean culpability would doubtlessly have been complicated by the power relationship under which they had been acting; as Bruce Cumings describes, in getting Korean men to help
with mobilizing comfort women, Japan effectively “fractured the national psyche, pitting Korean against Korean.” A frame that pinpointed Japan as the sole culprit, on the other hand, would have strong resonance in Korean society where anti-Japanese sentiment is an integral part of national identity and constitutes the core strain of nationalism. It would also resonate in the international sphere wherein there was a growing consensus of the need for Japan to atone for its past transgressions. While the network eventually came to target the Korean government, as we shall see, this was carried out as a strategic move, rather than the intent to assign blame.

Fact-finding and Raising Public Consciousness

To undermine the Japanese government’s position that there was no official involvement in the running of the ianjo, an important aspect of the network’s strategy was to gather and disseminate facts about the comfort women system, and to solicit testimonies from the victims. Intellectuals in both countries were critical in this regard, particularly those in Japan who had ready access to and the ability to read Japanese archives.

On the Korea side, Yun Chung-ok presented records of a former Korean comfort woman who was court-martialed by Japanese in Burma, to the ROK National Assembly in 1991. Following this, in January 1992, the Korean Council set up a hotline to

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gather the testimonies of the victims. Then over the next twelve months, the Korean Research Institute worked in conjunction with the Korean Council to publish victim testimonies, including a collection of statements by comfort women living in China that had been amassed during a fact-finding mission there. The Council moreover set about organizing joint symposia with Japanese research groups and in 1994, established its own supportive research bodies—the Committee for Research and Investigation and the Committee for Legal Problems—to which it recruited lawyers, historians, and scholars of international law from Korea and Japan.

In Japan, meanwhile, an analogous hotline was set up by activist-author Kawada Fumiko, through which Japanese war veterans could issue confessions pertaining to their (and their fellow soldiers’) involvement with comfort women. Yet the most significant development in the network’s fact-finding campaign occurred in January 1991, when Japanese history professor Yoshimi Yoshiaki, unearthed archival evidence implicating the Japanese Imperial Army in the comfort women system. Among such were classified documents exchanged between the army ministry and Japanese forces in China, as well as diaries composed by Japanese soldiers there. Yoshimi’s findings were published in the left-leaning Japanese newspaper, the Asahi Shimbun, and provided the evidential foundation for the victims’ lawsuits, which will be discussed further on.

253 Ibid.
Ultimately, it was this uncovering and dissemination of documentation about the comfort women system—rather than pressure from the Korean government—that led to a reversal in the Japanese government’s stance on the matter of apologies. On January 13, 1992, only three days after Yoshimi’s archival discovery, Chief Cabinet Secretary Katō Kōichi announced that Japanese Prime Minister Miyazawa intended to apologize to comfort women ahead of his scheduled visit to South Korea. 255 He added the caveat, however, that “we cannot deny the fact that the military was involved, although at this point we are still not certain to what extent.” 256 Thus, Miyazawa ultimately skirted around the matter of governmental involvement, merely conceding that he “would like to express my apologies and remorse to all those people who experienced indescribable sufferings as so-called field comfort women.” 257

The information disclosure by the network further prompted the Japanese government to launch its own full-scale inquiry into the issue. Katō mobilized six government departments, including the police, the Office of Defense, and the Ministries of Foreign Affairs, Education, Welfare, and Labor, to examine documents pertaining to the comfort women system. The results of this investigation were announced on July 6, 1992, and entailed an acknowledgement that “the Government had been involved in the establishment of comfort stations, the control of those who recruited comfort women,

the construction and reinforcement of comfort facilities, the management and surveillance of comfort stations, the hygiene maintenance in comfort stations and among comfort women, and the issuance of identification.” In spite of such admissions, though, the study was criticized as lacking thoroughness. This prompted Tokyo to launch an additional investigation, which was conducted both domestically and abroad and entailed interviews with the victims and various people who had been connected to the comfort stations.

The findings of this second inquiry were released on August 4, 1993 by Chief Cabinet Secretary Kōno Yōhei, and resulted in further apologetic concessions. In contrast to Miyazawa’s equivocal statement on the matter of official involvement, Kōno conceded that “in many cases [comfort women] were recruited against their own will, through coaxing, coercion, etc., and that, at times, [Japanese] administrative/military personnel directly took part in the recruitments.” He further acknowledged that, “undeniably, this was an act, with the involvement of the military authorities of the day that severely injured the honor and dignity of many women.” Accompanying these admissions was an apology, which became known as the Kōno Danwa (Kōno Statement):

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These findings were based on the Japanese government’s discovery of 127 documents from the Defense Agency and the Ministry of Foreign Affairs.
The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.

It is incumbent upon us, the Government of Japan, to continue to consider seriously, while listening to the view of learned circles, how best we can express this sentiment.

We shall face squarely the historical facts as described above instead of evading them, and take them to heart as lessons of history. We hereby reiterate our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.261

This statement, which was spurred by the revelation of inculpatory evidence, represented a significant turnaround in the Japanese government’s position on the comfort women issue, yet it was considered inadequate by the network on a number of grounds. First, Tokyo continued to disclaim legal responsibility in spite of the apology. Second, the statement failed “to mention those who were ultimately responsible for the policy decisions made to establish the Japanese military’s system of sexual slavery as well as revealing facts and details of the scale and maintenance of this system.”262 Third,

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261 “Statement by the Chief Cabinet Secretary Yōhei Kōno on the result of the study on the issue of ‘comfort women,’” Ministry of Foreign Affairs, August 4, 1993, accessed at: http://www.mofa.go.jp/policy/women/fund/state9308.html
the apology was not officially endorsed by a cabinet decision (kakugi kettei), as Prime Minister Abe later emphasized.263

Protest and Lobbying of the Japanese Government

In addition to these fact-finding efforts, the network directly lobbied the Japanese government, urging it to accede to the demand for state compensation. Toward this end, in January 1992, the Korean Council launched weekly Wednesday demonstrations in front of the Japanese Embassy in Seoul to attract public support for its cause and to exert sustained and continuous pressure on Tokyo. Initially these demonstrations were attended by a small group of mostly middle-aged and elderly citizens, as well as the victims themselves; over time, however, a younger demographic emerged, facilitated by Korean school teachers who began bringing their students to the demonstrations on “excursion.”264 Besides this weekly event, the network attempted to disrupt visits by Japanese officials to Korea through staging protests. On the eve of Japanese Prime Minister Miyazawa’s visit to Seoul in January 1992, for instance, comfort women activists hurled dozens of eggs at the Japanese Embassy;265 this was followed up by a rally in Seoul Park, which was attended by up to thirty transnational organizations.266

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264 Interview with Eguchi Yukiko, former Japanese diplomat to Korea, September 6, 2013, Tokyo.
The Japan anchor of the network was able to lobby the Japanese government more directly by virtue of its proximity to the Diet. Lawyer-activist members of Ooru Rentai drafted and submitted a number of proposals for comfort women resolutions to the cabinet, none of which received serious deliberation, though.\textsuperscript{267} Activists in Japan also arranged meetings with Japanese politicians just prior to their official visits to Korea, as a means to influence and set their agenda. Indeed, two days before Miyazawa’s scheduled trip to Korea in 1992, representatives of citizens groups addressing a variety of history problems between Japan and Korea, held a meeting with Deputy Chief Cabinet Secretary Kondo Motoji at the Prime Minister’s official residence in Tokyo;\textsuperscript{268} together they presented a statement labeling Japan’s colonial rule of the Korean peninsula an “injustice,” and called upon their leaders to formally apologize and compensate comfort women victims.\textsuperscript{269} While it is unclear whether such meetings had any definitive impact, evidently, they coincided with Miyazawa issuing the first governmental apology to victims.

\textit{Engaging International Bodies}

Another important focus in the early strategy of the comfort women network was to garner recognition of its redress demands by international human rights bodies. Eliciting the support of such organizations would not only lend credence and legitimacy to their

\textsuperscript{267} Interview with Ooru Rentai, October 14, 2007, Tokyo. None of these received serious deliberation. For an overview and copies of the various proposals put forth for comfort women bills in the Japanese Diet, see “Attempts at Legislation in the Japanese Diet,” AWF Digital Museum, accessed at: http://www.awf.or.jp/e4/legislation.htm

\textsuperscript{268} Kyodo News, January 14, 1992.

\textsuperscript{269} Ibid.
cause, but would also engender normative pressure on the Japanese government to acquiesce to their demands. Endorsement by international bodies would also serve to reinforce the human rights frame of the comfort women issue and imbue it with universal resonance. And while perhaps not intentional, it would further function to undermine the Korean government’s authority in dealing with an issue that primarily concerned its nationals, thereby spurring it to action on the victims’ behalf.

The juncture at which the comfort women issue emerged could not have been more opportune for the network to winning the support of human rights bodies. Against the backdrop of Kim Hak-soon delivering a public testimony about her ordeal, and the activities of the network gaining momentum in the early 1990s, a global normative shift was occurring towards the recognition of women’s rights as human rights and the protection of women from violence. As Brian Orend describes, this process was propelled in part by women employing “the language and moral substance of the idea [of human rights] to combat male suppression and unjustified social superiority.” The shift became crystallized with the enactment of UN resolutions geared towards the protection of women from human rights abuse. These included the Vienna Declaration

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270 Orend, op. cit., 174.
and Programme of Action (VDPA) and the Declaration on the Elimination of Violence Against Women,\textsuperscript{271} both of which were effectuated in 1993.

In addition to human rights bodies, this normative shift was propelled by developments in various countries throughout the world, particularly the United States. In the “Year of the Woman” in 1992, a so-called third-wave of feminism swept across North America, marked by the entry of a number of females into the Senate\textsuperscript{272} and culminating in the passage of the Violence Against Women Act in 1994, a law providing funds and services for victims of rape. In her capacity as First Lady, Hilary Clinton featured prominently in these feminist advancements, famously declaring in a speech at the 1995 Fourth World Conference on Women in Beijing: “let it be that human rights are women’s rights and women’s rights are human rights, once and for all.”\textsuperscript{273} Owing to these developments, the matter of violence against women emerged prominently on the global agenda. Overturning the long-held conception of women as the inevitable collateral damage of war, there emerged a dawning international consensus that women should under no circumstances be subjected to violence.

\textsuperscript{271} These resolutions stipulated “the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings.” They also propounded the conviction that “violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particular effective response.”

\textsuperscript{272} The so-called “third-wave of feminism” is characterized by a commitment to incorporating the voices of women of color, young women and non-heterosexual women—categories that had largely been excluded in previous waves of feminism. It is also defined by a more global focus on feminist issues.

This global shift, which provided an opening in the international political opportunity structure, would benefit the network only in so far as it could align the comfort women issue with these new normative understandings, and link the victimization of comfort women with that of other (female) victims of conflict. This endeavor did not prove particularly difficult, given the onset of the Bosnian War in 1992. The emergent reports of systematic rape of women held striking parallels to the experiences of comfort women, enabling the international community to visualize the crime they had endured at the hands of the Japanese Imperial Army. In this context, when a representative of the Korean Council went to New York in 1992 to submit an appeal to the United Nations Secretary-General and to the Sub-Commission on the Promotion and Protection of Human Rights in Geneva,\textsuperscript{274} the UN responded readily and affirmatively; indeed, the comfort women issue was emblematic of the very crimes it aimed to abolish. Thus, in 1993, the Sub-Commission appointed Gay McDougall as Special Rapporteur on Systematic Rape and tasked her with conducting an investigation into sexual slavery and slavery-like practices committed in armed conflicts.\textsuperscript{275} A year later, in 1994, the UNCHR adopted a resolution on integrating the rights of women into the human rights mechanisms of the United Nations\textsuperscript{276} and appointed Radhika Coomaraswamy as a


\textsuperscript{275} This was approved by the Commission on Human Rights (UNHCR, the Sub-Commission’s parent body) in 1994.

Special Rapporteur on violence against women, and its causes and consequences. In this capacity, Coomaraswamy launched an inquiry into the nature of the comfort women system. Based on her findings, she published a report in 1996, urging the Japanese government to acknowledge its war crimes, reveal the whole truth, issue an official apology, punish criminals, and pay legal reparations to comfort women. The Coomaraswamy report helped to buttress the human rights frame of the issue by characterizing the victims’ ordeal as “military sexual slavery,” on the grounds that they had been subjected to “multiple rapes on every day basis and severe physical abuse.” In response to this report, activists in Japan set about collecting one million signatures for a petition urging the Japanese government to accept the UN recommendations.

McDougall’s report, which was published two years later (1998), served to establish the legal culpability of the Japanese government by labeling ianjo as “rape centers” and pointing out that rape and forced prostitution had been prohibited under international law when the first ianjo were established. This undermined the Japanese government’s position that rape was not a war crime until 1949 when it was incorporated into the Fourth Geneva Convention. Like the Coomaraswamy report,

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278 Inter Press Service, March 29, 1996.
McDougall’s summation echoed the redress demands of the Korean Council and argued that Tokyo had a legal responsibility to compensate the victims.

Another target of the comfort women network within the UN structure was the International Labour Organization (ILO). In March 1995, the Korean Council, alongside Japanese and Korean labor unions, submitted an appeal to the ILO Committee of Experts on the Application of Conventions and Recommendations, urging it to consider Japanese military sexual slavery as a violation of the Forced Labor Convention. In response, the ILO Experts Committee issued reports affirming that the comfort women system indeed constituted a violation of the Forced Labor Convention, and encouraging the Japanese government to meet the victims’ compensation demands.

As well as pursuing the backing of the UN, the Korean Council also utilized the UN arena to undermine Japan’s bid to become a permanent member of the Security Council. It did so by linking this aspiration with Tokyo’s failure to resolve the comfort women issue, and by submitting a counter-argument to the Japanese government’s 1993 report on its adherence to the UN International Covenant on Civil and Political Rights. In response to the latter, Tokyo argued that the comfort women system had occurred before this UN covenant became binding.

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Outside the realm of the United Nations, the comfort women network had further success in persuading prominent human rights NGO Amnesty International to back its cause, as well as the International Commission of Jurists. Similarly to the UN, Amnesty published a report challenging the Japanese government’s disavowment of legal responsibility. Entitled, “Still Waiting After 60 Years: Justice for Survivors of Japan’s Military Sexual Slavery System,” the report advised that Japan “review its national laws to remove existing obstacles to obtaining full reparations before Japanese courts… Legislation should be adopted expressly providing that the doctrine of kokka-mutōseki (irresponsibility of the state) and statute of limitations shall not be applied to claims by survivors of sexual slavery, as a crime under international law.”

Meanwhile, the International Commission of Jurists (ICJ) formed an investigative group in response to an appeal by the network, which proceeded to visit North and South Korea, Japan and the Philippines, to conduct research into the comfort women issue. Based on its findings, the ICJ produced a report in 1994, enjoining the Japanese government to provide appropriate compensation to the victims.

October 1993.


285 This commission was established in 1952 and consists of 60 judges and lawyers from around the world. According to its website, the commission aims to “[promote and protect] human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems.” Its website can be accessed at: http://www.icj.org/about

By backing the redress demands on the comfort network, essentially these various international bodies became incorporated into the network and their support had wide-reaching effects. Ultimately fifty-eight international human rights and women’s organizations formed an international alliance in support of the UN comfort women reports, considerably expanding the breadth of the network. This signified that the matter of redress for comfort women issue had been transposed from the bilateral realm of the Japan-Korea relationship to the international community. The human rights frame of the comfort women issue had evidently became thoroughly consolidated, resulting in the international expectation that the Japanese government redress the victims in conformance with human rights norms.

*Engaging Governments Internationally*

Another key aspect of the network’s strategy was to lobby governments around the world, encouraging them to enact resolutions urging Tokyo to redress the comfort women. Members of the Korean Council embarked on visits to parliaments worldwide, typically accompanied by two or three of the victims who would relate their testimonies as evidence. The target countries of these lobbying efforts were the “friends” of Japan, such as the US, Australia and various European nations. One of the victims who has worked closely with the Council in this endeavor, explained the rationale behind this as follows: “We believe that it is more effective to target Japan’s friends and allies…”
Naturally when a friend is doing something wrong you coax them to stop. We hope that Japan’s ‘friends,’ like Australia and the US will do so.**287**

This international lobbying effort led to an external intervention in the form of comfort women resolutions enacted by governments internationally.**288** Most significant in this regard was House Resolution 121 (HR121), passed on July 2007 by the United States—the primary ally and security guarantor of Japan and Korea. This non-binding resolution urged Tokyo to formally acknowledge, apologize, and accept historical responsibility for the comfort women system. While there were various factors that accounted for HR121’s ultimate passage (some of which are outlined below), it is worth noting that the Japanese anchor of the network played an essential part. In the lead up to the congressional vote on HR121, activists in Japan provided lobbying support to those in D.C., translating (from Japanese to English) and faxing to them statements made by Japanese politicians with regard to the issue. The lobbyists in turn presented these translations to US congressmen.**289**

On the heels of HR121, the lower house of the Dutch parliament passed a motion—one again, unanimously—on November 20, 2007, encouraging Japan to financially

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288 These included the US Congressional Resolution HR121 of 2007; Canadian Parliament Motion 291 of 2007; the Philippine House Resolution 124 of 2007; the South Korean National Assembly Resolution of 2008; the Taiwan National Assembly Resolution of 2008.
compensate the victims. A mere seven days later, on November 28, 2007, Canada’s House of Commons approved a draft motion recommending that the Japanese government issue a “formal and sincere apology” to the victims. In contrast to the UN and Amnesty reports, however, these resolutions—including HR121—mostly avoided around the matter of compensation and stressed, rather, the need to apologize to the victims. This was based on the premise that congressional/parliamentary support would be increased by avoiding the thornier (legal) issue of state compensation.

While the activism and lobbying of the victims and their supporters helped to lay the foundation for these resolutions, their enactment was not wholly ascribable to the network’s efforts. Indeed, the timing of the resolutions—most were passed from mid- to late-2007—indicate that they were facilitated by events occurring in Japan. On March 1, 2007, Prime Minister Abe, then in his first term, made the sensational comment that former comfort women were not forcefully recruited in the “narrow sense” of the word.290 This statement provoked international outrage for a number of reasons. First, it ostensibly denied that recruitment carried out by means of deception and threats constituted forceful recruitment. It furthermore represented an attempt to challenge the international consensus that the comfort women were forced into sexual slavery. Thirdly, it implied that Abe believed that Tokyo could be absolved of its responsibility to the victims by disproving that they were coercively recruited—despite the fact the

290 For a detailed analysis of this, see T. Morris-Suzuki, “Japan’s ‘Comfort Women’: It’s time for the truth (in the ordinary, everyday sense of the word),” Japan Focus, (March 2007), accessible at: http://japanfocus.org/-Tessa-Morris_Suzuki/2373
brunt of their victimization occurred while stationed at the ianjo, rather than during their mobilization. Adding to this controversy, a one-page revisionist advertisement was posted by Japanese politicians and academics in the Washington Post on June 14, 2007. Entitled “The Facts” (about comfort women), the advert claimed that no documents have been found that attest to the women being forced (against their will) into prostitution by the Japanese Imperial Army; the testimonies of former comfort women are not reliable; and the comfort women were professional prostitutes who earned substantial sums of money for their service.291 Predictably, this ad drew ire at Capitol Hill—as well as beyond—where it was perceived as an attempt by Japan to rewrite history. It thus served to sway legislators around the world to vote unanimously in favor of comfort women resolutions in a show of bipartisanship and international condemnation.

In countries where the network’s lobbying activities were not so successful, Amnesty International stepped in to play a supporting role. In New Zealand and Australia, for instance, where comfort women resolutions have not been forthcoming, domestic Amnesty branches launched a butterfly campaign via the internet to “build pressure” on their respective governments.292 They called on citizens to write their signatures on the butterflies provided, which they pledged to forward to heads of state. The continued

292 These postcards contained the message: “Dear Prime Minister, I urge you to join governments across the world and pass a motion urging the Government of Japan to: (1) Publicly acknowledge the harm that “comfort women” suffered; (2) Apologise fully for the crimes committed against them; (3) Provide adequate compensation to survivors and their immediate families; (4) Accurately depict the sexual slavery system in Japanese textbooks on World War II,” accessed at: http://www.amnesty.org.nz/files/Comfort-Women-factsheet.pdf
reluctance of Australia and New Zealand to intervene in the issue, however, signified their unwillingness to strain their relations with Japan.

In sum, these resolutions succeeded in undermining Tokyo’s international reputation at a time when it was seeking to play a more active role in Asia and the UN. Japan has continually been denied a permanent seat on the UN Security Council, in part owing to its attitude vis-à-vis historical transgressions. Essentially the normative pressure whipped up by the comfort women network served to sway international public opinion towards supporting the Korean Council’s conception of justice for the victims. From the viewpoint of a Korean Council member, this put “the Japanese government [in] a corner…[and] at an impasse [in] the international community… [from which meant it could] no longer excuse itself.” The passage of comfort women resolutions furthermore signaled that the issue was no longer confined to the domain of Japan’s bilateral relations with Korea (and the nations from which comfort women were recruited); there was now an international audience with an interest in seeing the issue resolved.

Litigation

The primary means through which the comfort network pursued state compensation, however, was litigation. Activists from both countries collaborated in assisting the comfort women to launch a judicial battle against the Japanese government that has

continued for over two decades, by soliciting the help of lawyers and scholars of international law to challenge Tokyo’s claim that it was not legally culpable for the victims’ plight. In light of the fact that victim advocacy groups are typically lacking in financial resources, and that instigating law suits against foreign perpetrators is incredibly costly—necessarily entailing numerous overseas trips, legal costs and accommodation expenses—this battle would have been unthinkable had it not been for the network of supporters in the target country. Activists in Japan facilitated the victims’ legal battle by canvassing Japanese lawyers with expertise in human rights law, who would be willing to represent the victims pro bono; they also helped to raise the requisite funds for the victims’ to travel to and from Japan.

The comfort women litigation battle began on December 6 1991, the eve of the 50th anniversary of the bombing of Pearl Harbor, when three comfort women petitioned a Tokyo court for compensation (155,000 dollars each in damages) and an apology. Subsequently, a number of similar cases were filed. The legal arguments presented by the claimants included that the comfort women system constituted a violation of international treaties, such as the Hague Convention, which protects civilians in military-occupied territories and prohibits trafficking in persons; that the women had either been abducted or were deceptively recruited into serving at Japan’s military brothels; and that they were subjected to sexual and psychological abuse which had personal consequences for them well after they were liberated.

The lawsuits, however, were overwhelmingly unsuccessful on four primary legal grounds: (1) Japan settled its war crime compensation issues through the San Francisco Peace Treaty and other bilateral agreements with Korea, including the 1965 Japan-Korea normalization treaty; (2) Japan is subject to sovereign immunity; (3) the 20-year statute of limitations relieves Japan legal of an obligation to compensate the victims; and (4) individual claims for damages are not acceptable under international law, and as such, compensation can only be carried out between governments. Evidently, the court rulings in Japan largely reflected the stance of the Japanese government and privileged the state over individual civilians. The victims only achieved a minor victory when a Japanese court awarded them compensation, only to have this ruling overturned in March 2001.

After a succession of unsuccessful litigation attempts, the victims’ legal strategy began to focus on calling for new legislation providing for compensation, rather than relying on existing Japanese law. Precedents informing this claim were the special Law for the Allowance of Condolence Money to Taiwanese Deceased Soldiers (Taiwanjin senbotsusha nado ni taisuru chōkin shikyū hōritsu), enacted by the Japanese government in 1977. This law had been born as a result of public pressure on Tokyo that mounted after court cases waged by Taiwanese families had failed in Japanese courts.
Yet as this strategy also failed to yield results, the comfort women took their grievance to US courts in 2000, to pursue compensation from Tokyo under America’s Alien Tort State Act (ATCA) of 1790. As Gi-wook Shin explains, “the ATCA statute provides a basis for non-citizens to seek recourse in the United States for violations of standing international law and has been the legal hook that a variety of non-US plaintiffs have utilized in recent decades.”

On September 18, fifteen comfort women filed a suit against Japan in the United States District Court in Columbia for coercively abducting to serve as sex slaves for the Japanese military. Yet, in a similar vein to their judicial outcomes in Japan, the court ruled that Tokyo was not obligated to compensate them on the grounds of sovereign immunity pursuant to the Foreign Sovereign Immunities Act. Upon appeal, this decision was again affirmed. As a last resort, the plaintiffs petitioned the US Supreme Court to review the Court of Appeal’s decision, but ultimately it upheld the ruling. While previously we saw that US Congress had backed the comfort women’s redress cause, when the victims filed their suits in America, the US State Department intervened under the legal principle of amicus curiae; this principle, which translates as “friend of the court” allows third parties with no direct involvement in the case to introduce concerns of the broader legal consequences of a court decision.

The State Department requested that the court simply “file a brief expressing its sympathies with the women's sufferings but urge that the case be dismissed as lacking

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295 G. Shin, op. cit., 666.

296 It is, however, at the court’s discretion whether or not such concerns are admitted to the court. My thanks to Ōnuma Yasuaki for pointing this out.
Evidently, the State Department was reluctant to take an oppositional stance on an issue of great sensitivity to its most important Asian ally.

Frustrated by this lack of judicial success in conventional courts and the “failure of states to discharge their responsibility to ensure justice,” the network pursued the only viable strategy left, attempting to transcend the state. Thus, in 2000, the network decided to convene a “people’s tribunal” for the comfort women in Tokyo. The idea for this was premised on the model of the International War Crimes Tribunal on Vietnam of 1967. Ultimately, the comfort women tribunal constituted five judges—among whom were both practicing judges and professors of law—as well as ten prosecutor teams from Japan and the various nations victimized by Japanese imperialism, including Indonesia, Korea, the Philippines, China, Malaysia, Taiwan, East Timor, and the Netherlands. This configuration contrasted sharply with the Allied Tokyo War Crimes Trials (1945-1948). After hearing the testimonies of perpetrators, experts and thirty-five former comfort women over a period of three days, the judges rejected the notion that “heads of states and other high-ranking officials enjoy absolute immunity from prosecution for crimes committed while acting in an official capacity,” as

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301 Article 73, Transcript of Oral Judgment by the Judges of the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery, delivered in The Hague, *op. cit.*
expressed in the comfort women’s civil court cases. It ruled that ten individuals, including Emperor Hirohito, had been guilty of crimes against humanity, and that the Japanese government had a legal responsibility to provide compensation to comfort women.302 One year later, in 2001, the tribunal reconvened in The Hague to release the full judgment. Although this constituted a people’s tribunal and therefore the judgments were not legally binding, the rulings were intended to become legal precedents for future comfort women court cases.

In sum, the network’s pressure strategy entailed a range of sophisticated tactics that were employed with varying degrees of success. In the following section we examine the response of the two governments to this pressure, and how in turn it affected their inter-state interaction.

Response of the Two Governments

As the activities of the comfort women network gradually expanded in scope and intensity, both the Japanese and South Korean governments responded—to varying degrees—to their redress demands. Throughout the 1990s and into the early 21st century, these responses were largely initiated domestically rather than through diplomatic channels. This was because, aside from occasional calls by the Korean government for Tokyo to apologize to the victims, there was a tacit agreement between the two sides that Japan was not obligated to pay state compensation in light of existing bilateral

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treaties. In fact, the Korean government explicitly relayed to its Japanese counterpart that compensation for comfort women was unnecessary, reflecting a divergence between its own stance and that of the network. In this section we survey the response of the two governments to the network’s pressure strategy.

Response of the Korean Government

Although the Korean government took steps to support the comfort women domestically in the early 1990s, it proved mostly unwilling to strain its relations with Tokyo by raising the matter of state compensation. In December 1991, Director General of the South Korean Foreign Ministry’s Asian Affairs Bureau, Kim Suk-woo, filed a request for Japan to investigate the facts behind the comfort women system.\footnote{Jiji Press, December 10, 1991.} Seoul also formally raised the issue with Japanese Prime Minister Miyazawa during his January 1992 visit to Korea. In response to these developments, Miyazawa stated that his government had apologized and would undertake self-reflection, a position that the Seoul government ostensibly accepted.\footnote{Asian Department, Korean Ministry of Foreign Affairs, “Miyajawa ilbon ch’ongni banghangyolgwa” [The outcome of Japanese prime minister Miyazawa’s visit to Korea], 16-18, January 1992.} Notwithstanding this, in July of the same year, the Korean Ministry of Foreign Affairs and Trade (MOFAT) assigned a task force to look into the matter.\footnote{Interview with Ambassador Suk-inn Choi, February 28, 2012, Seoul.}

The ROK government showed ambivalence towards the comfort women issue in the early years of its emergence, expressing support for the Korean Council’s activities at
the United Nations on the one hand, but not treating the matter as a pressing diplomatic concern on the other. Attesting to the latter, when former Korean Foreign Minister Han Seung-ju visited Japan in 1993, he conveyed to Tokyo that his government would make no monetary claims for compensation for comfort women, but that further apologies were desirable.\textsuperscript{306} This stance was reiterated by President Kim Young-sam\textsuperscript{307} and was also reflected in media reports in the 1990s: “Asian governments such as China and South Korea have accepted Tokyo’s stance on state-to-state reparations, but have said they would not stop their citizens from seeking redress from Japan individually.”\textsuperscript{308}

The Korean government displayed a preference to handle the issue domestically. Owing to the increasing domestic and international interest in the issue, and based on the premise that it had never distributed funds from its 1965 settlement with Japan to former comfort women, the ROK government enacted legislation in May 1993 to provide financial assistance to the victims. Under this law, 158 Korean comfort women qualified to receive support and were each awarded an initial lump-sum payment of 6,400 (US) dollars, and a monthly stipend of 250 dollars thereafter.\textsuperscript{309} Additionally, they were provided with medical insurance and were given priority in renting government-run apartments. As a show of appreciation to the victims’ advocates, the

\begin{footnotesize}
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\item Reuters News, December 11, 1996.
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Korean government presented a special President’s Award to scholar activist Yun Chung-ok for her role in bringing the issue to light.

In addition to this governmental support, a number of Korean organizations extended welfare to the comfort women. Chungang Hospital, for example, which is run by the largest business conglomerate in Korea—the Hyundai Corporation—offered the victims free access to their medical services. While such assistance was welcomed by the victims and their advocates as it signified public recognition and helped to improve their quality of life, they still deemed it necessary that Tokyo extend redress, as this would serve as an admission of state culpability and help to restore their dignity.

_The Response of the Japanese Government_

In spite of the absence of strong pressure from Seoul, the Japanese government also enacted redress for the victims in the form of a fund. The context of this decision was the increasingly vociferous demands for an apology and compensation to be awarded to the victims, expressed internationally (through UN and Amnesty International reports) and in the network’s elaborate pressure tactics, as outlined above. Whilst continuing to uphold its original position that state compensation would not be proffered, the Japanese foreign ministry conceived of the idea of extending a “humanitarian gesture” to comfort women under the auspices of a quasi-governmental, but predominantly private, fund. As this initiative fell short of the demands of the network and the recommendations of the UN and Amnesty, however, it was widely condemned as an
attempt to evade legal responsibility. Consequently, the fund was largely rejected in Korea. By examining the process of how this rejection unfolded, we can begin to fathom the network’s influence on inter-state relations, particularly in shaping the Seoul government’s diplomacy vis-à-vis Tokyo. In short, the Korean anchor of the network sought to undermine the fund to ensure that it would not effect a political settlement of the issue between the two governments; in this way, it ensured that the comfort women issue remained contentious, with the expectation that it would ultimately be settled in accordance with the Korean Council’s demands.

While the fund was established as a response to the growing pressure on the Japanese government to provide redress to comfort women, it perhaps never would have come to fruition had it not been for a major shift that occurred in Japanese politics in June 1994. At this juncture, Japan’s conservative Liberal Democratic Party, which had monopolized Japanese politics for 38 years, suffered an electoral defeat, spelling the end—albeit temporarily—of its long-held dominance. A three-party coalition of opposition parties emerged in its place, presenting a window of opportunity for progress to be made on the issue. The head of this coalition, Socialist Party leader Murayama Tomiichi, was indeed eager to distance himself from his conservative predecessors. Upon election he thus issued a statement expressing his “profound and sincere remorse
and apologies” to the comfort women, and his intent to offer them a concrete expression of remorse.\textsuperscript{310}

Toward fulfilling this pledge, Murayama’s government launched a “Project to Deal with Issues on Occasion of the Fiftieth Anniversary of the War,” and established a sub-committee to reexamine the comfort women issue.\textsuperscript{311} Among the sub-committee members was Ōnuma Yasuaki, a Japanese professor of international law with expertise on the human rights of Koreans in Japan.\textsuperscript{312} On hindsight of his involvement in the committee, he asserts: “I knew that the Japanese judiciary was far too conservative\textsuperscript{313} to ever rule that the [executive branch] should compensate the women, so I thought it best to urge the administration and bureaucracy to make a fund on the women’s behalf.”\textsuperscript{314} Eventually it was agreed by the committee that this would be the best way to quell the victims’ calls for redress. The fund was to be constituted partly of money provided by the Japanese government, which would be funneled into medical and welfare projects, and partly of donations from Japanese citizens, which would be directly distributed to the victims.\textsuperscript{315} Essentially, this financial structure conferred the matter of responsibility

\textsuperscript{310} “Statement by Prime Minister Tomiichi Murayama on the Occasion of the 50th Anniversary of the End of the War,” August 15, 1995, accessed online at: http://www.awf.or.jp/e6/statement-10.html
\textsuperscript{311} This was known as The Sub-Committee To Address the Wartime Comfort Women Issue and was chaired by Tsutomu Takebe, “Establishment of the AW Fund and the basic nature of its projects,” AWF Digital Museum, accessed at: http://www.awf.or.jp/e2/foundation.html
\textsuperscript{314} Comment made by Ōnuma Yasuaki in response to a presentation given by the author, University of Edinburgh, May 25, 2016.
\textsuperscript{315} “Establishment of the AW Fund and the basic nature of its projects,” AWF Digital Museum, accessed at: http://www.awf.or.jp/e2/foundation.html
for compensation from the state to Japanese citizens, and was premised on the avoidance of setting a legal precedent that could open the floodgates to claims by other categories of victims. The fund was to be presided over by Japanese academics (mostly historians), including Wada Haruki and Ōnuma Yasuaki, which again served to dilute state involvement.  

Due to the varying conceptions among the intellectuals involved as to what would constitute an adequate settlement, however, the negotiations over the final terms of the fund did not proceed unhindered. Wada Haruki described this as follows.

> When we decided the amount that each woman would receive, I realized that if all of the Korean and Taiwanese victims came forward and applied to receive the fund, the money donated by citizens in Japan would be insufficient…. So I suggested that the Japanese government pay the excess amount. But I was severely criticized for this by (AWF member) Hata Ikuhito for attempting to turn the fund into a state compensation policy.

While Wada did in fact desire that the Japanese government pay individual state compensation to the victims, realizing that this was an improbably, he chose to remain

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316 Wada Haruki was Executive Director of the Fund and oversaw its implementation in Korea.

involved in the fund on the basis that “offering the women something would be better than nothing.”

