

# Can Memories of the Japan-Korea dispute on “Comfort Women” Resolve the Issue?

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## Abstract

About 80 percent of the estimated 70,000 to 200,000 “comfort women” Japan took by coercion from 1932 to 1945 were Korean. The issue was long neglected by both countries for pragmatic reasons. When Korean women raised the issue around 1990 and the former comfort woman Kim Hak-sun came out in 1991, it emerged as a point of dispute. Solidarity organizations in both countries have contributed to raise the visibility of the issue. Museums in Seoul and Tokyo educate the public on victims’ suffering. However, increased awareness has not succeeded in producing a solution to the issue that satisfies both countries given their fixed positions. Japan has given no official apology to the victims. The crucial issue of legal responsibility remains unresolved. On December 28, 2015, Japan expressed an apology and agreed to provide \$8.3 million for a foundation to be established by South Korea to support the victims. However, the issue remains unresolved since the victims were not consulted in advance of the agreement, as well as disagreement also on other issues.

**Keywords:** Japan, Korea, comfort women, War and Women’s Human Rights Museum, Women’s Active Museum on War and Peace

## Introduction<sup>1</sup>

*The Korea Times* (2014) labeled the comfort women [*wianbu*] issue the “biggest diplomatic dispute” between Japan and Korea. In late March 2014, only 55 Korean survivors were alive. Their average age was 88.<sup>2</sup> Such a situation raises three questions: How have the victims acted to raise awareness of the issue? Has the issue become known through other channels? Has work to make the issue known contributed to resolve it? In order to answer these questions, this study investigates how the issue emerged, how it has been handled since 1945 by Japanese and Korean governments, and how museums in the two countries as educational institutions present the issue. Women’s activism, government-level

contacts and Korea's efforts to resolve the issue through the United Nations Commission of Human Rights (UNCHR) are also investigated. Since the issue began to receive public attention in the 1990s, the focus of this paper lies on subsequent developments.

Since the author has found no study investigating how the War and Women's Human Rights Museum in Seoul and the Women's Active Museum on War and Peace (WAM) in Tokyo present the comfort women issue and whether they could contribute to resolve it or not this aspect is presented in relatively more detail. Museums derive authority from their role and are important as educational institutions giving them authority: On the basis of this authority and their physical structures, they offer opportunities for its subjects to institutionalize their narratives in a way that other media cannot provide. A museum is a place to exercise power, since as statements of position a museum both illuminates and omits. A museum asserts values and makes attempts at legitimization that can be contested.<sup>3</sup>

### **The Emergence and Early Development of the Comfort Women Issue**

Estimates of the number of comfort women range from 70,000 to 200,000. About 80 percent were Korean, but women from Japan (mainly former prostitutes), China, Taiwan, the Philippines, Indonesia, Burma, Thailand, Malaysia, Vietnam, East Timor, India, Guam and the Netherlands were also victims. Systematic and often-coercive recruitment of the majority of the former comfort women by Japanese forces took place under the banner of the *Chôngsindae* [Voluntary Labor Service Corps]. The *Chôngsindae* was ostensibly established to procure women for work in factories or to perform other war-related duties to assist the Japanese army, but instead many women were deceived into serving as military sexual slaves.

The ostensible purpose of the comfort women system was to lift the morale of Japanese soldiers, reduce the spread of venereal disease (comfort women were regularly checked) and to reduce the frequency of rape committed by Japanese soldiers. The soldiers suffered from stress at the battlefield, and frequent rapes created anti-Japanese feelings in occupied areas. Military "comfort stations" were in place by early 1932 at the latest. Japan began to draft Korean women in full force about 1937, when its army invaded China. For more than four decades after World War II, none of the affected nations in Asia officially raised issues regarding the war-time sexual abuse of their women by the Japanese military. Since

the political and economic situation in Korea was extremely unstable after World War II and the Korean War, other issues were more important than the comfort women, although the government knew about them. Also, there were Koreans, who as labour brokers and managers or owners of military brothels, had gained personal profits by participating in the criminal trafficking of compatriot women and girls. A common opinion is that the Korean government is responsible for not having raised the issue for four decades. The issue is now widely known among the Korean public, but they do not know about it in detail.

At the end of World War II, many comfort women were killed, abandoned or forced to commit suicide. The survivors were saved by the Allied forces upon Japan's defeat in the war. Since Confucian Korean society emphasized chastity and associated any kind of sexual defilement with promiscuity, women who returned home were withdrawn and feared ostracization from society and their families. If any of the former comfort women had publicly exposed their experiences, they would not have received sympathy but would have been criticized and seen as a humiliation to their family. The Japanese government and the public were both silent since, if the comfort women issue were to become known worldwide, it would become a new post-war issue to handle in Japanese-Korean relations.<sup>4</sup>

Not only was Korean society not ready to protect the women, but they received another wound: government neglect. President Syngman Rhee (1948 to 1960) pursued an anti-Japanese foreign policy, hindering interaction. Although Korea and Japan began discussions in 1951, there was little progress during Rhee's presidency. However, President Park Chung Hee (1963 to 1979) believed that Japan was a model to be emulated. The two nations signed a Normalization Treaty in 1965, showing that economic matters were far more important for the Korean government than the comfort women issue, which it avoided. Although a cooperative relationship developed, the emotional conflict between the countries continued. Japan cites to support its argument that the comfort women do not have a claim under international law, but they were not even mentioned in it.

