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Solutions to the Forced Labor Issue and South Korea-Japan Cooperation: Policy Alternatives and the Necessity of Track 1.5 Dialogue

Taeju Kim
(Research Fellow, INSS)

Abstract

On January 12, the South Korean government held an open forum to discuss solutions to forced labor and presented a solution to the effect that the Foundation for Victims of Forced Mobilization by Imperial Japan, which the government of South Korea created, pays compensation to the victims on behalf of the Japanese war criminal companies. This essay examines the implications of the South Korean government solution that focuses on subrogation and discusses the future possibility of improving South Korea-Japan relations through a track 1.5 dialogue diplomacy and policy options that can minimize opposition from victims and stakeholders in both South Korea and Japan. Victims' organizations in South Korea respond to the government's proposal that the subrogation is not a genuine apology and compensation to the Korean victims since it fails to address the suffering and victimization of the laborers. However, it does not seem easy for the Kishida government to provide the minimum level of apology acceptable to the Korean victims. Japan's ruling Liberal Democratic Party leaders are inclined to take advantage of conservatism for domestic political gains, making it difficult to issue an official acknowledgment of the Murayama Statement or the Kono Statement that recognized comfort women or to consider Japan's war criminal companies' directly providing the compensation ordered by the South Korean Supreme Court. While Japan's political circles need to enhance practical cooperation with South Korea regarding the North Korean

nuclear issue, they face the dilemma of jumping on the bandwagon of conservative sentiments or taking the path of reconciliation and cooperation despite the short-term loss of political benefits. Amid these endless political controversies, the governments of South Korea and Japan, rather than seeking a clear and final solution, need to employ 1) measures that can practically improve bilateral relations and restore trust and 2) engage in a track 1.5 dialogue, simultaneously with subrogation efforts.

Keywords

forum on the solution to forced labor, compensation by subrogation, South Korea-Japan relations, Kim Dae-jung-Obuchi Joint Declaration, track 1.5 dialogue

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Taeju Kim

(Research Fellow, INSS)

Recently, the South Korean government announced that as a solution to Japan's forced mobilization during the Japanese colonial period, the "Foundation for Victims of Forced Mobilization by Imperial Japan" under the Ministry of the Interior and Safety plans to make compensations to the Korean victims on behalf of Japan's war criminal companies, considering subrogation as one of the most plausible alternatives. On January 12, the South Korean Ministry of Foreign Affairs and Jeong Jin-seok, president of the Korea-Japan Parliamentary Federation and member of the National Assembly, jointly held an open forum to discuss solutions to forced labor and tentatively proposed the subrogation idea. Even before the official presentation, several victims' organizations decided not to attend, and those who did attend protested against the government's solution. This essay examines the implications of the government

solution centered on “compensation by subrogation,” with the aim to develop policy options, including a track 1.5 dialogue, as a means to minimize future opposition from victims and involved stakeholders in both South Korea and Japan while improving bilateral relations. Rather than erasing and concealing the voices of the victims, these forward-looking policy tasks entail symbolic and practical measures geared toward reconciliation and mutual trust-building.

Implications of the Forum on the Solution to Forced Labor

At the forum on January 12, the Ministry of Foreign Affairs outlined its basic policy options for resolving the forced labor issue. As a viable compensation alternative, the Foundation for Victims of Forced Mobilization by Imperial Japan was considering receiving voluntary donations from Korean and Japanese companies and paying the victims on behalf of the Japanese war criminal companies, Nippon Steel and Mitsubishi Heavy Industries. The South Korean government seems to have inevitably chosen the method of subrogation in a situation where “the Japanese government’s acknowledgment of legal responsibility” and “the Japanese companies’ compensation payments” were virtually impossible due to strong opposition on the Japanese side. This proposal, however, has attracted opposition from Korean victims’ organizations on the grounds that it neither constitutes a sincere apology nor genuine compensation. In other words, the compensation by subrogation plan is viewed as another way to avoid acknowledging the pain and victimization of the forced laborers.