Notwithstanding such obstacles, on July 19th 1995, the Josei no Tame no Ajia Heiwa Kokumin Kikin (National Fund for Asian Peace and Women), or for short, the Ajia Josei Kikin (the Asian Women’s Fund, hereafter AWF), was born. Its objectives were outlined by Chief Cabinet Secretary Kōzō Igarashi: (i) the Fund will call for donations from a wide spectrum of Japanese society as a way to enact the Japanese people’s atonement for the former comfort women; (ii) the Fund will support those conducting medical and welfare projects and other similar projects which are of service to former comfort women, through the use of government funding and other funds; (iii) when these projects are implemented, the Government will express the nation’s feelings of sincere remorse and apology to the former comfort women; and lastly, (iv) the Government will collate historical documents relating to the comfort women, to serve as a lesson of history. Under the terms of the Fund, each of the awardees would be entitled to a total of 5 million yen ($42,200), comprised of a two million yen ($17,600) one-off cash payment as well as three million yen ($26,500) in medical and welfare aid to be paid in installments by the Japanese government. Additionally, each recipient would receive a letter of apology signed by the Japanese prime minister.

318 Ibid.
In an emotive appeal for donations to the Fund, Prime Minister Murayama delivered the following message to the Japanese public at a press conference in July 1995:

Turning from yesterday to today, we still see many women suffering violence and inhuman treatment in many parts of the world. The “Asian Women's Fund,” as I understand it, will take steps to address these problems facing women today. The Government of Japan intends to play an active role in this regard.

I am convinced that a sincere effort on the part of Japan to implement these measures will further strengthen the true relationships of trust we share with our neighbors in Asia and other nations around the world.

The Government of Japan intends to cooperate, to the greatest extent possible, with the “Asian Women's Fund,” in order that its aims are achieved. I call on each and every Japanese citizen, asking for your understanding and cooperation.321

On the day that this appeal was issued, Japanese citizens contributed 14.55 million yen ($123,500); this figure climbed to 37.78 million yen ($334,400) by the end of the month, and to 133.75 million yen ($1,117,200) by the end of the year (1995). By June 1996, the total donated amount had reached 400 million yen ($3,520,000).322

Undermining theoretical assertions that achieving progress on an issue typically strengthens coalition building among activists, the network became divided over

whether to oppose the Fund or support it. This cleavage did not distinctly run along national lines—between Japan and Korea—but among the supporters and non-supporters of the AWF, as well as the victims who applied to receive it and those who rejected it. In other words, the network splintered along lines of conceptions of adequate redress for the victims. In a similar logic to Wada Haruki, some felt that the AWF held a certain significance in the sense that the Japanese government had hitherto been reluctant to enact any concrete measures for the victims, and may not do so again in their lifetime.\textsuperscript{323} Others were vehemently opposed to it on the grounds that the money intended for individual comfort women would not be drawn from Japanese government coffers, but from citizens’ donations; it thus did not constitute compensation or serve as an admission of legal responsibility. Representative of this latter view was Chi Eun-hee of the Korean Council, who claimed that “responsibility for inhuman war atrocities should be assumed by the government, not its people.”\textsuperscript{324} This was echoed by some of the victims, who objected that “it was just a ‘general’ fund (ilban gigeum), yet the people who victimized us were not ‘general’ people but in fact soldiers.”\textsuperscript{325} Another state compensation advocate raised the objection “Is giving to the victims money collected from citizens true compensation? The women are not victims of a typhoon or some other natural disaster. They are victims of Japanese

\textsuperscript{323} Interview with Wada Haruki, December, 2009, Tokyo. Also in this category was Utsuki Keiko, head of the Association for Clarifying Japan’s War Responsibility, and comfort women advocate.

\textsuperscript{324} Inter Press Service, March 29, 1996.

\textsuperscript{325} Interview with former comfort woman, November 3, 2009, Seoul.
government policy, of war crimes committed by the Japanese military. They have a right to legal compensation.”

Initially there were seven Korean comfort women in total who applied to receive the AWF. In so doing, however, they essentially undermined the position of the Korean Council that nothing less than state compensation from Tokyo would suffice. As such, the Council refrained from widely informing the rest of the comfort women of the opportunity to receive the AWF. Wada Haruki, who was in charge of overseeing the Fund’s implementation in Korea, thus relied on the (Japanese) Association of Clarifying Japan’s War Responsibility to notify the victims of the Fund, as its members were in personal contact with some of the women. The AWF recipients also flew in the face of public opinion in the ROK, which had turned against the Fund as a result of the Korean media framing it as “sympathy money” (wimungeum). Consequently, the AWF recipients were subjected to condemnation in Korean society and even received hate calls and death threats. They were also branded “bad people” by their fellow victims on the grounds that they (the comfort women broadly speaking) “were victimized as a group, and therefore should decide as a group [what is acceptable in

326  Ibid.
327  This fact was conveyed to me by a Korean Council member when she screened my interview questions for the comfort women.
328  Interview with Wada Haruki, December 14, 2009, Tokyo.
terms of redress].” In light of this backlash against the recipients, the AWF committee decided to thereupon administer the fund in secrecy.331

So as to ensure that no more comfort women would be tempted to receive the AWF, the Korean Council sought to undermine its implementation in various ways. First, it initiated a fund raising campaign to top up the Korean government’s existing fund for comfort women, until it exceeded the amount being offered by the AWF. Then, in tandem with the ROK government, the Council delivered the ultimatum to the victims that they could only receive the Korean fund if they signed a waiver to the effect that they would not apply for the AWF.332 This move was met with dismay from the AWF committee who argued that it reduced any symbolic significance of the Japanese fund to mere monetary value: “humans being humans will naturally opt for the higher amount,” Wada lamented.333 In spite of the Korean Council’s efforts, however, former Korean comfort women continued to apply for Japan’s fund. Ultimately, a total of 61 women received the fund.334 Former Japanese Ambassador to Korea, Mutō Masatoshi (now retired from Japan’s foreign ministry), asserts that “although this number did not [constitute] the majority of the victims (there were 192 registered comfort women at the time) considering how much intimidation they faced in Korea, it was a substantial.”335

331 Interview with former comfort woman, November 3, 2009, Seoul.
332 Interview with Wada Haruki, December 14, 2009, Tokyo. For a further explanation of this, see Niksch, op. cit.
333 Interview with Wada Haruki, December 14, 2009, Tokyo.
334 This figure was provided by an anonymous examiner for this dissertation.
335 Interview with Ambassador Mutō Masatoshi, August, 2013, Tokyo.
A further objective of the Korean Council was to influence the ROK government’s response to the AWF. Whilst the plans for the Fund were being conceived in Japan, the Korean government expressed no official objection but to it but rather, ostensibly welcomed the Fund.\textsuperscript{336} This is not surprising considering the Fund was more than what the Korean government had been asking of Japan in the early 1990s. According to the AWF committee, Seoul was pleased that the Fund entailed “an element of public support for some projects,” “involve[d] financial resources from the government budget;” comprised “a straightforward expression of remorse and apology, given by the state to those concerned,” and demonstrated “a clearly expressed desire to discover what happened and to use that information as a lesson of history.”\textsuperscript{337} Yet in the face of the strong condemnation toward the Fund in Korean society as well as by elements of the international community, the ROK government was confused as to how to respond to this overture from Tokyo. According to the Korean Council, “The [Korean] government didn’t know how to react to the AWF—officials asked us how they should respond.” In line with the Council’s advice, the Seoul government thus did an about turn and rejected the Fund outright.\textsuperscript{338}

The question that then arises here is, how did the Korean Council acquire such leverage over the ROK government? In short, it derived its power from a moral authority

\textsuperscript{336} Interview with Wada Haruki, December 14, 2009, Tokyo. See also “Projects by Country or Region—South Korea,” AWF Digital Museum, accessed at: http://www.awf.or.jp/e3/korea.html
\textsuperscript{337} “Establishment of the AW Fund and the Basic Concept of its Projects,” AWF Digital Museum, accessed at: http://www.awf.or.jp/e2/foundation-01.html
\textsuperscript{338} Interview with the Korean Council, July 22, 2009, Seoul; Interview with Wada Haruki, December 14, 2009, Tokyo.
acquired by acting as the primary advocates of and caregivers to the victims. This role is clearly proclaimed in the pamphlets distributed by the organization:

For the survivors of the military sexual slavery by Japan, who are mostly elderly women now, the Korean Council provides services such as counseling, human rights camp, medical support, and outdoor visits. In addition, the Korean Council recruits and trains volunteers who regularly visit and take care of the survivors and carries out programs to help the victims cure their wounds from the atrocities.\(^{339}\)

The moral authority it has derived from such activities has enabled the Council to position itself between the government and the victims. This in turn has effectively diminished the Korean government’s ability to act independently in its negotiations with Japan over what constitutes a suitable settlement for the victims; instead, this now has to be done in consultation with the Council. Note the striking contrast between this state of affairs and the circumstances under which Korean civilian victims were negotiated in the 1965 treaty. By pushing the Korean government to reject the AWF, the Council ensured that the comfort women issue would remain contentious at the inter-governmental until resolved in accordance with its own redress demands.

As an additional source of leverage, the Council ostensibly had an elite ally who provided a direct channel of influence vis-à-vis the incumbent ROK president when the

\(^{339}\) Pamphlet published by the Korean Council (date unknown).
AWF was enacted—Kim Dae-jung. According to Ambassador Mutō, the then leader of the Council was acquainted with Kim’s wife, as the two had formerly attended university together. Wada Haruki, who also had a personal connection with Kim Dae-jung, further attests to the direct influence of the Council over the Korean president. “I asked Kim Dae-jung to do something to relieve the AWF recipients from the psychological bind they were in after being socially condemned; but he just kept saying to me—talk to the Korean Council, talk to the comfort women… And then he passed away…” Together these anecdotes suggest that the ROK government essentially entrusted the handling of the AWF to the Council.

For a number of reasons, the efforts of the network’s Korean anchor to undermine the Fund were not met with a commensurate attempt by the Japanese anchor. This was firstly a result of the fact that the Fund was constituted of donations made by numerous Japanese citizens, and that its proponents included Wada Haruki who had traditionally been associated with the left in Japan; the Fund was thus not simply perceived as an initiative of the Japanese government that should be refuted. Consequently, a number of activists who were part of the comfort women network either became involved in the AWF’s implementation or supported the victims’ decision to receive it. These supporters cannot be classified simply as right wing or pro-Japanese government as many of them had previously assisted the victims in their legal battle for state compensation. Among these supporters was Usuki Keiko, the leader of the Association

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340 Interview with Wada Haruki, December 14, 2009, Tokyo.
for the Clarification of Japan’s Postwar Responsibility (Nihon Sengo Sekinin wo Hakkiri Saseru Kai),\textsuperscript{341} and also Takagi Kenichi, the head of the legal team for the class-action lawsuit filed by the comfort women. As a result of their tacit support for the AWF, these activists were permanently ostracized from the comfort women network. Moreover, Usuki Keiko, who had proceeded to disburse the AWF in Korea after Seoul had officially rejected it, was consequently declared “persona non grata” by the ROK government.\textsuperscript{342} In assessing the different response to the AWF by the network anchors in Korea and Japan, we can also point to the asymmetry that exists on account of the Korea-based organizations operating full-time and their Japan-based counterparts functioning part-time.

In sum, through the lens of the AWF debacle, it can be seen that comfort women advocates in Korea exerted decisive influence over their government’s reception of the Fund, ensuring that it would not be deemed an acceptable solution to the issue. As a result, the issue remained politicized and contentious. Through the Japanese and Korean government’s dealings with the AWF, it also became evident that in the 1990s they were still reluctant to address the comfort women issue head on at the diplomatic level; rather, as Soh asserts, they “[were] hiding behind the AWF and the Korean Council respectively.”\textsuperscript{343} Indeed, in their 1996 summit meeting, which took place only a year after the AWF’s establishment, the two heads of state, Hashimoto Ryūtarō and Kim

\textsuperscript{342} Ibid.
\textsuperscript{343} Soh, \textit{op. cit.}, 240.
Young-sam, avoided any discussion of the comfort women issue; instead their directed their focus to an issue of mutual concern: how to deal with North Korea.344

Effect on Inter-State Relations

Having failed to elicit comprehensive redress from the Japanese government through marshaling international support and mounting a legal challenge through Japanese and American courts, the strategy of the comfort women network underwent a drastic alteration in the twenty first century. That is, it began to focus on actively pressuring the Korean government to push Tokyo—a prospect previously considered unachievable.345 It was through this tactic that the network had its most definitive impact on inter-state relations: it precipitated a downward spiral in these relations, which led the two governments to a diplomatic impasse.

The Constitutional Court Case

Having heretofore failed in its judicial attempts to elicit state compensation, the comfort women network turned to the courts of South Korea as a final legal resort: its target was the ROK foreign ministry. This maneuver, which represented a marked change in the network’s strategy, did not aim to assign culpability to the Korean government but was premised rather, on the belief that Tokyo would only change its policy on compensation

345 As mentioned earlier in the chapter, the network assumed that the Korean government valued its economic relationship with Tokyo too much to exert real pressure on behalf of comfort women.
if it came under real pressure from Seoul. The vehicle the network employed toward this end was the Constitutional Court of Korea, a judicial body that assesses the constitutionality of matters on the basis of the ROK Constitution. In allowing individuals to file constitutional complaints against the government, it functions to protect Korean citizens from having their basic rights violated by governmental power.

The execution of this newly defined strategy was once again timely. While the Constitutional Court had been established back in 1988 to revitalize the constitutional adjudication system as part of democratic transition, by the time the victims petitioned it in 2011, democratic consolidation had well and truly occurred, as evinced—among other indicators—by the separation of powers between the judicial and executive branches of government.

The focal point of the comfort women’s Constitutional Court case was Article 3 of the 1965 treaty, the “Agreement of the Settlement of Problems Concerning Property and Claims and on Economic Cooperation between the Republic of Korea and Japan.”

As previously mentioned, the Japanese government had repeatedly argued that every right of Korean citizens to claim damages had been extinguished by Article 2 (Section 1) of this agreement. Notwithstanding, the comfort women claimants argued that the reluctance of the ROK ministry to actively dispute the interpretation of this Agreement

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was unconstitutional and an infringement upon their fundamental rights. Remarkably, on August 30 2011, the court sided with them, ruling in a vote of 6 to 3 that “the failure of the Korean foreign ministry to intervene has resulted in serious violation of fundamental rights” and of the Constitution. The judges justified their ruling as follows:

Although the Korean government did not directly violate the fundamental rights of comfort women victims, the government is still liable for causing disruption in settling the payment of claims by Japan and in restoring the victims’ dignity and value, in that it signed the Agreement without clarifying details of the claims and employing a comprehensive concept of ‘all claims.’ Taking note of such responsibility on the part of the Korean government, it is hard to deny that the government has the specific duty to pursue elimination of the disrupted state in the settlement of claims.347

This stunning verdict was rendered even more astonishing by the fact that the judges directly criticized the Korean foreign ministry’s defense of needing to be mindful of its relations with Japan. In contrast to the US legal system, amicus curiae opinion is not admitted in Korea, arguably providing a greater separation of powers:

Even if the nature of diplomacy—which requires strategic choices based on understanding of international affairs—is taken into account, ‘possible elevation to an exhaustive legal dispute’ or ‘uneasiness in diplomatic relations,’ which are very clear and abstract reasons set forth by the respondent (the Korean foreign ministry) as rationale for omission

Inevitably the ruling had profound implications for both the Japanese and Korean governments. Certain Tokyo officials dismissed it as a mere political act by judges appointed under former ROK President Roh Moo-hyun, who was infamous for playing the “history card” against Tokyo for domestic political gain— as mentioned earlier. While indeed Justice Cho Dae-hyun, who voted in favor of the comfort women plaintiffs, had been appointed by Roh and had also served as his legal counsel during Roh’s impeachment proceedings. However, there was also a Roh appointee among the three dissenting justices, namely Lee Kang-kook. Thus, rather than a political act, we can perhaps surmise that the judgment was a “legal act” by the Korean judiciary designed to help the victims break the legal impasse they faced on account of the 1965 treaty.

Unsurprisingly, the Constitutional Court verdict left the (executive branch) of the ROK government reeling, and spurred it to action to a degree never witnessed by the network before. On the heels of the ruling, it enacted a series of measures designed to pressure its Japanese counterpart for state compensation, signifying a turnaround in its policy and a convergence with the network’s demands. In September 2011, it established a taskforce to deal with the issue and appointed an ambassador with legal expertise, Choi

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348 Ibid.
349 Interview with (anonymous member of) Japanese Foreign Ministry, August 24, 2013, Tokyo.
Suk-inn, as chair. The abruptness of this measure is attested to by Choi himself: “I was on a post in the UK when out of the blue I received a call from the [foreign ministry]; they said there was an urgent ‘legal matter’ that needed to be dealt with and requested that I come back [to Korea] immediately. When I arrived in Seoul, I discovered that it was comfort women issue.”

Once established, the taskforce first attempted to establish dialogue with the comfort women and their supporters, a move that was met with anger by the victims and their advocates in Korea: “so now you want to talk?” they asked. Subsequently, taskforce members then dispatched a letter to Tokyo requesting a meeting to discuss the issue. Following this, they financed a conference in Seoul that brought together a number of legal experts, including former UN special rapporteur Gay McDougall, to establish new grounds for a legal resolution of the issue. The Korean government also raised the possibility of referring the matter to an arbitration committee. This option, which is permitted under the terms of the normalization treaty, is applicable in the event that the two countries are unable to resolve a bilateral issue through regular diplomatic channels. It necessitates the appointment of a legal expert by each side and another appointed by a third party. This was the first time that arbitration had been raised by Seoul in relation to the comfort women issue since the two countries signed the treaty, and together with the above outlined measures, constituted its most assertive stance on the matter to date.

351 Interview with Ambassador Choi Suk-inn, February 28, 2012, Seoul.
352 The conference, entitled “The ‘Comfort Women’ Issue and Future-Oriented Relations Between Korea and Japan,” was held on February 17, 2012 at Lotte Hotel in Seoul; it was organized by The Korean Society of International Law and in attendance was the head of Korea’s comfort women taskforce.
The Entanglement of the Comfort Women Issue with Territorial Sovereignty

The impact of the Constitutional Court ruling not only sent reverberations through Korea’s foreign ministry, but it also prompted then president Lee Myung-bak to ratchet up the pressure on Tokyo to pay to compensation. While Lee had come to office in 2008 pledging to “look ahead” and avoid rousing the ghosts of the past with Japan, the 2011 ruling rendered this stance unfeasible. When Lee and his Japanese counterpart, Noda Yoshihiko, held a summit meeting in Kyoto on December 18 2011—four months after the ruling—Noda was under the impression that the comfort women issue would not be a talking point. Even though the Japanese Embassy officials in Seoul had begun responding to the court ruling by holding low-level talks with Korea’s foreign ministry, they had yet to come up with a concrete proposal on how to proceed; the Japanese side, being under no obligation to respect the Korean judiciary, was thus not prepared to discuss the issue at the head-of-state level. With the end of Lee’s term looming, though, he was growing desperate to see progress on the issue and indeed, achieving such would constitute a significant presidential legacy. Thus, in the summit meeting Lee urged Noda “in an unusually strong tone to resolve the [comfort women] issue” and proceeded to talk about it for the most part of the meeting. Noda, however, refused to engage in discussing the matter except to request that Lee remove the comfort women statue that had been erected by activists in front of the Japanese Embassy only four days earlier.\textsuperscript{353} Tensions increased between the two leaders throughout the meeting until Lee reportedly

\textsuperscript{353} The Asahi Shimbun, December 19, 2011.
stormed out, infuriated.

Notwithstanding Noda’s reluctance to discuss the issue at this point, the court ruling did provoke a measure of response by Tokyo. Soon after the summit, Noda and his Deputy Chief Cabinet Secretary, Saito Tsuyoshi, discussed the issue with senior officials of Japan’s Foreign Ministry and came up with a three-point plan to re-address the issue. According to this plan, (1) the Japanese ambassador to South Korea would offer a direct apology to the comfort women; (2) Noda would meet Lee to explain the details of humanitarian assistance programs for the victims; and (3) humanitarian assistance would be provided to the women from Japanese government coffers.354 Evidently, this represented a step up—albeit a marginal one—from the Asian Women’s Fund. In March 2012, the proposal was conveyed to the Korean government by Japan’s vice Foreign Minister Sasae Kenichirō, the highest-ranking diplomat in Japan.355 The South Korean government, however, rejected Noda’s plan on the alleged grounds that “humanitarian assistance” did not constitute state compensation. By now we see that Seoul’s position had closely converged with that of the Korean Council.

As a further consequence of the Constitutional Court case for bilateral relations, Japan’s failure to deliver on Seoul’s demands for state compensation for the victims became a decisive impetus for Lee Myung-Bak’s visit to the disputed islet of Dokdo (or

355 The Asahi Shimbun, October 8, 2013.
Takeshima, as Japanese know it), in August 2012. Put simply, part of Lee’s rationale in visiting Dokdo was to signal discontent to Japan about its handling of the comfort women issue and Lee himself even attested to such. To ensure maximum domestic support for this move, Lee embarked on the controversial visit five days before National Liberation Day of Korea (gwangbokjeol), a public holiday that commemorates emancipation from Japanese colonial rule. In the wake of the uproar that this inevitably sparked in Japan, he called on Tokyo once again to resolve the comfort women issue in his Liberation Day speech. As a result of this sequence of events, the two countries’ diplomatic relations came to a literal standstill: communication broke down between their respective foreign ministries and Japanese ambassador to Korea, Mutō Masatoshi, was recalled to Tokyo. In this way, the comfort women issue became intertwined with the problem of territorial sovereignty. By utilizing the latter dispute to pressure Japan vis-à-vis the comfort women issue, Lee’s actions signified that history problems had acquired a new form of political utility— which I term “retaliatory utility”— for use at the diplomatic level. This entanglement of the issues did not go unnoticed by activists in Japan. At a meeting of Korean forced laborers advocates in Tokyo in 2012, the keynote speaker claimed: “the governments are mixing the two issues up; but they’re not the same thing!”

The tensions over these events were inherited by Lee and Noda’s successors, Park

357 Interview with Eguchi Yukiko, former Japanese diplomat to Korea, September 6, 2013, Tokyo.
358 Meeting held among forced laborer advocates, October 18, 2012, Tokyo.
Geun-hye and Abe Shinzō, who were respectively inaugurated in December 2012 and February 2013. There was an anticipation in Japan that Park’s election to presidency could lead to an improvement in the two countries’ fraught relations, given that her father, the late Park Chung-hee, had formed many friendships within the ranks of the Japanese government, and many of the descendants of these friends were now serving as politicians; the foundation was thus there for friendly relations between the two sides.\(^{359}\) On the other hand, there was a concern that this historical familial connection to Japan would compel Park to take a hardline stance vis-à-vis Japan. Ultimately it was the latter scenario that prevailed: Park Geun-hye became the first democratically elected president in the ROK to abstain from making a positive overture to Japan as she came to power. Indeed, in light of the fact that no diplomatic progress had been made on the comfort women issue at this point, it would have been “unconstitutional” of her to do so.

Abe’s (re-)election, meanwhile, did not bode well for relations in light of the revisionist statements he made regarding the comfort women matter in his first term (as outlined earlier), and his general reputation as a hawk. As expected, he continued in this revisionist vein throughout his second prime ministerial term, this time seeking to rescind the Kōno Statement and pay a visit Yasukuni Shrine. As Kōno’s apology entailed the admission that coercion was employed by Japanese authorities in the recruitment of comfort women, it is widely believed to be Japan’s most significant

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\(^{359}\) Interview with Kim Changnyum, Korean diplomat to Japan, September 26, 2013, Tokyo.
apology to the victims to date. Yet many of Abe’s LDP contemporaries claim that there is no concrete evidence of large-scale coercion by the military or government in the comfort women system, despite the many victim testimonies to the contrary. Faced with party pressure to water down the Kōno Statement, Lower House member Koichi Hagiuda—a close aide of Abe’s—suggested in a television interview in October 2014, that his government would be revising the Statement. Although Abe ultimately denied his party’s intent to rescind the apology amid this controversy, given the delay of this announcement and his previous claim that the comfort women were not coercively recruited, the diplomatic damage was done.

**Conclusion**

It is now common knowledge that the comfort women issue is a major stumbling block in Korea-Japan relations. While the Dokdo/Takeshima territorial dispute and other history problems continue to simmer below the surface of the relationship and erupt from time to time, the comfort women issue has driven a deep wedge between the two governments and has essentially become symbolic of Korea’s victimization at the hands of its former colonial ruler. How this state of affairs came about, however, is not easy to fathom. If one were to examine only diplomatic development, the very dynamics driving the issue would be missed.

This chapter thus turned the analytic spotlight beneath the diplomatic level, onto the

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transnational advocacy network that organized around the comfort women victims and made an issue of their plight. It has shown that, in addition to pushing the issue onto the diplomatic agenda, over time the network has come to both shape and drive state-to-state interaction vis-à-vis the issue. To elucidate how the network achieved such, the chapter surveyed its early strategy and found that an array of sophisticated pressure tactics were utilized in the pursuit of its redress goals. It then examined the response of the two governments to this pressure and how the network shaped this response in turn. Lastly, it looked at how a reformulation of their strategy in the 21st century impacted on inter-governmental interaction.

We now return to the central question of under what conditions and by what means do advocacy networks change the way the states interact? With the uncovering and dissemination of facts implicating Japan in the comfort women system, the comfort women issue emerged on the diplomatic agenda and the Japanese government began extending apologies to the victims. Following an increase in international normative pressure for redress to be issued to the victims, the Korean government started insisting on further apologies from Japan. This pressure was also a factor in the Japanese and Korean governments’ decision to establish separate funds for the comfort women. The network stirred up this pressure by engaging international bodies and governments around the world; the former backed the network’s demands for state compensation through the publication of reports, while the latter passed resolutions urging Japan to further atone to comfort women. Critical to the network’s ability to engage these
institutions was the role of intellectuals with a knowledge of human rights, who were thus able to frame the comfort women issue in such terms and thereby imbue the issue with international resonance.

Moreover, the network—specifically its Korean Council constituent—was able to indirectly affect inter-governmental interaction by undermining Japan’s attempt to resolve the comfort women issue through the Asian Women’s Fund. It did so by pitting the AWF against the Korean fund, and asserting moral authority on what constitutes adequate redress for the victims; it thus effected a turnaround in the Korean government’s stance vis-à-vis the Fund. At the same time, however, the Council’s actions in this regard raised questions about their accountability, and doubts as to whether they were acting in the victims’ best interests. Essentially, the fracturing of the network that occurred in response to the AWF can be understood as a manifestation of the nature of advocacy within the network: activists (particularly the Korean Council) were advocating “on behalf of” the victims, rather than “as” victims per se.

The condition under which the network most definitively affected inter-state relations, however, was when it challenged a bilateral treaty clause by leveraging the judiciary against the executive branch of the Korean government. It did so by filing a constitutional complaint and winning the support of a majority of the judges. Essentially this maneuver resulted in a volte-face in the executive branch’s stance on the compensation issue, and led the Korean foreign ministry to adopt its most assertive
position on the comfort women issue yet. As the Japanese government is not required to honor the Korea’s judiciary—and indeed, it chose not to—this precipitated a downward spiraling in relations, which culminated at an impasse between the two governments. This impasse was reinforced by the re-election of Prime Minister Abe in 2012, which resulted in the Japanese government moving in the opposite direction—toward assertively denying its wrongdoing vis-à-vis the victims.

While again beyond the purview of the analysis, it is worth noting that aside from shaping inter-state interaction vis-à-vis the comfort women issue, the network has also sought to influence the perceptions of governments internationally on the comfort women issue in Japan-Korea relations. When the UK government published its tenth “Select Committee on Foreign Affairs” report in 2009, under the section “Japan and South Korea: Regional Relations,” it assessed the comfort women issue as follows: “At government-to-government level, Japan and South Korea regard the ‘comfort women’ issue as being settled. However, some South Korean former ‘comfort women’ continue to protest about their treatment.”

In response to this report, the Korean Council sent a fax to the British government refuting its interpretation. “As it was mentioned in the report, the Japanese government insists that [it took] legal responsibilit[y] in regards to ‘comfort women’ through the Korea-Japan Treaty in 1965. However, the Korean government and the officials who participated in the treaty have been arguing that the

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matter of ‘comfort women’ was not dealt during the treaty.” The fax further argued that, “the Korean government officially announced that the Korea-Japan treaty in 1965 did not include matters of ‘comfort women’ atomic bomb and forced immigration to Sakhalin. The Korean government made it clear that the Japanese government still has full legal responsibilities to take in regards to this matter.” The Korean Council’s statement proceeded to point out other “errors” and concluded with a request that the British government check its facts and make any necessary corrections. While it may be sheer coincidence, the UK government neglected to comment on the comfort women issue—or in fact, any other aspect of Japan-Korea relations—in the following session’s (2009-10) report.

In conclusion, through examining the trajectory of the comfort women issue, it is becoming apparent how history problems between Japan and Korea have grown more contentious over time. When the two governments negotiated the treaty in 1965, redress for comfort women was a nonissue. However, as the advocacy network emerged and exerted bottom up and lateral pressure (through the international organizations and governments), and gradually refined its strategy, it made the issue controvertible between the two states and pushed the Korean government to negotiate with Japan in a manner that reflected the network’s terms of redress. To understand the workings of

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advocacy networks in international politics at a deeper level, we now turn our attention
to the vastly different trajectory of the Korean atomic bomb victims.

CHAPTER 4

Korean Atomic Bomb Victims:
Marginalized Victimhood and State Ethics

The matter of redress for Korean A-bomb victims became a prominent feature on Japan
and Korea’s diplomatic agenda from the early 1990s. While newspapers reported it at
the time as a “pressing issue” that had soured relations between the two governments, it
never evolved to become a major source of friction. And unlike the comfort women issue, it failed to attain international ascendancy but remained, rather, strictly confined to the bilateral sphere. What accounts for this contrasting trajectory? Did the redress demands of the A-bomb victims or the tactics employed to achieve them differ fundamentally from that of the comfort women network? Or were structural or exogenous factors at play?

This chapter examines the impact of the Korean A-bomb victim issue on Japan and Korea’s interstate relations, and the role of the attendant transnational advocacy network therein. In doing so, it will shed further light on the means and conditions under which advocacy networks change the way that states interact. As the trajectory of this issue deviates considerably from the comfort women case study, it will help to clarify the variables that affect state-to-state interaction.

The chapter argues that the Korean A-bomb victim network spurred the two governments to act primarily through litigation and the adverse publicity this engendered for the Japanese government. In connection to this, the matter of redress for the victims did not lead to fractious interaction between the two states largely owing to the fact that the network circumvented bilateral treaty settlements in their lawsuits; as we shall see, they were able to do so through an alternative legal avenue at their disposal. Fortunately for the network, this avenue proved viable, as evidenced by the

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numerous court proceedings in Japan that resulted in the victims’ favor. As a result of these legal victories, Tokyo’s diplomatic handling of the issue was led more by domestic court verdicts than pressure from its ROK counterpart. Further accounting for the lack of inter-state tension over the issue was that, for various reasons, Korean A-bomb victims were willing to accept financial assistance from Tokyo under auspices other than state compensation; the network constituents thus did not pressure the Korean government to reject diplomatic overtures from Tokyo, even when such overtures fell short of their demands. Finally, the issue failed to become internationalized not because of the network’s tactics per se, but the reluctance of human rights organizations and governments throughout the world to lend support to a cause that inextricably implicates a global hegemonic power—the United States.

Network Composition

In order to analyze the role of the network, it is first necessary to examine its constituents. Since its inception, the Korean A-bomb victim network has been considerably more grassroots in its composition than the elite-driven comfort women network; this was made apparent from the fact that few intellectuals became engaged in the network and the issue itself has attracted comparatively little scholarly interest. Indeed, scholars and scholar-activists alike were—and continue to be—drawn to the comfort women issue by the same structural and political forces that propelled the issue to international ascendancy. The issue of Korean A-bomb victims, by contrast, did not emerge at a timely global juncture, and the network was unable to invoke the same
powerful human rights and feminist norms to promote their cause, for reasons we will soon discover. As a corollary of the lack of elite input in the network, A-bomb victims themselves came to lead the Korean anchor of the network and establish advocacy NGOs to represent their interests; the Japan anchor, meanwhile, has been led by grassroots activists whose motivations we will look at below.

Differing once again from the comfort women network, feminists have not featured among the A-bomb victims’ advocates. There were of course thousands of female Korean A-bomb victims, yet owing to the fact that there were male victims too, the issue has not been conceived of in gendered terms; indeed, men and women alike are vulnerable to victimization in the event of bombing—atomic or otherwise—of civilian centers. It was rather anti-nuclear activists that became the pillar of the network and they also came to constitute its ideological backbone. This is not surprising in light of the fact that the redress campaign for ethnic Japanese A-bomb victims grew out of the nuclear disarmament and peace movements that proliferated in the wake of Japan’s defeat. As one would assume, A-bomb (survivor-)victims have served an important utility to nuclear disarmament activists, being living testament to the damage inflicted by such weapons.

In the Japan anchor of the network, anti-nuclear activists have advocated for the Korean victims under the umbrella of the Japan’s two main anti-nuclear organizations, Gensuikyō (Japan Council against A- and H-Bombs) and Gensuikin (Japan Congress
against A- and H-Bombs).\textsuperscript{364} Once again, a number of Zainichi activists have partaken in the issue. As A-bomb victims in Japan were awarded redress by the Japanese government to the exclusion of the victims on the Korean peninsula, Zainichi Koreans conceived of this as yet another instance of discrimination against ethnic Koreans, and thus rallied to assist them. Lee Sil-gun, for instance, has long been active in pushing for legislation in Japan to assist A-bomb victims on the Korean peninsula. He was initially inspired to become involved in the issue upon realizing that the Japanese media had framed the A-bomb victim issue exclusively in terms of Japanese victimhood.\textsuperscript{365} Being a Korean A-bomb victim himself, by virtue of exposure to residual radiation in Hiroshima, and having personally farewelled many of the victims when they were repatriated to their homeland,\textsuperscript{366} Lee was stunned by this media negligence.\textsuperscript{367} Zainichi activists have moreover utilized their bilingualism to interpret for they many court cases instigated by Korean A-bomb victims in Japan—similarly to their role in the comfort women issue—and have been active in transcribing litigation proceedings and uploading them to the internet for public perusal.

Numerous ethnic Japanese activists have additionally been committed to advocating specifically for Korean A-bomb victims. In most cases their impetus to join the cause

\textsuperscript{364} Gensuikyō was formed in 1955 with the backing of the Japan Communist Party. Later infighting led to the splintering of the group along factional lines; one of the offshoots of this splintering was the socialist-backed Gensuikin, established in 1965. For more on this split, see K. Fujiwara “Nihon no Heiwa Undō (I)” [Japan’s Peace Movement (I)], \textit{Tokyo Keidai Daigaku Kaishi}, 176 (1992): 15-39.

\textsuperscript{365} Interview with Lee Sil-gun, founder of Hiroshima Council on Chōsenjin A-bomb Victims, September 27, 2013, Hiroshima.

\textsuperscript{366} For an explanation of this repatriation process, see Ichiba, \textit{op. cit.}, 50-53.