Due to the slow social and political development of Korean society following the Korean War (1950 to 1953), the issue of comfort women did not receive serious public attention until 1990. The Asia Women's Association, formed in the mid-1970s in Japan, examined the history of prostitution, which came to eventually include comfort women. When

women activists finally raised the comfort women issue, the Korean government initially ignored them. The ostensible reason was the lack of documentary evidence with which to press charges against Japan, since the Japanese government had destroyed most of the records relating to comfort women. In addition, the 1965 Normalization Treaty prohibited the Korean government from making any further claims for reparations for damages incurred during the colonial period. The Korean government abandoned citizens' rights too easily. The patriarchal culture and traditional elitist attitudes in dealing with social injustice inflicted upon the poor and powerless in Korean society are other explanations for the government's inactivity.<sup>5</sup>

### **Rise in Activities in the 1990s**

Since 1988, the Korean Church Women's Alliance formed by former Ehwa Woman's University Professor Yun Chung-ok pursued the comfort women issue. The democratization of Korea in 1987 enabled Professor Yun and her colleague, Professor Lee Hyo-chae, to make the issue public. In May 1990, immediately prior to President Roh Tae Woo's (1988 to 1993) State Visit to Japan, the Korean Church Women's Alliance demanded for the first time that Japan investigate the comfort women issue, apologize for its involvement and provide compensation. The request was made jointly with the National Female College Students' Representative Council and the Korean Women's Association United. On May 25, President Roh requested a list of the comfort women, but the Japanese government responded that there was no such list. However, during a state banquet for President Roh, Emperor Akihito (1989 to 2019) formally expressed his regrets for the sufferings the Japanese colonial rule had caused for the Korean people.

When Councillor Motooka Shoji of the upper house of the Japanese parliament demanded on June 6, 1990 that the government investigate the comfort women issue it refused and maintained its official position to regard military comfort stations as private enterprise. When he again raised the comfort women issue in the parliament in April 1991, the government repeated that it was not involved and that all issues emanating from the Japanese occupation had been resolved through the 1965 Normalization Treaty. Previously, on November 16, 1990, 37 women's organizations had jointly formed the Korean Council for the Women Drafted for Military Sexual Slavery by Japan (KCWS). The purpose was to investigate and make public the comfort women issue, to request the

Japanese government meet six demands to prevent recurrence of the tragic history. The demands were to: 1) open materials to the public and investigate the real situation; 2) admit the crime; 3) provide an official apology; 4) give legal reparations; 5) erect memorial tablets and build a history museum, and 6) record the issue in history textbooks and teach it. Since the KCWS did not regard giving legal reparations only as a question of providing money to the victims, it added in 1993 punishment of the perpetrators as an additional component of legal reparations.

On August 14, 1991, the widow Kim Hak-sun (1924 to 1997) became the first woman to publicly testify to her life as a comfort woman for Japanese troops during the Pacific War. She had been angered by the Japanese government's response in June 1990, and the Japanese Embassy's response in April 1991 to an open letter sent by the KCWS in March demanding an apology. The government's investigation showed that there was no evidence of the forced drafting of Korean women as comfort women. No apology could be provided. Later, when the KCWS demanded that the Korean government establish a policy to support the comfort women, it ignored the demand but made a request to the Japanese government to investigate the issue.<sup>6</sup>

In January 1992, historian Yoshimi Yoshiaki discovered in the Japan Defence Agency's archives government documents establishing the direct role of the Japanese military in maintaining the comfort stations. This information was published in *Asahi Shimbun*. On January 8, 1992, the KCWS and comfort women began weekly Wednesday noon demonstrations in front of the Japanese Embassy in Seoul; the first demonstration coincided with Prime Minister Miyazawa Kiichi's visit to Korea. On January 17, the prime minister gave a private apology that recognized the military involvement and coercion, as well as serious human rights violations. However, according to Yoon Mee-hyang, the Standing Representative of the KCWS, the Japanese government escaped responsibility through vague formulations of coercion and the commitment of human rights violations. The government denied that it had established the comfort women system, recruited the women and operated the comfort stations.