In this situation, on January 30, South Korea and Japan held a director-general-level consultation to discuss the resolution of the lawsuit for compensating the victims of forced labor, but it seems that the two countries could not reach the expected level of consensus. The Kishida cabinet agrees to some extent with the method of subrogation proposed by the South Korean government but does not seem prepared to take further action to the level advocated by victims' organizations in South Korea. The Japanese government does not seem to consider issuing a serious apology and reflection similar to that of the 1998 Kim Dae-jung-Obuchi Joint Declaration, which the Korean government has consistently advocated. The fact that Japanese officials and Diet members have hardly mentioned the joint declaration gives weight to such a projection.

The Kishida government is not as desperate for a new partnership with South Korea as it was during the post-Cold War period when Prime Minister Keizo Obuchi (1998 - 2000) was in office. At that time, the Japanese government had serious interests in spreading Japanese culture and gaining economic benefits in South Korea, but the current situation is different with less motivation for bilateral cooperation. In addition, Japan has returned to the traditional security framework of resolving international conflicts and cooperation in East Asia through the U.S.-Japan alliance and partnership, that is, with the overwhelming influence of the U.S. over South Korea. Thus, except for the North Korean nuclear issue, there is not much reason for Tokyo to cooperate closely with Seoul. Accordingly, there is a lack of motivation to express the level of apology and remorse that South Korea expects. In other words,

Japan is less likely to express an apology at a level acceptable for Korean victims, such as the succession of the Murayama Statement or the Kono Statement that acknowledged comfort women. The direct participation of the war criminal companies in compensating the victims is also less likely to occur.

The Kishida Cabinet's Dilemma

In summary, the discussion on the solution to forced labor held last month did not provide an opportunity to escape from the political stalemate, in which it was difficult to take forward-looking measures to improve South Korea-Japan relations due to opposition from domestic victims and related organizations in South Korea. The issue of forced labor during the Japanese occupation was one of the main causes of deteriorating relations between Seoul and Tokyo along with the issue of comfort women in the previous Moon Jae-in government. The Moon administration's request to enforce the ruling on compensation for forced labor and renegotiate the comfort women issue was met with export restrictions on strategic semiconductor materials by the Abe administration, which advocated the revision of the Peace Constitution under the banner of strong conservatism and nationalism. High-level exchanges between Seoul and Tokyo were cut off, and bilateral relations fell to a standstill as they revealed differences in economic and military security issues. The Yoon Suk-yeol administration, however, actively engaged in diplomacy toward Japan, dispatching a policy consultation group prior to its inauguration, and made efforts to improve relations with Japan, such as actively pursuing a South Korea-Japan summit despite domestic criticisms of submissive diplomacy. This

future-oriented approach has yet to yield tangible outcomes, but has conveyed the Yoon government's intention to improve friendly relations with Japan. By sending these signals, an atmosphere of positive evaluation of the Yoon government's diplomacy was created within the Japanese society, giving the Kishida government maneuverable diplomatic space to improve South Korea-Japan relations despite continued conservative movements even after the death of former Prime Minister Abe Shinzo.

Nevertheless, the Kishida cabinet seems unlikely in a situation where it can make forward-looking efforts to improve South Korea-Japan relations. The approval ratings of the Kishida cabinet aiming to hold power for a long-term period have recently plummeted due to suspicions of corrupted collusion between the Liberal Democratic Party and the Unification Church, Kishida's cabinet decision to hold a national mourning ceremony for the late Abe Shinzo, and plans to hike taxes to strengthen defense capabilities. Likewise, a recent public opinion poll (Mainichi Shimbun, January 10, 2023) revealed that 46% of the Japanese people favor the resignation of Prime Minister Kishida in parallel with Kishida cabinet's falling approval ratings. The possibility of early resignation has already emerged since the end of last year, and even the current 30% approval rating seems difficult to maintain. In this political crisis, Kishida must regroup the conservative forces and prepare for the upcoming local elections. Thus, actively pursuing South Korea-Japan reconciliation and cooperation, opposed by conservative forces, will be an overwhelming task for Kishida. In other words, Kishida faces a significant political burden of expressing apologies and remorse at