\textsuperscript{367} \textit{Ibid.}
was an awareness of matters concerning Zainichi Koreans or more generally, the Korean peninsula. Japanese NGO leader and A-bomb victim, Toyonaga Keisaburō, cites a school trip to Seoul in 1971 as the inspiration for his involvement in the issue; whilst there, he called upon an organization advocating for Korean A-bomb victims and heard first-hand about the fraught circumstances surrounding their redress pursuit.\footnote{Interview with Toyonaga Keisaburō, president of the Hiroshima branch of the Association of Citizens for Supporting South Korean Atomic Bomb Victims, March 1, 2013, Hiroshima.}

Activist Ichiba Junko, who also came to be a prominent advocate of Korean A-bomb victims, points to learning Korean language in her student years to explain her engagement.\footnote{Ichiba, who speaks fluent Korean, began advocating for Korean A-bomb victims in 1978 when she was a college student.}

On the Korean side, a lack of public interest in the issue has limited the network’s constituents to mainly the victims themselves, some anti-nuclear activists, and residents of Hapcheon County in Gyeongsamnam Province, where approximately one third of the victims reside. From 2003, the network gradually expanded to encompass the second- and third-generation descendants of the victims, who sought redress for genetic inheritance of A-bomb-related illness.\footnote{This will be elaborated upon further in the chapter.}

A number of NGOs were also established to represent the interests of Korean A-bomb victims. In Japan, these have included the Association of Citizens for Supporting South
Korean Atomic Bomb Victims (Kankoku no Genbaku Higaisha wo Kyūen suru Shimin no Kai) and The Korean Residents Union in Japan (Zainihon Daikanminkoku Mindan, or Mindan). In Korea, the dominant organization advocating for first-generation victims is the Korean Atomic Bomb Victims Relief Association (Hanguk Wonpok Pihaeja Hyeopoe), while the Hapcheon House for Peace (Hapcheon Pyeonghwa ui Jip) has represented their offspring. And although essentially not an NGO, the Korean Red Cross (which is funded by the Korean government) has been a key actor in the network, often mediating between the victims and the Korean government.

Since the early 1970s, the Association of Citizens for Supporting South Korean Atomic Bomb Victims (in Japan), has provided considerable financial support to its analogous organization in the ROK, and to the victims directly. From 1973 to 1986—a period when the victims were getting little to no assistance from either the ROK or Japanese governments—substantial sums of money were donated by the Japanese organization to its Korean counterpart. These funds, which were derived from a combination of their

371 Headed by the aforementioned Ichiba Junko, this organization was established in 1967 with branches in Osaka, Nagasaki and Hiroshima (headed by Toyonaga Keisaburō).
372 See chapter two for a description on Mindan’s establishment.
373 Other organizations in Japan include Zenrinkai (Group of neighbors) which was established in 1973 and has advocated for the Korean victims and provided them with financial support; and the Tokyo-based Citizens Council on the Issue of A-bomb Victims in South Korea, which established to assist with inter-governmental negotiations and information exchange.
374 The first branch of this organization was established in Seoul in July 1967, and six other branches opened up shortly thereafter; by 1973 it boasted a membership of 9362.
375 This organization was established in 2010, in Hapcheon County, where the majority of the A-bomb victims live in Korea.
membership fees and fundraising efforts,\footnote{Interview with Kim Yong-kil, president of the Korean Atomic Bomb Victims Relief Association, February 3, 2012, Seoul. Each year, the members of the organization pay an annual fee of 4,000 Japanese yen (approximately AU$40).} were mainly utilized for the victims’ treatment and the establishment of medical facilities for the provision of specialized treatment for A-bomb related illness (see Table 1.1 below).\footnote{Y. Kim, \textit{op. cit.}, 135-36.}

Table 1.1: Amount (in Korean Won) Donated by Japanese Activists to Korean A-bomb Victims and their Supporters from 1973-1986\footnote{\textit{Ibid.}, 136.}

<table>
<thead>
<tr>
<th>Year</th>
<th>Donation Amount</th>
<th>Year</th>
<th>Donation Amount</th>
<th>Year</th>
<th>Donation Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>1,416,912</td>
<td>1979</td>
<td>260,240</td>
<td>1985</td>
<td>737,600</td>
</tr>
<tr>
<td>1974</td>
<td>2,017,892</td>
<td>1980</td>
<td>81,000</td>
<td>1986</td>
<td>1,381,965</td>
</tr>
<tr>
<td>1975</td>
<td>2,375,761</td>
<td>1981</td>
<td>Nil.</td>
<td>Total</td>
<td>15,705,412</td>
</tr>
<tr>
<td>1976</td>
<td>1,931,758</td>
<td>1982</td>
<td>1,043,712</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>1,931,758</td>
<td>1983</td>
<td>2,578,673</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>10,000</td>
<td>1984</td>
<td>1,566,796</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Pressure Strategy and Tactics

The pressure strategy employed by the Korean A-bomb victims in their redress pursuit was formulated through meetings and symposia between activists in the two
countries. Primarily this strategy was informed by the fact that they had victim counterparts in Japan, who had procured redress from Tokyo in 1957. As the dropping of the atomic bombs was the first and only event of its kind, there were no normative standards stipulating how the victims of this weapon should be redressed; the only exemplar that the Korean victims had to go by were the provisions made to the Japanese. Attaining parity with them would be no simple, however; being heavily outnumbered by their Japanese counterparts, Koreans had to contend with a narrative of “Japan as the only country which has ever suffered atomic bombings” (yuiitsu no hibaku koku).

The marginalized nature of the victimhood of Koreans was most clearly evinced—and indeed, crystallized—when Mindan proposed to erect a stone tower in their honor within the grounds of the Hiroshima Peace Memorial Park, in 1967; their request was denied by the city of Hiroshima on the grounds that it was no longer accepting new cenotaphs in the park. The Korean memorial was thus constructed just outside the park,

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379 Notable among these was a symposium convened in Japan in March of 1998, by NGO leaders from both countries, on the theme of “Considering the Problems of A-bomb Victims in Korea.” In attendance were three of the victims from South Korea, one of their treating doctors from Yonsei Severance Hospital, and then president of the Korean Atomic Bomb Victims Relief Association; together they issued impassioned appeals to their supporters in Japan. The symposium proceedings were later compiled and edited by the Korean A-bomb Victim Association: Zaikan Hibakusha Mondai Shimin Kaigi [Korean Atomic Bomb Victims Relief Association] (ed.), Zaikan Hibakusha Mondai wo Kangaeru [Considering the Problem of A-bomb Victims in Korea], (Tokyo: Gaifūsha, 1988).

380 There were also Japanese comfort women but for various reasons, they are not recognized as “victims” requiring redress.

close to where the body of a Korean prince was found after being killed in the blast.\textsuperscript{382}

What contributed most to the victims’ sense of marginalization, however, was their treatment in the realm of law. In 1957, the Japanese government enacted the Atomic Bomb Medical Relief Law (Genshibakudan Hibakusha ni taisuru Iryō nado ni kansuru Hōritsu, or Genbaku Iryō Hō) to provide free health checks and cover the medical costs of the victims resident in Japan.\textsuperscript{383} Just over a decade later, in 1968, a more comprehensive legislation was enacted—the Atomic Bomb Special Measures Law (Genbaku Tokubetsu Sochi Hō)\textsuperscript{384}—which further entitled victims in Japan to various social welfare benefits.\textsuperscript{385} As these laws were not applicable to ROK citizens, effectively they drove a wedge between the victims in the two countries. Consequently, the demands of the Korean A-bomb network came to be centered on achieving redress equity with the victims in Japan. These demands were established by the victims themselves, rather than scholar-activists, and were essentially threefold: the provision of free medical checkups; coverage for medical treatment; and financial support for the

\textsuperscript{382} The memorial was first erected in 1970 and was only relocated within the park in 1999. For details, see Hiroshima Peace Memorial Museum, \textit{Monument in Memory of the Korean Victims of the A-bomb}, accessed online at: http://www.pcf.city.hiroshima.jp/virtual/VirtualMuseum_e/tour_e/ireihiti/tour_11_e.html

\textsuperscript{383} An except of the original text of the law can be viewed here: http://kotobank.jp/word/原子爆弾被爆者の医療等に関する法律. For further explanation on how these laws came about, see Ichiba, \textit{op. cit.}, 33-35.

\textsuperscript{384} In 1994 these two laws were combined under the Atomic Bomb Victim Assistance Law (Hibakusha Engo Hō). It should be noted that many Japanese victims are not entirely satisfied with these provisions. Indeed, many victims in Japan failed to “prove” their victimhood and thus were denied the Atomic Bomb Victim Health Certificate, which was required in order to receive these provisions.

maintenance of their livelihoods (as many of the victims had been rendered too ill to work).

Throughout the 1960s and 70s—the initial decades of the network’s redress pursuit—it was not a paramount concern to the victims that these funds constitute state compensation, but simply that they meet their medical and financial needs. This was informed by their urgent need for specialized treatment, which was largely unavailable to them in the ROK. Note the contrast here with the comfort women for whom the payment of state compensation (which they equated with legal responsibility) was deemed essential for the restoration of their dignity, and the absolution of the sense of shame shrouding their victimhood; their perceived loss of dignity and resultant shame was not only born from the nature of the ordeal they endured, but also the frequent challenges to their victimhood (such as accusations that they were prostitutes that were paid for their services) by elements of the Japanese right wing. By comparison, owing to the widespread public consciousness of Japanese A-bomb victims in Japan, the victimhood of the Korean A-bomb survivors has had legitimacy across the political spectrum in Japan (at least among those aware of the issue), and has generally gone unchallenged. And although there continues to be social stigma surrounding the health effects of A-bomb related illness, being absolved of such has not been linked to their redress pursuit.

While the Koreans A-bomb victims sought an apology from the Japanese government,
they did not insist that it be issued in the form of a Diet resolution, like the comfort women network, but conceded that an official one (proffered by any member of the Japanese government) would suffice. This difference stemmed from the fact that A-bomb victims were not subject to the same wild swings in Tokyo’s stance on contrition that comfort women were, a trend that has underscored the latter’s demand for a concretized statement of apology.

These demands of the A-bomb victim network were pursued through a pressure strategy characterized by annual joint commemoration of the atomic bombings, fact-finding, research and documentation, litigation and lobbying of the Japanese and Korean governments as well as international human rights bodies. We examine this strategy hereon.

*The “State Ethics” Frame*

Korean A-bomb victims faced a somewhat more difficult task than comfort women in framing their issue, as culpability for their victimization was relatively diffuse. Owing to the existence of a relevant legal precedent—the Atomic Bomb Victims Relief Law—the network deduced that litigation would be key to procuring redress. In this way, the framing of the plight of Korean A-bomb victims was shaped primarily by the network’s legal strategy, rather than the desire to garner international support. As a corollary, the issue came to be defined by the notion of “state ethics” and largely excluded the concept of “human rights.”
While there is an argument to be made that the use of atomic weapons on Hiroshima and Nagasaki did amount to a crime against humanity, the advocacy network did not frame the issue in these terms. Takagi Kenichi, a human rights lawyer who has represented many of the Korean victims in their court cases, has long believed that the use of nuclear weapons against Hiroshima and Nagasaki violated international humanitarian law as it entailed “an indiscriminate attack on civilian population centers.” Yet, to frame the issue in such a way would necessitate the designation of American culpability, given that it was the US that manufactured and deployed the A-bombs. Although many of the victims did (and continue) in fact hold the US government partially accountable for their plight, based on a number of pragmatic considerations they deemed the pursuance of such an impossibility. First, the geographic distance the victims would have had to traverse to sue the US government would have imposed too great a financial burden. Second, despite having conducted research into the effects of the A-bombs on humans, the US government has never admitted to being responsible for its; this would make it hard for the victims to win a legal battle against Washington. There is, moreover, no existing network of activists in


388 Interview with Kim Yong-kil, president of the Korean Atomic Bomb Victims Relief Association, February 3, 2012, Seoul.
the US advocating redress for (overseas) atomic bomb survivors that could otherwise facilitate the victims’ litigation attempts, or support a narrative of the A-bombs as a violation of human rights. To the contrary, a wide held belief exists in the US, particularly among veterans, that the use of the A-bombs was warranted in that they brought Japan’s war machine to a halt, thus preventing further bloodshed; in accordance with this line of thinking, the civilian casualties of such were simply unavoidable collateral damage. The comfort women victims, by contrast, have had far-reaching support in America both at the levels of government (among congressmen) and society (particularly within the Korean American community), a factor that facilitated their court cases in the US.

Owing to a combination of these considerations, American culpability was entirely omitted in the Korean A-bomb victim frame and as such, the human rights concept was largely eschewed. To be sure, on occasion network constituents have utilized human rights rhetoric in their advocacy efforts, yet they have never mobilized this even close to the extent that comfort women have.\textsuperscript{389} Under the guidance of the victims’ lawyers, culpability was instead assigned wholly to the Japanese government in the logic that the damages inflicted by the bomb were a result of the state act of war, and it was the government that executed that war. In other words, Japan was a major aggressor in the

\textsuperscript{389} For instance, in 1995, then leader of the Korean Atomic Bomb Victim’s Association argued to the effect “we are making these demands [for redress] in order to have our human rights restored.” Toyonaga, \textit{op. cit.}, 383. There is also a Japanese NGO involved in (but is not specifically devoted to) the issue, which features the term “human rights” in its name: the Association for the Protection of Korean (Human) Rights in Nagasaki (Nagasaki Zainichi Chōsenjin no Jin Ken wo Mamorukai). The term does not, however, feature on the websites of the organizations in the Korea anchor of the network.
Asia-Pacific War and instigated much of the conflict that led to the use of the atomic bombs. The network further reasoned that the vast majority of Korean A-bomb victims had come to Hiroshima and Nagasaki under colonial auspices when subjected to this fate.

The most important logic behind the designation of the Japanese government as perpetrator, however, was that by enacting the Atomic Bomb Victims Relief Law in 1957, Tokyo had essentially assumed legal responsibility for the civilian victims of the A-bombs in Japan. Korean victims could thus argue that, as former subjects of the Japanese empire who had been rendered stateless as a result of Japan’s defeat, and had subsequently been repatriated to the Korean peninsula (in a manner akin to deportation), the Japanese government’s decision to draw a sharp line along national (Japanese) bounds in determining which victims it would redress, was arbitrary and unjustifiable. In accordance with this rationale, lawyers in Japan framed the issue in terms of “state ethics,” claiming that it was the duty and correct moral conduct of a state to compensate for war-related damages. In other words, the Japanese government had an ethical obligation to extend assistance to the A-bomb victims on the Korean peninsula.

While framing the issue in this way functioned to support the victims’ legal strategy, the network sought to amplify this frame over time to attract wider recognition; it did so primarily by aligning itself with the global anti-nuclear movement. Toward this end, the network stressed that A-bomb survivors were not the only victims of nuclear weapons:
many others have suffered from nuclear tests and accidents at nuclear facilities. To reinforce this frame on a practical level, network constituents have frequently participated in and played host to anti-nuclear rallies. This double logic underpinning the framing of the issue—that is, (1) Tokyo as perpetrator and (2) the matter of redress for A-bomb victims constituting a broad-based anti-nuclear issue—was succinctly tied together by the Head of the Hiroshima branch of the Association of Citizens for Supporting South Korean Atomic Bomb Victims, Toyonaga Keisaburō:

When considering the historical records, it is undoubtedly clear that Japan was an aggressor toward Asia... I find it crucial to address the problems of the nuclear age from such a perspective. In other words, it is important to speak about the atrocities and victimization experienced in Hiroshima and Nagasaki through historical reflections on Japanese military and colonial aggression, while at the same time considering the problems encountered by victims of wars in general, nuclear attacks, nuclear experiments, and nuclear power plant accidents throughout the world.

**Fact-finding and History Writing**

Having thus framed the issue, activists in both countries set about collecting evidence on Korean A-bomb victims through fact-finding and history writing. These joint efforts

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390 For example, the Hapcheon House of Peace organized the “2012 Hapcheon Anti-Nuclear and Peace Festival;” this was advertised with pamphlets featuring slogans such as “Segye Pipokjawa Hamkke Hapcheoneu-ro!” [Hand in hand with the World’s A-bomb Victims toward Hapcheon!]. The Korean Atomic Bomb Victims Association has also regularly participated in nuclear non-proliferation treaty conferences.

at information gathering dominated the network’s early agenda and were key to justifying the victims’ redress claims and laying the foundation for their litigation battle. As we saw in Chapter 2, Mindan conducted the first fact-finding mission in the ROK to investigate the predicament of the victims in May of 1965.392 Over subsequent decades, numerous dossiers of information substantiating the victims’ claims were amassed by activists and lawyers in Japan; these were then utilized as crucial sources of evidence in their litigation campaign.393

Although there was little involvement in the network by scholars, activists in both Japan and Korea took it upon themselves to document the plight of Korean A-bomb victims. By 1990, local civic groups in Japan had compiled fifty videotapes of recordings of the testimonies of survivors of the atomic bombing in both Japanese and Korean.394 Ichiba Junko, the president of the Association of Citizens for Supporting South Korean Atomic Bomb Victims, moreover published a monograph in 2005 detailing the history of Korean A-bomb survivors: *Hiroshima wo Mochikaetta Hitobito* (The People who Brought Home Hiroshima).395 On the South Korea side, Kim Yong-kil, president of the

393 *The Korea Times*, November 18, 2012. Attesting to the significance of this contribution, the Japanese activists behind it were invited to attend a ceremony at the National Institute of Korean History in Gwacheon, in November 2012; this was organized by the Korean anchor of the network as an expression of gratitude.
395 Ichiba, *op. cit.*

**Protest and Lobbying**

Whilst engaged in fact-finding, the network simultaneously pursued a sophisticated lobbying strategy aimed at pushing the Japanese and Korean governments to provide redress to the victims. A distinguishing feature of this strategy was that it targeted both local and national levels of government in both countries.

Activists in Japan focused on the Ministry of Health and Welfare, arranging meetings with incumbent ministers and bringing the Korean victims along to legitimate and buttress their demands. When they sensed that Japanese officials were being unresponsive, they turned to pressure the Seoul government by sending letters to presidents (including Kim Dae-jung) via the South Korean embassy in Hiroshima, urging them to pressure Tokyo on the victims’ behalf.

In both countries, activists also frequently lobbied the Hiroshima and Nagasaki prefectural governments, specifically targeting the mayors. As the prefectural identities of these two locales are underpinned by the tragedy of the atomic bombings, the

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396 Kim, *op. cit.*
mayors-elect have been more sympathetic to A-bomb victims (including those residing overseas) than their counterparts elsewhere in Japan; they have also tended to be more progressive in terms of addressing Japan’s wartime legacy. Notably, Nagasaki Mayor Motoshima Hitoshi, who had expressed a willingness to pursue redress for the Korean victims, was shot and wounded in 1990 on account of having publicly discussed the war responsibility of the late emperor Showa. Following the attack on Motoshima, thirteen Korean A-bomb victims called upon his office and conveyed their appreciation for the mayor to the media: “To us, Japan is the country we find most abhorrent but we believe no the entire nation is bad because there are many good citizens like the mayor.”

The network frequently timed their lobbying activities to coincide with the August 6 anniversary of the Hiroshima atomic bombing. This occasion is widely commemorated in Japan through anti-nuclear conferences and memorial ceremonies, and is thus a time when Japanese officials are expected to (re)issue apologies to the victims, and when the issue receives maximum press coverage. Each year, on this anniversary, civic groups in Japan representing the victims—including Koreans—have been afforded the opportunity to have a meeting with the Japanese prime minister and reiterate their

397 Also noteworthy is that in 2011, it was revealed that the South Korean consul-general-elect in Hiroshima was the son of an A-bomb victim (named Shin Yong-su) who played a leading role in the network supporting Korean A-bomb victims.
redress demands. A ceremony is also routinely held in front of the cenotaph commemorating Korean victims.

In the ROK, meanwhile, the victims targeted the Japanese Embassy in Seoul, occasionally resorting to dramatic acts to make their voices heard. In June 1990, an elderly South Korean woman swallowed poison outside the Embassy as an attempt to elicit compensation for the victims. Activists also focused their lobbying efforts on the South Gyeongsang provincial government, which encompasses Hapcheon County. Similarly to Hiroshima and Nagasaki, Hapcheon is pervaded by an anti-nuclear identity, and the victims of the atomic bombings constitute an important constituency for local politicians. The South Gyeongsang government was thus more sympathetic to the both the first- and second-generation Korean A-bomb victims than the national government. As activist Lee Nam-jae describes, “the central government tends to lack historical awareness about A-bomb victims but the local government is very knowledgeable.”

**Engaging International Bodies**

To complement these domestic and bilateral lobbying efforts, the network attempted to engage international human rights bodies in the hope that they would back up the victims’ redress demands. Activists often imitate the pressure tactics of one another, and

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400 On August 5 each year, the eve of the anniversary of the 1945 A-bombing, Korean A-bomb survivors and bereaved family members of victims gather in front of the stone tower to attend a memorial service for their compatriots who died in the bombing.

401 Reuters News, June 1, 1990.

402 As mentioned previously, this is the county wherein approximately one third of the Korean A-bomb victims reside.

403 Interview with Lee Nam-Jae, member of Hapcheon House of Peace, March 13, 2012, Seoul.
having seen the comfort women successfully engage the international community, Korean A-bomb victims naturally tried to follow suit.

In the late 1990s, the network constituents, including Japanese lawyer-activists and members of the Korean Atomic Bomb Relief Association, lobbied the United Nations and Amnesty International. Both organizations propound a human rights agenda and the former also upholds an anti-nuclear weapons stance. Yet the activists received no response from either organization. To Japanese lawyer, Takagi Kenichi, the reason for this was obvious: “the United States is a member of the UN Security Council.”\(^{404}\) As we saw in the previous chapter, when the UN takes an issue up on its agenda, it typically appoints a rapporteur to investigate, and on the basis of such, issues recommendations. Notwithstanding the fact that the Korean A-bomb victims held the Japanese government accountable for their plight, any such investigation would inevitably establish (at least partially) the culpability of the United States. When it came to the comfort women issue, by contrast, none of the UN power brokers—the members of the Security Council—were implicated in their victimization, and they thus received a more enthusiastic response.

The only ostensible recognition the victims received from the United Nations occurred as late as 2010, when Ban Ki-moon, eighth Secretary-General of the UN and former

\(^{404}\) Interview with Takagi Kenichi, lawyer engaged in representing victims of Japanese colonial and war policies, December 18, 2012, Tokyo.
foreign minister of the ROK, participated in the Peace Memorial Ceremony in Hiroshima. As part of his visit, Ban issued an address at the Korean A-bomb memorial in Nagasaki on the 65th anniversary of the bombing. A staunch nuclear weapons abolitionist, Ban utilized the opportunity to convey an anti-nuclear message:

Two thousand Koreans perished here. Twenty thousand in Hiroshima. As a Korean, I am deeply grateful to the cities of Nagasaki and Hiroshima for erecting these moving tributes. As Secretary-General of the United Nations, as a global citizen, I see them as a powerful testament to the unity of all the world’s peoples in the face of disaster—whether this one 65 years ago, or those we face today. The nuclear threat is real, across this region and around the world… A world free of nuclear weapons would be the most fitting way to honor the memory of all who perished here on August 9, 1945.

Having their victimhood publicly acknowledged by a world leader of Ban’s caliber—representing none other than the UN—roused deep emotion in some of the victims. One Korean survivor remarked: “I’m happy that a hero from my homeland, one who can influence world opinion, came to visit Nagasaki.”

In connection to the scant recognition the victims received from international organizations, governments around the world also refrained from pressuring Japan on their behalf. For obvious reasons, the US government has abstained from encouraging

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405 Ban was the first UN chief to do this.
its Japanese or Korean allies to resolve the issue. In other countries in which the anti-nuclear norm is pervasive and institutionalized, there have been no parliamentary resolutions urging redress for A-bomb victims—Korean or otherwise. Indeed, it would be difficult for a government of any nation to pressure Tokyo to redress the victims when the proverbial elephant in the room is Washington.

There are several other explanatory factors that account for the disinterest of foreign governments and human rights international bodies in the issue. While it would have been advantageous for the network to re-frame the matter of redress for the victims in human rights terms when lobbying the UN and Amnesty, the dearth of intellectual input in the issue has equated to a lack expertise in issue framing and lobbying. In fact, the NGO leaders advocating for Korean A-bomb victims have little understanding of what the concept of human rights means. When questioned as to whether the issue constituted a human rights matter or not, the leader of Hapcheon House of Peace responded to the effect: “I don’t understand those sort of academic words.”

Furthermore, the issue of Korean A-bomb victims was not subject to the same political and structural forces that functioned to internationalize and contemporize the comfort women issue. As we have seen, the comfort women issue was propelled to international attention by a global normative shift towards the recognition of women’s rights as human rights. This, coupled with the fact that it emerged in the context of the Rwandan

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408 Interview with Lee Nam-Jae, member of House of Peace, March 13, 2012.
genocide and Bosnian conflict, enabled the international community to comprehend the issue in modern day terms. The framing of the A-bomb victim issue as a matter of state ethics hardly resonates like the notions of human rights and violence against women. The anti-nuclear norm commonly invoked by the network is moreover not a global public agenda. Further accounting for the divergences from the comfort women issue is that, the use of atomic weapons has not reoccurred since 1945 and thus, the A-bomb victim issue has been relegated to a distant historical past. As activist Ichiba Junko explains, “It seems that young people [in Japan] consider the atomic bombings some fifty years ago as ancient events in history.”

The relative failure of Korean A-bomb victims to garner the same level of international attention and sympathy as comfort women led to a realization among the victims that they were not only marginalized from their Japanese counterparts but also from international community at large. It also produced among them a sentiment akin to “victim envy.” This was distinctly conveyed by the head of the Korean Atomic Bomb Victims Association, Kim Yong-kil:

> We have suffered social discrimination, not just in Korea, but internationally as well—especially in the United States. While there are only 63 comfort women survivors [in Korea], they have received a great deal of international attention. We, on the other hand, have 2,700 surviving victims, all of whom are suffering from serious illnesses such...

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410 My thanks to Rikki Kersten for suggesting this term.
as depression, blood diseases and cancer, and yet no one cares. We have approached the UN Human Rights Commission and Amnesty in London but didn’t get a response.411

Scholars have observed that the recognition of certain victims at the expense of others can lead to revictimization: “victims that are not [widely] known are just as deserving as victims that are known, perhaps even more so because their invisibility on the international agenda constitutes a second victimization.”412 Indeed, it remains a little known fact that Koreans were a large minority among the victims of the atomic bombs. One would be hard pressed, though, to find someone with no awareness of the comfort women victims. As a consequence of the failure of Korean A-bomb victim issue to attain international ascendency and to provoke an external intervention, the issue has remained strictly confined to the bilateral sphere of Japan-Korea relations.

Litigation

Despite their relative failure to attract international support, the A-bomb victim network had recourse to a more critical tool at their disposal: litigation. As already mentioned, Tokyo set a legal precedent when it passed a law in 1957 to provide for A-bomb victims in Japan. The network was thus able to challenge this law and effectively circumvent the 1965 treaty when filing suit against the Japanese government.

411 Interview with Kim Yong-kil, president of the Korean Atomic Bomb Victims Relief Association, February 3, 2012, Seoul.
412 Jacoby, op. cit., 528.
This litigation battle unfolded in three major stages. The first case was filed in 1972 and aimed at challenging Tokyo’s proviso that only victims residing in Japan could qualify for an Atomic Bomb Victims Passbook (hibakusha techō)—the requisite document to receive medical benefits under the Relief Law. The plaintiff was Son Jin-doo, a Korean A-bomb victim who had travelled to Japan in 1970 seeking treatment for his maladies; upon arrival, however, he was promptly arrested for illegal entry. Son conveyed to the Japanese media at the time that he had come “to Japan because Korea does not have proper medical facilities to treat atomic bomb illness…and since the condition of my body was caused by Japan, it has a responsibility to provide [me with] medical treatment.” Following his release from prison two years later, Son applied for a techō hoping it would enable him to receive treatment free of charge, like his Japanese counterparts. Yet the Ministry of Health and Welfare and the Fukuoka prefectural government rejected his application on the grounds that the Relief Law was intended for local residents. In this context and with the citizens of Hiroshima rallying behind him, Son filed suit against both the Fukuoka prefectural government and the Ministry of Health and Welfare in October 1972, demanding that they reverse their decision.

In March 1974, the Fukuoka District Court ruled in Son’s favor, declaring that the Relief Law’s application should not be limited to Japanese citizens as it contained no

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413 Toyonaga, op. cit., 384.
414 Ichiba, op. cit., 50-53.
nationality clause.\textsuperscript{415} After several appeals by the government, the ruling was ultimately upheld by Japan’s Supreme Court in March 1978, marking the first major legal victory for the victims.\textsuperscript{416} In justifying its verdict, the court conceded with the victims’ lawyers that compensation for war-related damages was the duty of the Japanese state, thereby reinforcing their framing of the issue:

To understand the cause for the enactment of the A-Bomb Victims Medical Relief Law specifically for those A-bomb survivors, it is impossible to ignore that, along with the unprecedented uniqueness and seriousness of the damage to health caused by exposure to the atomic bombings, such damages were the result of a state act, which was war, and many of the A-bomb survivors are still living in conditions less secure than the general victims of the war. One aspect of the A-Bomb Victims Medical Relief Law is to make the state, which executed the war, responsible for providing relief measures for such special war damages.\textsuperscript{417}

Of further significance for the network was that the ruling stipulated that a techō should be granted to Son Jin-doo despite the fact that he was in Japan illegally at the time of the court case. The rationale for this was that Son was a Japanese national at the time of the bombing, but subsequently rendered stateless through the a postwar peace treaty (the San Francisco Peace Treaty) that disregarded his will; the court agreed with Son’s legal team that Tokyo thus had an ethnical responsibility to provide him with medical care.


\textsuperscript{416} The Washington Times, October 25, 1996.

Ultimately, however, this landmark ruling did not legalize Son’s status in Japan. Despite having qualified for a techō, he was therefore deported by the Ministry of Justice and was unable to receive treatment in Japan.\footnote{Harada and Kang, \textit{op. cit.}, 109.}

Son’s litigation success had further limitations. Following his first court win in the Fukuoka District Court in 1974, Japan’s Health and Welfare Ministry drafted a clause limiting the provisions of the Relief Law to citizens that would continue residing in Japan. This became the focal point of contention in the second major court battle, which began in 1998. The plaintiff this time around was Kwak Kwi-hoon, then head of the Honam branch of the Korean Atomic Bomb Casualty Association (in the ROK).\footnote{Kwak is now honorary president of this association.} Kwak had previously been living in Japan where he was receiving financial assistance for his treatment of A-bomb-related illness and livelihood costs under the Relief Law. Once Kwak returned to Korea, however, his provisions were cut off. He thus decided to file suit in the Osaka District Court in 1998, seeking reimbursement for his lost payments. After a protracted legal battle, the court ruled in Kwak’s favor in 2001, declaring that the Health and Welfare Ministry’s rule (limiting provisions to those who stayed in Japan) was misguided and possibly illegal in light of the Constitutional right to equality for all under the law;\footnote{Article 14 of Japan’s Constitution stipulates that, “All people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.”} the court thereby ordered the Osaka prefectural

\[\text{\footnotesize 205}\]
government to compensate Kwak for his lost allowance.\footnote{For details on Kwak’s case, see “Hibakusha ga Hibakusha denakusareru toki: Zaikan Hibakusha Kwak Kwi-hoon san no ‘Hibakusha Engohō Saiban’ Chinjyutsusho” [When A-bomb Victims are rendered non-A-bomb Victims: A Factual Statement of Korean A-bomb Victim Kwak Kwi-hoon’s ‘Atomic Bomb Victim Relief Law Suit’] (Hiroshima & Osaka: Association of Citizens for Supporting South Korean Atomic Bomb Victims, 2000); and “Tainichi Kako Seisan Soshō Shiryō shū” [A Compilation of Materials on Legal Proceedings against Japan aimed at Settling the Past], 1-3 (National Institute of Korean History, 2005).} This verdict not only constituted a major victory for Korean victims but also paved the way for all overseas A-bomb victims to receive payments from Tokyo.

Realizing the immense gravity of the ruling, and knowing that the Japanese government could exercise its right to appeal—which would result in a potential delay of several years for the ageing victims—the network drew implemented pressure tactics to mitigate against this outcome. Immediately after the verdict was delivered, Kwak met with Justice Minister Moriyama Mayumi and urged against an appeal. Activists in Japan simultaneously engaged in public consciousness-raising, aimed at informing Japanese citizens of the victims’ plight and garnering domestic support. By increasing social awareness in this way, they assumed that the Japanese government would be publicly shamed if it appealed against the rulings. Toward this end they staged a three-day sit-in targeting the Ministry of Health, Labor and Welfare, and also contacted the press and handed out fliers to inform the public of the details of the hearing.

To the dismay of Kwak and his advocates, though, the Japanese government announced on June 14 2001 that it would appeal to the High Court. The network’s efforts had not been completely in vain, though, as they succeeded in attracting international media
attention. The New York Times published a piece two days after Tokyo’s announcement under the headline “Japan Appealing a Ruling Aiding Victims of A-bombs.” Kwak was quoted in the article as opining, “this is totally inhumane... I think Japan is dragging its feet waiting for A-bomb survivors to die.”\footnote{\textit{The New York Times}, June 16, 2001.} Against the backdrop of this international media coverage, when the High Court upheld the original ruling in the appeal case, siding again with the victims, the Japanese government abstained from re-appealing to the Supreme Court, citing the increased public awareness of the issue. In the words of the Chief Cabinet Secretary Fukuda Yasuo, Tokyo made this decision “from a humanitarian point of view after thorough consideration of the peculiarities of atomic-bomb damage and the growing interest in the survivors abroad.”\footnote{\textit{Kyodo News}, February 5, 2002. The ministry moreover agreed to make retroactive payments of medical allowances covering the past five years to those holding A-bomb victim health cards and living outside Japan.} Kwak, for his part, claimed that it would never have been possible to win a lawsuit against Tokyo without the help of Japanese activists and lawyers.\footnote{\textit{The Korea Times}, November 18, 2012.}

This judicial triumph was once again not without its limitations. Although the victims in Korea were now entitled to receive assistance under Japan’s Atomic Bomb Medical Relief Law, they were required to travel to Japan to apply for a techō that would certify them as victims. However, by this stage—56 years after the dropping of the A-bombs—most of them were extremely elderly and in poor health; contesting this requirement thus became the basis for a number of subsequent minor lawsuits. In another chain of litigation successes for the network, by November 30 2006, overseas
victims were permitted to apply for a techō through Japanese embassies in their respective countries.\textsuperscript{425}

In sum, the Korean A-bomb victim network employed a wide array of tactics in pursuing redress, not unlike that utilized by the comfort women—the main difference being that they did not pursue litigation in the United States. In the following section, we examine how the Japanese and Korean governments responded to these pressure tactics.

\textbf{Response of the Two Governments}

From 1965 through to the late-1970s, when the nascent network advocating for Korean A-bomb victims began exerting bottom up pressure, the two governments paid little heed. Seoul was largely unresponsive, while Tokyo assumed the position that all matters stemming from its colonial and wartime policies were settled through postwar treaties and bilateral agreements. By the turn of the century, however, the victims had elicited considerable amounts of medical and financial support from both governments, amounting to payments that resembled state compensation from Tokyo. What explained this turnaround? Evidently, the network’s legal victories forced Japan to impart certain provisions to the victims. Yet litigation was not the only tool from the above-outlined tactical repertoire that produced a governmental response, and did not constitute an end

in itself. Both Tokyo and Seoul took steps to provide redress to the victims as a result of a combination of the network’s pressure tactics. As the two governments tended to address the issue mutually, they will be examined in tandem in this section.