Following meetings with former comfort women in August 1993 in Seoul, Chief Cabinet Secretary Kono Yohei issued a statement to the UNHRC Subcommission for the Prevention of Discrimination and the Protection of Minorities that recognized the wartime enslavement of women. However, the Kono statement rejected legal responsibility. The

Kono statement admitted that “the Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations, and the transfer of comfort women.... that, in many cases they were recruited against their own will.” The Government of Japan would like to “extend its sincere apologies and remorse to all those who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.” The Imperial Japanese Army had directly recruited the women and transported them to comfort stations through coercion in violation of the International Convention for the Suppression for the White Slave Traffic that Japan had acceded to in 1925. Japan also admitted that it had violated international laws by persecuting Korean women but contended that their establishment was not a war crime or crime against humanity.<sup>7</sup> Seoul’s response to the Kono statement was that the comfort women issue was resolved diplomatically; it has since maintained this principle.

However, Yoon (2010) argues the Japanese government again escaped its responsibility by shifting the blame to private recruiters. In this interpretation, the military was only slightly involved. In reality, Japanese military recruited comfort women, established the rules and fees at comfort stations, determined when each unit would be allowed to use the stations, conducted venereal disease examinations, and supervised the stations. In July 1995, Prime Minister Tomiichi Murayama apologized on the occasion of the 50<sup>th</sup> anniversary of the end of World War II, acknowledging “the scars of war still run deep.” Subsequently, the Japanese government acknowledged the comfort women and established the Asian Women’s Fund “to protect women’s human rights in Japan and the world.” It collected contributions from ordinary citizens, trade unions, businesses and workplaces. Japanese newspapers and TV generally argued that the fund was a disguised measure for the government to escape from its legal responsibility. Korean media and nongovernmental organizations (NGOs)—particularly the KCWS and Christian organizations—strongly opposed the fund, arguing that it was a disguised measure for the Japanese government to escape from its legal responsibility. Since money was collected from the public, it made the government’s responsibility vague making the money immoral, some would argue. The establishment of the fund thwarted the victims’ hopes for an apology from the Japanese government, punishment of the responsible individuals and state compensation restoring their dignity. Only seven Korean women received

money from the Fund, which was disbanded in March 2007 following coordination with related countries.<sup>8</sup>

On February 6, 1996, the UN condemned Japan for forcing tens of thousands of women into sexual slavery for its imperial troops during World War II. The UN Special Rapporteur on violence against women, Radhika Coomaraswamy from Sri Lanka, had in January 1996 concluded in her report that Japan should 1) acknowledge that the establishment of comfort stations was a violation of international law and accept legal responsibility for that violation; 2) pay compensation to the victims; 3) make a full disclosure of documents and materials on the comfort women issue; 4) publicly apologize to the survivors in writing; 5) raise awareness of the issue by amending educational curricula and 6) identify and punish the perpetrators involved in the recruitment and institutionalization of comfort stations. The recommendations closely resemble the six demands the KCWS had consistently made.

Her report was adopted by the UNHRC in April 1996. The comfort stations were defined as military sexual slavery. In responding to the report, the Japanese government denied its legal responsibility by claiming 1) that present international law cannot be applied retroactively; 2) that slavery does not accurately describe the “comfort stations,” and that prohibition against slavery was not international law at the time of World War II; 3) that acts of rape in international conflict were not prohibited by international law when World War II raged and 4) that the laws of war would only apply to conduct committed by the Japanese military against nationals of a belligerent state, but not Korea, since it had been annexed. In June 1998, the UN Special Rapporteur, American Gay J. McDougall, presented her final report at the UNHRC, concluding that the Imperial Japanese Army had violated the prohibition against slavery and war crimes and that these were crimes against humanity. It recommended that the Japanese government should punish the responsible and pay compensation to the victims. When the UNHRC adopted the report in August 1998, the comfort stations were defined as rape stations.<sup>9</sup>

### **Museums in Korea and Japan**

As we have seen, the comfort women issue has become more widely known through victims’ efforts to demand acknowledgement of their suffering, with the rise of solidarity work. Widening its work to resolve the issue, on May 5, 2012, the KCWS opened the War and Women’s Human Rights Museum in Seoul. The KCWS had worked to create the

museum since 2003. The museum was established without any support from the Korean government. Through June 2014, the museum attracted 17,000 visitors. It is an open space to remember comfort women's history, educate people and tackle the topic of Japanese military sexual slavery. The museum presents the issue from the victims' perspective. Its two floors give a chronological account similar to this study. At the bottom floor, paintings by comfort women are displayed on the wall. Photos of war zones are exhibited, and the footage of the women whose stories are printed on the entrance ticket can be seen. The visitor can enter a small and dark space similar to comfort stations to feel isolation and oppression experienced by the comfort women. Photos and messages from some of the women hang on the stairway walls.