the level demanded by victims' organizations and inducing direct participation in financial donations by Japanese companies involved in war crimes. While Kishida is aware of the practical necessity of cooperation between South Korea, the U.S., and Japan due to the North Korean nuclear issue, he also needs to jump on the bandwagon of conservative sentiment to strengthen his domestic political position.

Policy for the Improvement of South Korea-Japan Relations and the Necessity of Track 1.5 Dialogue

It is neither realistic nor possible for the governments of South Korea and Japan to seek a clear and final solution to these seemingly endless disputes and conflicts over history. Accordingly, at the current stage, it is necessary to employ a track 1.5 dialogue as well as measures that can show practical and tangible improvements in South Korea-Japan relations, simultaneously with subrogation efforts. There can be no resolution to historical conflicts, including the issue of forced labor and comfort women, that can satisfy both domestic and international parties and civic audiences. Historical issues emerge to the surface when internal and external political, military, and economic uncertainties intensify, exacerbating conflicts and thus impeding cooperation between countries. The controversy centered on the history between countries and attendant demands and denials of apologies is a symbolic discourse that aims to build common interest, purpose, and behavior and also restore trust for reconciliation and new cooperation through a shared justice for the unfortunate history of the past. It is a process of establishing a shared understanding between the actors involved. Therefore, to

clarify the will to practically improve bilateral relations towards the political circles and civil society of both countries, it is necessary to boldly announce three or four measures geared toward building mutual trust and realistically improving relations, alleviating political uncertainty, and minimizing domestic and international opposition to the subrogation solution. However, if these measures are used as a political means to silence the voices of the victims or carried out without practical and sustainable follow-up efforts, historical issues may resurface at any time with political, economic, and military uncertainties.

One scenario based on the Japanese government's minimum level of apology, that is, an apology at the level of the Murayama Statement and participation in financial donations for the compensation by war criminal companies is: Japan firstly lifts export restrictions against South Korea before announcing the subrogation plan. Secondly, at the same time, South Korea applies for membership in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) led by Japan, and the Japanese government expresses its willingness to cooperate. Thirdly, South Korea and Japan announce a joint vision for the restoration and expansion of GSOMIA and more advanced security cooperation between the two countries. Fourthly, excessive tension and confrontation over the forced labor issue at home and abroad are alleviated, and the compensation by subrogation plan is announced along with a specific schedule for shuttle diplomacy for cooperation between the two countries.

Even under such broad-based measures to improve South

Korea-Japan relations, antipathy toward the solution to forced labor and criticism of the government may persist for a considerable period. Thus, it is also necessary to propose a track 1.5 dialogue with Japan to embrace and understand the objections of the victims and related organizations, and to constructively reflect historical issues in bilateral relations. Both governments should accept this and show the people of both countries their will to continuously discuss the victims' demands through future track 1.5 dialogues which the above-mentioned measures failed to achieve. Such efforts will display the governments' will to resolve the victims' unmet needs, including psychological relief. Finally, before putting this process into practice, the South Korean government should hold four or five additional briefings, public hearings, and debates in addition to the previous public-private consultation meetings and forums to discuss the issue of forced labor with prominent intellectuals, politicians, and journalists. There is a need for these public opinion leaders to actively publicize the importance of improving South Korea-Japan relations and bilateral cooperation while participating in the track 1.5 dialogue and making domestic and international audiences aware of the painful memories and victimization of the laborers.

The views and opinions expressed in this report are those of the author(s) and do not necessarily reflect the official position of INSS.