**Short-Term Redress Measures**

The first decade or so of the network’s redress campaign, which was characterized by protests and petitions, largely failed to elicit a governmental response from either Tokyo or Seoul. It was only with the success of Son Jin-doo’s lawsuit in 1978 that the two states were compelled to deal with the issue. The court ruling alone did not provoke this response, however, but the adverse publicity generated by the case for the Japanese government. Media reports at the time highlighted the quandary that the victims faced in spite of their Supreme Court win: although they were now entitled to receive treatment in Japan under the Relief Law, they were barred by the Immigration Control Law from entering the country.\(^{426}\) As a consequence of the increased public awareness of the issue, the Japanese government—which had hitherto refused the entry of South Korean A-bomb victims to Japan for treatment—was forced to rethink its position on the matter. The Liberal Democratic Party established a Roundtable Committee on “Basic Problems in A-bomb Victim Relief” in 1979, and held talks with members of South Korea’s ruling Democratic Republican Party on how to address the issue.\(^{427}\) During these preliminary meetings, Tokyo made clear that it would not take full


\(^{427}\) Kim, *op. cit.*, 187.
responsibility for the issue, and that it expected to Seoul to meet it halfway. The two sides mutually agreed to run a program from 1980 to 1986 that would facilitate medical treatment for the victims. This would entail knowledge transfer in the treatment of A-bomb related illness, through the dispatch of Japanese doctors to Korea, and a converse dispatch of Korean doctors to Japan. Under the program, an annual quota of 60 Korean victims would be permitted to visit Japan to undergo two to six months of treatment. While the Japanese government agreed to shoulder the cost of the medical assistance and exchange of doctors, the Korean government would select which victims would partake in the program and finance their travel costs.

The two governments felt that this program would constitute an answer to the network’s demands, yet the Korea-based association representing the victims found the provisions to be vastly inadequate. This belief stemmed from the fact that “many of the aged victims were reluctant to leave their families for long periods, or to return to the source of their illness. Some feared the discrimination which might follow their exposure as [A-bomb victims], or were distrustful of Japanese intentions;” others were just “too ill to make the journey.” There was also the problem that the program was a fixed-term measure whereas the victims’ illness was ongoing.

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430 Harada and Kang, op. cit., 110.
431 Weiner, op. cit., 98.
432 Ibid.
Confirming the network’s fears, in 1986—at the end of the program—the South Korean government announced that it would not support an extension of the bilateral scheme on the grounds that medical provision through the Korean health system had improved since the program had commenced.\(^{433}\) Naturally this decision was condemned by the network, but the ROK’s authoritarian Chun Doo-hwan government was adamant that it would not be pursuing further assistance from Tokyo. Michael Weiner argues, in explaining this reluctance, that “there was some humiliation in accepting aid of this type from a former colonial power, especially as it highlighted the inadequacy of health provision in Korea.”\(^{434}\)

With neither government prepared to enact additional measures for the victims, local organizations—mainly in Japan—turned to campaigning for a reinstatement of the program. The Association for the Protection of Korean Rights in Nagasaki (Nagasaki Zainichi Chōsenjin no JinKen wo Mamorukai) petitioned the Ministry of Welfare, demanding that it provide further relief. The Hiroshima Committee for the Transport and Treatment of Koreans (Hiroshima Tonichi Chiryō InKai) also offered to assume the costs of a private clinic for fifty-one Korean victims whose hospitalization under the program had been cut short.\(^{435}\)

In South Korea, meanwhile, upon realizing that the two governments were only willing

\(^{433}\) Nagasaki Zainichi Chōsenjin, \textit{op. cit.}, 254.
\(^{434}\) Weiner, \textit{op. cit.}, 99.
\(^{435}\) \textit{Ibid.}, 99.
to make ad hoc and temporary arrangements for the victims’ medical needs, the Korean Atomic Bomb Victims Relief Association began pursuing a law-based redress provision. In 1986, the association’s leaders contacted the Human Rights Committee of the Japan Federation of Bar Associations, and requested its help in establishing a legal basis for seeking financial support from Tokyo. After investigating the case, the Bar Association submitted an interim report in October of the same year, proposing that the bilateral program be restarted with some alterations, such as longer visiting periods, an increase in the number of patients, and that travel expenses be shouldered by the Japanese government. Notwithstanding these efforts, the program was terminated in November 1986. Without necessary follow-up care, many of the victims who had seen improvements in their health condition while in Japan, experienced relapses upon their return to Korea.

Up to this point, the policy mechanism for addressing the demands of the network had been a top-down process—particularly in Korea; yet the political context in the ROK and the bilateral relationship more broadly was becoming increasingly amenable to their pressure. Against a backdrop of dawning democracy, rapid economic growth, and preparations to host the 1988 Olympic Games, the South Korean government became more responsive to citizen interests and simultaneously, diplomatically assertive vis-à-vis Japan. In particular, Roh Tae-woo, the first democratically elected president in the ROK, expressed a commitment to achieving various democratic reforms and a willingness to pursue further redress measures specifically for the A-bomb victims. In
this context, the two states began consulting more frequently with the constituents of the network, giving way to a more bottom-up formulation of redress policies. The benefits of these transformations in the ROK also extended to activists in Japan. Ichiba Junko, head of the Japan-based Korean A-bomb victim association, claimed that as Korea’s economy shifted into surplus, the Japanese foreign ministry became more willing to meet with her to discuss the victims’ needs; she believes that Seoul’s diversifying economy instilled in Tokyo a new-found diplomatic respect for its former colony.\textsuperscript{436}

Against this backdrop, in November 1987, 1,500 members of the Korean Atomic Bomb Relief Association petitioned the Japanese Embassy in Seoul, demanding that it award them 2.3 billion dollars in funding.\textsuperscript{437} This amount was calculated on the basis of the annual payments made to Japanese A-bomb victims, and the number of years that had elapsed since the bombings.\textsuperscript{438} In response, Japanese Prime Minister Takeshita Noboru agreed to convene a meeting with the association’s leaders during his Seoul visit in February 1988. The network took this opportunity to restate their demands for a more substantial redress policy. As a result, the two heads of state, Roh and Takeshita, agreed to discuss the matter at their summit meeting the following month. Ultimately they decided that Japan’s foreign ministry would help to finance the cost of the victims’ medical treatment in South Korea. The Japanese media reported that this overture was partially the outcome of the meeting between Prime Minister Takeshita and the victim

\textsuperscript{436} \textit{The Korea Times}, November 18, 2012.
\textsuperscript{437} Ichiba, \textit{op. cit.}, 76-78.
\textsuperscript{438} \textit{Kyodo News}, August 14, 1989.
association in Seoul.\textsuperscript{439}

Realizing that the problem of redress would likely not subside with these minor concessions, though, the Japanese foreign ministry then agreed with Seoul to compile its own data on the issue with the aim of enacting further aid measures for the victims. To this end, in the spring of 1989, Japan dispatched a fact-finding mission to Seoul led by then Deputy Director General of the Ministry’s Asian Affairs Bureau, Shibuya Haruhiko; it included medical experts from the Japan Red Cross hospital in Hiroshima.\textsuperscript{440} During the trip, the Japanese officials discussed the issue with members of the South Korean foreign affairs and Health and Social Affairs ministries, and once again, called on the office of the victim association in Seoul.\textsuperscript{441} The delegation acknowledged the need to address the emotional needs of the victims and agreed to set aside 42 million yen for them in Tokyo’s 1989 fiscal budget.\textsuperscript{442}

While having recognized its responsibility to assist the Korean victims, Japan’s Liberal Democratic Party—which dominated Japanese politics at the time—was opposed to the idea of enacting legislation on their behalf, fearing it would set a precedent that could encourage claims from other victims. Thus, when bills proposing compensation schemes for overseas A-bomb victims were adopted by the House of Councilors in December 1989 and April 1992 respectively, they both failed to pass the House of

\textsuperscript{439} Kyodo News, March 18, 1988. \\
\textsuperscript{440} Ibid. \\
\textsuperscript{441} Ibid. \\
\textsuperscript{442} Kim, \textit{op. cit.}, 220.
Representatives owing to LDP resistance.\textsuperscript{443} Notwithstanding this, Tokyo decided with Seoul at this juncture to establish a fund for the provision of medical treatment for Korean A-bomb victims, with fees covered by the Japanese government.\textsuperscript{444} The South Korean foreign ministry relayed to the press that Tokyo had pledged to contribute 30 billion won (6.7 billion yen) for “humanitarian reasons.”\textsuperscript{445} By contributing to a fund that would ultimately be administered to the victims by the ROK government via the Korean Red Cross, as opposed to directly from Japanese government coffers, Tokyo was able to enact redress for the victims whilst still upholding the 1965 treaty settlement.

Due to the high number of registered victims, however, the funds soon ran short.\textsuperscript{446} When President Roh Tae-woo visited Japan in 1990, the issue thus reemerged on the diplomatic agenda. Tokyo again stressed that it had no legal obligation to assist the victims, but agreed to provide further lump sum payments in 1990 and 1993 to a total of 4 billion yen;\textsuperscript{447} officials reiterated that this did not constitute compensation but rather, humanitarian assistance, and restricted the implementation of the funds to covering victims’ checkups, their medical treatment and the construction of a specialized medical

\textsuperscript{443} Ibid.
\textsuperscript{444} Jiji Press, December 7, 1989.
\textsuperscript{445} Kyodo News, April 10, 1990.
\textsuperscript{446} Interview with Kang Su-han, member of Hapcheon Atomic Bomb Victim’s Welfare Assembly, March 13, 2012, Hapcheon.
facility.\textsuperscript{448} The ROK government, for its part, agreed to allot money to assist the victims in their livelihood costs and medical care.\textsuperscript{449} This diplomatic arrangement was again preceded by a meeting between the Japanese government and members of the Japan anchor of the network.

\textit{Towards a Long-Term Redress Policy}

As the two governments still remained reluctant to enact a more permanent source of assistance for the victims, the network decided once more to turn to Japanese courts. It was at this point that the head of the Honam branch of the ROK-based victim association, Kwak Kwi-hoon, filed suit in the Osaka District Court. As we have seen, the verdict stipulated that it was unconstitutional of the Osaka prefectural government to have cut off Kwak’s payments when he returned from Japan to South Korea. The implication of the ruling was that the Japanese government was obligated to provide for overseas A-bomb victims under its domestic Relief Law. Although the ROK government had thus far refrained from pressuring Tokyo to take legal responsibility for redressing the victims (by paying individuals from its own coffers), sixty-eight Korean legislators decided to take a stand at this point by expressing their support for the verdict. When Tokyo announced its intention to appeal the ruling in 2001, the legislators issued a joint statement to the Japanese Embassy in Seoul; they demanded

\textsuperscript{448} Utilizing these funds, The Hapcheon A-bomb Sufferers Welfare Center was established in 1996 to accommodate 80 residents, and the capacity was increased to house 110 residents in 2009. Operated by the Republic of Korea National Red Cross, the Center contains a clinic, visiting rooms and other facilities in addition to residents’ rooms.

\textsuperscript{449} Interview with Kang Su-han, member of Hapcheon Atomic Bomb Victim’s Welfare Assembly, March 13, 2012, Hapcheon.
that the appeal be withdrawn and pledged to join forces with domestic civic organizations and “conscientious” parliamentarians in Japan to pressure the government to compensate victims in foreign countries.\textsuperscript{450} This was the first instance that the stance of the Korean government—albeit only the legislative branch—converged with that of the network’s, and constituted its most assertive position on the issue vis-à-vis Tokyo to date.

When Kwak’s court ruling was upheld by the High Court in 2003, the Japanese government—faced with pressure from both the ROK legislature and the international media—was compelled to enact comprehensive redress measures for the Korean (and by extension other overseas) victims. Through an agreement reached with the Korea National Red Cross, the Japanese Ministry of Health and Welfare began providing an indefinite monthly allowance of 34,030 yen to individual victims,\textsuperscript{451} with the caveat that they first become officially certified as victims.\textsuperscript{452} The Seoul government, moreover, responded by making renewed financial contributions to the victims. This signified a major victory for the network and brought the victims comparable redress to their Japanese counterparts.

\textit{An Unexpected Development}

In this context of the network’s first major success, a new development in the issue

\textsuperscript{450} The Korea Herald, July 11, 2011.
\textsuperscript{451} The Korea Times, August 11, 2003.
\textsuperscript{452} Ibid.
emerged: the second- and third-generation descendants of Korean A-bomb victims began “coming out” and demanding redress for hereditary transmission of A-bomb related illness.453 The narrative among these descendants was that they were spurred to do so when the son of a first-generation victim, Kim Hyeong-ryul, was informed by his doctor that the source of his long-term health woes was his mother’s exposure to radiation in the Hiroshima bomb blast. This led Kim to publicly proclaim victimhood in a press conference in Daegu on March 22, 2002.454 In fact, however, the offspring of the victims had long been aware of the probability that they inherited the A-bomb’s effects from their parents, and had been desirous of governmental recognition and recompense.455 Indeed, as early as 1989, second-generation Korean victims had been holding exchanges with their counterparts in Japan.456 Yet they refrained from overtly pursuing redress owing to the fact that those above them in the victim hierarchy—the first-generation Korean victims—had yet to be awarded comprehensive assistance. In light of Kwak’s litigation victory, though, and the financial and medical assistance that ensued for the victims, the descendants felt that the time was ripe to initiate their own redress campaign.

454 Chon, op. cit., 77.
455 For a harrowing account of the anguish experienced by Korean A-bomb victims producing deformed offspring, see Cumings, op. cit., 183-184.
Similar to (though less acute than) the impact Asian Women’s Fund on the comfort women network, the emergence of the second- and third-generation produced ripples of tensions within the Korean A-bomb victim network. This was foremost because the first-generation perceived their battle for redress as far from finished. As Kim Yong-kil, president of the Korean Atomic Bomb Victim Association, explained: “Japanese victims have received a subsidy since the 1950s but we (first-generation Korean victims) didn’t get one until 2003, so we want compensation for that same period.” The claims to victimhood of the offspring also stirred feelings of guilt among the first-generation, who were forced to acknowledge that the trauma they had been grappling with had in some instances been passed on to their children.

Despite the fact that the second- and third-generation victims formalized their redress campaign by establishing an NGO in 2010, the Hapcheon House of Peace, and accumulated a registry of roughly 600 members, neither the South Korean nor Japanese government—or even the Korean Red Cross—officially recognized their victimhood. The descendants’ campaign succeeded, though, in attracting support from elements of Korean society. For a long while the Korean Atomic Bomb Victim Association in South

457 Interview with Kim Yong-kil, president of the Korean Atomic Bomb Victims Relief Association, February 3, 2012, Seoul. It should be noted, though, that Kim Yong-kil supported the second- and third-generation campaign for redress. This quote is representative of the first-generation’s continuing pursuit of redress.

458 Interview (anonymous), March 13, 2012, Hapcheon.

459 After much lobbying by the second- and third-generation victims, the assembly of Gyeongsangnam Province passed a regulation in support of both the first generation and their offspring in December 2011. The national government, however, is still yet to proffer support. And only first-generation victims are eligible to reside in the Hapcheon A-bomb Sufferers Welfare Center, a treatment and housing facility run by the Korean Red Cross and funded by the Korean government.
Korea only pursued the interests of the first-generation, however its incumbent president, Kim Yong-kil, is sympathetic to the second generation and subsidizes their NGO with funds from his own organization.\textsuperscript{460} More importantly, in 2004, the Association of Physicians for Humanism together with the National Human Rights Commission of Korea (an independent governmental body), conducted a survey into the health condition of the victims’ offspring to establish grounds that atomic bomb-related illness can be genetically inherited.\textsuperscript{461} The results of their investigation revealed that the prevalence of anemia among second-generation males was 88 times higher than the average man of the same age;\textsuperscript{462} it also found that heart disease, depression and asthma were much more common than average among both male and female offspring.\textsuperscript{463} Despite these findings, however, the 436-page study has been largely dismissed as unscientific because it was based on survey data rather than blood samples.\textsuperscript{464}

In sum, how are we to understand the willingness of the Japanese and Korean

\textsuperscript{460} Interview with Lee Nam-Jae, member of Hapcheon House of Peace, March 13, 2012, Seoul.


\textsuperscript{462} The study revealed that the offspring of Korean A-bomb victims showed 89 times the prevalent rates of health problems of normal people of the same age group. Over half of the offspring died before the age of 10 and 60.9% died without knowing the cause of death. The study revealed that male offspring suffer from anemia 88 times the normal prevalence, cardiac infarction and angina 81 times, depression 65 times, schizophrenia 23 times, asthma 26 times, thyroid diseases 14 times, gastric and duodenal ulcers 9.7 times, colon cancer 7.9 times. Female offspring suffer cardiac infarction and angina 89 times the normal prevalence, depression 71 times, benign breast tumors 64 times, asthma 23 times, schizophrenia 18 times, gastric and duodenal ulcers 16 times, hepatic cancer 13 times, leukemia 13 times, thyroid diseases 10 times and stomach cancer 6.1 times.


\textsuperscript{464} Interview with Korean (national) government official, January 18, 2011, Seoul.
governments to part with funds from their own coffers and provide relatively comprehensive redress—as compared to comfort women—to the (first-generation) Korean A-bomb victims? The readiness with which the Japanese government did so can be understood by the fact that a precedent had already been set when it established the 1957 Relief Law for Japanese victims. By agreeing to impart funds to Korean A-bomb victims, Tokyo was thus not at risk of opening the floodgates to claims by other victims from its former colonies; it was merely extending the provisions of an existing law to overseas victims. The Seoul government, meanwhile, yielded to the network’s lobbying efforts out of a sense of obligation for not having negotiated on the victims’ behalf when it signed the 1965 treaty with Japan, and as a consequence of failing to disperse the funds received as part of this settlement to the actual victims.

**Effect on Inter-State Relations**

Despite employing similar tactics to the comfort women and pursuing analogous redress measures from the Japanese government, the pressure strategy of the Korean A-bomb victims had relatively little effect on inter-governmental interaction between Japan and Korea. To be sure, the two governments were spurred to negotiate the issue at the diplomatic level and discuss how to resolve it on a number of occasions. Yet in stark contrast to the fraught nature of their interaction over the comfort women issue, inter-state dealings with redress for Korean A-bomb victims were relatively harmonious. Indeed, by the turn of the century, the issue had virtually receded from the diplomatic agenda.
A Lack of Diplomatic Friction?

When ROK president Roh Tae-woo expressed his commitment to resolving the issue of Korean A-bomb victims with Tokyo in the late 1980s, diplomatic discussion over the issue intensified. This was signified by an increase in the frequency with which the issue was brought up between the two states, and the enactment of various measures for the victims by both sides. As mentioned earlier, this occurred against a backdrop of the increasing pressure from the network and the democratization of Korean politics, a juncture at which the ROK government became more responsive to the victims’ demands and more assertive vis-à-vis Tokyo. While media coverage at the time described the matter of Korean A-bomb victims as a “pressing [task] for the two nations,” bilateral negotiations over the issue did not become particularly heated.

One explanation for this lack of diplomatic friction is that the Korean A-bomb victim network readily accepted any form of redress proffered to them, regarding each proposition as an incremental step toward the ultimate goal of attaining equity of redress with the Japanese victims. The network thus did not pressure the Korean government to reject overtures from Japan, even if they fell short of the victims’ demands. This stands in contrast to the comfort women network—or more specifically, to the Korean Council—which adopted an “all or nothing” stance on state compensation, and sought undermine the Asian Women’s Fund to ensure the issue remained contentious at the

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diplomatic level until resolved in accordance with its demands.

As a further justification for the lack of diplomatic friction in relation to A-bomb victims, somewhat surprisingly, the Japanese government demonstrated a willingness to take steps to resolve the issue in order to placate the ROK government with regard to contentious bilateral problems. In other words, redressing Korean A-bomb victims held a certain political expediency for Tokyo, as constituting a means to appease Seoul. To illustrate, as mentioned in Chapter 2, the fingerprinting movement in Japan (led by Zainichi Koreans) was reaching its zenith in the 1980s, and at the time, the Japanese government was under fire both domestically and diplomatically (vis-à-vis Seoul) in regard to the legal status of Zainichi. In this context, Roh Tae-woo’s plan to visit Japan in 1990 was stalled. To resolve this predicament Tokyo expressed a readiness to address the Korean A-bomb issue—a less weighty issue, from its perspective—as a way to quell the diplomatic tensions. As reported by the Japanese press, in April 1990, Foreign Minister Nakayama Tarō departed for South Korea on a “mission to remove barriers to the much delayed visit … by president Roh,” part of which entailed a discussion of how Japan could assist Korea’s A-bomb victims.466 According to Michael Weiner, the ROK government believed that Tokyo seized the opportunity to assist Korean A-bomb victims “to deflect criticism of its policies towards foreign residents, most of whom were Korean nationals.”467 Furthermore, when Japan-Korea relations were again “going

through a difficult period” on account of the burdens of their mutual past in 2005, the two heads of state, Koizumi Junichirō and Roh Moo-hyun, convened a summit meeting.\textsuperscript{468} To smooth over their diplomatic tensions, Koizumi vowed to provide further “assistance for atomic bomb victims living in the ROK” to “the extent that it is possible to do so from a humanitarian perspective.”\textsuperscript{469} While it was argued in the previous chapter that the comfort women issue had a “retaliatory utility” for the Korean government, evidenced when Lee Myung-bak played it off against the Dokdo issue as a signal of discontent, the Korean A-bomb victim issue ostensibly held a converse “conciliatory utility:” that is, Tokyo was prepared to make concessions on this issue as a gesture of goodwill to Seoul.

Why, though, did the A-bomb victims and not comfort women serve this diplomatic purpose? In brief, there was less at stake for the Japanese government in compromising on the former problem than the latter. As cited earlier, by enacting measures for Korean A-bomb victims, Tokyo could avoid setting a legal precedent: the victims simply required funding for their medical and livelihood costs, and this could be funneled to them through the Korea Red Cross. And when the Japanese Ministry of Health and Welfare was ultimately forced to impart compensation to individual A-bomb victims by its own judiciary, this constituted an extension of the domestic Relief Law rather than an undermining of the 1965 treaty. If Tokyo conceded to the demands of individual


\textsuperscript{469} Ibid.
comfort women for state compensation, on the other hand, there was a fear that the floodgates to a host of other claims by war and colonial victims would be opened.

An additional explanatory factor is that, there is an international audience for Japan’s dealings with the comfort women issue, but comparatively little interest in the A-bomb victims. As the ordeal endured by comfort women sharply contradicts contemporary international norms pertaining to human rights and the treatment of women, the way in which Japan handles this issue greatly affects its relations with other governments and international bodies, such as the UN. As Japan’s international reputation is at stake with the comfort women issue, and any overtures it makes towards the victims constitute a further admission of culpability, public opinion in Japan is largely against the government making concessions. The matter of redress for Korean A-bomb victims, on the other hand, is not a prevalent domestic or international concern; even if it was, it is common knowledge that the US dropped the atomic bombs and thus any potentially interested parties would likely be puzzled as to why the victims have pressured Tokyo for redress.

Finally, in accounting for the lack of diplomatic friction surrounding the A-bomb victim issue, we can also point to a tacit understanding between Tokyo and Seoul that the US government—their mutual ally and primary security guarantor—shoulders a significant portion of the culpability burden for the issue, and that nevertheless, it would be better to leave Washington out of the resolution equation. While the victims succeeded in
convincing the Japanese judiciary that culpability for their plight lay solely with Tokyo, it has been difficult for Seoul to strongly push its neighbor in this regard, in the knowledge Tokyo bears only partial blame. While the San Francisco Peace Treaty of 1952 precludes Tokyo from shifting the responsibility for compensating Korean A-bomb victims to Washington, the ROK government was not party to this treaty, and thus, technically could have taken the US to task over the matter; Seoul has been unwilling, however, to test its relations with its ally over this issue. In this way, as activist Kim Yeong-hwan shrewdly surmises, “essentially, the presence of the military alliance between the United States and Korea inhibits the possibility of [fully] resolving this issue.”

In spite of these mitigating factors, diplomatic tension briefly emerged between the two governments when Tokyo filed an appeal following Kwak Kwi-hoon’s litigation win in 2001. While heretofore the Japanese government had abstained from extending its legislation to assist victims residing in Korea—and Seoul had been reluctant to pressure Tokyo in this regard, the court ruling brought about a reversal in their respective positions: Korean lawmakers pressed the Japanese foreign ministry to act in accordance with the ruling, and, after losing its subsequent appeal, Tokyo ultimately acquiesced to this demand. Due to the fact that it was the judiciary of the target state (Japan) that sided with the victims, the Japanese executive branch was compelled to act in accordance with its verdict. As a result, individual Korean A-bomb victims began receiving relief

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payments from the Japanese government. Thus, litigation, as instigated by the network—rather than pressure from the Korean government—led to the issue being ostensibly settled at the diplomatic level.

The Constitutional Court Case

Once the Korean A-bomb victims had, by and large, achieved their original goal of attaining equity of redress with their Japanese counterparts, the issue receded from the diplomatic agenda. Still, the victims were not entirely satisfied. Although they had managed to elicit assistance under the Relief Law and their immediate medical needs had thereby been met, they felt they were entitled to state compensation from Tokyo for the decades of psychological turmoil they suffered before they were awarded anything.471 This desire called for a reformulation of their strategy. The A-bomb victims thus joined forces with the comfort women and petitioned the Korean Constitutional Court in 2006. Yet despite the fact that the court ruled against the ROK foreign ministry and in favor of both categories of victims, the verdict only resulted in increased inter-governmental friction in relation to the comfort women issue.

To understand why this was the case, we need to examine the chain of governmental response to the ruling. Immediately following the judgment, Korea’s foreign ministry set up a task force and advisory panel to brainstorm with Tokyo on ways to resolve both issues to the victims’ satisfaction. Subsequently, the ROK’s director of Northeast Asian

471 The Korea Times, August 8, 2015.
affairs, Cho Se-young, issued a request for a meeting to the Japanese Embassy in Seoul as a platform to discuss the matter of compensation. The Japanese foreign ministry refused, however, reiterating its treaty-based defense. As we saw in the preceding chapter, it was at this point that the Korean government continued to ratchet up diplomatic pressure on Tokyo to compensate comfort women, a move which saw their bilateral relations enter a downward spiral. Yet, as far as the Korean A-bomb victims were concerned, the ROK government took no further action on their behalf.

What explains Seoul’s relative reluctance in this regard? In short, the two governments shared a mutual belief that the issue was already settled. Not only were the victims receiving funding from Tokyo under the Relief Law by this stage, but they were also entitled to other financial subsidies from Seoul. As such, the Korean government was unwilling to press Tokyo any further on the matter. In regard to the comfort women issue, by contrast, apart from the minority of women who had applied to receive the Asian Women’s Fund, most had yet to accept any funds from Tokyo at the time of the Constitutional Court ruling. In light of this fact and also the international interest in the comfort women issue, the Korean government felt compelled to exert more pressure vis-à-vis Tokyo on their behalf. From this we can infer that the variable that produced contentious inter-governmental interaction was not the court ruling per se, but the

Korean government’s degree of willingness to enforce the ruling vis-à-vis Japan.

As a result of the underwhelming response of their foreign ministry to the Constitutional Court verdict, seventy-nine members of the Korean Atomic Bomb Victims Association brought a damages claim against the ministry in August 2013, asserting that it had been negligent in its duty to advocate for them. The victim plaintiffs each sought 10 million won ($8,500-9,000) from the ministry. Despite citing the Constitutional Court ruling in the legal proceedings, on this occasion they were unsuccessful. In June 2015, the Seoul Central District Court ruled that the foreign ministry could not be held accountable for Tokyo’s unresponsiveness: “There are many issues that need to be resolved between South Korea and Japan diplomatically, including Japan’s wartime sex slavery and its forced recruitment of Korean people for labor during World War II;” but “just because Japan hasn’t responded to South Korea’s calls for negotiation does not mean South Korea bears all the responsibility to take the next course of action.” Unperturbed by their loss, a mere one month later, the victims association appealed the decision to the Seoul High Court, the outcome of which was still pending when this chapter was written.

Whilst the 2011 Constitutional Court ruling largely failed to elicit a diplomatic response from the ROK government on behalf of Korean A-bomb victims, we can see that it paved the way for the victims to reorient their strategy from pressuring Tokyo directly toward urging the Korean foreign ministry to do so on their behalf.
Conclusion

The issue of redress for Korean A-bomb victims has long been overlooked in the controversy over Tokyo and Seoul’s history problems by scholars and the international media alike. As a professor at Korea’s Kookmin University explains, “these [victims] are in a blind spot of Korea-Japan relations… They are a forgotten group in the midst of more publicized issues like sex slaves. Still, they carry the potential to weigh on their relations.” In part, the international neglect of the issue stems from the fact that the matter of the victims’ redress never manifested as a major source of inter-governmental friction. Yet this is all the more reason why the issue requires scholarly attention. It is precisely through examining an anomaly case that we can fathom at a deeper level how similar problems, such as the comfort women issue, have had such profound consequences for the two countries’ relations. It also helps us to better comprehend the way in which transnational advocacy networks influence inter-state relations. One might logically assume that the A-bomb victim issue failed to become a diplomatic flashpoint and garner worldwide attention because the victims procured relatively comprehensive redress from Tokyo. Having surveyed the issue, however, a more nuanced explanation of this puzzle has emerged.

While the Korean A-bomb victim network had been agitating for redress since the 1960s, the issue only emerged on the diplomatic agenda in the late 1980s. This occurred primarily because Japan’s Supreme Court substantiated the network’s claim that the Japanese government was culpable for the victims’ plight, by issuing rulings in their favor. Once the matter was on the bilateral agenda, the network lobbied both

473 The Japan Times, August 6, 2015.
governments in an attempt to shape their diplomatic handling of the issue. Indeed, many of the state-to-state meetings at which the issue was raised were preceded by meetings between state officials and network constituents. The two governments were relatively susceptible and responsive to these lobbying efforts, not because the network was particularly adept at lobbying, but due to a variety of other factors. Most important among such was that the victims were consistently winning in their litigation battle against Tokyo; this factor, coupled with the publicity that the court verdicts generated, proved to be the most effective tool the network had at its disposal in impelling the two states to address the issue.

The very fact that the victims were successful in their litigation attempts in Japanese courts explains why the issue failed to become a major source of inter-state friction: the Japanese government’s diplomacy on the matter was led by the litigation outcomes of its own judiciary rather than pressure from the Korean government. Moreover, the legal strategy of the victims essentially circumvented the 1965 treaty settlement and targeted, rather, the precedent set by Tokyo in its 1957 Relief Law. While in the latter stage of its campaign, the network did attempt to challenge the treaty agreement by pursuing “state compensation” through the Korea’s Constitutional Court, by this point, the two governments regarded the issue as having been settled. South Korea’s foreign ministry thus made minimal efforts to enforce the ruling vis-à-vis Japan. As a result, the Korean A-bomb victim network never managed to undermine the treaty settlement in its pursuit of redress.

That the issue remained confined to the bilateral sphere and never attained international
ascendancy cannot simply be understood in terms of the fact that the A-bomb victims were more successful than comfort women in procuring redress for their plight. In fact, Korean A-bomb victims were still awaiting comprehensive assistance from the Japanese government in 2001—almost a decade after the UN had begun supporting the comfort women victims. Up until then, the A-bomb victims had been receiving money provided by the Japanese government in an ad hoc, short-term and unofficial capacity (packaged as “humanitarian gestures”), under auspices not unlike the internationally maligned Asian Women’s Fund—Tokyo’s answer to the comfort women issue.

The failure of the A-bomb victims to garner international support can better be understood in the context of the politics of victimhood and recognition. In contrast to comfort women, the A-bomb victims have an external culprit implicated in their plight, who not only happens to be a globally hegemonic power, but also a permanent member of the UN Security Council and the primary ally of Korea and Japan. This variable constrained the structural context within which the A-bomb victim advocacy network could manoeuvre. Although constituents of the network knocked on the same doors of human rights bodies that responded so enthusiastically to comfort women, their claims fell on deaf ears. Besides the lofty status of Washington within the United Nations structure, this outcome can be partially attributed to tactical variables in the networks’ respective pressure strategies: the state ethics frame and anti-nuclear norms invoked by the A-bomb victims did not carry the same universal resonance as the human rights frame and violence against women norms mobilized by the comfort women network.

The redress pursuit of Korean A-bomb victims again vividly illustrates how history
problems have become more contentious over time, though in this instance, between the victims and the two states, more so than at the inter-state level. In the postwar period, the Japanese government—with the help of the Supreme Commander for the Allied Powers—rendered its Korean imperial subjects stateless, and repatriated the majority of them to the Korean peninsula. Tokyo then attempted to deal with the consequences of war on its citizens within national bounds, implementing a law to assist the A-bomb victims in Japan. As we have seen, however, through decades of struggle waged by the Korean A-bomb victims and their advocates, Tokyo was forced—in a twist of irony—to extend its domestic redress legislation to encompass its former imperial subjects.

Yet perhaps most instructive of how transnational advocacy networks are breathing new life into “history problems” are more recent developments in the issue. While it is beyond the scope of the analysis to examine in detail the redress pursuit by the offspring of Korean A-bomb victims, suffice it to say that their efforts are bearing considerable fruit. During a memorial service held in Hapcheon on August 6, 2012, scientists in Japan and Korea agreed to launch a study into the hereditary effects of atomic bomb-related illness; they hope that this will become the catalyst for redress legislation for second-generation A-bomb victims. Indeed, this study will constitute the first “scientific” investigation into their plight, as it will be based on blood samples from 100 families, including both first-generation victims and their offspring. If it succeeds in establishing hereditary transmission of the illness—and indeed, this is highly probable in light of the overwhelming circumstantial evidence—the two governments will be

474 *The Asahi Shimbun*, August 8, 2012. Among the South Korean participants in the program are geneticists and members of The Association of Physicians against Nuclear Weapons; on the Japan side is a professor emeritus of fundamental radiology at Osaka University, Nomura Taisei, who has previously done research on the effects of the 1986 nuclear power plant accident at Chernobyl.
faced with an issue of far greater proportions than that of the first-generation victims. While currently there are only 600 or so registered second- and third-generation victims in South Korea,\footnote{Interview with Lee Nam-Jae, Hapcheon House of Peace, March 13, 2012.} this number represents only a small portion of the total victims.\footnote{In a booklet produced by The Hapcheon House of Peace, they estimate that there are approximately 7,500 second and third generation victims in South Korea, citing a study conducted by the National Human Rights Commission. \textquotedblleft 2012 Hapcheon Bihaek · Pyeonghwadaehwae Gyehoekseo\textquotedblright [Hapcheon Anti-Nuclear/Peace Congress Plan], (Organizing Committee for the Hapcheon Anti-Nuclear and Peace Festival,” 2012): 2.} In post-colonial Korea and postwar Japanese society, it was not uncommon for couples to give birth to four to five children; we can thus expect that the number of second-generation victims will balloon if Seoul and Tokyo are impelled (by the results of the study) to officially recognize their victimhood. As we saw in Chapter 2, victims only tend to “come out” when there is a strong incentive to do so, such as the prospect of compensation. Thus, as the Japan Times aptly put it, “the second-generation issue is a ticking bomb.”\footnote{\textit{The Japan Times}, August 2, 2005.}
Chapter 5

Forced Laborers:
Variegated Victimhood and Corporate Responsibility

Exhibiting a different trajectory again to the previous case studies, the issue of redress for Korean forced laborers did not become a point of contention between the Japanese and ROK governments until well into the 21st century. This delay was primarily owing to the fact that, among the three categories of victims, only the laborers received a mention in the 1965 treaty negotiations and the issue was thus considered settled by both states. In consequence, although the laborers employed a pressure strategy akin to the comfort women and A-bomb victims, they had substantially more difficulty in influencing the state-to-state handling of the issue.