On the second floor, the history room exhibits Japanese military documents, reconfirming that the comfort women system was a war crime committed by the Japanese government and military. Activism on the issue is presented. There is a replica of the controversial bronze statue of a young girl representing comfort women in front of the Japanese Embassy in Seoul. The floor shows the painful experiences of 26 Korean women, one woman each from Taiwan, Indonesia, the Philippines and the Netherlands, and their lives after the war, with photos of all women. Dates of dead women are inscribed. Kim Hak-sun's story is included in the exhibit. Notably, the term "comfort women" is said to reflect the position of men toward women and is used by the Japanese government to conceal and diminish the military sexual system. In 1995, Radhika Coomaraswamy instead used the term "Military Sexual Slavery During War" and labeled "comfort stations" "rape centers." A video from the Wednesday demonstrations is shown.<sup>10</sup>

In Japan, The Women's Active Museum on War and Peace (WAM) opened in Tokyo on July 31, 2005, on the occasion of the 60th anniversary of the end of World War II. Over 21,000 people had visited the museum through May 2014. The museum is run by the NGO of the same name. The WAM holds seminars to enhance understanding of its exhibitions, conducts research on the comfort women issue, and seeks to bring justice to the women and survivors of military sexual violence throughout the world. Some of its goals are to apply gender justice to all issues of wartime sexual violence, starting with the comfort women; to document experiences of sexual violence; to probe its causes, and to bring its perpetrators to justice.



Prominent journalist and feminist activist Yayori Matsui (1934 to 2002) envisioned creating the museum. Following her death, likeminded activists formed a committee and began raising funds to establish the museum. The museum received no government support, but relied entirely on private donations. Though many foreign media and the KCWS came when the museum opened, only the *Asahi Shimbun* and media from Okinawa came from Japan. In 2007, WAM received the Pax Christi International Peace Award.

The research materials, books, and articles assembled over Matsui's lifetime are displayed throughout the museum. At the entrance, a chronological account spanning the years 1894 to 2005 is displayed with photos of comfort stations beside the timeline. The data is similar to that displayed at the museum in Seoul, but more detailed by recording the date and place of more historical events and covering a longer time interval. Here, the issue is also presented from the victims' perspectives by displaying the names and photos of 155 survivors: They are from the Philippines (70); South Korea (28); China (22); Taiwan (16); North Korea (7); East Timor (4: two from the Indonesian occupation 1975-1999); Korean women in Japan (2); Indonesia (2); the Netherlands (2); Japan (1) and Malaysia (1). The exhibit includes more detailed information about 12 of the surviving comfort women, providing accounts from three women from Korea, two from East Timor (during the Indonesian occupation) and one each from Japan, Taiwan, China, Indonesia, Malaysia, the Netherlands, and the Philippines. Kim Hak-sun's story is included among the detailed accounts. The museum includes an archive of written material, as well as videos and DVDs.

The WAM also includes information on the Women's International Tribunal on Japanese Military Sexual Slavery (Women's International Tribunal), a symbolic trial sponsored by the Violence Against Women in War-Network, Japan. Matsui founded the organization to plan and hold the symbolic trial in 1998 to gather testimony from victims and try individuals for crimes. The trial was held in Tokyo from December 7 to 12, 2000; there were over 1,300 participants from ten countries, including 390 victims. Nine prosecution teams from North and South Korea, China, Japan, the Philippines, Indonesia, Taiwan, Malaysia, East Timor and the Netherlands submitted a country indictment against top Japanese military and political officials for the injustice of the comfort women system. The Women's International Tribunal issued its judgement at The Hague on December 4, 2001, finding Emperor Hirohito responsible for the policy

leading to sexual slavery. Nine governmental officials and general officers were found guilty of crimes related to the “comfort station” system. The tribunal urged the Japanese government to pay reparations to the victims but it did not respond afterwards.<sup>11</sup>

### **Is a resolution of the issue possible?**

This account indicates that there should be sufficient knowledge about the comfort women issue, which raises the question of why it is so difficult to resolve it in a way that satisfies both Japan and Korea. According to the American, Indian and Romanian scholars Christopher Raymond, Mohita Mathur and Petru Roman (2003), the comfort women issue will remain unresolved until Japan offers an apology and extends—or is forced to extend—a remedy(ies) for the horrific human rights violations it committed against the women during its colonial rule. Any remedy should contain an apology to surviving comfort women for their sufferings; an acknowledgement that the drafting was implemented systematically and forcibly with the government’s knowledge; a recognition that the purpose was for sexual slavery and should be regarded as a crime against humanity; an acceptance of moral and legal responsibility; and, finally, an extension of monetary compensation from the Japanese government. The similarity to the demands raised by Radhika Coomaraswamy and the KCWS is striking.

As of January 2013, Japan had taken no tangible action on the comfort women issue, but it has acknowledged that almost all women were taken by deception or coercion. Japan is therefore obliged under international law to punish the perpetrators—but no one has been punished. According to the Japanese scholar Totsuka Etsuro (2013), “this non-punishment should be condemned as one of the worst examples of de-facto impunity in world history.” In contrast, Japan accepted the punishment by the war crimes tribunal of the Allied Forces. In 1948, the ad hoc Dutch Military Tribunal sentenced 10 Imperial Japanese Army soldiers—including one sentenced to death—for their roles in enslaving 35 Dutch women in comfort stations in Indonesia. Japan thus admitted that actions against the comfort women were serious offenses that deserved a death penalty when white women were involved. However, Japan has never acknowledged that the same crimes against Asian, mainly Korean, comfort women were an offense. This attitude should be condemned as shameless contempt of and discrimination against Asian women.

