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The Japan-South Korea Comfort Women Deal: Its Content, Mechanism and Influence

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On December 28, 2015, South Korea and Japan reached an agreement after consultations between the two countries' foreign ministers, and they confirmed that through the implementation of the agreement, the comfort women issue will be "finally and irreversibly" resolved. The comfort women issue has long been controversial between South Korea and Japan since 1990s. It has even worsened to become a key obstacle to bilateral relations since Abe Shinzo returned to power and Park Geun-hye was elected president, but was surprisingly resolved in the term of the two leaders. Its cause and signification are worth exploring. This article will briefly analyze the content, the mechanism under which the agreement is reached and the regional influence of the Japan-South Korea comfort women deal.

1. Content of the agreement

The Japan-South Korea comfort women deal includes three main aspects. First, on the nature and official position of the comfort women issue, Japan admitted that the issue "with an involvement of the Japanese military authorities at that time, was a grave affront to the

honor and dignity of large numbers of women", and the Government of Japan is "painfully aware of responsibilities" from this perspective. As Prime Minister of Japan, Abe expresses his "most sincere apologies and remorse". Second, as a compensation measure, the Government of Japan promises to contribute about 1 billion yen from its budget to the Government of South Korea to establish a foundation for the purpose of "providing support", and with the foundation, the two governments will cooperate on "recovering the honor and dignity and healing the psychological wounds of all former comfort women". Third, on the scope of validity of the agreement, the two sides confirm that the comfort women issue is resolved "finally and irreversibly", on the premise that the agreement is fully implemented. The two sides also promise that they will refrain from accusing or criticizing each other regarding this issue in the international community, including at the U.N.

On the definition of the nature and responsibilities of the issue, this agreement continues to use the moral consensus framework that was reached between South Korea and Japan in the mid-1990s. In this agreement, both South Korea's assertion of legal accountability and the so-called historical controversy raised by Japan are vaguely expressed and allowed to have different interpretation. Legal accountability is a focus of disputes between South Korea and Japan on the issue of comfort women in the last 20 years. South Korea holds that the Government of Japan is legally liable for comfort women, and claims that the 1965 South Korea-Japan reconciliation treaties haven't addressed the comfort women's individual rights to claim compensation against Japan. However, Japan insists that all legal claims between the two countries have been settled through the treaties. Japan recently proposed new historical facts, trying to further exclude liability for the government. Although this agreement includes the words saying the Government of Japan is "painfully aware of responsibilities" at the request of South Korea, it does not clearly reflect the legal claim of South Korea. Like the words "apologies" and "remorse", the consensus scope of the word "responsibilities" remains in the moral dimension.

The argument on historical facts are recently proposed by Japan,

focusing on questioning whether the Government of Japan was involved in organizing of recruiting comfort women by force. The 1993 "Kono Statement" had clearly acknowledged that comfort women were recruited by force, and in the process, the Japan authorities were directly involved. The statement also clearly described Japanese military's role and way of involvement. But recently, by reexamining the investigation report that "Kono Statement" is based on, Abe administration is trying to deny the foundation of the facts in "Kono Statement". This sparked harsh criticism from South Korea. This agreement only murkily mentions the "involvement of the Japanese military authorities", which is a regression compared with "Kono Statement". It also fails to clearly deny Japan's historical revisionist assertions, objectively leaving room for Japan to voice reservations.

In terms of compensation, the agreement shows a certain degree of tolerance and innovation, but the consensus is also limited to the moral level. The agreement also strengthens the sharing of responsibilities between the two governments in terms of the implementation of measures. Japan set up Asian Women's Fund in 1995, aiming to pay compensation to comfort women through private donations and subsidies from the government. The fund was dissolved due to resistance of the victims. The most intense resistance was from South Korea. Their reason was that this form of compensation confuses the Japanese Government's legal responsibilities, and they argued that Japan should contribute legal "compensation" from budget of the government. The agreement accepts South Korea's request in terms of the sources of funds, but it includes no clear statement related to legal accountability on the nature and purpose of the compensation, which leaves room for different interpretations of the two sides. In terms of management of the foundation, it is established by the Government of South Korea and jointly operated by the two governments. This not only makes the foundation more of a intergovernmental cooperation, but in fact makes the Government of South Korea shoulder a part of the responsibilities in the coordination at home and abroad.