In fact, it was only in 2012 that the Korean forced laborer issue became a significant source of diplomatic tension. Around this juncture, diplomats from both sides cited it as a contributing factor to the downward spiraling in the two countries’ relations, which they have yet to fully recover from.478 Yet despite weighing heavily on the bilateral relationship at this point, the plight of the laborers failed to attain the international status of comfort women. They also had limited success in engaging international bodies and accordingly, the issue witnessed little to no external political intervention. What

478 Interview with Kim Changnyum, Korean diplomat to Japan, September 26, 2013, Tokyo; Interview with Mutō Masatoshi, former Japanese ambassador to Korea, August 23, 2013, Tokyo.
explains the peculiarities of the trajectory of this issue?

This chapter assesses the influence of the forced laborer network on Japan and Korea’s inter-state relations. In doing so, it further elucidates the means and conditions under which advocacy networks change the way that states interact. As the evolution of the issue contrasts with the previous case studies, it will further help to establish the primary variables that affect the way states interact when pressured from below. It follows the same structure as the preceding two chapters by first surveying the tactics employed by the network, then the response to these tactics by the two governments, and finally, the effect of such on inter-state relations.

The chapter argues that, in addition to the forced laborer issue having been specifically negotiated in 1965, it failed to become a major source of inter-governmental friction on account of the fact that culpability for the laborers’ victimization was diffuse, spread between the Japanese government and several corporations. This diffusion served to mitigate against the need for diplomatic negotiation over the issue. Indeed, the Korean government at times supported the victims in their pursuit of redress from Japanese corporations. A factor that further prevented inter-state tension arising was that one of the principal demands of the network—the return of the remains of deceased laborers from Japan to Korea—was mostly resolved at the societal level, through coordinated efforts between the citizens of both countries. The issue eventually rose to diplomatic prominence in 2012, when the laborers began winning lawsuits against Japanese
corporations through Korean civil courts; effectively this served to undermine the 1965 settlement and, as we shall see, threaten Japan’s economic interests in the ROK.

**Network Composition**

To begin with, we examine the constituents of the advocacy network that formed around the forced laborer victims. Factors that distinguished it from that of the previous two case studies were active involvement by pro-Pyongyang activists in Japan, and a strong Buddhist orientation.

While Zainichi activists engaged in the comfort women and A-bomb victim networks have typically had pro-South Korean proclivities, those involved in the forced laborer issue have primarily been associated with the pro-North Korean General Association of Korean Residents in Japan (Zainihon Chōsenjin Sorengokai, or Chongryon). As we saw in Chapter 2, this connection stems from the fact that when the laborers first began protesting for their wages in the wake of Japan’s surrender, they were supported by the League of Korean Residents in Japan (Zai Nippon Chōsen Renmei), which had left-wing and communist tendencies.²⁷⁹

Additionally, as one of the network’s primary objectives was to repatriate the remains of laborers who died in Japan to their bereaved Korean families, known as the *ikotsu*

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²⁷⁹ See Chapter 2: 72.
As the victims’ remains had been scattered among Buddhist temples and charnel houses close to the sites where they had formerly toiled, the network activists enlisted the help of associated sects to locate the remains. Predominant among these were the Sōtō Zen and Jōdo Shinshū sects, which agreed to cooperate “based on the responsibility religious organizations bear for having cooperated in a war that went against Buddhist teachings, and in keeping with the goals of peace and opposing war.”

In connection to this aim of locating and returning laborers’ remains, the victims’ bereaved family members in Korea came to constitute another major pillar of the network. Motivated by a sense of injustice at what their loved ones had endured, and how this in turn had affected their own lives back in Korea, they frequently convened strategy meetings together and came to play an important role in the victims’ lawsuits.

Lee Hee-jae, a woman whose father was forcefully conscripted by Japan in February 1944 when he was 23 years old and she was only 13 months, has been a prominent activist among these bereaved advocates. She (and her family) continued to wait for her father’s return five years after WWII had ended; but when there was still no word from him after the Korean War had ended, they lost hope and Lee’s mother eventually

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480 For a detailed explanation of this issue, see K. Nozoe, Ikotsu wa sakebu: Chōsenjin kyōsei rōdō no genba o aruku [Remains Crying Out: A Walk Through the Sites of Korean Forced Laborers] (Tokyo: Shakai Hyōronsha, 2010).
482 Interview with Lee Hee-jae, representative of Society for Pacific War Victims and Surviving Family Members, July 15, 2011, Seoul.
remarried. Lee felt that her “childhood was forfeited” having been spent longing for her father’s return, and it was her ardent desire to establish his fate that initially spurred her to activism.\textsuperscript{483}

The matter of redress for forced laborers also piqued the interest of a number of academics in Japan and Korea. In contrast to the comfort women cause, which attracted mainly feminist scholars, the forced laborers’ plight drew mostly historians with a research agenda of determining Japan’s war responsibility; their scholarly inquiries, as we shall see, were key to locating the victims’ remains and delineating the culpability of the Japanese government and corporations. Notable among such scholars was Japanese historian, Hayashi Eidai, who wrote approximately fifty books on forced labor and other aspects of Japan’s war, over a period of three decades.\textsuperscript{484} Besides academics, lawyers in Japan also contributed to researching the legacy of Korean (and Chinese) forced laborers as well as legally advocating for them. They included Arimitsu Ken, Takagi Kenichi and the Japan Federation of Bar Associations (known as Nichibenren), the same group of progressive Japanese lawyers that had assisted the Korean A-bomb victims.

Moreover, numerous organizations were formed in both countries dedicated specifically

\textsuperscript{483} Ibid.
to exacting redress for the laborers. In the ROK, the victims themselves established the Society for Pacific War Victims and Surviving Family Members (Taepyongyang Chongchaeng Hisaengcha Yuzuokoe) in 1973, to represent their interests, and members of the Institute for Research in Collaborationist Activities (Minjok Munje Yonguso) also became engaged in the issue. In 2005, the ROK government set up the Truth Commission on Forced Mobilization under Japanese Imperialism, with the purpose of conducting fact-finding investigations at the laborers’ former worksites. In Japan, meanwhile, a Fukuoka-based citizens group called the Network for Research on Forced Labor Mobilization (Kyōsei Dōin Shinsō Kyūmei Nettowaaku) was founded in 2005 to facilitate the work of the South Korean government’s Truth Commission. Other organizations involved in campaigning for and facilitating the return of laborers’ remains include the Truth Association for Korean Forced Laborers (Chōsenjin Kyōsei Renkō Shinsō Dantai), formed in 1972, and the Hokkaido Forum for the Recognition of Forced Labor and its Victims, established in 2003. The Tokyo-based Network for Redress of World War II Victims, which is headed by aforementioned Japanese lawyer Arimitsu Ken, has also provided legal representation for the victims.

485 This was established in 1991 to conduct research on matters broadly pertaining to Japanese imperialism in Korea.
486 This is a Japanese group comprised of leading academic historians and community-based researchers. The Truth-Seeking Network cooperates closely with citizens groups in South Korea and the Seoul government’s Truth Commission on Forced Mobilization under Japanese Imperialism. The group maintains an extensive website for its “Together with Korean Families” project, aimed at resolving the conscript remains issue. For general background see A. Utsumi et al., Ikotsu no Sengo: Chōsenjin Kyōsei Dōin to Nihon [Postwar Remains: Japan and Forcibly Mobilized Koreans]. (Tokyo: Iwanami Shoten, 2007).
Pressure Strategy

For the Korean forced laborers, the 1965 treaty settlement between Japan and the ROK posed a far more formidable obstacle to redress than it did for their comfort women and A-bomb victim compatriots. As we have seen in the preceding two chapters, the Constitutional Court branded the Korean government’s passive attitude toward pursuing compensation for the former two victim categories as unconstitutional, yet there was no such declaration made on the laborers’ behalf. Indeed, the basis of this ruling was that comfort women and A-bomb victims were not negotiated as part of the treaty and therefore, the ROK foreign ministry should not accept Tokyo’s treaty-based defense that such issues had been settled. As the two governments had specifically discussed—and ostensibly settled—the forced laborer issue as part of the normalization of their relations, on the other hand, these victims were to face greater difficulty in both convincing courts that Tokyo owed them redress, and in getting the Seoul government to press Tokyo on their behalf. It is worth recalling here that in the 1965 settlement, the rights of Korean citizens and their government were waived in regards to making claims against the Japanese government and corporations from the colonial period. The network’s redress strategy thus became defined by these stark realities. In contrast to the treaty-based defense of the two governments, the network believed that “the 1965 agreement should be reconsidered as it was not decided at the level of the public in Korea.”

487 Interview with Lee Hee-jae, representative of the Society for Pacific War Victims and Surviving Family Members, July 15, 2011, Seoul.
The demands of the network essentially focused on attaining the following three objectives: (1) the disbursement of unpaid wages and financial deposits to the victims;\(^{488}\) (2) the restitution of the remains of deceased victims to their families;\(^{489}\) and (3) the repatriation of victims stranded on Russia’s Sakhalin Island to Korea.\(^{490}\) On the surface, it would appear that these demands (at least the latter two) have little relation to the Japanese government. Indeed, in many cases it was Japanese corporations rather than the government that failed to pay the victims’ wages. Also, the exhuming of deceased laborers’ remains would ostensibly not require governmental involvement. Sakhalin, moreover, is no longer part of Japan after having been reincorporated into Soviet territory at the end of WWII. Upon closer examination, however, the Japanese government is implicated in all of these matters. As was shown in Chapter 2, Tokyo (along with SCAP) took over the handling of the laborers’ frozen wages after war.\(^{491}\) Furthermore, many of the (missing) name rosters required to locate the deceased laborers’ remains were in the possession of Japanese officials. And with regard to the exhuming of victims’ remains, the bereft families preferred that the process be carried out under official auspices, as presumably this would be more systematic than a citizen-led effort and would possibly (and hopefully) be accompanied by a

\(^{488}\) As we saw in Chapter 2, these were frozen by the Japanese government in the postwar period. Chapter 2: 244.

\(^{489}\) Most Korean conscripts had returned to Korea by the end of 1945, but no provisions were made at this time for repatriating the remains of those who had died in Japan. It is believed that the remains of approximately 2,000 Korean laborers were buried in Japan. Forty-five sets of these remains were exhumed on Tsushima Island by the Japanese government in 1983-84 and 86 sets were exhumed on Iki Island by a Hiroshima citizens’ group in 1976, as the latter victims were returning from forced labor in this city.


\(^{491}\) Chapter 2: 69.
governmental apology for forced labor practices.\textsuperscript{492} Finally, in order for the laborers in Sakhalin to be repatriated to Korea, they needed transit visas from Tokyo in addition to exit visas from the Soviet Union.

Essentially, these three diverse sets of demands came to be articulated by three sub-types of Korean forced laborers. As such, the network did not propound a cohesive set of objectives, but rather, a variegated set based on the differential interests of the victims. The Sakhalin laborers, for instance, held very different priorities (ie., repatriation) from laborers residing in South Korea who were more intent on procuring their outstanding wages. Likewise, the bereft families were most concerned with locating victim remains. As Lee Hee-jae describes, “I wanted to find out what actually happened to my father and to obtain documents and other forms of proof from Japan.”\textsuperscript{493} As a consequence of these divergent demands, the victimhood of the forced laborers has been variegated since the inception of the network. The implications of this are manifold, as will become apparent throughout the chapter; suffice it to say for now that it resulted in disparate pressure strategies.

\textit{The Corporate Interest Frame}

Framing culpability and the nature of the issue at stake was a complex process for the laborers. Similarly to the A-bomb victim case, this was essentially because there were

\textsuperscript{492} Interview with Network for Research on Forced Labor Mobilization, September 2, 2012, Fukuoka.

\textsuperscript{493} Interview with Lee Hee-jae, representative of Society for Pacific War Victims and Surviving Family Members, July 15, 2011, Seoul.
two perpetrators: the corporations they had worked for and the Japanese government that had initially recruited them and subsequently failed to disburse their frozen wages.\textsuperscript{494} Rather than pinpointing culpability on only one of these parties, however, the laborers targeted both. This decision was once again shaped by their legal counsel, which advised that they could maximize their chance of procuring redress by pursuing both avenues of culpability.\textsuperscript{495} Yet their counsel also opined that the victims would have most luck pursuing unpaid wages from corporations, given that they possess subsidiary branches in Korea and would likely feel obliged to settle claims out of court to avoid tarnishing their corporate reputations there.\textsuperscript{496} Any court case filed against the Japanese government, by contrast, would inevitably center upon interpretations of the treaty, rendering their chances of success rather slim.

In line with these considerations, the laborers—particularly those seeking outstanding wages and benefits—evoked the concept of corporate responsibility, or kigyō sekinin / gieop chaegim, in framing culpability. Similarly to the A-bomb victims’ appeal to the ethics of the Japanese government, the laborer network appealed to the ethics governing corporate practice in Japan. This was not only apparent in the parlance of their legal cases, but also in the leaflets produced and distributed by the victims’ NGO representatives. One such leaflet, which targeted Mitsubishi Heavy Industries, brandished the slogans “Don’t you have ‘pride’ in your company?” (‘aisha seishin’ wa

\textsuperscript{494} Organisation of Asia Pacific News Agencies, June 9, 2010.
\textsuperscript{495} Interview with Ken Arimitsu, Japanese lawyer, September 24, 2013, Tokyo.
\textsuperscript{496} Ibid.
nai no desuka); and, “Do you want to keep wearing the stigma of being an ‘immoral company’?” (‘fudōtokuna kaisha’ tono omei wo matoi tsudzukeruki desu ka). This frame of corporate responsibility was buttressed by the publications of the victims’ academic advocates. Yamada and Tanaka, to cite an example, edited a Japanese volume entitled An Appeal from Neighboring Countries: Corporate Responsibility for Forced Labor, in 1996; this was followed by Corporate War Crimes: Corporate Responsibility for Forced Labor, in 2000.

Rather than mobilizing the human rights concept like the comfort women, the forced laborer network preferred to stress the notion of “corporate crimes” (kigyō hanzai / gieop beomjo). Activists argued to the effect that subjecting people to “forced mobilization and forced labor without payment is a genuine corporate crime,” and that “the stigma attached to immoral companies that withhold apologies and compensation from victims, cannot be erased.” This emphasis on corporate responsibility and corporate crimes as opposed to human rights, can be understood from the standpoint that the network primarily sought unpaid wages rather than compensation for physical/psychological suffering.

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Fact-Finding and Information Disclosure

An essential aspect of the network’s early strategy in pursuing redress was to conduct fact-finding investigations to establish the amount of wages owed to individual laborers. Once again, these seminal research efforts were crucial to laying the foundation for the victims’ future litigation battle. As the network presumed that most of the records would be in the possession of the Japanese government, they directed this tactic at Tokyo. Uncovering these documents constituted a rather arduous task, however, as Japan’s foreign ministry had previously declared that it held no financial information related to Korean labor conscription, and that all records had been destroyed during the American firebombing of Tokyo during WWII.501

Unconvinced by this claim, the Japan anchor of the network set about uncovering relevant documentation. Their first breakthrough occurred in 1990, when Chongryon, in conjunction with the Japan Federation of Bar Associations, searched the national archives in Tokyo; together they unearthed lists of 243,513 Koreans who had been brought to Japan as laborers between 1910 and 1945.502 These findings undermined the Japanese government’s then estimate that there had been less than 80,000 laborers.503 Three years later, a Nagasaki A-bomb victim NGO revealed a document entitled “Concerning the survey of Korean laborers.” This source not only listed the family registers and wage claims of the victims, but also gave a detailed account of the forms

501 Underwood, op. cit.
503 The government launched this search in response to a request made during South Korean President Roh Tae Woo’s visit to Japan in May 1990. Kyodo News, September 10, 1990.
of labor they had been subjected to.\textsuperscript{504} With the help of Japanese historians, Chongryon was further able to ascertain that more than 400 Japanese companies forced Koreans to work in Japanese mines and factories during WWII.\textsuperscript{505} This was evidenced in a 1946 Japanese government record obtained by the group, which listed 406 firms that had used some 66,000 Koreans as forced laborers.\textsuperscript{506} As a result of these efforts, the aforementioned Lee Hee-jae was able to determine the fate of her late father: he had been killed in China in June 1945 and his remains had thereupon been enshrined at Yasukuni. Her battle then became focused on having him de-enshrined and returning his remains to Korea.\textsuperscript{507}

Japanese scholars furthermore sought to establish the culpability of their government and corporations, and to challenge the claims of denial theorists (in Japan) who maintained that forced labor was a “myth” or “fabrication.”\textsuperscript{508} They drew extensively on official records to contradict sucht statements.\textsuperscript{509} Generally speaking, the studies published by scholar activists helped to substantiate that Japan’s labor mobilization programs had involved coercive deportation from Korean (to Japan), coercive labor

\textsuperscript{504} Kyodo News, July 19, 1993.
\textsuperscript{505} Associated Press Newswires, May 17, 2005.
\textsuperscript{506} Ibid.
\textsuperscript{507} Interview with Lee Hee-jae, representative of Society for Pacific War Victims and Surviving Family Members, July 15, 2011, Seoul.
\textsuperscript{509} Yamada, op. cit.
practices in Japan, and that the degree of coercion had increased over time.  

Engaging International Bodies

To add further weight to the victims’ redress claims, the laborer network solicited support from international venues. Similarly to the comfort women and A-bomb victims, their first port of call was the United Nations. Fortunately in this case, there was a UN agency specifically dedicated to their cause: the International Labor Organization (ILO). This tripartite body, consisting of governments, employers and workers, aims to suppress the use of forced labor in all its forms, regardless of the nature of the work or the sector in which it is performed. the ILO defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily,” in one of its eight fundamental conventions—the Convention Concerning Forced or Compulsory Labor (1930). As Japan had ratified this particular convention in 1932, the network appealed to the UN on the grounds that Tokyo had violated this when it subjected Koreans to forced labor during the war.

Posing a potential obstacle in this regard was the fact that the Japanese government had

510 Ibid.
511 The ILO was founded in the wake of WW1, in 1919, and became the first specialized agency of the UN in 1946.
long been one of the ILO’s largest financial donors. In any case, in 1993, two former Korean forced laborers gave testimonies about their wartime experiences at the UN Human Rights Commission in Geneva. In response, the UN assigned the ILO’s Committee of Experts to examine the applicability of the above-mentioned convention to their case. The committee subsequently published a report in 1993, confirming the network’s claim that Japan’s conscription of Korean and other workers during the war contravened the convention. After activists in Japan submitted a further appeal to the ILO in 1997, the committee produced a report claiming that the subjection of laborers to deplorable working conditions was also a violation of the convention; they cited that 28.6 percent of the laborers died at the factories at which they worked as a result of the harsh conditions. With regard to how the issue should be resolved, the report advised that the ILO “does not consider that government-to-government payments would suffice as appropriate relief to the victims,” and urged that the Japanese government to make additional payments to individual victims. Since these recommendations were made, however, there has been little action from the UN on the laborers’ behalf. This is perhaps owing to the fact that a Japanese legal specialist joined

514 As of 2010-2014, Japan was ranked as its 12th biggest donor, and the US, its first. See the list of donor rankings here: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/genericdocument/wcms_206667.pdf.
516 Ibid.
519 Ibid., 130.
the ILO committee of experts, as one of 16 members, in 2004.\(^5\)

Aside from the involvement of the ILO in the forced laborer issue, there has been no discernable intervention by external bodies or governments around the world. Japan and Korea’s mutual United States’ ally has refrained from weighing in on the issue, as it did with the Korean A-bomb victims. There are two probable reasons for this. Although not implicated to the same degree as in the A-bomb victims issue, US occupation forces were involved in the handling of the laborers wages, as mentioned previously; it is reasonable to assume that the US could have (at least partially) resolved the issue by distributing the wages to the laborers in the postwar period, and therefore bears some responsibility for laborers’ current predicament. Secondly, as the forced laborer issue did not constitute a major source of friction between Japan and Korea for a long while, and more importantly, is not one of the issues impeding their ability to cooperate in the security realm—a matter of US interest, Washington has not sensed the need to push its allies to resolve it.

*Lobbying*

The network moreover pursued a bifurcated lobbying strategy aimed at pressuring the Japanese government and targeted corporations from the late 1980s. The government-directed lobbying was often timed to coincide with anniversaries of Japan’s
defeat, and also with visits by Japanese heads of state to Seoul. These are two occasions when Tokyo comes under renewed international pressure to repent for past wrongs. The lobbying of corporations, on the other hand, was timed with company shareholder meetings to maximize the threat posed to their corporate image, and also to gain access to company leaders. The network further resorted to lobbying in the aftermath of failed court cases, to capitalize on the publicity surrounding their suits.

The government lobbying was focused on procuring Tokyo’s assistance in the repatriation of Korean laborers stranded in Sakhalin, and was carried out primarily by Japanese lawyer-activists, including Takagi Kenichi. In November 1988, through meetings with the Japanese government, Takagi persuaded four members of the Japanese Diet to travel with him to the Soviet Union to negotiate the return of former laborers who wished to leave.\(^{521}\) The timing of this visit was by no means incidental. It occurred on the heels of the Seoul Olympics (17 September - 2 October 1988), an event that witnessed the participation of Soviet athletes. Takagi took this as sign of the easing of Cold War tensions and hoped it would constitute a turning point for the Sakhalin laborers.\(^{522}\) This calculation proved correct: Soviet officials agreed to the release of eighty year-old Han Won-sun and granted him permission to return to the ROK; there he was reunited with his seventy-two year old wife after a forty-five year separation. Highlighting the double nature of this victory, Takagi relayed to the press that, “The


\(^{522}\) Interview with Takagi Kenichi, Japanese lawyer, September 30, 2013.
most tragic part [of the laborers becoming stranded in Sakhalin was] the young wives or fiancées left behind in Korea. Because they did not know whether their husbands were dead, they could not remarry; and because they live in such a male-oriented society, they could not get good work, but had to survive as street vendors or servants in their husbands’ families.”

Han’s release paved the way for the repatriation of more Sakhalin Koreans.

Network constituents additionally lobbied the Japanese government for apologies and the disbursement of unpaid wages. In March 1999, for instance, sixty Korean and Japanese civic groups (consisting of a total of 300 members) assembled in Seoul to hold a joint rally during Prime Minister Obuchi Keizō’s three-day visit. The activists launched a signature campaign demanding an apology, and also utilized the opportunity to call on the ROK government to establish a special fact-finding body on Japanese aggression, and to seek international assistance in resolving issues pertaining to Japan’s colonial rule of Korea. Similar gatherings were staged in Tokyo on the centenary of Japan’s annexation of the Korean peninsula. To cite one such occasion, on August 29, 2010, nine hundred or so citizens from Japan and Korea congregated at the public hall of Tokyo’s Toshima Ward; together they called on the Japanese government to compensate not only the Korean forced laborers, but also all other victims of the

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523 Facial.
525 Ibid.
Constituents of the network moreover fronted up to company shareholder meetings of the corporations they targeted, as a means to confront company management. As activists were typically refused meetings with management of target companies, this tactic proved highly effective. In the first instance of such, three former Korean laborers attended the shareholder gathering of a Japanese machine tool maker in February 1998 after repeatedly being denied requests to meet; at the time the victims were engaged in a lawsuit against the company, and were seeking compensation.\textsuperscript{527} For symbolic effect, they wore traditional Korean clothes and relayed to those present the harsh working conditions they had endured during the war; they also reiterated their demands for payment.\textsuperscript{528}

In a similar vein, following a litigation loss against Mitsubishi Heavy Industries in 2010, a group of 300 female former Korean laborers, who had been deceptively recruited as teenagers to work (without pay) at a Nagoya aircraft factory, lobbied Mitsubishi to reconsider its refusal to compensate them. Owing to the fact that they were young Korean women at the time of their exploitation, this particular case attracted more attention than usual in the ROK and led to a series of protests at Mitsubishi offices in Tokyo and Seoul. As a result, approximately 100 members of Korea’s National

\textsuperscript{526} BBC Monitoring Asia Pacific, August 22, 2010.
\textsuperscript{527} Kyodo News, February 26, 1998.
\textsuperscript{528} Ibid.
Assembly endorsed a petition with signatures of 130,000 Korean citizens, demanding compensation and an apology; this was delivered to Mitsubishi by a Korean lawmaker on the eve of the company’s shareholders meeting in spring 2010, along with the threat of a global consumer boycott. Mitsubishi responded to the effect that the issue could not “be evaded from a humanitarian standpoint,” and that it would consider making payments to the women.

Litigation

And despite the legal obstacle imposed by the 1965 treaty settlement, the forced laborers also resorted to the law as a means to elicit redress. Their litigation trajectory was markedly similar to that of the comfort women. A major difference in the laborers’ cases, though, was that they frequently filed symbolic lawsuits in Japan. Although they were quite certain that they would not win the suits and even doubted that judges would adjudicate them, they believed that filing alone might serve to publicly shame the Japanese government and corporations. They hoped that if enough victims filed suit, the press attention generated by such would force the defendants to cave to their demands.

From 1991, dozens of compensation lawsuits were thus filed by the victims in Japanese

531 Interview with Takagi Kenichi, Japanese lawyer, September 30, 2013.
courts. The cases were, however, overwhelmingly unsuccessful. While most of the suits targeted either the Japanese government or companies (such as Mitsubishi and Nippon Steel), some were filed against both. The claims made in these early lawsuits were centered on the abuse the laborers had been subjected to while working in Japan: they cited harsh working conditions, having endured starvation and being abandoned after the war. Based on these grievances they requested apologies and compensation, and insisted surveys be carried out to establish a record of their ordeal. 533

In addition to lawsuits for unpaid wages, there were two other major strands of legal battles pursued by the network. One focused on the matter of the stranded Sakhalin laborers, 534 and the other on the 1945 *Ukishima Maru* shipping disaster. 535 In terms of the latter issue, 51 plaintiffs 536 filed a suit in 1992 demanding an apology and compensation from the Japanese government. 537 They accused Tokyo of neglecting the victims for the past 47 years and demanded a full-scale inquiry into the incident; they also claimed that the survivors were still afflicted by the injuries they had sustained in the disaster, and that the victims’ families had faced hardship after losing their

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534 On one occasion, activists filed suit against the Japanese government for 200 million yen to enable the stranded laborers to visit South Korea.

535 The *Ukishima Maru* was a WWII Japanese naval transport vessel. On 24 August 1945, the ship was repatriating 3,725 Korean laborers and their families from Aomori prefecture to the Korean peninsula, when it struck a naval mine. The ship consequently exploded and sank, killing approximately 524 Koreans and 25 Japanese who were on board.

536 These consisted of the survivors of the accident and the relatives of those who died.

breadwinners. It was not until almost a decade later, however, that this claim came to fruition. In a rare instance of success, in 2001, the Kyoto District Court ordered the national government to pay a total of $375,000 to 15 Korean survivors of the disaster; the justification for this verdict was that Tokyo had neglected its duty to safely transport the Korean passengers aboard the ship.

Although initially the victims’ lawyers had predicted that suits filed against corporations would be more likely to bear fruit than those against the Japanese government, ultimately the victims failed on both accounts due to the statute of limitations and the claims waiver clause of the treaty. Even in cases where the court confirmed that the Japanese government was in possession of the plaintiff’s wages, the judges asserted that the treaty nullified their right to claim them. The laborers’ legal representation objected on the grounds that Tokyo had failed to notify them about the funds prior to the treaty being signed. Yet a Tokyo High Court judge responded that “it was not the fault of the state that the bureau did not inform the relatives of the fact that the unpaid wages were deposited shortly after the war. It was not certain that a notification letter would have reached the relatives even if the state had sent them, due to poor systems of communication shortly after the war.”

538 Ibid.
While these were the legal grounds upon which the Japanese government could avoid legal responsibility for the laborers’ plight, the corporations’ defense centered upon the argument that the wages were duly deposited with the state in the late 1940s. In other words, the companies deflected the matter of culpability to Tokyo. Mitsubishi also claimed that it is no longer the same company that it was under the Japanese Empire.\footnote{Interview with Truth Association for Korean Forced Laborers representative, September 10, 2013.} In consequence, it was only in very rare instances that cases against Japanese corporations were settled outside of court. To cite one such example, in September of 1997, Nippon Steel Corporation reached a settlement with eleven of the families of forced laborers through offering them $163,000 in “condolence money.” The company refrained, however, from taking full responsibility, claiming that it had been operating under government orders.\footnote{“Sengo hoshō totatsu-ten to kongo no kadai 2013-nen, 16-kai kōkai fōramu,” op. cit., 18.}

There were also occasions of the victims being awarded token sums. This occurred when they were paid the pension money that they had accrued during the war at face value rather than inflationary value. In 1996, for instance, the Japanese government paid 35 yen (roughly 30 cents) to a Korean victim who had filed case a two years earlier claiming money from a pension fund he had contributed to while working at Mitsubishi Heavy shipyard.\footnote{The New York Times, September 22, 1997.} The Toyama Social Insurance Agency, meanwhile, paid three Korean women 18 yen each in return for the pension fund contributions they had
simply made while laboring at a Toyama–based factory during the war.\textsuperscript{545}

And while there was no major rift that emerged in the forced laborer network akin to its comfort women counterpart, the litigation process revealed that the laborers residing in Japan were divided ideologically in their allegiances to North and South Korea. Chon Woon-Mo (a former laborer), felt he should refrain from joining in the lawsuits on account of his loyalty to the DPRK—a state that had not received redress from Japan for the sufferings of the colonial period.\textsuperscript{546} He also held expectations that Japan and North Korea would soon normalize their ties and that the DPRK government would negotiate redress on his (and other North Korean-affiliated laborers’) behalf. Moreover, Chon was reluctant to file a suit in Japan when he still harbored memories of a Japanese supervisor helping him to escape from the mine at which he had worked.\textsuperscript{547} These sorts of hesitancies, however, were specific to Korean laborers residing in Japan.

In spite of their lack of success in Japanese courts, the laborers’ litigation battle had played an important function. As intended by the network, it served to raise public consciousness in both Japan and Korea about the victims’ predicament; this was significant as one facet of the victims’ psychological suffering stemmed from a lack of public sympathy for their plight. As one plaintiff described, “It’s not just a matter of

\textsuperscript{545} Interview with Truth Association for Korean Forced Laborers representative, September 10, 2013.
\textsuperscript{547} Ibid.
winning the suit. It’s important to tell the Japanese people about all of this.”

Having largely failed to procure redress through the Japanese judicial process, though, the network decided to target the US judiciary. They filed suit in California under a law permitting state courts to hear slave labor cases regardless of the plaintiffs’ citizenship. In 2001, Korean laborers filed two class action lawsuits at the Los Angeles Superior Court against Japanese corporations Mitsubishi and Mitsui & Co, demanding compensation for unpaid labor. These suits were supported by Los Angeles-based NGOs, including the Korean Alliance for WWII Atrocities. However, similarly to the legal fate of comfort women, the forced laborers’ cases failed on account of US federal government opposition. Both cases were dismissed by a federal judge in San Francisco, on the grounds that the state law allowing wartime forced labor victims to seek redress in California “infringes on the federal government’s exclusive power over foreign affairs.” The judgment also cited the statute of limitations.

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548 Ibid.
550 The law reads that, “Any Second World War slave labor victim, or heir of a Second World War slave labor victim, may bring an action to recover compensation for labor performed as a Second World War slave labor victim or Second World War forced labor victim from any entity or successor in interest thereof, for whom that labor was performed, either directly or through an affiliate.”
551 J. Haberstroh, op. cit.
To sum up, the forced laborer network employed a diverse range of pressure tactics to exact redress, which were not unlike those utilized by the comfort women and A-bomb victim networks. The obstacle of the 1965 treaty, however, necessitated that their tactics be somewhat more creatively applied than in the previous two case studies. While they similarly used litigation, for instance, this was done as much to engender symbolic and socio-political pressure than to elicit redress through legal means. In the following section we examine the response of the two governments to these tactics and how these tactics in turn influenced their inter-governmental relations.

**Response of the Two Governments**

As the pressure strategy of the forced laborer network evolved, the Japanese and South Korean governments responded to varying degrees. Essentially, both sides attempted to address the network’s demands while still adhering to the 1965 treaty settlement. As mentioned previously, this was due to a tacit mutual understanding that the forced laborer issue had been settled during the normalization of their relations. As the victims’ rights to claim compensation were waived by the treaty, the Seoul government preferred to deal domestically with the matter of their unpaid wages. Regarding the other major demands of the network, which were not covered by the treaty, Korean officials expected their Japanese counterparts to help shoulder the redress burden. And Tokyo, for its part, cooperated in incremental ways—and only when compelled to, justifying its willingness to do so again in “humanitarian” rather than legal terms.\(^{554}\) Below we

\(^{554}\) *The Japan Times*, March 4, 2008.
examine the two governments’ responses in detail.

Response of the Korean Government

The ROK government became susceptible to pressure from the network in the late 1980s. This was once again spurred by democratization, but also the efforts of Japanese lawyers to negotiate the release of Sakhalin Koreans in November 1988 (on the heels of the Seoul Olympics). South Korea’s ruling Democratic Justice Party demanded, in 1989, that Tokyo take moral and economic responsibility for the Sakhalin laborers by helping to fund their repatriation to the ROK.555 As this specific matter had not been discussed as part of the treaty negotiations, Seoul insisted that Tokyo shoulder some of the estimated 420-700 billion yen costs entailed.556 Instead of overseeing the repatriation process itself, the ROK government tasked the Korean National Red Cross with this endeavor. From September 1989, Red Cross workers thus arranged the permanent return of 40 Sakhalin laborers, and by the year 2000, 1,350 had been repatriated.557 In order to accommodate these numerous returnees, the Korean Red Cross joined forces with its Japanese equivalent and launched an apartment construction project in July 1997.558 While the ROK government covered the cost of the land for the construction, Japan agreed to pay for the actual apartments. The two governments later erected a nursing home in the Korean city of Incheon, to house the returnees who were too elderly to live

556 Ibid.
557 Interview with Truth Commission representative, August 19, 2011, Seoul.
independently or had been rendered invalids through their forced labor ordeal.\textsuperscript{559}

The early efforts of the network at disclosing factual information on forced labor, particularly by Chongryon, spurred the Korean government to solicit further documentation from Tokyo. During his visit to Japan in August 1990, President Roh Tae-woo urged Japanese officials to cooperate on this matter.\textsuperscript{560} Hoping to further uncover vital documents to assist the laborers, in 1995, a 5-member Korean delegation undertook a two-week research project in Japan to investigate the issue.\textsuperscript{561} The delegation, which consisted of officials from various government ministries and the bereaved family members of victims, visited eight sites across Japan where Korean laborers had formerly toiled.\textsuperscript{562} Their aim was to ascertain how many laborers there had been, the number that had died before the end of the war, and what the nature of their living conditions were.