Soh (1996) concurs with Totsuka's opinion by writing that the trials ignored the same ordeals suffered by Indonesian women. In the author's view, considering the 1993 Kono statement and payments through the Asian Women's Fund, the opinion is not entirely correct; however, the fact that the two acts were not as explicit acknowledgements as the punishment in 1948 undermined their significance. Finally, it should be noted that in 2013 Japanese mass media and education did not fulfill their original tasks, but had instead continuously distorted reporting about the historical understanding of Japanese-Korean relations. Also, whereas in 1997 (following the 1993 Kono statement) all seven history textbooks in compulsory education included the comfort women issue, only three did in 2002, two in 2006 and none in 2012. In 2012, no reference to the comfort women issue was made in any of Japan's national history museums.<sup>12</sup> Consequently, The Women's Active Museum on War and Peace (WAM) played an important educational role.

The Japanese NGO Women's Active Museum on War and Peace (2013) concurs with the views of Raymond, Mathur and Roman by writing, "The fact that the State Party has not yet accepted its legal responsibility for Japan's military sexual slavery system is in itself an impediment to redress for the victims who suffered grave human rights violations." In order to stop further violations of the survivors' human rights, the Japanese government should immediately fully acknowledge historical facts and accept legal responsibility for the military sexual slavery system. The Japanese government needs to make an apology that is acceptable for the survivors, take legislative and administrative measures for compensation, teach the historical facts concerning the comfort women through textbooks used in compulsory education and make a clear reference to the issue in national history museums in order to prevent a recurrence. And finally, it must refute any denial of facts by politicians and the media. From June 2008 to March 2013, 39 local Japanese assemblies had passed statements calling on the Japanese government to resolve the issue by thoroughly investigating the comfort women system and exerting its honest and sincere efforts to recover victims' dignity.

Yoon (2010) points out that one reason for Japan's failure to recognize its responsibility towards the comfort women is that right-wing politicians argue that by recognizing the Asia-Pacific War as a war of invasion, ancestors' pride would be hurt and it would be a serious insult to the souls of those killed. Another obstacle is growing public support to amend

Article 9 of the “Peace Constitution” that prohibits Japan from pursuing war and only permits the maintenance of self-defense forces.<sup>13</sup>

Developments to resolve the comfort women issue entered another phase on December 28, 2015 following talks between the Japanese and Korean Foreign Ministers. Japan expressed its apology and contrition for its colonial-era sexual enslavement of Korean women and agreed to provide \$8.3 million for a foundation to be established by South Korea to support the victims. Foreign Minister Fumio Kishida said: “The comfort women issue is one involving the [Japanese] military that has left deep scars on the honor and dignity of many women. From this standpoint, the Japanese government feels strongly about its responsibility.” He also affirmed that if Japan conscientiously implemented its part of the deal, the issue would be “finally and irrevocably” settled. The apology and contrition was for the first time expressed in the name of Prime Minister Abe Shinzo.

However, the agreement that was the outcome of 12 rounds of bilateral director-general-level talks failed to specify whether Japan was taking “legal” responsibility, and was ambiguous regarding the dispute over the statue in front of the Japanese Embassy in Seoul. Some of the remaining 46 victims (with an average age of 89) protested the agreement and urged Japan to clearly take “legal responsibility” for its past misdeeds. A statement issued by the KCWS and five other solidarity organizations claimed that the agreement did not acknowledge that the colonial government and its military had committed a systematic crime. Since the apology was read by the Foreign Minister and not by Prime Minister Abe, it was unclear to whom he apologized, making it hard to regard the apology as sincere. The agreement was only considered an empty diplomatic gesture betraying the demands for all activists who are working for the Japanese government to acknowledge its legal responsibility. Notably, the former South Korean Foreign Minister Yu Myung-hwan said: “The deal seemed to come out as President Park Geun-hye and Abe made political decisions before this year, the 50<sup>th</sup> anniversary of normalization of the two countries’ diplomatic ties, comes to an end.” The statement indicates that otherwise there would not have been any agreement, raising doubts whether leaders were sincere about resolving the issue.

On December 29, Japanese civic groups said that the deal is insufficient to heal victims’ pain. Mina Watanabe, Secretary-General of WAM, said that, although it was meaningful that Japan recognized its accountability for the first time, the deal never went beyond the 1993 Kono Statement.