In respect of the scope of validity of the agreement, the statement of "resolved finally and irreversibly" reflects the two governments' strong wishes to set aside disputes of comfort women. Yet, as it sets

the implementation of the agreement as premise, the prospect of reconciliation between the two sides remains uncertain. The word "irreversibly" is intended to prevent recurrence of disputes and to prevent some politician's words and deeds, unilateral legal action or giving back of compensation from triggering disputes between governments again. But since disputes on historical facts and legal issues still exist, it is difficult to rule out the possibility of escalation of civil disputes. In addition, in terms of the premise of implementing measures in the agreement, except that Abe's apology has been completed, measures like Japan's budget allocation, establishment of the foundation supporting comfort women and payments of compensation all involve domestic coordination in the two countries, which are difficult to implement. Especially in South Korea, there is a significant gap between government agreement and the demand of comfort women victims, and there lacks prior communication with the victims. The implementation process will inevitably face enormous resistance.

2. Mechanism under which the agreement is reached

In respect of the reason that the agreement was reached quickly, most of the existing analysis stresses on the mediation role of the U.S. and Japan Prime Minister Shinzo Abe's political decision. These factors are admittedly important, but the U.S. mediation has long been of little effect, and Abe's decision is not a unilateral change. On the contrary, South Korea, who had previously stuck to the principle, made significant concessions. This article will focus on South Korean and Japanese Government's initiative and decision-making mechanism in this time's consultations on the comfort women, especially decision-making considerations of South Korea.

First, it should be noted that this agreement is not an easy political compromise, but a result of long-term multi-level consultations. South Korea and Japan has started foreign secretary-level talks on the comfort women issue since April 2014, and 12 talks were held in total. After leaders of the two countries agreed to accelerate the resolution of the comfort women issue in last November, three meetings were intensively held. In addition to the substantive public channel, it is

said that there was a more important channel behind the scenes between the two countries, which was the communication between Lee Byeong-gi, Secretary General of Cheong Wa Dae and Yachi Shotaro, Director of Japan's National Security Council. The former is South Korea's last ambassador to Japan, and the latter is Abe's diplomatic counselor. It is said that the two played a key role in making mutual accommodation on key issues and facilitating leaders' decision. Moreover, the accumulation in early stage is also an important basis for the agreement. The common discourse system built through years of investigation and communication helps the two countries maintain a relatively accurate recognition on each other's assertions, bottom line and focus of disputes.

The reason that the consultations bear fruit quickly is that the two government is seeking to improve relations comprehensively, and as a premise, they need to first make a breakthrough on the comfort women issue. As a special year of the 70th anniversary of the end of World War II as well as the 50th anniversary of the normalization of South Korean-Japanese diplomatic relations, the year 2015 is important for solving the comfort women issue. In the middle of 2015, the two governments had reached a consensus on improving relations. Following the landmark events, such as leaders of the two countries sitting beside each other at the celebration of the 50th anniversary of the normalization of South Korean-Japanese diplomatic relations and President Park Geun-hye made mild comments on the "Statement by Prime Minister Shinzo Abe" in her speech at the 70th anniversary of Korean Liberation, the two governments resumed summit talks after the China-Japan-South Korea trilateral summit in early November, and announced that they would "accelerate consultations to seek early resolution of the comfort women issue". The internal cause of such a decision is mainly from the two aspects of decision making elite and leaders.

The so-called decision making elite refers to the elite groups that can directly or indirectly influence national policy-making, including government officials, political, business and academic circles and senior figures of the media. Through the colonial period and the rapid development of bilateral relations since the normalization of diplomatic

relations, close cooperation and networks have been built between decision making elite of South Korea and Japan. It is the major group advocating improved relations. The reason mainly lies in three aspects. First is economic interests. There has been analysis from both sides pointing out that cooling on politics is hindering economic and trade exchanges and adding burdens to domestic economic downturn. Second is diplomatic pressure. With the escalation and protraction of political conflicts, South Korean elite has frequently expressed worries about Japan's diplomacy towards the U.S. aggravating the "fatigue syndrome over South Korea", the "view that South Korea is pro-China" and marginalization of South Korea within the alliance, while Japan is more worried about damage to Japan's international image due to the government's hardline stance on the comfort women issue. Third is strategic considerations. Facing the slowing economic growth in China, the U.S. return to Asia and the TPP agreement since 2015, South Korean elite has discussed more on the strategic value of Japan, while Japan has started to reassess the importance of relations with South Korea from the perspectives of becoming a "normal state" and ending historical burdens.