Subsequently, as the Seoul government witnessed the victims failing one by one to elicit their unpaid wages through Japanese courts, it decided to play a more direct role in their redress process and institutionalize its support for them. This decision was doubtlessly informed by the fact that the greatest impediment to the victims procuring redress was the treaty negotiated by the Park Chung-hee administration on their behalf. Thus, in 2004, Seoul established the Truth Commission on Forced Mobilization under Japanese

\textsuperscript{559} \textit{Ibid.}
\textsuperscript{560} \textit{Kyodo News}, September 10, 1990.
\textsuperscript{561} \textit{Kyodo News}, July 17, 1995.
\textsuperscript{562} This included sites in Tokyo, Kobe, Hiroshima and Nagasaki.
Imperialism (hereafter Truth Commission), an 85-member taskforce assigned to deal exclusively with the matter of the victims’ redress. One of its main priorities was to assist in the repatriation of laborers’ remains and to conduct fact finding toward this end; this entailed collecting victim testimonies through public hearings across South Korea, and compiling a list of Japanese companies that had utilized forced labor. After receiving a pledge of cooperation from Prime Minister Koizumi during a Japan-ROK summit meeting in December 2004, the Truth Commission also visited a number of labor sites throughout Japan in April 2005. This led to the uncovering of new historical facts. While it was already known, for instance, that the Sakhalin Koreans had labored at mines and lumber mills, the Truth Commission discovered that they had also worked on whaling ships that provided food and oil for Japan’s war effort. More importantly, though, the Commission uncovered a letter attesting that the Japanese government had used coercive measures in mobilizing Korean laborers.

The Korean government’s responsiveness to the network increased most apparently in January 2005, when the Roh Moo-hyun administration declassified the 1,000 plus pages of documents detailing the Korea-Japan treaty negotiations. As previously stated, the documents revealed that Tokyo had originally proffered compensation payments to individual forced laborers, but Seoul had declined this in preference for a lump sum

563 Interview with Truth Commission representative, August 19, 2011, Seoul.
564 Underwood, op. cit.
565 Ibid.
In light of these revelations, President Roh came under intense criticism, not only from the laborer victims and their advocates, but also the Korean public at large. Indeed, the negotiation records confirmed the public’s long-held belief that the treaty merely constituted an economic settlement vis-à-vis Japan and in no form resembled compensation.

Faced with ensuing public outrage, Roh announced a legislative proposal for victims of wartime labor conscription in July 2006. Under this law, the bereft families of laborers who had died during the colonial period would be entitled to payments of 20 million won ($20,000) each, while the surviving victims who had returned to Korea without any injuries, would receive financial payment for medical expenses to the value of 500,000 won ($5,000) per annum. In addition to fixed-amount compensation, the new law also called for the South Korean government to make individualized payments to former conscripts and families based on financial deposits confirmed to be in the possession of the Bank of Japan (BOJ)—money that the laborers had earned but never received. This proposal triggered an influx of applications by former laborers to become certified victims—a requisite condition to qualify for the payments. The Truth Commission received roughly 220,000 applications, three-quarters of which were

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566 These records of the negotiations can be found on the website of the civic group “Nikkan shimin de tsukuru nikkan kindan bunsho zenmen kōkai o motomerukai” [The Association for the Pursuit of the Complete Declassification of the Japan-Korea Treaty Negotiations: Composed of Japanese and Korean Citizens, http://www.f8.wx301.smilestart.ne.jp/]


568 The Korea Herald, March 9, 2006.
lodged on behalf of deceased victims.\footnote{569}{The Japan Times, March 4, 2008.} The policy was finally enacted in November 2007 and Roh’s government cautiously framed it as a moral—as opposed to legal—gesture: “The measures are not part of the government’s legal responsibility, but are being offered to console the victims who have suffered for a long time,” an official of the Office of Government Policy Coordination asserted.\footnote{570}{The Korea Herald, March 9, 2006.}

In spite of its attempts to resolve the matter of unpaid wages domestically, obstacles arose when the Korean government found itself lacking in vital documentation. In order to establish who would be eligible to receive the domestic funding, the Truth Commission required Japanese records of bank deposits and lists of laborers that had received a Japanese pension during the war. As an official from the Commission explained, “We have received 154,069 reports from people since January who claim they or their family members were mobilized victims, but we are having difficulty verifying those reports without the list from Japan.”\footnote{571}{The Korea Times, June 20, 2005.} We have just then seen that the Seoul government preferred to pay the outstanding amounts to the victims from its own state coffers, rather than pressure Tokyo for these wages. In particular, two essential documents were required: the Unpaid Financial Deposits Report and the Welfare Pension Name List, both of which date from the 1940s. In this context, the Commission urged the (ROK) foreign ministry to take the matter up with Tokyo in the June 2005
Roh-Koizumi summit meeting. The two heads of state avoided the issue, however, not only on account of the treaty, but presumably because any disclosure of documents detailing unpaid wages could incriminate Tokyo, and was thus deemed too sensitive by both sides. It was not until December 2007, at a state-level conference, that Japanese officials reportedly supplied their Korean counterparts with certain name rosters and, for the first time, financial deposit information for 11,000 military conscripts. This was carried out with the understanding that Seoul would pay any outstanding wages.

In sum, the Korean government’s response was initially shaped by the uncovering of information by the network and later, by the disclosure of treaty negotiation records; the latter served as proof that it had abrogated the victims’ rights in the 1965 settlement. In general, Seoul attempted to balance the tension between the network’s pressure and the treaty agreement by dealing domestically with treaty-related redress demands (wages), and bilaterally with non-treaty matters (repatriating stranded laborers and exhuming victims’ remains).

Response of the Japanese Government

When the network emerged in full force in the early 1990s, the Japanese government’s official position was that former laborers had been conscripted by companies, and there had been no direct involvement by the state. Officials claimed, moreover, that they were

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572 Interview with Truth Commission representative, August 19, 2011, Seoul.
573 Ibid.
unaware of the number of Koreans that had been conscripted and how many had died while in Japan. Nevertheless, Tokyo eventually agreed to take measures on the victims’ behalf, not in response to the network, as such, but due to pressure from the ROK government. Indeed, the Japanese government first agreed to launch a search for records of Korean laborers when President Roh Tae-woo visited Japan in August 1990. The results of this venture indicated that there were 80,000 Koreans mobilized for labor during the war. As we have seen, however, this figure was subsequently undermined when Chongryon unearthed evidence showing there were at least 243,513 Korean laborers.

In addition to fact-finding, Tokyo was willing to acquiesce to Seoul’s appeal for assistance with repatriating Sakhalin Koreans. To this end, legislators from both Japan and the ROK formulated an 11-point statement in September 1993, outlining objectives for political and industrial cooperation; as part of the statement, both sides pledged to address the plight of the stranded laborers in line with their broader policy concerning the legal and social status of Korean’s who had not returned to the peninsula after WWII.

It was only in 1994 that the Japanese government began to respond more directly to the forced laborer network and consult with its constituents. The backdrop of this was again

574 Ibid.
the ten-month window of opportunity that arose when the conservative Liberal Democratic Party fell from power. As a coalition of opposition parties subsequently came to lead the government, a number of unprecedented concessions were made by Tokyo to the forced laborer network. This was primarily due to elements of support for the laborers within the ranks of the (then-)Japanese Socialist Party (JSP). As seen in Chapter 3, this party was more sympathetic to the claims of Korean colonial victims than the LDP, evidenced in the apologies by former JSP leader Murayama Tomiichi to comfort women. Against this backdrop, in March 1994, JSP members arranged for a room at the Diet for the laborers and their advocates to ask questions, and officials from five government agencies responded to them over the course of several hours.

As a result of this meeting, various Japanese ministries reversed decades-long policies of withholding information from the victims and their families. First, the Justice Ministry permitted individual laborers (or their proxies) to view data regarding their financial deposits; then, the Welfare Ministry agreed to reveal the victims’ records of pension deposits. The Foreign Ministry, however, maintained its position that the normalization treaty precluded it from making any redress provisions. In any case, these concessions by the Japanese government—small as they were—helped to fill a number of historical blanks for the network, and provided grounds for the victims and their families to instigate further lawsuits.

576 Chapter 3: 153.
577 Underwood, op. cit.
578 Ibid.
Yet, along with the return of the Liberal Democratic Party to Power in late 1994, the state-level momentum in Japan was lost. A full decade passed before Tokyo took further substantive action. The impetus for this was the establishment of the South Korean Truth Commission, which required the cooperation of Japanese officials to achieve its objectives. In the 2004 summit meeting between the two sides, Japanese head of state Koizumi Junichirō promised Korea’s Roh Moo-hyun that “he would look seriously into the matter” and see what could be done in terms of the deceased victims’ remains.\(^{579}\) While this pledge by Koizumi resulted in the remains of some Korean military laborer conscripts being repatriated to South Korea, the Japanese government was reluctant to track down the remnants of civilian laborer conscripts, who it regarded as less important.\(^{580}\)

Tokyo was spurred to take further steps toward appeasing the laborer network in 2005, which marked both the 60\(^{th}\) anniversary of Japan’s defeat and the Year of Friendship between Japan and the ROK. At this juncture, the foreign ministry contacted 100 or so corporations that had utilized forced laborers, as well as religious bodies that were potentially housing their remains, and requested that they help in establishing the fates of victims.\(^{581}\) As a result of this government directive, over subsequent years some 2,000 sets of civilian Korean remains, including forced laborers, were located in


\(^{580}\) Underwood, \textit{op. cit.}

\(^{581}\) \textit{Associated Press}, May 17, 2005.
Japanese temples and charnel houses. While Japanese and ROK officials jointly inspected the sites of the remains, the corporations refused to be involved. 582

Although Tokyo was willing to make these concessions on returning victim remains and repatriating Sakhalin Koreans, it would not budge on the matter of the laborers’ unpaid wages. This was in spite of emergent evidence that the wages (215,147,000 yen worth) were in the possession of the Bank of Japan. 583 The government’s rationale for not releasing these funds was that it needed to first normalize its diplomatic relations with North Korea, where approximately ten percent of the total number of former laborers resided. 584 SCAP had been similarly reluctant to distribute wages to the victims when it had the chance—as we saw in Chapter 2—owing to the divided state of the Korean peninsula. This justification was dubious, however—at least on Tokyo’s part, given that the Japanese government made payments to A-bomb victims in South Korea to the exclusion of those in the North, who also constitute ten percent of the total victims. 585

Evidently, from the 1990s until well into the 21st century, the governments of Tokyo and Seoul responded to the forced laborer network through a series of measures designed to meet the victims’ redress demands without undermining the 1965 treaty settlement. This entailed sharing the redress burden for the less contentious aspects of the issue, such as

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582 Underwood, op. cit.
583 Ibid.
584 Ibid.
repatriating the stranded Sakhalin laborers and exhuming the remains of those who had
died in Japan. The more sensitive wages issue with its concomitant legal implications,
on the other hand, was dealt with domestically by the Korean government, while Tokyo
only reluctantly supplied some supporting documentation. This response of the two
governments, however, was deemed insufficient by the network. Indeed, having their
wages paid by the Korean government did not resolve the victims’ sense of injustice
vis-à-vis Japan. As activist Kim Min-chul describes, “just because the Korean
government received money from Japan in 1965, doesn’t mean it has to take all the
responsibility. Japan also has to take some form of political responsibility for the
companies which exploited forced laborers without paying them.”

The network thus decided to reformulate its pressure strategy, specifically with regard to procuring unpaid
wages.

**Effect on Inter-State Relations**

Up until this point, there had been little sign of inter-governmental friction over the
matter of redress for the forced laborers, and the issue did not feature as a prominent
item on the two countries’ diplomatic agenda. From 2008 to 2015, though, it evolved
into a pressing bilateral issue, threatening to further destabilize their fraught relations. In
2013, in the midst of the tension, diplomats from both sides asserted that their foreign
ministries were now as concerned about forced laborers as comfort women, and that the

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586 Interview with Kim Min-chul, representative of the Institute for Research in Collaborationist
Activities, July 15, 2011.
two issues were contributing to the then impasse in their relations.\textsuperscript{587} In this section we examine the factors that explain the rapid diplomatic ascendance of the forced laborer issue.

\textit{Keeping Friction at Bay}

Part of the reason that the laborer issue failed to become a major source of inter-state friction is evidently that, even though the South Korean government had become heavily involved in the issue and was relatively responsive to the network, it refrained from pushing Tokyo on the most sensitive aspect of the issue: the victims’ overdue wages. But what also helped to keep friction at bay was that, in a similar fashion to its treatment of the A-bomb victim issue, the Japanese government was once again willing to take measures to redress the forced laborers in order to placate its Korean counterpart in relation to more volatile history problems; in other words, cooperating on the laborer issue had a conciliatory utility for Japan. This was perhaps best encapsulated in news reports: “The [Japanese] government will move to resolve historical issues with South Korea, including returning the remains of Korean soldiers and civilian employees of the military, in an attempt to ease anti-Japanese sentiment and smooth the way for a Japan-South Korean summit scheduled for late June.”\textsuperscript{588} The context of this overture was that three months earlier—in February 2005—Japan’s Shimane prefecture had issued a decree claiming Takeshima was Japanese territory, and simultaneously

\textsuperscript{587} Interview with Kim Changnyum, Korean diplomat to Japan, September 26, 2013, Tokyo; Interview with Mutō Masatoshi, former Japanese ambassador to Korea, August 23, 2013, Tokyo.

\textsuperscript{588} Interview with Lee Hee-jae, representative of Society for Pacific War Victims and Surviving Family Members, July 15, 2011, Seoul.
designated February 22 as “Takeshima Day.” This led to a sharp decline in the two countries relations as ROK President Roh responded by threatening Tokyo with “diplomatic war.”

An additional factor that served to minimize inter-state friction was that one of the main aspects of the redress campaign—the repatriation of the deceased laborers’ remains—was conducted mostly under the auspices of the network itself, with minimal involvement by the Japanese government. Although the network did require certain documents from Tokyo to locate the victims’ remains—which Japanese officials only selectively provided, for the most part, the network worked in tandem with Buddhist temples. And while there were some inter-governmental efforts made to locate the remains, as we have seen, most of the activity occurred at the sub-state level.

Rising to Diplomatic Prominence

Prior to becoming a serious diplomatic problem, the forced laborer issue was politicized in Japan by the opposition party. This occurred during Aso Tarō’s prime ministerial term (from September 2008 to September 2009) against a backdrop of frequent leadership changes and general political instability. Aso’s rise to the prime ministership was somewhat controversial: during WWII his immediate family ran the Aso Mining Company (now known as the Aso Group), which extensively utilized forced labor.

590 Aso Tarō acted as president of this company in the 1970s.
His family’s wartime legacy thus became a prime target for opposition parties wishing to discredit him. In fact, as soon as Aso took office, a lawmaker from the Democratic Party of Japan, Fujita Yukihisa, submitted a question to the Diet as to whether Aso’s family’s mine had subjected Allied POW’s to forced labor.591 This practice had previously been denied by the LDP, but as the opposition bloc had won a sweeping victory in the previous year’s (2007) elections, it had greater control within the Diet and better access to government information; DPJ members could therefore gather various documents to support their suspicions. Ultimately this led to a revelation by the Health and Welfare Ministry that 300 British, Dutch and Australian prisoners (as well as Korean labor conscripts) had worked at the Aso family mine from April 1945 until Japan’s surrender.592 As news of this was picked up by media outlets throughout the world—most notably, the New York Times—the LDP was forced to reverse its position.593

Following this domestic escalation of the issue, activists in the Japan anchor of the network disclosed further information, which helped more specifically to politicize the plight of Korean laborers. In March 2010, Japanese activists obtained documents dating from sometime around the 1965 treaty settlement, that indicated that Japanese officials believed Korean laborers were entitled to individual compensation in spite of the

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592 A list of the POWS that labored at the Aso Mine can be accessed at the MacArthur Memorial Archives in Virginia (Record Group 4, Box 23).
settlement. This undermined the stance of both the LDP and Japanese judicial authorities that the government was not legally obligated to provide individual victims with compensation.

This new revelation was again seized upon as a means to challenge the LDP when the opposition party (the DPJ) came to power in mid-2010. In light of the findings, Japan’s chief cabinet secretary under the DPJ administration, Sengoku Yoshito, informed a group of foreign correspondents in Tokyo that Japan should “clarify” its position on compensating Korean victims: “even if it’s legally justifiable to interpret the [1965] pact as having stripped individuals of their right to demand compensation, there’s the question of whether that’s really sufficient, or whether that has solved everything,” he argued. To qualify his statement, Sengoku further added that there should not only be a “legal” but also a “political” approach to redressing the forced laborers, particularly if it would help to improve the relationship between Japan and Korea. These remarks, which essentially contravened the hitherto official positions of both governments, naturally caused some confusion within the ROK. Compounding this were the frequent leadership changes at this juncture, which made it difficult for Seoul to follow Tokyo’s diplomatic stance on historical issues. As the remarks had emanated from the number two man in the Japanese cabinet, the Korean government was unsure as to whether they constituted the official standpoint of the DPJ or not. After some deliberation, a

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596 Ibid.
597 Ibid.
spokesman for the South Korean foreign ministry “acknowledged that a responsible member of the Japanese Cabinet made [progressive] remarks on a historical matter,” and that “the Chief Cabinet Secretary does speak for the [Japanese] government;” he also stated his intention to discuss the matter with Tokyo at a later date.⁵⁹⁸

While this sequence of events signified the increasing politicization of the issue in the domestic context of Japan, it was only when the network embarked on a new (legal) strategy in the 21st century that the issue became bilaterally contentious. This occurred roughly in 2006, when the laborers began litigating against Japanese corporations through Korean civil courts as a last resort to exact their unpaid wages.

The victims’ first few attempts at filing suits in the lower courts of the Korean judiciary saw the judges defer to the verdicts of the Japanese Supreme Court. Their luck changed in May 2012, however, when Korea’s Supreme Court overturned all previous rulings and issued a landmark verdict in the victims’ favor. In doing so, it essentially overturned the 1965 treaty settlement. In its judgment, the court argued that prior rulings were unacceptable given that they had been based on the assumption that Japan’s colonial rule of Korea and its people was legitimate; this assumption went “against the core values of Korea’s Constitution” which regards Japan’s colonial rule—including the

⁵⁹⁸ Ibid. The remarks by Sengoto concerning Korean forced laborers were also discussed at:
Spokesperson and Deputy Minister for Public Relations Kim Young-sun, “Press Briefing,” Ministry of Foreign Affairs, Republic of Korea, July 19, 2010, accessed at:
http://www.mofa.go.kr/ENG/press/pressbriefings/index.jsp?menu=m_10_30&sp=/webmodule/htsboard/template/read/engreadboard.jsp%3FtypeID=12%26boardid=303%26seqno=309233
forcible mobilization of Korean laborers—as illegal. The judge further claimed that in spite of “the Korea-Japan Property and Claims Settlement Agreement, the right to claim compensation for losses that resulted from illegal acts directly connected with colonial occupation cannot be said to have expired.”

This epoch-making verdict had a domino effect. As the ruling was valid for three years, it served to encourage many other laborers to file claims within this term. Applying the Supreme Court ruling as a precedent, the Seoul High Court ordered two Japanese companies to compensate the victims on July 10 2013. Three weeks following this, in a similarly stunning verdict, the Busan High Court ordered Mitsubishi Heavy Industries to compensate the families of five deceased Korean laborers. Then in October 2014, the Seoul Central District Court ordered Japan’s Nichi-Fujikoshi Corporation to award 80-100 million won (US$75,800-94,800) in compensation to each of the 31 former laborers and their families.

What explained this turnaround in the Korean judiciary’s interpretation of the claims waiver in the 1965 treaty? Previous judgments in Japan and the US had relied upon

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599 “Claims for damages and wage payment claims against Mitsubishi Heavy Industries brought by victims of Japan’s forced mobilization, Park and Ors v Mitsubishi Heavy Industries Limited,” Appeal Judgment, Korean Supreme Court, 2009Da22549, May 24.
600 “Claims for damages and wage payment claims against Mitsubishi Heavy Industries brought by victims of Japan’s forced mobilization, Park and Ors v Mitsubishi Heavy Industries Limited,” Appeal Judgment, Korean Supreme Court, 2009Da22549, May 24.
602 Reuters, July 30, 2013.
603 Yonhap News, October 30, 2014. Predictably, the Japanese companies appealed these cases and to date (December 2015) the final verdict is still pending. Judging by the recent judicial trends in Korea, however, it is highly likely that the court will again side with the victims.
interpretations of the treaty text alone—the final product of the normalization process. However, owing to the declassification of the treaty negotiation records by the Roh Moo-hyun administration in 2005, the Supreme Court case in Korea—and the cases that followed—elected to draw upon text from the negotiations to interpret the final treaty settlement; that is, the judges focused on the normalization process in its entirety. This enabled the courts to reinterpret the treaty, as evidenced in the Supreme Court verdict:

In the [Property] Claims Agreement negotiation, the Japanese government did not acknowledge the unlawfulness of colonial rule and denied legal compensation for forced mobilization of victims. The ROK and Japanese government did not agree on the nature of Japan’s Korean peninsula rule. In this circumstance, claim rights for tort against humanity involving Japanese government power or colonial rule tort damages, were not addressed in the [Property] Claims Agreement. Thus…. the Claims Agreement does not have a sufficient basis to show agreement between the ROK and Japanese government as to whether an individual right to claim has expired.604

Yet, it was not this Supreme Court verdict (and the succession of verdicts that followed) per se that affected Japan-Korea interstate relations. Indeed, it is not within the power of the judiciary of one country to enforce a ruling against a defendant of another country. What provided backbone to the verdict was that the corporations in question possessed

604 "Claims for damages and wage payment claims against Mitsubishi Heavy Industries brought by victims of Japan’s forced mobilization, Park and Ors v Mitsubishi Heavy Industries Limited,” Appeal Judgment, Korean Supreme Court, 2009Da22549, May 24, 2014. Grammatical errors in the original quote have been edited by the author.
subsidiary branches in Korea, and thus if they chose not to pay the plaintiffs as ordered, their assets could potentially be seized or frozen by the court.

In this context, the Supreme Court outcome functioned to exert pressure on Japan and Korea’s inter-state relations in a number of ways. First, it directly undermined the (official) position of both governments that the laborers’ right to claim money from Tokyo was relinquished in the 1965 treaty agreement. Second, it signified that the judiciaries of Japan and Korea were completely at odds over their interpretations of the treaty. Third, it set a legal precedent with grave implications for both states: in the event that the Supreme Court upholds this landmark ruling in the (currently pending) appeal proceedings, thousands of other former Korean laborers could file similar claims, drawing on this precedent. The verdict could also be applicable to the other categories of victims whose rights to compensation were similarly waived by the treaty.

By raising the prospect of the assets of major Japanese companies being frozen in Korea, and the likelihood of a flood of further lawsuits, the Supreme Court judgment threatened the Japanese government’s economic interests—and to some extent, the Korean government’s too. It thus brought a new variable into the diplomatic equation and raised the issue’s profile on the two states’ agenda. The executive branches of both governments are now sitting on tenterhooks, awaiting the appeal verdict. If the ruling holds and the assets of numerous Japanese companies come under threat, Tokyo will likely be forced to reconsider its position on the unpaid wages issue.
And just when bilateral strain over the forced laborers could not have been more pronounced, the issue (re-)emerged at the arena of the UN in May 2015, heightening tensions further. This particular development, was not explicitly linked to a pressure tactic of the network. It unfolded, rather, when the United Nations Educational, Scientific and Cultural Organization (UNESCO) designated 23 Japanese sites with World Heritage status on account of the role they had played in the nation’s rapid industrial development.\footnote{The Asahi Shimbun, May 23, 2015.} Unsurprisingly, a number of these designated sites—at least 7 of them—constituted locations at which Korean (and Chinese) forced laborers had formerly toiled. Thus, prior to the UNESCO status becoming official, South Korea’s UN delegation demanded that Tokyo acknowledge the role played by Koreans in developing the certain sites in question. In response to this, the Japanese ambassador to the UN, Satō Kuni, conceded that numerous Koreans and other nationals “were brought against their will and were forced to work under severe conditions” in Japan in the 1940s.\footnote{The Japan Times, July 2, 2015.} This constituted Tokyo’s first admission that Koreans had been coercively mobilized for labor and endured dire conditions; it was thus widely perceived in Japan as a diplomatic defeat. As a further gesture of goodwill, the Japanese UN delegation expressed its intent to create an information center at one of the UNESCO sites in honor of the victims.\footnote{The Chosun Ilbo, April 9, 2016.} Although this scene unfolded at the UN without direct connection to the network, the fact that ROK representatives raised the matter of the forced laborers at
this venue can be understood in the context of the increased politicization of the issue; this latter factor can certainly be traced back to the network.

In sum, the shift in focus of the network’s legal strategy to suing Japanese companies in Korean courts, had substantial inter-state implications: it transformed the forced laborer issue from a relatively non-contentious diplomatic matter to a significant source of consternation. It was not the court ruling itself that brought about this result, but the threat that it posed to Japan’s economic interests in the ROK, and its potential to unravel a host of other claims by Korean victims of Japanese colonial and wartime policies—the very scenario Tokyo has consistently endeavored to avoid.

**Conclusion**

The Korean forced laborer issue has long been simmering below the surface of the Japan-ROK relationship, trumped by the weightier history problems of comfort women and territorial disputes. This dynamic resulted from the fact that compensation for laborers was “settled” by the Japanese and Korean governments in 1965. The treaty thus imposed a significant obstacle to the network, and greatly affected the victims’ redress trajectory. As we have seen, certain demands of the network—those that had not been discussed in the treaty negotiations—were met by the two states with little resistance. Other demands, however, such as the matter of their unpaid wages, elicited no response from the network’s targets—the Japanese government and corporations—as this had been negotiated in 1965. Although the network exerted bottom up pressure on the two
governments for decades, their tactics had little impact on state-to-state relations. This situation changed, however, when in 2012, the forced laborer issue re-emerged on the bilateral agenda, rivaling the comfort women for diplomatic prominence. The unique trajectory of this issue yielded new variables that help us to understand how networks change the way that states interact.

The initial fact-finding efforts of the network helped to get the issue on the bilateral agenda. Notwithstanding this achievement, a number of factors served to militate against the network’s ability to affect the diplomatic handling of the issue. First, the variegated nature of the laborers’ victimization, which manifested in the articulation and pursuit of divergent aims, served to dilute the network’s pressure on the diplomatic relationship. Secondly, the matter of culpability for the laborers’ plight was diffuse, distributed between the Japanese government and corporations, which again, diminished the network’s influence on the inter-state relationship. Effectively this rendered culpability for their plight ambiguous, and allowed the two designated culprits to handball the blame between one another. Thirdly, one of the principal redress aims of the network—the exhuming and repatriation of the remains of deceased laborers—required only partial assistance by the two governments and was by and large carried out by the network itself. While ideally Tokyo and Seoul would have been more involved in this matter, the citizens of both countries were able to achieve a great deal on their own.
Once the laborers successfully sued Japanese corporations through Korea’s civil courts, however, the issue began to strain the already tense Japan-ROK relationship. While it may be tempting to attribute this effect to the same means by which the Constitutional Court ruling affected their relations, there was an important distinction. The Supreme Court ruling in favor of forced laborers introduced a variable that was not present in the previous two cases: corporate or economic interest. As a result of the verdict, the forced laborer issue began to threaten the economic interests of the states concerned, and in consequence, revealed a potential to destabilize their relations; it thus became a serious diplomatic concern.

And having examined the trajectory of the forced laborer issue, we can also gain a clearer sense of how history problems grow more contentious with time. Evidently, judicial authorities can come up with novel legal interpretations of long-standing bilateral treaties. Korea’s Supreme Court chose to reinterpret the 1965 treaty in terms of recently declassified negotiation records, and also the matter of the legality of Japan’s annexation of the Korean peninsula; essentially this was purported to help the victims break the legal impasse they had reached after litigating unsuccessfully in Japanese and US courts. Novel legal re-interpretations such as these are also inevitably informed by international trends, which we will discuss in the conclusion.

As we have seen, once a new interpretation of a long-existing legal framework is issued, it can serve to trigger an avalanche of additional lawsuits. The Japanese and Korean
governments could only watch in alarm as the “Property Claims” clause of the 1965 treaty—which had been born of protracted and fraught bilateral negotiations—was essentially declared invalid by the court. This development, which entailed the ROK judiciary undermining the executive branch of the government, would have been unthinkable prior to Korea’s democratization; in other words, while it came as the result of the laborers filing lawsuits, the fact that they could successfully do so was the product of decades-long socio-political transformation in Korea.
CHAPTER 6

How Transnational Advocacy Networks Affect Inter-State Relations

Through examining the three case studies of history problems and the role of transnational advocacy networks therein, a number of commonalities emerged in terms of the redress measures pursued by the networks and how they went about eliciting them. All three networks sought an apology and compensation from Tokyo. Toward this end, they uniformly uncovered and disclosed relevant evidence, lobbied the Japanese and Korean governments, sought to engage international bodies and litigated in Japanese, US and Korean courts. In their respective redress pursuits, moreover, each of the networks influenced state-to-state relations between Seoul and Tokyo.

As we have seen, however, there was significant variation in the extent and form of this influence. The redress movement launched by the comfort women network, for example, evolved to become a considerable bone of contention between the two governments, and oftentimes dominated the diplomatic agenda. By contrast, the atomic bomb victim network produced minimal tension between the two governments and, by the turn of the century, the matter of their redress had virtually faded from the diplomatic agenda. Pressure from the forced laborer network, on the other hand, had little bearing on Japan-Korea relations up until 2012, when the issue of the victims’ unpaid wages became a source of inter-state concern, and served to deepen the then diplomatic deadlock.
In light of these discrepancies, how are we to understand the relationship between pressure from transnational advocacy networks and state-to-state interaction? This chapter purports to extract the variables from the three case studies that explain the primary means and conditions by which networks affect states’ relations. In addition to evidence from the cases, relevant literature will be drawn upon to explicate precisely how these variables function. In the process of doing so, the reasons behind the variation among the three case studies will be made apparent.

The first part of the chapter establishes the means by which advocacy networks are most likely to influence inter-state interaction, while the second part identifies the conditions under which this typically occurs. Although there is considerable overlap between each of the variables, owing to the interplay among them, they will be discussed under separate subheadings to highlight their distinct role in affecting states’ interaction. In order to capture the dynamic manifested in the three case studies—that is, the workings of transnational advocacy networks in the Japan-Korea relationship—the chapter will discuss the variables in terms of how they affect a target state (the Japanese government) and an addressee state (the Korean government). As the target state in this instance is a foreign state (in relation to the victims), the analysis will build upon the existing theoretical literature, which has primarily been focused on the effect of networks on a domestic target state. It is important to note that the variables identified are not the only factors at work in shaping inter-state relations; the aim of the chapter and the dissertation at large is to explain the role of agency in affecting state-to-state

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608 To be sure, the Korean government was also targeted by the networks. However, Tokyo remained the principal target, while Seoul, as the representative government of the victims, has primarily been the addressee state.
interaction.

The Primary Means by which State-to-State Interaction is Affected

Amongst the array of pressure tactics employed by transnational advocacy networks in pursuing redress for a grievance, four in particular are likely to result in increased interaction between a target and an addressee state. These include: (1) framing the grievance as a human rights issue; (2) disclosing (inculpatory) information; (3) engaging external governments and international bodies; and (4) litigation. When utilized effectively, all of these tactics tend to produce contentious interaction, characterized either by increased friction or a move towards diplomatic deadlock. The processes by which this occurs will be outlined below.

Framing a Grievance as a Human Rights Issue

The first among these potent tactics falls under the category of issue framing. While there are a variety of ways in which a network can frame their grievance, human rights frames are the most powerful in terms of shaping interplay between states. In short, human rights grievances attract the most broad-based support, and the sheer breadth of such support functions to exert normative pressure on the addressee and target states; this in turn renders them more willing to take up the grievance in question.

Particularly since the 1980s, the concept of human rights has evolved to have pervasive legitimacy in the international sphere. Framing a grievance in such terms thus imbues it with universal resonance and contemporary relevance. As we saw in the case of the comfort women network, human rights frames can attract allies to a network—in the
form of activists and human rights bodies—from around the globe, which serves to propel an issue to international ascendancy. Moreover, as that the human rights concept has its origins in Western Europe and is built upon (Western) liberal democratic ideology,\textsuperscript{609} when activists in Korea framed the comfort women issue in accordance with human rights vernacular, it transposed what was essentially a localized Asian issue to one that encompassed Western concern.

In addition to attracting support to a cause, when networks frame a grievance as a human rights issue, they also increase the probability of foreign governments making a political intervention on their behalf. Numerous governments throughout the world now recognize the normative value of human rights, and, as Kenneth Cmiel observes, “few political agendas have seen such a rapid and dramatic growth as that of ‘human rights.’”\textsuperscript{610} The US government in particular “has had a bedrock of commitment to the idea of natural or human rights dating back to the first days of its own revolutionary origins.”\textsuperscript{611} In fact, the American congressmen who spearheaded the US comfort

\textsuperscript{611} Orend, op. cit., 157. The US interest in human rights affairs stretches back to the 1940s, when it played a major role in setting up the United Nations in an attempt to design a new postwar order in which countries would cooperate in promoting human rights and refrain from wars. After becoming preoccupied with the fight against communism, the US government incorporated human rights considerations into its foreign policy agenda in the 1970s and there now exists a human rights bureau in the US State Department.
women resolution each had backgrounds of involvement in human rights matters.612 Through its monitoring and reporting of human rights practices throughout the world, Washington has essentially assumed the role of a global human rights police.613

Gaining the backing of a hegemonic power like the US adds weight to a network’s claims (against a target state) by bestowing it with international legitimacy. And as such support signifies that an external power is concerned about what is essentially a bilateral issue (between an addressee and target state), it functions to exert pressure on the addressee state to raise the issue vis-à-vis the target. Indeed, the overwhelming concern of external actors in the comfort women issue explains in part why it featured so prominently and consistently on Japan and Korea’s diplomatic agenda, relative to the forced laborer and A-bomb victim issue.

As well as raising the profile of a grievance and getting it on the diplomatic agenda, when networks adopt a human rights frame, contentious interaction will likely occur between the target and addressee. This is because, concurrent with the development of the human rights concept, norms have emerged as to how such issues should be

612 The Resolution was spearheaded by Democrat Senator Mike Honda, who, having spent his early childhood in a Japanese-American internment camp in Colorado, evolved to become a well-known crusader of human rights. Among the most prominent sponsors of the Resolution were Democrat Senator Lane Evans, who had once advocated compensation for Vietnam War victims of Agent Orange; Republican Member Henry Hyde, a Pacific War veteran and chair of the House International Relations Committee (presently the Foreign Affairs Committee); Democrat Senator Tom Lantos, who had lost his family in the Holocaust and upon entering politics, established the Congressional Human Rights Caucus; and Minority Leader of the House of Representatives, Nancy Pelosi, who had previously called on China to respect the human rights of its citizens and also backed a resolution to have the 1915 killing of Armenians by Turks labeled as genocide.

resolved, framing an issue in this manner thus puts pressure on the two states to resolve the issue in accordance with such norms. Complicating this process is the fact that, while the addressee state is likely to adhere to the human rights framing of the issue—as established by the network, it is probable that the target state will be hostile to accusations of human rights violations, and thereby respond by issuing a competing frame. This results in the two states being at loggerheads with one another over how to resolve the grievance.