She found it questionable whether Japan sincerely wished to apologize, since it demanded the removal of the statue in front of its Embassy in Seoul. To remove the statue is completely against public sentiment and is unacceptable to the surviving victims. At the December 30 Wednesday demonstration, participants condemned the Japanese and Korean governments for sealing a deal without consulting the victims or gaining their consent. In spite of the controversies, the December 28 agreement caused uncertainties about when the funds from Japan will arrive and how they will be spent. On July 28, 2016, the Reconciliation and Healing Foundation opened, but the victims refused to attend the opening ceremony. The Foundation will financially assist the surviving victims and commemorate those who were forced to become comfort women.<sup>14</sup>

In early 2016, the KCWS stated in a report that the December 28 agreement cannot be considered a resolution of the comfort women issue since it 1) contains an ambiguous acknowledgement and apology; 2) does not admit legal responsibility; 3) has no follow-up measures and passes responsibilities to the victimized country; 4) imposes unfair conditions demanded by the perpetrator; and 5) ignores the principle of victim-centered approaches and recommendations of the international community.

The agreement does not mention that the comfort women system was organized and committed by the Japanese government, making it a state crime. By not referring to any coercion as expressed in the 1993 Kono Statement, it can be regarded as a regression of “acknowledgements” previously made. The Japanese government did not acknowledge any of its legal responsibilities regarding its illegal crimes. The agreement does not contain such follow-up measures as truth investigation, history education, commemoration and memorial projects, or prevention of recurrence. It makes the Korean government responsible for establishing a foundation that the Japanese government will finance. The Japanese government requested the removal of the bronze statue in Seoul, and the Korean government promised to resolve the issue, making the agreement a conditional apology. Finally, no explanation regarding the matter was provided to the victims before the agreement was concluded. Subsequently, neither government has approached the victims to gain their perspective. In contrast, they demand only their acceptance of the agreement.

In brief, the agreement is only a political collusion which excludes the victims and human rights for militaristic and economic gains. The Japanese government must 1) fully respect the victims’ assertion that the agreement is unacceptable and renegotiate it under the victim-centered

approach; 2) accept the recommendations adopted at the 12<sup>th</sup> Asian Solidarity Conference that reflect the victims' demands and admit its legal responsibility regarding the comfort women system; and 3) implement recommendations by UN human rights bodies and resolve the comfort women issue on the basis of international law and human rights principles.<sup>15</sup> Since at the time of writing, there are no signs that the Japanese government have taken any steps in these directions, the issue remains unresolved.

## **Conclusion**

From 1932 to 1945, Japan took an estimated 70,000 to 200,000 comfort women from occupied territories, about 80 percent of whom were Korean. The policy was implemented by coercion and violated international law that Japan had pledged to observe. The recruitment was also a crime against humanity. The Japanese government claims that the 1965 Japan-Korea Normalization Treaty is the authority to support its argument that the comfort women do not have a claim under international law but they were not even mentioned in it.

The issue was long neglected by both countries for pragmatic reasons. Comfort women suffered from great difficulties after 1945 by not being welcomed in the Korean society. Following efforts around 1990 by Korean women to raise the comfort women issue, and the coming out of the former comfort woman Kim Hak-sun in 1991, it became more well known and emerged as a point of dispute. The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (KCWS) founded in 1990 has made great efforts to resolve the comfort women issue, elevating it both in Korea and abroad. The issue has also been raised through the UN Commission of Human Rights which adopted condemnatory resolutions in 1992 and 1996. In addition, the Women's Active Museum on War and Peace in Japan has contributed to make the issue more widely known.

Although Japan—in 1992, 1993, 1995 and 2015—acknowledged that the comfort women system was implemented through coercion, it has not provided an official apology to the victims. Unofficial apologies have not satisfied Korea, since they did not explicitly point out the legal responsibility of the Japanese government. If Japan does not offer an official apology or extends (or is forced to extend) a remedy for the human rights violations it committed against the comfort women, the issue will remain unresolved.

## Notes:

<sup>1</sup> The author thanks the Åke Wibergs stiftelse [Foundation] for financial support for research visits to Japan and South Korea in summer 2014. This is a revision of a presentation made at the Asian Studies Conference Japan 2017.

<sup>2</sup> The Korea Times, “Putting differences aside, Koreas press Japan on wartime sex slaves,” March 29, 2014 (<http://www.koreatimes.co.kr/www/common/printpreview.asp?categoryCode=120&newsIdx=154305>): “Talks on sexual slavery,” April 18, 2014 (<http://www.koreatimes.co.kr/www/common/printpreview.asp?category/Code=202&newsIdx=155621>).

<sup>3</sup> Data on the role of museums are from Karl Gustafsson, *Narratives and Bilateral Relations: Rethinking the “History Issue” in Sino-Japanese Relations* (Stockholm Studies in Politics 139, Doctoral Thesis in Political Science at Stockholm University, 2011), p. 48.