Top leaders of South Korea and Japan are the final decision makers on the agreement of the comfort women deal. Apart from the influence from the elite, the reason that the two leaders has changed attitudes to promote reconciliation also lies in their considerations on domestic affairs. As President Park Geun-hye is halfway through her term in 2015, in order to avoid becoming a "lame duck", she has strongly promoted sensitive issues like the reform on labor law and the revision of history textbook, maintaining a strong personal position in the divergence and convergence of conservative and progressive factions. The comfort women deal, however, is difficult to have a fundamental impact on domestic political situation as she did early in her presidency, though the deal will increase public opinion divergence. For Abe, although concessions on the comfort women issue will lead to far-right criticism, they won't shake his leading position in conservatives. Moreover, they can get praise from the opposition and the international community, and will create an enabling political environment for further advancing the National Security Bills and the

constitution amendment process.

3. Regional influence of the agreement

For the South Korea-Japan relations in general, cooperation between the two governments will soon restart following the comfort women deal. Although grassroots criticism and resistance to implementation of the agreement will give pressure on both sides, they are difficult to reverse the cooperation of the two administrations. As mentioned earlier, the reason that the two governments are eager to reach the comfort women deal is to remove obstacles to improving relations, and they will thereafter restart various cooperation mechanisms as soon as possible. Given that the elite of the two countries have already called for and prepared for strengthening cooperation, visible results are likely to be achieved soon. Meanwhile, the two governments will face certain pressure at home. They will be criticized for their concessions in the comfort women deal, and will be under pressure for their subsequent different interpretations on the content of the agreement. But at least under these two administrations, unless there is an unexpected major event that makes domestic public opinion in favor of the opposition, the two governments are expected to try to refrain from accusing each other and prevent the escalation of internal conflicts by using methods like shifting public opinion focus and delaying the agreed measures. They will also rationalize the agreement by expanding bilateral cooperation and advertising their achievements.

In terms of Japan's historical issue, the Japan-South Korea comfort women deal will accelerate the cooling of historical controversy, but it fails to narrow the gap of historical understanding between Japan and its Asian neighbors at the root. First of all, the recent heating up of historical controversy in Japan was triggered at the point of Abe administration's historical revisionism and the 70th anniversary of the end of World War II. As Abe seeks to end the historical burden, and as the year 2015 is coming to an end, related controversy will be cooled down. Setting a key dispute aside at the government level, the Japan-South Korea comfort women deal will have an ensuring and accelerating effect to the trend. Although the agreement will inflame grassroots backlash in South Korea and attract attention

of international public opinion in the short-term, they will inevitably be marginalized under the cold treatment of the two governments. However, the essential aim of historical controversy is to reshape the bottom line and room for consensus in mainstream view of history in different countries. This agreement fails to substantially breakthrough South Korea and Japan's existing moral consensus on the comfort women issue and narrow the gap of understanding from the perspective of laws and historical facts. South Korea has a solid foundation of domestic and international support on the humanitarian discourse and legal accountability assertion of the comfort women issue, which has imposed great pressure on the Government of Japan. Yet, these assertions fail to be effectively reflected in this political agreement.

Based on the above analysis, China needs to give attention to the Japan-South Korea comfort women deal from two aspects. First is to pay attention to the study of the political and strategic considerations of the two governments behind the agreement. It should be particularly noted that South Korea has a great strategic value in balancing the situation in Northeast Asia. The reason that the Government of South Korea has been promoting the agreement can't be simply attributed to external factors, its initiative and strategic considerations should be paid attention to. Second is to pay attention to the study of the negotiation strategies the two countries used on the comfort women issue. The South Korean-Japanese comfort women controversy has more progress than other historical controversy with Japan. We should study more on negotiation strategies and lessons of the two countries from the perspective of laws and historical facts, and develop fundamental solutions for Sino-Japanese historical issues from the long-term outlook.

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