We saw this scenario unfold in the comfort women issue: while the network framed the problem in contemporary human rights terms—a conception which went largely unchallenged by the Korean government—the Japanese government, by contrast, framed it as a postwar reparations matter to be dealt with in accordance with treaty terms. This fundamental “perception gap” between the two governments has underpinned all of their diplomatic negotiations over the issue, and was a contributing factor to their recent diplomatic deadlock.

Each of these ways in which human rights frames affect states’ interaction are amplified when such a frame is a coupled with a (female) gender issue. This further functions to transform what could otherwise be conceived as a narrow, particularistic matter, into an issue of universal concern. While the human rights concept has been gaining global traction since the end of WWII, it has only been in recent decades that it has specifically

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615 In recent years, the Japanese government has also framed the comfort women issue as a matter for which no reparations are required, arguing that the it is simply a rather unfortunate but more or less universal concomitant of war.
encompassed women’s rights (as we saw in Chapter 3). As Amy Gurowitz points out, “shifts in norms, whether domestic or international, can make room for new voices by altering contexts and making new types of action possible.”

For advocacy networks, framing acts of violence against women as human rights violations, enables them to overcome regional, cultural and ethnic divides. As a corollary of these factors, women’s rights issues have risen to prominence on the agendas of human rights bodies and governments around the world, culminating in declarations of the 21st century as the “century of women.” Thus, when grievances pertaining to human rights violations—especially ones involving violence against women and girls—emerge, they reverberate most powerfully throughout the international sphere. As Carpenter affirms, advocacy networks are aware that they have a better chance of “getting ‘civilians’ on the international agenda” if their message “is couched in terms of protecting ‘women and children’ specifically.”

While most would assume that the comfort women issue had far greater international visibility than other categories of Korean victims as a result of the nature and scale of the atrocity, it was much more the potent combination of the human rights frame and the gendered nature of the issue that propelled it to international ascendancy. Even though there were females amongst the forced laborer and A-bomb victims, owing to the fact that there were male victims too, these were not conceived of as gender issues. This can also be explained by the fact that men and women alike are vulnerable to victimization.

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by forced labor and/or indiscriminate bombing of civilian centers, while it is generally only women that are subject to sexual servitude. Yet, recognizing the benefit of emphasizing gendered victimization, Korean female forced laborers (Kor. Chongsindae; Jpn. Teishintai) have at times banded together to the exclusion of their male victim counterparts, when filing class action suits against the Japanese government.618

The power of the human rights/gender frame becomes all the more apparent when contrasted with alternative issue frames. As we have seen, the Korean atomic bomb victims framed their grievance as a matter of state ethics, while the forced laborers emphasized the concept of corporate responsibility. In spite of the fact that the victimization of both categories of civilians constituted human rights violations by definition, as a consequence of the frames they adopted, neither of these networks was able to effectively evoke the human rights norm in pursuing redress. While A-bomb victims found they could attract more allies by drawing on anti-nuclear norms, this was neither as compelling nor as universally reverberant as the human rights equivalent. Thus, even though the number of registered Korean A-bomb victims and forced laborers far exceeded that of comfort women, and despite their testimonies of victimization being extremely harrowing, the networks advocating their cause largely failed to elicit international attention and support. This fact is reinforced by and reflected in the miniscule number of studies that have been published on Korean A-bomb victims and forced laborers relative to comfort women.

The absence of the all-powerful human rights/gender frame also played a part in why

618 Asia Pulse, December 23, 2009.
the two governments failed to devote the same level of diplomatic concern to these two issues as compared with the comfort women. The laborer and A-bomb victim networks were thus compelled to draw on others tactics to garner diplomatic attention, which will be discussed further on.

While evidently, the human rights frame constitutes an optimal device for networks to affect the inter-state handling of their grievance, whether they adopt this frame or not is largely contingent upon two variables. The first is their litigation strategy. The frame that networks chose to employ is inextricably linked to their best course of legal action and is thus heavily informed by their legal representation. For Korean A-bomb victims, the human rights frame was not suited to their approach of pursuing Japanese culpability; it would have been a viable alternative, though, if they had intended to sue the US government.

Secondly, the presence of intellectuals in the network who are well versed in the human rights vernacular is also an essential condition. Although there were a considerable number of scholar-activists in the forced laborer network, they were mainly historians that were intent upon uncovering evidence to support the victims. The pioneer advocates of comfort women, by contrast, were well versed in human rights discourse, and it was this factor that underpinned the network’s ability to convince the United Nations to take the issue up.

In sum, the notions of universal human dignity inherent in the human rights frame have strong resonance and contemporary relevance. Thus, when transnational advocacy
networks successfully frame their grievance in such terms, they will likely attract activists in high numbers from around the globe. This in turn enhances their ability to press the target state and encourages interventions by third-party or international actors. These factors combined work to exert pressure on the addressee and target states, and in turn, spur them to action. Lastly, when a human rights frame is utilized in tandem with a gender issue, all of these tendencies are magnified.

*Information Disclosure*

A second primary means by which transnational advocacy networks change the way that states interact is through information disclosure. In the event that the target state denies its responsibility for a particular grievance, networks can undermine this stance through the mobilization of inculpatory evidence. If a network succeeds in establishing a target state’s responsibility for, or complicity in, an issue concerning nationals of the addressee state, the matter will thereupon emerge on the diplomatic agenda.

Among the three case studies examined, this scenario was illustrated most vividly in Yoshimi Yoshiaki’s discovery of documents implicating the Japanese government in the comfort women system. This brought about a complete (albeit not permanent) reversal in its hitherto position of having had no involvement in the system, and translated the matter of redress for the victims into a diplomatic issue. We also saw in the forced laborer case that Chongryon, together with the Japan Federation of Bar Associations, unearthed lists of 243,513 Koreans that had been brought to Japan as laborers under the colonial period. These findings undermined the Japanese government’s estimate at the time that that there had been less than 80,000 laborers, and prompted the Seoul
government to work more resolutely in resolving the issue with Tokyo.\(^{619}\)

Principally, there are two methods through which networks disclose information. The first and most obvious is the accumulation of their own evidence through fact-finding, scoping archives and so forth. As we have seen, the anchor of the network in the target nation is particularly useful in this regard, owing to its close proximity to the target state and the ability of its constituents to read documents in the vernacular. The role of intellectuals in the network is again crucial in this regard, as they possess the know-how to locate depositories of relevant information.

Secondly, networks pursue litigation against the target and/or addressee state to compel them to divulge documentation under freedom of information laws. This method is typically resorted to when networks suspect that relevant information is being withheld from them by either state. In the example of the forced laborer case, this form of disclosure was utilized to establish the whereabouts of the remains of deceased laborers, and also to obtain the name rosters and records of the companies at which they had worked. Additionally, activists in Japan that have been involved variously in advocating for Korean victims, instigated a lawsuit against the Japanese foreign ministry in 2006; this was intended to coerce Tokyo to release the records of its negotiations with Seoul over the normalization treaty.\(^{620}\) In both cases, the plaintiffs were successful and the records they obtained were then mobilized as evidence in their lawsuits in Japan. Similarly, civil lawsuits in Korea prompted President Roh to disclose diplomatic records

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\(^{619}\) See Chapter 5: 248.  
\(^{620}\) Repeta, *op. cit.*
pertaining to the treaty; and this disclosure became the basis of further suits instigated by citizens, demanding that the Korean government re-negotiate the treaty with Japan. 621

When networks engage in information politics of this sort, they can also spur the addressee state to demand further documentation disclosure from the target. Indeed, when Chongryon and the Japan Federation of Bar Associations uncovered the records of Korean forced laborers, the ROK government was encouraged to press Tokyo for further records. 622

Evidently, information disclosure as practiced by networks plays a critical role in litigation and (diplomatic) agenda setting, both of which can have a profound effect on the interaction between a target and an addressee state.

*Engaging External Governments and International Bodies*

A third primary means by which advocacy networks influence inter-state interaction is through engaging external governments and international bodies in their cause. This tactic falls under what Keck and Sikkink broadly categorize as leverage politics, a phenomenon which entails activists forming alliances with stronger actors. While previously it was argued that framing a grievance as a human rights issue encourages the participation of external parties in a network’s cause, there are also more deliberate and direct means through which networks pursue external support. Most commonly, they petition or lobby governments and international bodies, often bringing along those they are advocating for—such as victims—to present their testimonies, thereby


622 See Chapter 5: 248.
buttressing the network’s claims. In the event that a network succeeds in engaging a third party actor, this results in an external political intervention into the issue. Typically this takes the form of a government condemning the actions of the target state, or a legislative body passing a resolution prescribing a course of action for the target. This signals to the target state that an issue has moved beyond the bilateral realm to encompass an external audience, and also that what was originally a bilateral matter has taken on international dimensions. By effectively putting the target state under an international spotlight, this tactic also functions to prevent the target from sweeping the issue under the rug, so to speak. Naturally, the engagement of external actors most effectively produces pressure when the third party is an ally of the target state. In this circumstance, the stakes in resolving the issue are considerably raised: if the target chooses to ignore the network’s demands, it will not only risk straining its relations with the addressee state but also with its ally.

Advocacy networks additionally pursue litigation against the target state in the courtrooms of external actors; this is premised as much as getting the external actor on board their cause as winning the lawsuit. As we have seen, this tactic was utilized by comfort women and forced laborers when they filed suit against the Japanese government and corporations in US courts. Chun and Kim describe the logic behind this maneuver as follows:

The United States has always been a relevant third party in the Korea-Japan reconciliation process… Mainly motivated by security reasons, the US government has long tried to clamp down on excessive outbursts of Korean antagonism against Japan while also constraining the excessive outbursts of Japanese nationalists, both of which could be perilous to the triangular security cooperation in Northeast Asia. Without
transforming the US stance… the realization of restorative justice [for Korean victims] could [not be] achieved. If litigation by victims could trigger the awareness of the American people on the issue [of Korean comfort women and forced laborers], as well as political and diplomatic pressures on the Japanese government, there could be no better way of triggering a transformation of the US stance than litigation in the US court.623

While the victims’ lawsuits in America may not have earned them the sympathy of the US State Department, doubtlessly they raised public and political awareness of the issue, which in turn helped to lay the foundation for the comfort women resolution (HR121) of 2007. It is no coincidence that Democrat senators began to put forward resolutions enjoining the Japanese government to apologize to comfort women in 2001—a mere one year after the women began their legal battle in the United States.624

Besides governments throughout the world, engaging international bodies—particularly those that the target state has a political interest in—can empower a network in various ways. First, it has the socio-political effect of shaming the target state internationally, and also serves to undermine its international political objectives. It follows then that if a network succeeds in gaining the backing of such bodies, the target state will be more likely to attempt to resolve the issue with the addressee state. Indeed, once the comfort women network acquired the support of the UN for their cause, the Japanese government began proffering apologies to the comfort women (the Kōno Statement) and agreed to tacitly endorse the Asian Women’s Fund, hoping it would resolve the issue. However, Tokyo’s failure to impart state compensation to the victims began

624 These initial attempts at a resolution, however, languished due to a lack of congressional support and thus failed to reach the voting stage.
undermining its bid to become a permanent member of the UN Security Council.

In addition to spurring the target state to action, an external political intervention also functions to undermine the authority of the addressee state in resolving a matter concerning its own nationals. This ability of advocacy networks to challenge traditional notions of national sovereignty has been noted by a number of scholars.\(^\text{625}\) When external actors express support for a network’s demands by prescribing a course of action for the target state, this serves to legitimate such demands; it furthermore encourages the addressee state to (re)gain control of the issue by engaging the target state in relation to the matter. This scenario was evidenced when Korean comfort women advocates bypassed the ROK government and took their grievance directly to the United Nations where it was readily taken up on the agenda. In this context, the Seoul government was left with no recourse other than to start pressuring Tokyo diplomatically.

When networks have limited success in engaging external actors, the issue they are advocating is likely to remain confined to the bilateral realm, and the target and addressee states will generally feel less pressured to deal with it. A case in point is the Korean A-bomb victim issue, which witnessed little to no external intervention. This partially explains why the Korean government showed minimal willingness to respond to the Constitutional Court ruling on the victims’ behalf. The forced laborer network, meanwhile, elicited only a minor intervention by the UN International Labour Organization, and accordingly, this had only a minimal effect on Japan-Korea

\(^{625}\) See, for instance, Keck and Sikkink, *op. cit.*, Chapter 2.
state-to-state interaction. It was only when the UN inadvertently intervened in the issue—by bestowing UNESCO status on sites in Japan where Korean laborers had once toiled—that there were inter-state ramifications: the Korean government capitalized on Tokyo’s desire for UNESCO recognition and demanded an apology for the laborers, to which Tokyo begrudgingly acquiesced.

In sum, engaging external actors provides powerful leverage for networks through incentivizing and pressuring the target and addressee states to act on their behalf.

*Litigation*

The most powerful means by which advocacy networks can shape inter-state interaction, however, is litigation. The legal arena occupies an important platform for networks to establish both the culpability of the target state, and the obligation of the addressee state to pressure the target on their behalf. Networks’ ability to affect state-to-state interaction through litigation is, of course, contingent upon them winning a case.

When networks succeed in lawsuits against the target state in its own domestic courtrooms, this compels the target to take diplomatic measures in accordance with court directives. Broadly speaking, this pattern of litigation does not produce contentious interchange between states because the target state’s diplomacy is shaped more by its own judiciary than through negotiation with the addressee state. This accounts for why the issue of redress for Korean A-bomb victims did not serve to strain relations between Japan and the ROK: Tokyo’s legal culpability for the victims’ plight was determined by Japanese courts—as the victims won successive lawsuits, Tokyo was
left with no other option than to make a diplomatic arrangement with Seoul to provide for their medical and financial needs.

Under other circumstances, though, litigation can lead to increased friction between states. Primarily, this occurs when networks win lawsuits in the domestic courts of the addressee state, regardless of whether the defendant is the addressee or the target. In the case of the former, litigation works to impel the addressee state to pressure the target to respond to a network’s demands; in other words, this disallows the addressee to take a passive stance on the issue. Being under no obligation to respect the judiciary of the addressee state, however, the target state is unlikely to acquiesce to such pressure, which in turn increases the prospect of diplomatic friction. This causal pattern was apparent when the comfort women network successfully litigated against the Korean foreign ministry in the ROK Constitutional Court.

In the case of the latter, when the target state is the defendant, litigation can cause diplomatic consternation if it is within the court’s power to enforce the ruling. For instance, when the forced laborers won cases against Japanese corporations in Korean courts, the prospect of the courts potentially seizing the assets of the corporations in question functioned to deepen the then diplomatic deadlock between the two countries.

Successful litigation outcomes also serve to affect state-state relations by setting legal precedents applicable to other cases, and also by triggering more cases. While the Constitutional Court ruling in support of Korean comfort women and A–bomb victims was stunning in and of itself, even more remarkable was that it was followed by the
Korean Supreme Court’s landmark ruling in favor of the laborers. Commentators have argued that the close succession in which these landmark rulings were issued was no mere coincidence; the former ruling, they have argued, established grounds for and influenced the latter. Indeed, when a judgment entails an innovative interpretation of an existing law, this paves the way for similar such interpretations to be applied to other cases. As an example, prior to the Supreme Court ruling of 2012, the forced laborers had failed in their attempts at litigation in Korea’s lower courts, facing judgments akin to Japanese courts. However, following the Supreme Court ruling, the former laborers had their case remanded to the Seoul High Court, which in turn reversed its previous position and ruled in their favor. This then triggered an avalanche of court cases in Korea, which were met with similar success by the forced laborer victims. This chain of litigation wins further strained relations between the Japanese and Korean governments.

As we saw in Chapter 4, though, there is (at least) one important exception to the rule that successful litigation cases in the courts of the addressee state affect state-to-state relations. In the event that the target state has already made considerable efforts to meet a network’s demands, the addressee is not likely to enforce a court directive for it to further pressure the target. This was apparent in the contrasting responses of the ROK foreign ministry to comfort women and A-bomb victims following the Constitutional Court ruling: while the ministry considerably ratcheted up its efforts on behalf of comfort women, it was demonstrably reluctant to push Tokyo to take additional measures for the A-bomb victims.

While litigation is evidently a powerful component of networks’ tactical repertoire, winning a lawsuit against a target state is rarely an end in itself; this is because the target can appeal the ruling and thereby delay addressing the issue. Consequently, networks combine litigation with other tactics, such as lobbying the target state to convince it to refrain from appealing. Simultaneously, networks may raise public consciousness of their cause and litigation successes so as to apportion shame on the target in the event that it opts to appeal. When the Japanese government appealed against a landmark legal ruling in favor of Korean A-bomb victims, for instance, the ensuing protestations by the network were picked up in the New York Times; subsequently, when the Japanese government was defeated in the appellate court, it bowed to public pressure and abstained from re-appealing.

Thus, while there are a variety of means by which advocacy networks can exert pressure to have their demands met, those that are most likely to affect interaction between a target and an addressee state include framing a grievance in human rights terms, disclosing inculpatory evidence, engaging international actors in the issue, and litigation. Given that litigation is the most potent among these tools in shaping state-to-state behavior, we can further surmise that the transnational dimension of advocacy networks—which is essential to facilitating international lawsuits—is more critical than their domestic dimension, which functions more to promote public consciousness and fact finding. In other words, the dynamic of networked advocacy is best expressed in the transnational relationship between advocates in both countries, rather than within the two (domestic) anchors of a network.
The Primary Conditions under which State-to-State Interaction is Affected

In addition to the means described above, it became evident through the case studies that there are three primary conditions under which transnational advocacy networks are likely to affect inter-state interaction. These include: (1) when the target state is the sole culprit; (2) when the target state’s economic interests vis-à-vis the addressee state become threatened; and (3) when a bilateral treaty clause is overturned. While these conditions arise in part as a result of networks’ pressure tactics, to some degree they are also exogenous in nature.

When the Target State is the Sole Culprit

Networks are more likely to influence interaction between states when the target state is the sole culprit for their grievance. In this situation inter-state tension is produced in the following two ways. First, when there is only one culprit or target, a network will concentrate its pressure tactics on it, and the addressee state will also focus on impelling the target to meet the network’s demands. The comfort women network was illustrative of this was pattern: it made it clear from the outset that the Japanese government was solely responsible for redressing the victims, and while it also targeted the Korean government as part of its strategy, this was merely premised on getting Seoul to pressure Tokyo on the network’s behalf. Accordingly, even once the Korean government established a domestic fund to assist the victims, the network did not consider this a resolution to the issue; it was still insistent upon procuring state compensation from
Tokyo, leaving the Korean government little option but to keep pressuring its Japanese counterpart toward this end. Keck and Sikkink similarly argue that networks are likely to attract greater support when their grievance has “a short and clear causal chain (or story) assigning responsibility.”

Culpability for the victimization of Korean forced laborers and A-bomb victims, on the other hand, was diffuse. The forced laborer network targeted not only the Japanese government, but also the corporations at which the victims had worked; lobbying and litigating separately against these two parties served to dilute the pressure on the Japanese government. Likewise, although the atomic bomb victims held the Japanese government singularly accountable for their plight, the partial culpability of the US government remained a glaring reality. Indeed, as we have seen, the primary reason that the network refrained from pursuing redress from the US was that it deemed this a futile endeavor—not because it didn’t hold Washington accountable. As a consequence of this diffuseness of culpability—and the fact that the US constitutes the ROK’s principal ally—the Korean government was reluctant to demand that Tokyo alone resolve the forced laborer and A-bomb victim issues, and was willing to shoulder much of this responsibility itself.

Secondly, sole culpability increases the prospect of a foreign intervention into an issue, the effects of which were examined previously. Making an interjection into the affairs of another nation—or a bilateral relationship—carries with it potential political risks, the most obvious being that it could damage relations between the intervening party with

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the target nation. Thus, from the standpoint of a government or international body that is considering intervening in a sensitive political matter (such as redress for foreign national victims), there needs to be a clearly identifiable culprit. To establish such, intervening parties invariably conduct their own research into the matter at hand before getting involved. The US, for instance, normally enlists the Congressional Research Service while the UN appoints special rapporteurs. This sheds more light on why there were numerous governments around the world willing to intervene in the comfort women issue, but hesitant to do so on behalf of forced laborers and A-bomb victims. An international consensus emerged in the 1990s—established by the comfort women network and backed by UN reports—to the effect that the Japanese government was singularly responsible for the comfort women’s plight. Yet, in the case of A-bomb victims wherein the role of the US government could not be overlooked, an external intervention was unthinkable; this is partly because the “other” culprit implicated in the issue—the US—also happens to be a globally hegemonic power.

Similarly, the multiple actors implicated in the victimization of Korean forced laborers’ rendered the chances of an external intervention into the issue highly improbable. In addition to the Japanese government and corporations, the US occupation forces were complicit in the handling of the laborers’ unpaid wages in the aftermath of the war.\textsuperscript{628} The Russian government also became involved in the matter of Koreans stranded in Sakhalin, by virtue of the Soviet Union seizing this land from Japan toward the end of WWII. Any investigation launched into the issue by an external body or government would inevitably have revealed this complex picture, and thus made it difficult for them

\textsuperscript{628} See Chapter 2: 72-74.
to pin responsibility squarely on Tokyo.

In short, when the target state is the sole culprit, networks’ claims are more likely to affect interaction between an addressee and a target state. This is because it will likely result in: (1) the network and addressee state concentrating their pressure on the target; and (2) an external political intervention.

*When the Target State’s Economic Interests vis-à-vis the Addressee State become Threatened*

A second condition under which advocacy networks influence state-to-state interchange is when the target state’s economic interests vis-à-vis the addressee state become threatened. While this typically arises as a result of network’s litigation, it is not necessarily an intended outcome but more of a side effect of their strategy. It functions to increase the possibility of a diplomatic standoff occurring between the target and addressee states.

A target state’s economic interests become threatened when a network’s litigation strategy results in the target’s assets being potentially frozen, seized or confiscated. We saw how this unfolds in the forced laborer case: having failed to procure their unpaid wages through Japanese courts, the laborers turned to Korea’s civil courts; ultimately, the Supreme Court ruled in their favor, ordering Japanese corporations to pay them. As there are no existing mechanisms enabling a civil court of one nation to enforce their verdict against defendants in another nation, normally such a ruling would be purely symbolic. Yet, in the event that the target state possesses assets in the addressee state,
these can be seized by courts (of the addressee state) if the target refuses to comply. As one commentator explained with regard to the forced laborer case against Mitsubishi, if the ruling (in favor of the laborers) is upheld in Mitsubishi’s appeal case, “the compensation procedures are tricky, as nonpayment [by Mitsubishi] would require an investigation of assets and compulsory enforcement.”629 In fact, the ROK’s judiciary has been known to exercise its right to seize foreign assets under Korean law. In 2011, for example, Korean prosecutors alleged that staff of the Deutsche Bank had profited unfairly from a plunge in South Korea’s benchmark Kospi Index; the Seoul Central District Court sided with the prosecutors and temporarily seized assets worth 44.8 billion won ($41 million) from the Deutsche Bank’s Seoul branch and its Korean securities unit.630

The Supreme Court ruling in favor of forced laborers thus posed a diplomatic quandary for the Japanese and Korean governments: the companies that utilized Korean labor during WWII are some of Japan’s largest conglomerates and possess numerous subsidiary branches in Korea, all of which came under peril by the court judgment. In the event that the court proceeds to seize their assets (this matter is still pending), a diplomatic intervention by the Japanese government would surely follow. Thus, by simply presenting the prospect of this scenario unfolding, the laborer’s litigation outcome served to heighten tensions between the two states.

In addition to affecting inter-state relations, the undermining of a target state’s economic

629 The Hankyoreh, June 25, 2015.
interests provides a powerful source of leverage for networks. This is particularly the case when the target’s reluctance to compensate network constituents is fundamentally based on economic premises. Tokyo, as we have seen, fears that imparting state compensation to the three categories of Korean victims would open the floodgates to claims by other victims of its colonial and war policies. It can thus be assumed that economic factors are Japan’s primary vulnerability in these victim redress cases, and thus, the forced laborer network had its best chance at forcing Tokyo to comply with its demands by targeting such vulnerabilities.\(^{631}\) Indeed, the Japanese government and corporations are now anxiously waiting to see if the verdict will be upheld in their appeal to the Supreme Court, and have already demonstrated a willingness to part with the wages owed to the victims if the court rules in their favor once again.\(^{632}\)

Threatening economic interests in this way exerts pressure in a manner akin to imposing economic sanctions on a state. Indeed, the US government frequently resorts to launching economic sanctions vis-à-vis North Korea to resolve standoffs over its nuclear weapons program. The US Treasury Department also convinced the Banco Delta Asia (BDA) in Macau to freeze $24 million worth of North Korean assets by labeling the bank “a willing pawn” of North Korea’s illicit activities.\(^{633}\) As is evident from these examples, however, economic sanctions are normally enacted by states and corporations—not by ordinary citizens. What was extraordinary in the forced laborer network was that it was able to utilize the domestic courts of Korea to a similar effect, a

\(^{631}\) There is also the shame factor accompanying a legal admission (through the payment of compensation), which the Japanese government wishes to avoid.


maneuver which surprised the Korean government as much as its Japanese counterpart.

It can thus be seen that when a target state’s economic interests in the addressee state become threatened by networks, this will likely have implications for both states. It will doubtlessly strain their relations to some degree and raise the possibility of a diplomatic intervention being made by the target state to resolve the matter.

*When a Bilateral Treaty Clause is Overturned*

The condition under which advocacy networks have most bearing on state-state interaction, however, is when their pressure tactics result in a bilateral treaty clause being overturned. In this context, overturning entails courts reinterpreting clauses or declaring them invalid for the grievance in question. Given that treaties constitute legally binding contracts between states, any effective challenge to such will inevitably have inter-state consequences. Commonly, it will give rise to contentious interaction between states, as the target and addressee states will be forced to renegotiate the undermined clause.

The only manner in which networks can overturn a treaty is through litigation in the courts of the addressee or target states. Yet, as we saw in the three case studies, the courts of the addressee state are more inclined to be sympathetic to the victims (of a foreign state’s policies), and issue new interpretations of treaties in their favor. Advocacy networks will generally resort to challenging a treaty when the target state cites a treaty clause in justification for why it will not acquiesce to their demands, and when they have no other means to circumvent the hurdle imposed by the treaty—that is,
as a last resort. A successful challenge to a treaty is likely to result in diplomatic deadlock between the states involved; this is because it typically brings about a turnaround in one state’s stance on the matter, while the other state’s position remains unchanged. To illustrate, the Japanese and Korean governments’ interaction over the comfort women issue became most querulous following the (ROK’s) Constitutional Court ruling. While the Korean government sought to enforce this ruling by pressuring Tokyo to pay state compensation to the victims, the Japanese government maintained its original stance that all compensation claims from the colonial period were settled through the 1965 treaty. As such, the two governments wound up at diplomatic loggerheads over the problem.

Similarly, the forced laborer issue became most contentious between the two states after the ROK’s Supreme Court issued the verdict that Japanese corporations were obligated to grant previously unpaid wages to the victim plaintiffs. This judgment undermined the position of Japan’s foreign ministry and judiciary, and also that of Korea’s foreign ministry, which hitherto regarded the wage matter as a non-issue with Tokyo. Chun and Kim further elucidate how these two landmark rulings affected Japan-Korea state-to-state relations utilizing a rational choice framework:

More than anything, the size of a win-set in a negotiation between Korea and Japan for the resolution of issues became narrower as the door of the Korean government’s political maneuverability was closed by two symbolic court cases. It is widely known that a negotiator sometimes adopts the “tied-hands” strategy to constrict the domestic win-set, which usually results in increasing bargaining power, as well as higher risks of
a deadlock in negotiations. Although the Korean government has not intentionally adopted the “tied-hands” strategy in this case, two monumental cases by judicial bodies introduced exactly the same effects as the act of omission is not a viable strategy, but an unconstitutional state behavior.

It follows then that when networks conversely pursue a legal channel other than contesting a bilateral treaty—for instance, an applicable legal precedent—they are less likely to produce inter-state friction. We saw this in the case of the Korean A-bomb victim network, which managed to avoid challenging the treaty in its pursuit of redress from the Japanese government. As mentioned previously, although the same Constitutional Court ruling that spurred the Seoul government to action on behalf of the comfort women network also applied to Korean A-bomb victims, the ROK foreign ministry was not as willing to enforce the ruling in the latter case owing to the fact that the A-bomb victims were already receiving payments from Tokyo. From this we can deduce that it is not simply court rulings per se that undermine treaty clauses, but the willingness of the executive branch to enforce such.

In sum, when networks overturn treaty clauses through litigation, they are essentially challenging the bilateral relationship between a target and an addressee state at its most fundamental level. Treaty agreements, when negotiated and ratified by two states, essentially serve to shape or structure their bilateral relationship. Accordingly, when a clause therein is overturned, the relationship essentially undergoes a process of “reshaping.”

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635 Chun and Kim, *op. cit.*, 271.
Conclusion

By drawing on the three case studies and relevant theoretical literature, this chapter sought to explicate the means and conditions under which transnational advocacy networks change the way that states interact. In doing so, it also explained the variation between the cases in their respective influence on Japan-Korea relations.

It found that among the array of tactics employed by transnational advocacy networks, those most likely to affect state-to-state interaction include framing a grievance as a human rights issue; the disclosure of inculpatory information; engaging external governments and international bodies; and litigation. It was also argued that, when utilized, these tactics tend to produce contentious interaction between states. In addition to, but not mutually exclusive of these tactics, the conditions under which advocacy networks are most likely to increase state-to-state tension were identified as: when the target state is the sole culprit; when the target state’s economic interests within the addressee state are threatened; and when a bilateral treaty clause is overturned. Finally, the chapter demonstrated that there is considerable overlap between these variables, and that it requires a combination of them to affect state-to-state interaction.

It thus follows that the more of these tactics that are utilized by a network, the more contentious the interaction will be between the target and addressee states. Indeed, the redress pursuit of the comfort women network, which produced the most inter-state friction in pursuing redress from Tokyo, entailed almost all of the above-described means and conditions, with the exception of undermining Japan’s economic interests.
It must be realized, however, that implementing these tactics alone does not change inter-state interaction; they need to be executed successfully. That is, in order for networks to impel the target and addressee to deal with their grievance diplomatically, they must win their litigation suits, inspire external actors to support their cause, convince the international community that their grievance is a human rights issue, and/or obtain evidence that establishes the culpability of the target state.

Having examined systematically the variables that affect interaction between states, we have further unraveled the puzzle of how history problems—particularly the victim-centric variety—have grown more contentious in Japan-Korea relations over time. As was evidenced in the three case studies, the tactics employed by the networks evolved through a process of trial and error, shaped by the response (or lack thereof) of the target state, and also by the degree of willingness of the addressee state to advocate on the networks’ behalf. The means and conditions that most affect state-to-state interaction, as identified in this chapter, are those that were utilized or became manifest in the latter stages of the networks’ redress campaigns. In other words, they were implemented as a last resort by the networks. Indeed, the litigation battle launched by each of the networks had most effect on inter-state interaction when it was conducted in the addressee state against the target(s); in all three cases, this occurred in the latter stage of the networks’ litigation strategy and was employed only after attempts at litigation in Japan and the US had been exhausted. In relation to this, only in very recent years did the Korean forced laborers managed to threaten the economic interests of Japan within the ROK through litigation in Korea’s civil courts. And it was similarly
very recently that the three networks began to overturn the Japan-Korea bilateral treaty clause stipulating that all claims pertaining to the colonial period have been settled. Moreover, the external political intervention that occurred in the comfort women issue was a long while coming: although the UN got on board the cause in the early 1990s, it was not until well into the first decade of the 21st century that governments around the world began to pass “comfort women resolutions.” We now turn to the final chapter to discuss the implications of these findings.
CHAPTER 7

Conclusion

History problems have long constituted a bone of contention in Japan-Korea relations. Despite their historical roots, however, they are by no means static in nature. To the contrary, they are highly fluid. Under the Cold War, “state-centric” history problems dominated the two countries’ bilateral relations, while in the post-Cold War period, a new set of problems emerged as the Korean victims of Japanese colonial and wartime policies began demanding redress en masse. Against a backdrop of socio-political change, these “victim-centric” problems became increasingly politicized and eventually came to exert tangible effects on the diplomatic relationship. This phenomenon manifested most vividly when the victims took their grievances to the ROK judiciary; the resultant verdicts, particularly those of 2011 and 2012, had profound consequences for both the Japanese and ROK governments. While it became starkly apparent at this point that the two countries’ diplomatic relations were bearing some strain as a result of the victims’ redress pursuits, what was not clear, was the precise mechanisms by which this was occurring.

This dissertation has sought to elucidate the influence of victim-centric history problems on inter-state relations, through establishing the conditions and means by which transnational advocacy networks change the way two states interact. In doing so, it shed light on the broader puzzle of why history problems have grown more contentious in Korea-Japan relations over time. The implications of the findings of this inquiry are
multifarious and will be drawn out in this concluding chapter in five parts: (1) empirical findings and implications; (2) theoretical findings and implications; (3) the contribution of the study to the field and pathways for further research; (4) policy implications and (5) the limitations of the study.

**Empirical Findings and Implications**

The analysis presented in this dissertation helps us to understand why diplomatic friction over history problems has increased between Japan and Korea with the passage of time. While the two governments ostensibly settled issues pertaining to the colonial period through the 1965 normalization treaty, we saw that in their negotiations the matter of redress for Korean civilians was not a matter of priority for either party. As William Underwood describes, the treaty essentially “sidestepped the question of compensating individuals… and recast reparations as a purely state-level diplomatic issue.”

Ultimately, the Japanese government dealt with the matter of civilian compensation through the provision of lump sum payments to its ROK counterpart; as a condition of accepting such, Seoul relinquished the rights of individuals to claim redress from Tokyo at any point in the future.

Besides the legal obstacle imposed by the treaty, the terms of its settlement were highly problematic for the victims, not least because the lump sum did not trickle down to them. The treaty more broadly failed to address the politically sensitive aspects of Japan’s annexation and colonial rule of Korea, and in essence, constituted more of an

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636 W. Underwood, “New Era for Japan-Korea History Issues: Forced Labor Redress Efforts begin to Bear Fruit,” *Japan Focus* (March 2008), accessed at: http://japanfocus.org/-William-Underwood/2689/article.html; this comment was made with reference to forced laborers, by the author, but the same holds for the other categories of victims.
economic deal than a redress transaction. It thereby served to institutionalize the lack of reconciliation between the two nations.

It was not until decades later when Cold War structures broke down, that nascent advocacy networks could come to full fruition and push the matter of victim redress onto the diplomatic agenda. In addition to the agency of these networks, this process was facilitated by the ushering in of an age of apology in the international sphere, and complex political and social transformation in Japan and the ROK; particularly essential in the latter regard was democratization and the liberalization of outbound travel in Korea, and a progression toward critical reflection on the past in Japan. Furthermore, economic growth in the ROK emboldened Seoul to assume a more assertive diplomatic posture vis-à-vis Tokyo, regarding victim redress.