<sup>4</sup> Author’s visit to the War and Women’s Human Rights Museum, July 3, 2014; Radhika Coomaraswamy, *Report on the mission to the Democratic People’s Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime*, United Nations, Economic and Social Council, E/CN.4/1996/53/Add.1, January 4, 1996, p. 4; Pak, Il, *Han’gugin-gwa Ilbonin-ûi hôse-wa songnae* (Seoul: Jnc Publishing Company, 2014), pp. 61-2; Christopher Raymond, Mohita Mathur and Petru Roman, “Korean Comfort Women, Human Rights and International Law: A Critical Analysis,” *Journal of Asia-Pacific Affairs*, vol. 4 (2003), pp. 41, 46, 54; Soh, Chung-hee Sarah, “The Korean “Comfort Women”: Movement for Redress,” *Asian Survey*, vol. 36, no. 12 (December 1996), pp. 1226-7, 1228, 1230, 1231-2; *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan* (Chicago and London: The University of Chicago Press, 2008), p. 168; The Women’s Active Museum on War and Peace (WAM), *“Comfort Stations” of the Japanese Military* (Tokyo, 2009); Yoon, Mee-hyang, *20nyôn gan-ûi suyoil* (Seoul: Ŭngjin Junior, 2010), pp. 47-8, 50, 82-3. Original quotation marks.

<sup>5</sup> Raymond, Mathur and Roman, *ibid.*, pp. 46, 47-9, 54; Soh, *ibid.*, 1996, pp. 1230-1231; Yoon, *ibid.*, 2010, pp. 82, 183.

<sup>6</sup> Author’s visit to the War and Women’s Human Rights Museum, June 11, 2014; Chaeil chosônin wianbu chaep’an-ûl chiwônhanûn moim, *Na-ûi maûm-ûn chiji anhatta* (n. p., 2011), p. 90; Han’guk chôngsindae munje taech’aek hyôbûihoe, *Han’guk chôngsindae munje taech’aek hyôbûihoe 20nyônsa* (P’aju: Tosô ch’ulp’an Hanul, 2014), pp. 48-9, 54, 73, 392; Park, You-me, “Comforting The Nation: ‘Comfort Women,’ the Politics of Apology and the Workings of Gender,” *Interventions: International Journal of Postcolonial Studies*, vol. 2, no. 2 (2000), p. 201; Joshua D. Pilzer, *Hearts of Pine: Songs in the Lives of Three Korean Survivors of the Japanese “Comfort Women”* (New York: Oxford University Press, 2012), p. 35; Raymond, Mathur and Roman, *ibid.*, pp. 49, 50-51; Soh, *ibid.*, 1996, pp. 1226, 1232, 1233; Yoon, *ibid.*, 2010, pp. 117-118, 124; Yoon, Mee-hyang, “Ilbongun ‘wianbu’ munje-ûi chinsil, chôngûi, paesang sirhyôn-gwa chaebal pangji-rûl wihayô,” *Ehwa Chendô pôphak*, vol. 5, no. 2 (December 2013), pp. 41, 43, 44.

<sup>7</sup> Article 6(c) of the Charter of the International Military Tribunal in Nürnberg in 1945 defines crimes against humanity as “murder, extermination, enslavement, deportation,

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and other inhumane acts committed against any civilian population before or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.” From Gay J. McDougall, *Systematic rape, sexual slavery and slavery-like practices during armed conflict*, United Nations, Economic and Social Council, E/CN.4/Sub.2/1998/13, June 22, 1998, p. 33: fn. 23. Original quotation marks.

<sup>8</sup> Cho, Sei-young, “Legal Resolution of Comfort Women Issue,” *Korea Focus*, August 13, 2014 ([http://www.koreafocus.or.kr/design2/layout/content\\_print.asp?group\\_id=105454](http://www.koreafocus.or.kr/design2/layout/content_print.asp?group_id=105454)), p. 1; Gustafsson, op. cit., p. 156; Han’guk chôngsindae munje taech’aeck hyôbûihoe, op. cit., p. 394; McDougall, *ibid.*, pp. 38, 39; Onuma, Yasuaki, *Ilbon-ûn sajoehago sipt’a - Ilbongun ‘wianbu’ munje-wa Asia yôsông kigûm* (Seoul: Chôllyak-gwa munhwa, 2008), pp. 66, 77, 90-91, 93-4, 218-219; Park, op. cit., pp. 201, 202; Soh, op. cit., 1996, p. 1236; Totsuka Etsuro, “Proposals for Japan and the ROK [Republic of Korea] to Resolve the “Comfort Women” Issue: Creating trust and peace in light of international law,” *The Asia-Pacific Journal*, vol. 11, issue 1, no. 6 (January 14, 2013), pp. 2-3, 6; The Women’s Active Museum on War and Peace (WAM), *Japan Alternative Report: Written information for the examination of the State party’s report (CAT/C/JPN/2), dated 15 September 2011* (Tokyo, April 2013), pp. 4, 11; Lucy Williamson, “Comfort women: South Korea’s survivors of Japanese brothels,” May 29, 2013 (<http://www.bbc.co.uk/news/magazine-22680705?print=true>), p. 2; Yoon, op. cit., 2010, pp. 17, 51-2, 119-120, 167-8. Original quotation marks.

<sup>9</sup> Coomaraswamy, op. cit., pp. 1, 24; Han’guk chôngsindae munje taech’aeck hyôbûihoe, *ibid.*, p. 102; Kawada, Humiko, “Chungguk chôn bôm kongsul sô-e nat’an an Ilbongun-ûi sôngp’ongnyôk,” *Ilbon-ûi chônjaeng ch’aegim charyo sent’ô*, *Ilbon-ûi kun ‘wianbu’ yôn’gu* (Seoul: Tongbuga yôksa chaedan, 2011), p. 332; Maeda, Akira, “Yôksa-e tojônhanûn kukche yôndae: Ilbongun sông noyeje nonûi-ûi tonghyang,” *ibid.*, pp. 755, 756; McDougall, *ibid.*, pp. 1, 39; Soh, *ibid.*, 1996, p. 1226. Original quotation marks.

<sup>10</sup> Author’s visit at the War and Women’s Human Rights Museum, June 11, July 3, 2014; Han’guk chôngsindae munje taech’aeck hyôbûihoe, op. cit., p. 20; KCWS, *War & Women’s Human Rights Museum* (Seoul, n. d.). Author’s translations of Korean expressions in English are marked with quotation marks.

<sup>11</sup> Author’s visit at The Women’s Active Museum on War and Peace (WAM), June 18, 19, 2014; Han’guk chôngsindae munje taech’aeck hyôbûihoe, *ibid.*, pp. 20, 415; Kim, Hee-Kang, “The Comfort Women System and Women’s International Human Rights,” *Korea Observer*, vol. 43, no. 2 (Summer 2012), p. 176; KCWS, *ibid.*; The Women’s Active Museum on War and Peace (WAM), *Toward a future of peace and non-violence* (Tokyo, February 2010); Video Juku and VAWW-NET Japan, *Breaking the History of Silence: The Women’s International War Crimes Tribunal for the Trial of Japanese Military Sexual Slavery* (DVD, n. p. 2001); Yoon, op. cit., 2013, p. 46.

<sup>12</sup> Raymond, Mathur and Roman, op. cit., pp. 51-2, 55; Soh, op. cit. 1996, p. 1231; Totsuka, op. cit., 2013, pp. 1, 3, 6, 8; “Tongasia-esô-ûi yôksa ch’ôngsan,” To, Si-hwan et al., *Han-il kangje pyônghap 100nyôn-ûi yôksa-wa kwaje* (Seoul: Tongbuga yôksa chaedan, 2013), p. 271; WAM, op. cit., 2013, pp. 3, 6.



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<sup>13</sup> WAM, *ibid.*, 2013, pp. 1, 4-5, 24-5; Yoon, *op. cit.*, 2010, pp. 55, 174, 175-6. "Peace Constitution" has original quotation marks.

<sup>14</sup> House of Sharing et al., *The Statement regarding the Agreement on the Japanese Military Sexual Slavery ("Comfort Women") Issue during the Korea-Japan Ministerial Meeting*, n. p., December 28, 2015, pp. 1, 2; Ock, Hyun-ju, "Victims protest sex slavery deal," *The Korea Herald*, December 30, 2015 ([http://www.koreaherald.com/common\\_prog/newsprint.php?ud=20151230001252&dt=2](http://www.koreaherald.com/common_prog/newsprint.php?ud=20151230001252&dt=2)), pp. 1, 2; Song, Sang-ho, "Japan officially apologizes, offers funds," *The Korea Herald*, December 28, 2015 ([http://www.koreaherald.com/common\\_prog/newsprint.php?ud=20151228000889&dt=2](http://www.koreaherald.com/common_prog/newsprint.php?ud=20151228000889&dt=2)), pp. 1-3; The Korea Herald, "Experts divided over assessment of Seoul-Tokyo deal on sex slavery," December 28, 2016 ([http://www.koreaherald.com/common\\_prog/newsprint.php?ud=20151228001142&dt=2](http://www.koreaherald.com/common_prog/newsprint.php?ud=20151228001142&dt=2)), p. 1: "Japanese NGOs express disappointment over Seoul-Tokyo deal on sex slavery," December 29, 2016 ([http://www.koreaherald.com/common\\_prog/newsprint.php?ud=201512289000652&dt=2](http://www.koreaherald.com/common_prog/newsprint.php?ud=201512289000652&dt=2)); The Korea Times, "Japan-funded foundation launched to settle old row over Korean comfort women," July 28, 2016 (<http://www.koreatimes.co.kr/www/common/printpreview.asp?categoryCode=116&newsIdx=210540>): "Foundation for wartime sexual slaves," July 29, 2016 (<http://www.koreatimes.co.kr/www/common/printpreview.asp?categoryCode=202&newsIdx=210686>). Original quotation marks.

<sup>15</sup> The Korean Council for the Women Drafted for Military Sexual Slavery by Japan, *Written submission by The Korean Council for the Women Drafted for Military Sexual Slavery by Japan*, Committee on the Elimination of Discrimination Against Women (CEDAW), 63<sup>rd</sup> Session (February 15 to March 4, 2016), Japan, pp. 5, 6, 7-8, 9. Original quotation marks.