Despite this progress, the networks faced a barrage of legal hurdles in the form of treaty clauses, the statute of limitations and (Japanese) sovereign immunity, to name but a few. They were thus compelled to implement tactics designed to challenge such obstacles and exert pressure on the two governments to enact a new redress settlement—this time on their terms. Contrary to the treaty-based defense of the Japanese government, the networks maintained firmly that “the 1965 Treaty on Basic Relations between Japan and Korea did not liquidate the colonial past.”

In the face of mounting pressure from below, the Japanese and Korean governments attempted to resolve these redress matters while still upholding the framework of the treaty, essentially attempting to work around it. The Korean government paid the victims through domestically established funds and avoided pressing Tokyo for state compensation where possible. For its part, the Japanese government endeavored to appease the victims through various “humanitarian gestures,” the premise of which was the avoidance of setting a legal precedent that could open the floodgates to claims for state compensation by the other victims of its imperialist past. These offerings, however, fell short of the networks’ expectations: they deemed them incommensurate with the physical and psychological damage the victims had incurred at the hands of their former colonial master. They thus continued to pursue redress measures—both material and intangible—that would enable the restoration of the victims’ dignity, the improvement of their livelihoods, and, in the case of Korean A-bomb victims, the achievement of parity with their Japanese victim counterparts. Toward this end, they believed it essential that the Japanese government take further steps on their behalf, and that the Korean government push Tokyo in this direction. The networks thereby sought to gain a degree of leverage over the two governments’ diplomatic dealings with redress matters.

Through trial and error, the tactics employed by the networks toward this end became ever more sophisticated, culminating in their successful engagement of the Korean judiciary. This maneuver enabled them to undermine the properties clause of the treaty settlement, through which their rights to claim compensation had originally been relinquished; in so doing, they rendered Tokyo’s treaty-based defense (at least somewhat) obsolete. Given that treaties constitute binding contracts between states, the
unraveling of such posed unprecedented diplomatic challenges for the two governments, and thus the issue of redress for Korean victims—especially comfort women and forced laborers—became increasingly contentious between them. Further complicating inter-state relations was that these victim-centric issues became intertwined with the more long-standing state-centric history problems; they also came to acquire a political utility in relation to this latter set of problems, which was exploited by the two governments through their diplomacy to different ends. In this way, transnational advocacy networks reshaped Japan and Korea’s diplomatic relations vis-à-vis history problems.

These findings, however, should not be construed as ascribing blame to the victims and their advocates, or implying that they are “causing problems” in a normative sense. As we saw in Chapter 2, the impetus behind the emergence of the networks was (inter-)governmental indifference to the victims’ plight, evinced primarily in the 1965 treaty negotiations and the terms of its final settlement.\(^{638}\) Likewise, the pressure that the networks have since exerted on the two states can only be understood as a consequence of governmental reluctance, particularly on Tokyo’s part, to adhere to their redress demands. Contrary to popular belief—and indeed, the hope—of elements of the Japanese government, these redress issues are unlikely to subside once the last of the victims have passed away. As we have seen, many of the lawsuits of recent years were filed on behalf of deceased victims by their bereaved descendants. Driven by the powerful conviction that their childhoods were robbed when their respective fathers and mothers were conscripted to work in Japan, these descendants are intent on achieving

\(^{638}\) This was the context for the emergence of the Korean A-bomb victim and forced laborer network.
justice. And they are better equipped to do so than their parents given their relatively high education levels, their witnessing of the democratization of Korea, and their knowledge of how to use the law to attain their goals. Meanwhile, the comfort women issue is continuing to gain momentum, fueled by the increasing entrenchment of norms against violence towards women, on the one hand, and the attempts of conservative Japanese leaders—particularly the Abe administration—to challenge the international consensus that the victims were coercively recruited into sexual slavery (which sharply contradicts such norms), on the other. Finally, the claims to victimhood and demands for redress by second- and third-generation atomic bomb victims—who far outweigh the first-generation in numbers—are growing ever more insistent, and in all probability, will soon be buttressed by scientific evidence.

And while the focus of this study has been confined to the bilateral realm of the Japan-Korea relationship, the implications of these empirical developments extend well beyond such. As pointed out by Korean professor Hong Seong-phil, “this is not a Korea versus Japan issue; it is an issue of victims and violations.”639 The analysis presented in this study is reflective of an international trend whereby victims that fell through the loopholes of postwar compensation schemes are pursuing redress from foreign target states with greater effectiveness. Recent years have witnessed the relatives of Greek and Italian victims of Nazi atrocities—who were never granted compensation—prosecute Germany through their domestic courts (in 2000 and 2008 respectively). Despite the fact that the German government enjoys state immunity from war crime prosecutions by

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639 This statement was made with regard to the comfort women issue, but it fits with the other case studies in this dissertation. S. Hong, conference presentation at “The ‘Comfort Women’ Issue and Future-Oriented Relations Between Korea and Japan,” organized by The Korean Society of International Law, February 17, 2012, Lotte Hotel, Seoul.
individual citizens, the judiciaries of Italy and Greece sided with the victims; in a similar fashion to the 2011 ruling of the Korean Constitutional Court, these courts insisted that Berlin was obliged to compensate the victims.\textsuperscript{640} Predictably these verdicts were met with outrage by the German foreign ministry, which rejected them as “utterly inadmissible” and reiterated that all compensation claims had been settled before the country was unified in 1990.\textsuperscript{641} Not unlike the effect of Korea’s civil court rulings on Japan-ROK relations, these verdicts had palpable implications for Germany’s already strained ties with Greece and Italy. Indeed, in 2015, Greek Prime Minister Alexis Tsipras claimed that he was bound by duty to pursue reparations from the Nazi occupation, and that Germany had engaged in “silence, legal tricks and delays” since its reunification. Greece’s Justice Minister, Michalis Stathopoulos, also weighed in on the dispute, contending that he was prepared to enforce the court ruling by seizing German property in Greece.\textsuperscript{642} And while Germany’s legal battle with Italy unfolded in the International Court of Justice in 2012,\textsuperscript{643} international newspapers reported that the two countries had touched their “lowest ebb since the Second World War.” Against this backdrop and amidst squabbles over control of EU debt policies, an Italian daily newspaper, \textit{Il Giornale}, published a front-page picture of Chancellor Angela Merkel

\textsuperscript{640} In 2000, Greece’s Supreme Court ruled that Germany must pay 28 million euros in compensation to the relatives of 218 victims. Then, in 2008, the Italian Supreme Court ruled that a Nazi victim in Italy was eligible for compensation from Germany. Fearing that these cases could set precedents for other countries victimized by Nazis, including Ukraine and Russia, Germany took the matter to the International Court of Justice in 2012. Although The Hague sided with Germany, the Italian Constitutional Court ruled in 2014 that the ICJ’s decision did not overrule Italian law. “Greece Threatens Germany with Assets Seizure,” \textit{Dunya News}, March 11, 2015, accessed at: http://dunyanews.tv/en/World/266750-Greece-threatens-Germany-with-asset-seizure


\textsuperscript{642} The ruling allowed for German-owned property to be seized as compensation but it was never acted on by then-Justice Minister Michalis Stathopoulos. Among such assets were the Goethe Institute (a cultural association) and property owned by Germany’s archaeological school.

\textsuperscript{643} Germany won this case.
under the headline “Fourth Reich.”

The phenomenon of civilian victims pursuing redress from foreign states for past atrocities can be interpreted as a “rights revolution,” characterized by a dawning recognition among not only citizens, but also courts throughout the world, of the rights that individuals possess vis-à-vis the state. This “revolution” has been reflected in the increased willingness of citizens to hold domestic and foreign states accountable for their wrongs, and also in the readiness of civil courts to issue creative judicial rulings against state representatives in favor of citizens. While certain government officials have read these rulings as “political acts” in defiance against them, they can more accurately be understood as “legal acts” designed to compensate for the dearth of existing laws empowering citizens in relation to states. While there have been subtle variations among such rulings, they have uniformly cast doubt upon the assumption that states ever possessed the right to make postwar settlements on behalf of individuals.

In the post-WWII era in which compensation schemes were enacted by states, there was little to no consideration given to civilians’ conceptions of redress for their victimization. That war atrocities were settled between states and on behalf of individual civilians was particularly problematic given that WWII witnessed the “socialization of war,” marked by a significant increase in civilian casualties: indeed, while 95 percent of the casualties of WWI were military people and civilians were kept relatively safe from harm, at the end of WWII, the ratio was 50:50, partially as a

645 Chun and Kim, op. cit.
consequence of Nazi crimes against civilians. Then by the time of the Bosnian War in the 1990s, 95 percent of casualties were civilians and arguably the safest place to be was in the Army.646

The logic underpinning the recent court rulings pertaining to victims of both Japanese and German historical injustices is that the state and the individual have evolved to become separate legal entities. Accordingly, even if the state waived its rights to claim compensation from another state as part of a treaty, individuals should still be able to file claims. Or, put differently, individuals should be able to claim compensation against a foreign state on their own, as opposed to via the state.647 This tension between the state and individual was highlighted in the 2012 Korean Supreme Court verdict in favor of forced laborer plaintiffs:

Where diplomatic protection rights are abandoned in a treaty, a country may not expire a citizen’s individual right to claim without the consent of an individual citizen. This is against the principle of modern law… Unless explicitly expressed in a treaty, a citizen’s individual right to claim cannot be seen as expired together with the country’s diplomatic protection right since the country and individual citizen are separate legal entities.648

In sum, as victims and their advocates are increasingly exercising their civil rights and liberties through transnational networked activism, states are being forced to re-confront

646 H. Kleinschmidt, lecture delivered in a course on “The History of International Relations,” Tsukuba University, October 5, 2007.
647 J. Li, conference presentation at “The ‘Comfort Women’ Issue and Future-Oriented Relations Between Korea and Japan,” organized by The Korean Society of International Law, February 17, 2012, Lotte Hotel, Seoul.
648 “Claims for damages and wage payment claims against Mitsubishi Heavy Industries brought by victims of Japan’s forced mobilization, Park and Ors v Mitsubishi Heavy Industries Limited,” Appeal Judgment, Korean Supreme Court, 2009Da22549, May 24, 2012. Again, this quote has been slightly edited by the author to correct grammatical mistakes.
and re-negotiate the historical atrocities they inflicted on civilians in the past. This process is perhaps best encapsulated by the concept of “inter-temporal justice:” the causal act (of atrocity) occurred in the past, but the effect (of justice) is manifesting in the present. The ability of networks to compel states to reflect in this way has been fueled by complex transformations in both domestic and international spheres.

Theoretical Findings and Implications

In addition to its empirical significance, the analysis presented in this study has important theoretical implications. Through examining the redress pursuits of Korean comfort women, forced laborers and A-bomb victims in the context of the Japan-ROK relationship, it sheds new light on the workings of transnational advocacy networks in international relations more broadly.

While such networks are by no means new phenomena, investigating them in the framework of Japan-Korea relations represents a relatively novel approach. Indeed, conventional understandings of networks are based largely upon studies conducted in the empirical domains of Latin America, South America and Eastern Europe. The relative neglect of advocacy networks in the East Asian context likely stems from the prevailing notion that the region is constituted of “strong” states with “weak” societies wherein non-state actors exert little to no substantive influence. This (mis)conception has led most IR scholars to focus their attention on the state level when seeking to understand Japan’s diplomatic relations with Korea. As we have seen, however,

649 K. Abe, conference presentation at “The ‘Comfort Women’ Issue and Future-Oriented Relations Between Korea and Japan,” op. cit.
non-state actors are playing an increasingly important role in this arena, and as such, history problems and their impact on the inter-state relationship can no longer be understood without consideration of sub-state influence.

There are two key reasons why the existing theoretical literature on transnational advocacy networks cannot explain the role of networks in Japan and Korea’s history problems. And it follows that these are the two key theoretical contributions of this study. First, as a corollary of the geographic focus on Latin America and Eastern Europe in scholarship on networks, our theoretical understanding of their functioning is largely derived from networks that traverse authoritarian and democratic nations. In this dynamic, information, finances and other network resources typically flow from democratic to non-democratic states. This characteristic pattern is depicted in Keck and Sikkink’s boomerang model, in which citizens of authoritarian states desirous of enacting domestic change commonly seek allies from democratic and developed nations. Moreover, within this model, the primary pressure dynamic exerted by networks manifests in the domestic sphere; this is owing to the fact that the model centers upon citizens holding grievances against their own (authoritarian) government, and who are seeking outside help to alter domestic state practices. In Sikkink’s own words, when activists operate within an oppressive regime, they may pursue “international allies in more open international opportunity structures to bring pressure to bear on their governments ‘from above.’”

The Japan-Korea relationship presents an entirely different domain through which we can fathom the role of networks in international politics. Indeed, both nations constitute vibrant democracies with highly developed economies. The primary pressure dynamic inherent to the three case studies is transnational, as it entails Korean victims pursuing redress from a foreign state—Tokyo. This context and scenario necessitates a vastly different pressure strategy to that depicted by the boomerang model, as it requires new tools designed to compensate for deficiencies in international law and to overcome legal obstacles posed by bilateral treaties.

As we learned from the case studies, when networks operate between two democracies, they exert pressure on both governments—the target and the addressee—which complicates the diplomatic relationship considerably. This is occurs especially when a network succeeds in persuading one government to adopt its stance but not the other. The democratic structural environment also provides different sources of leverage for networks, particularly through the tenet of the separation of powers. This enables networks to pit their respective judiciaries against their executive government branches in pursuing their claim. Democratic polities also avail additional pressure tools to networks, such as protest and government lobbying, and require officials to be more responsive to such. Finally, democracies grant networks the freedom to lobby international bodies and governments. What emerges from this context is thus a more complex pressure pattern than that which is expressed by the boomerang. Having modeled a basic form of this in the introductory chapter, some additional elements can
now be added.\textsuperscript{651}

Besides revealing this pressure pattern, the three case studies have illuminated the primary conditions and means by which networks change the way that states interact. These findings are particularly applicable to networks traversing two democracies, as

\textsuperscript{651} The arrows indicate the direction of pressure. The dashed lines, on the other hand, denote indirect pressure. As an example of the latter, the target nation’s network anchor facilitates lawsuits for the addressee nation’s anchor, and in this way, functions to exert indirect pressure on the judiciary of the target state. Also, when international bodies, such as the UN, pressure the target state to resolve the issue in accordance with particular norms, this exerts pressure on the addressee government to follow suit.
well as networks organized around citizens that hold a grievance against a foreign target state. It found that among the array of tactics employed by transnational advocacy networks, those most likely to affect state-to-state interaction are framing a grievance as a human rights issue; disclosing inculpatory evidence; engaging external governments and international bodies; and litigation. It was found that, when utilized, these tactics tend to produce contentious interaction between states. In addition to but not mutually exclusive of these tactics, the conditions under which advocacy networks affect state-to-state interaction were identified as: when the target state is the sole culprit; when the target state’s economic interests within the addressee state are threatened; and when a bilateral treaty clause is overturned.

As well as demonstrating the various sources of leverage networks have at their disposal under this dynamic, the findings are also revelatory of the obstacles they face in eliciting redress from foreign states. The three cases highlighted the lack of legal mechanisms that exist for citizens of one nation to take the government of a foreign nation to task. These inadequacies stem from the fact that international law—the purview within which one would expect such claims to be dealt with—was designed merely as a framework to facilitate the practice of stable and organized international relations; accordingly, its premise is to enable issues to be resolved \textit{between states}. Attesting to this fact, in 2012, the International Court of Justice at The Hague—the highest judicial body of the United Nations—ruled that private individuals could not take foreign states to court, even when charging them with war crimes and crimes against humanity. As a consequence of such, citizens with grievances against a foreign government have to resort to pressuring their own leadership through state-based
(domestic) legal systems, in order to compel them to pressure the target government on their behalf. This process is rendered even more complex when there is a treaty standing as a legal hurdle to the resolution of a network’s grievance.

Finally, the analysis affirms one of the major theoretical claims concerning transnational advocacy networks: that is, they are increasingly challenging core domains of state sovereignty. Redress transactions, especially those involving compensation, have traditionally been carried out between states. The three case studies have shown, however, that this is yet another arena in which networks have emerged as competing actors with states. While we can reasonably expect—at least in the foreseeable future—that states will continue to be the primary actors in this regard, the implication is that if their redress transactions do not accord with networks’ demands, they will likely be undermined upon implementation and will fail to resolve the problem in question.

In short, this study fills a gap in the under-theorized literature on the role of transnational advocacy networks in international politics. It reveals the potential of networks to shape state-to-state interaction between democracies, in the domain of redress politics, and clarifies the means by which they do so.

**Contribution to the Field and Pathways for Further Research**

The findings of this study also contribute more specifically to the field of history problems in Japan-Korea relations. In particular, they undermine two common conceptions among scholars: (1) that the myriad issues that fall under the broad rubric
of “history problems” can be lumped together into a single analytical category; and (2) that the contention over history has manifested primarily along national lines—that is, between Japan and Korea. These conceptions have underscored the bulk of studies on history problems.

This dissertation began by drawing a conceptual distinction between state-centric and victim-centric history problems. The former, it was argued, fundamentally constitute matters of state interest that emerged at the inter-state level during the Cold War. The latter are primarily matters of societal interest, which came to the diplomatic fore in the post-Cold War era as the result of a bottom-up process. In focusing on the victim-centric variety of problems, the dissertation identified agency as the main determinant of inter-state friction in the two countries’ post-Cold War relations. Had advocacy networks never politicized these issues, it is unlikely that they would ever have emerged on the diplomatic agenda. This factor has important implications for how we approach, analytically, the workings of such issues in Japan-Korea relations today. If one were to analyze the comfort women issue, for instance, by focusing solely on state actors and from the point at which the problem first appeared on the diplomatic agenda—a characteristic approach of IR scholars—one would be overlooking the essential dynamics and actors that have been driving the issue since its inception; the conclusions drawn from such an approach would thus be inherently limited.

Having first made this conceptual distinction, the analysis of the case studies revealed that the two categories of history problems are not mutually exclusive of one another, but rather, have become intertwined in recent decades. This process of entanglement has
further complicated Japan and Korea’s diplomatic relations. While scholars have long argued that history problems serve a particular domestic utility for the ROK government—\(^{652}\) in averting the public’s gaze from political scandals and so forth—this dissertation has showed that, despite originating from the bottom up, the victim-centric history problems have served a specific bilateral/diplomatic utility for the Korean and Japanese governments. The ROK government played the comfort women issue off against the Dokdo issue to signal its discontent to Tokyo—a move that was met with alarm by the victims who saw no apparent connection between the two matters. The Japanese government, on the other hand, found expediency in enacting measures for Korean A-bomb victims and forced laborers: taking steps to appease the Korean government with regard to “weightier” diplomatic concerns, such as territorial issues.

We can suppose that the grievances of Greek and Italian victims against Germany also provided utility for their respective governments against the backdrop of their already strained ties with Berlin. In short, the entanglement of the two categories of history problems has added a level of complexity to Japan-Korea relations in the post-Cold War era that has mostly gone unnoticed by scholars.

The second convention challenged by this dissertation was the Japan versus Korea dichotomous analytical approach to history problems. In the three case studies analyzed, the main dynamic of contention was evidenced between a transnational network of victims and advocates (anchored in Korean and Japanese society) on the one hand, and the two governments on the other. This transnational dimension was characterized by the active involvement of citizens in Japan in advocating for the Korean victims, and by

\(^{652}\) See Chapter 1: 26-30.
the propensity of the networks to target both governments in their pressure tactics. It became further apparent in the verdicts of the Korean judiciary, which chastised the ROK foreign ministry for prioritizing its relations with Tokyo over pursuing compensation on behalf of the victims.

Highlighting this transnational dynamic served as an important contribution to the literature on Japan-Korea relations, as scholars have generally been remiss in recognizing leftist Japanese citizens as actors in the history problems. This stems from the fact that, despite having made indispensable contributions in the realms of information gathering, financing, litigation and lobbying, their role has been obfuscated by a number of factors. First, their support of Korean victims has largely been conducted “behind the scenes” rather than in the public eye. Also, their more conspicuous advocacy efforts are rarely deemed newsworthy by domestic and international media, which has privileged the sensationalist comments of conservatives in Japan in their coverage of Korean colonial and war victims. The analysis in this study has shown not only that citizens in Japan have been a vital constituent of the advocacy networks, but that it would be impossible to fathom the trajectories of the Korean victims’ redress movements without due consideration of their role therein.

Furthermore, by elucidating the horizontal (state-society) dynamics of the history problems, this study drew attention to the oft-neglected role of the Korean government in such issues. Scholars have typically focused on the Japanese government’s policies
vis-à-vis history problems, treating Seoul as a passive respondent to diplomatic overtures/provocations from Tokyo. As we saw, however, the Korean victims have long held fundamental grievances against their own government, first, for not negotiating an adequate deal with Tokyo in 1965 on their behalf, and second, for its half-hearted efforts in pushing Tokyo on the matter of compensation. It also became apparent in the analysis that there has often been a divergence between the Korean government’s diplomatic stance on these victim redress issues and the demands of the advocacy networks; in fact, Seoul’s position was generally closer to that of Tokyo’s, especially in the initial stages of the networks’ redress movements.

In focusing on history problems concerning Koreans victimized under Japan’s colonial rule, this study further highlights the limitations inherent in comparing Japan-ROK post-colonial relations with Franco-German postwar relations. Evidently, the colonial power structure underpinned the three case studies examined in this dissertation. This structure shaped not only the victims’ dealings with the Japanese government but also their interactions with the Korean government. Indeed, remnants of this power structure were ostensibly still intact after the colonial period came to an end, which was evident in the negotiations over the 1965 treaty—in which Japan held the upper hand—and also in the decades-long suppression of the victimhood of comfort women, forced laborers and A-bomb victims after Korea’s liberation. This power structure only showed signs of completely unraveling in the late 1980s, when the victims were empowered by the advocacy networks that organized around their plight, and the ROK’s economy shifted into surplus, imbuing Seoul with greater diplomatic confidence vis-à-vis Tokyo (and Washington). These post-colonial dynamics suggest that a more appropriate paired
comparison for understanding the Japan-ROK relationship would involve Japan and one of its other former colonies, such as Taiwan. Oddly, however, this approach has been largely eschewed by scholars.

And as a final contribution, through examining the three major categories of Korean colonial and wartime victims in comparative perspective, this dissertation identified new variables (and eliminated others) to explain how such issues create inter-state tension. This comparative approach to victim-centric history problems is unique in that the comfort women issue is generally treated by scholars as an idiosyncratic problem, and is thus commonly analyzed to the exclusion of the Korean A-bomb victims and forced laborer issues. As was previously argued, these scholarship trends have been shaped by the same forces that led to the internationalization of the comfort women issue and the factors that confined the other two to the bilateral realm. Many would assume that the comfort women have received greater international attention and provoked more diplomatic friction than their Korean victim counterparts as a consequence of the relatively (heinous) nature of the atrocity they endured. These sort of assumptions, however, stem from a lack of exposure to the similarly harrowing testimonies of the latter two categories of victims. Moreover, it was found that variations in the number of victims could not account for the differences in their respective inter-state impact, as there are far more registered Korean forced laborers and A-bomb victims than former comfort women. The analysis demonstrated that what explains such differences is rather a combination of the networks’ pressure strategies and various exogenous factors.

653 This is the sort of response I hear when posing this question to students of East Asian politics.
Pathways for further research

In the course of researching this dissertation a number of promising avenues for further research became apparent. The first of these is a pathway for empirical inquiry. As the focus of this study has been the South Korean victims of Japan’s wartime and colonial policies, the question that naturally arises is: what of the victims in North Korea? Indeed, the Korean peninsula was constituted of one state when annexed by Japan, and following its subsequent partition, many of the comfort women, forced laborers and A-bomb victims wound up in the North. As the social and political change that facilitated the emergence of grievance-based identities, claims to victimhood and demands for redress among South Koreans, has yet to occur in North Korea, the victims there remain silenced, and their victimhood still suppressed. Throughout the fieldwork conducted for this study, it was discovered that many of the activists (in Japan and the ROK) advocating for South Korean victims have also attempted—with varying degrees of success—to reach out to the victims north of the 38th parallel. Even more remarkable is that there have been numerous instances of cooperation between activists in Japan and the ROK toward this end.

Empirical inquiry into their activities would not only bring the issue of North Korean colonial and wartime victims to the attention of scholars and activists, but would also contribute to the burgeoning literature on how the international community can engage the isolated DPRK regime. Approaches to this question have commonly pointed to the

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\[654\] While the victims in the North have occasionally received scant mention by scholars, as yet, there have been no major studies on their predicament.
human rights violations by the North Korean state as a platform of engagement. Yet this "intervention" scheme has limited feasibility not least because the DPRK government sees it as an interference with its sovereignty, and is thus very hostile to the idea. Presumably, though, the unresolved human rights abuses that occurred at the hands of the Japanese colonial overlord against what are now North Korean nationals, would serve as a more viable realm of engagement. This is primarily because redress for the colonial past is a matter of state interest for the DPRK, a state which has yet to normalize its relations with Japan.

From this empirical gap in the literature emerges a matter for theoretical inquiry. How do victims under authoritarian regimes hold a foreign perpetrator accountable? And how can redress transactions be enacted on their behalf in the absence of diplomatic relations between the target and addressee state? Once again, the answers to such questions cannot be explained by existing theories and models of redress, such as transitional justice or Keck and Sikkink’s boomerang. The evidence that emerged from the fieldwork in relation to North Korean victims indicates that in this scenario, citizen-activists in the target state play a crucial role both in recognizing victimhood and pressuring the target to provide redress on the victims’ behalf. To cite one example, while the Japanese government’s official position has been that it cannot provide redress to the A-bomb victims in North Korea owing to the lack of diplomatic ties between the two countries, anti-nuclear activists in Japan have successfully pressured Tokyo to make other provisions, such as the dispatching of Japanese doctors to treat the victims in the DPRK. On occasion, the activists have also taken it upon themselves to act as the primary agents in redress transactions, establishing and operating through informal
channels with North Korea.

**Policy Implications**

And while up until now the findings have been discussed primarily in terms of their scholarly contribution, there are also implications for the policy realm. The case studies suggest some ways in which the intractable history problems between Japan and Korea might be (even partially) surmounted, and provide insights for how we can understand their intractability at a deeper level. Three main policy implications will be drawn out in this section.

First, the pressure being exerted by advocacy networks presents a viable bottom-up solution to the history problems—even if just the victim-centric variety. Such problems have long been simmering below the surface of the bilateral relationship, and now, as a result of networks’ attempts to resolve them on victims’ terms, diplomatic tension is bubbling over. Given that the networks have had to directly challenge the 1965 treaty in order to elicit redress, this effect is hardly surprising and, in fact, can be viewed as a necessary stage in the process of settling such issues. If the networks succeed in forcing a settlement of these problems through litigation and other pressure tools at their disposal, the problems will likely subside at the diplomatic level. As a case in point, although the Korean A-bomb victims are not entirely satisfied with the level of redress they have been awarded by Japan thus far, owing to the fact that they have made considerable progress in this regard—through litigation wins and so forth—the issue is no longer a diplomatic problem.
Further attesting to the feasibility of a bottom-up resolution is that the two governments have proven themselves to be incapable of resolving their history problems on their own accord, rendering a top-down settlement highly improbable. As many scholars have pointed out, history problems serve a particular political utility for the two governments and it is thus not always in their interest to make efforts to resolve them; they are furthermore bound to powerful domestic constituencies, such as nationalists in Korea and revisionists in Japan, that can also hinder a resolution. By contrast, the advocacy networks addressing history problems have by and large transcended this nationalist approach; although cleavages exist within these networks, they tend not to run along national lines but rather, differing conceptions of justice for the victims. In short, the networks have demonstrated an ability to shape diplomacy over these issues, and while presently this may be manifesting as inter-state contention, ultimately it has brought the two states closer to a resolution.

The second implication is that the executive branch of both the Japanese and Korean governments has ostensibly entrusted the handling of the victim-centric history problems to their respective judiciaries. We know, for instance, that the two governments are currently awaiting the final verdict of Korea’s Supreme Court to decide how to respond to the claims of the forced laborer network. This tendency is problematic for resolving such issues from various standpoints. For one, it suggests that Tokyo and Seoul’s diplomacy is being led by court rulings, rather than negotiation over how to best resolve them. While it was previously argued that the courts have influenced diplomacy only in circumstances where the victims won lawsuits against the Japanese or Korean governments, it can also be said that they shape diplomacy when
the two governments refrain from taking action until judicial verdicts come in. And the fact that the two executive branches are treating these victim redress issues as legal rather than diplomatic matters is also worrisome given the magnitude of the impact of such issues on their diplomatic relations.

In light of the powerful role of the networks’ constituents (such as the Korean Council) in shaping political outcomes in the history problems, it would be beneficial for government officials on both sides to liaise more closely with these constituents when deciding how to resolve such issues. However, Tokyo and Seoul have been reluctant to do so. It was only after the Constitutional Court ruled against Korea’s foreign ministry that officials in Seoul summoned comfort women victims and their advocates in for talks. Meanwhile, Japanese diplomats in Korea have continued to ignore the weekly comfort women protests in front of the Embassy in Seoul. By contrast, former UN Ambassador, Satō Yukio, invited Dutch comfort women protesters in for tea at the Japanese Embassy in The Hague, thus paving the way both for their redress and for the visit of the Emperor to the Netherlands in 2000.655 While Tokyo’s default position has been that matters of redress for Korean victims were settled in the 1965 treaty, recent court rulings in support of the victims demonstrate that this stance is rapidly becoming obsolete. The victims now have the Korean judiciary backing their claim that the treaty did not waive their right to compensation. Surely then it is time for Tokyo to negotiate head on with Seoul about how such issues might be settled in accordance with the networks’ demands.

655 Thanks to Rikki Kersten (who was teaching at Leiden University at the time) for this point.
A third policy implication is that the various issues that come under the broad rubric of history problems in Japan-Korea relations have become entangled with one another. As a consequence, if one history problem escalates, accordingly other problems will likely flare up. This tendency was evidenced in August 2012, when Lee Myung-bak became the first president to embark on a visit to the contested islets of Dokdo/Takeshima. This maneuver led to a rapid escalation of the issue and brought the diplomatic relationship to a standstill. While ultimately it was a combination of factors that led Lee to make this contentious visit, a central motivation was his frustrated attempts at resolving the comfort women issue with Tokyo.

For the two countries to move toward overcoming their history problems, it is necessary that they first delink these problems—at least at the inter-state level. Indeed, each problem requires a different approach to both resolution and diplomatic management. The converse logic can also be applied: if one issue is resolved, this will likely result in the de-escalation of the interlinked issue.

**Limitations of the Study**

In spite of these contributions, however, inevitably there remain certain limitations to the study. In attempting to illuminate the effect of agency on Japan-Korea inter-state relations, other key intervening variables were overlooked. As outlined in the introduction chapter, scholars have identified a number of determinants of state-to-state friction. While some attempt was made in this study to incorporate these determinants—such as apologies and US foreign policy—into the analysis, the focus remained overwhelmingly on agency. This was because the primary aim was to explain
the workings of this variable, which has relatively recently (particularly in the post-Cold War period) come into play in Japan and Korea’s diplomatic relations. As a result, the analysis perhaps did not provide the full picture of how and why victim-centric history problems affect the two states’ relations.

In connection to this, in the process of spotlighting transnational advocacy networks, the analysis did not always contextualize their influence on inter-state relations in the wider diplomatic relationship. In other words, there was limited consideration given to events occurring simultaneously in the bilateral or international realm that may have even partially accounted for the outcomes. Moreover, the analysis did not provide a comprehensive overview of the trajectory of the diplomatic relationship. This was premised on the fact that many IR scholars have already done so and thus, the diplomatic dots did not need connecting. It was deemed more important to hone in on the historical development of the networks’ redress movements in order to answer the research question and explain the puzzle of how history problems have become more contentious between the two states over time.

It is also important to mention the inherent weaknesses in the use of interviews, which provided much of the data in this dissertation, in qualitative research. Interviewing was chosen as a method owing to its potential to generate rich data and ascertain the perceptions and values of research subjects. Yet there is always the possibility of observer bias in this method, and the responses of interviewees are often influenced by what they believe the interviewer is seeking. It is thus plausible that interview-generated data becomes more a reflection of what the researcher hopes it to be than the reality.
This potentiality was heightened by the fact that all of the interviewees had political objectives, and thus may have perceived the interview as a platform to advance their own agenda. Also, some interviewees insisted on having the questions sent to them in advance, which gave them with the opportunity to formulate contrived responses.

In order to lessen the effect of these methodological shortcomings, interview responses were cross-referenced with documentary evidence, such as facts from newspaper articles, and at times, with the statements of other interview respondents. Also, attempts were made to limit the use of interview data to explaining the perceptions of the research subjects and the manner in which they frame the issue at hand, rather than as hard evidence of diplomatic influence.

In addition to the above-mentioned limitations, interviews could not always be arranged with key figures involved in the three case studies. For instance, the Korean Red Cross, which played an instrumental in the Korean A-bomb victim issue, declined a request for interview. This factor may have resulted in the analysis being skewed in favor of those interviewed. Efforts were thus made to ensure that key actors who turned down interview requests were represented in the analysis through documentary and internet sources.

Lastly, while some may argue that interview data and qualitative research do not provide a strong basis for establishing causation, in this study, emphasis was given to tracing the causal links between judicial outcomes and inter-state behavior, which was deemed to provide a more solid causal footing.
Conclusion

As a final conclusion, let us return once more to the paradox that is Japan-Korea relations. In spite of sharing complementary political and economic systems, and facing common security threats in the form of rising China and an ever more nuclear-capable North Korea, the burdens of Japan and Korea’s historical past have rendered the two countries largely incapable of cooperating on major strategic issues. This factor has been a source of great frustration to their common US ally, who desires that they present a united front in the face of these growing regional threats. The highly adverse effect that history problems have wrought on the Japan-Korea relationship, especially in the post-Cold War era, cannot easily be fathomed within conventional IR frameworks and theories; in fact, the magnitude of their impact defies the very logic of international relations.

By redirecting our focus away from the two governments and onto their respective citizenry, however, we are able to perceive the bilateral relationship and the role of “history” therein in a whole new light. From this vantage point, it is evidently not a fading relic of the two countries’ mutual past, but a malleable phenomenon that is re-evaluated from an ever-changing present. These re-evaluations are having new diplomatic consequences and accordingly, the two governments’ relations can no longer be understood in realpolitik terms. With the dropping of the atom bombs in 1945 and Japan’s subsequent unconditional surrender, the Asia-Pacific War was brought to an ostensible close, and with it, Japan’s colonial rule of the Korean peninsula; for all intents and purposes, the state-level (military) conflict had ceased. Yet for the Korean
civilians that had suffered the most under the conditions of colonialism and war, the battle had only just begun. From the emergent physical and psychological effects of their victimization, to social ostracism and governmental indifference, the humiliation of “coming out” and being officially registered as victims, and the protracted and fraught pursuit of redress from the Japanese government—the repercussions of their ordeal have gained continual momentum. And not even old age or death has brought an end to their legacy of suffering. To the contrary, victimhood has gained new life in their descendants through the inheritance of physiological trauma and/or a sense of injustice. These victim trajectories have materialized as a cumulative pressure from below, ultimately manifesting as a new logic for the bilateral relationship: one in which citizens are now agents in shaping state-to-state interaction.
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