



## **Impasse in Japan-Korea Relations is an Opportunity for Resolution** by Kazuhiko Togo

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Japan-Korea relations are at one of the worst levels of the postwar era. For many observers, this is puzzling. The deterioration in Japan-China relations, however regrettable, has certain structural causes. The rise of China is taking an unambiguous character of the use or threat of force, which will require a forceful response from Japan if necessary. The danger is real and imminent, but at least there are many comparable events in history, and we hope that some solution could be found from that history.

So, the first question in Japan-Korea relations is whether there is a structural cause for the current deterioration of their relationship. At first glance, the answer is no. Korea has remarkable achievements: it established a powerful democracy from a militarist autocracy, developed one of the most vibrant and energetic economies in East Asia, and it has dazzled the Japanese with “Korean waves.” Japan, after being adrift for more than 20 years, is now regaining vigor under Abenomics. Success makes confidence and confidence in principle should mean generosity in accepting others.

But this success and confidence may lead in a different direction. Confidence can lead to strong national emotion combined with self-righteous assertions. Some observers, including my best friends in Korea, say the Korean “curse” over Japan is so deeply rooted in their psyche that as Koreans rise in power, pride and confidence, their desire for complete justice from the colonial period sees no boundary. From a Korean perspective, the success of Abenomics and growing confidence among Japanese is reinforcing the image of “Abe the revisionist” and repulsion to this image is becoming fixed. Admittedly some of Abe’s statements and behavior could have fed this suspicion, but an important aspect of Abe’s policy based on “Abe the pragmatist” is not appreciated in Korea. If that is indeed what is happening, the deterioration of the relationship might have assumed a structural character.

But is this the case? I don’t think that the deterioration of the relationship is inevitable. For sure, there are objective factors that make the relationship difficult. But, there still exist vast areas of yet unrealized opportunities, to be chosen and implemented by everyone involved in the relationship, from top leaders to opinion makers writing in Facebook. From this perspective, the current collapse of relations is the result of a lack of action or failed actions, both of which can be remedied by positive efforts by leaders and others.

There are at least four major difficult issues in Japan-Korea relations. Difficulty in one affects the others and this is

creating a vicious cycle. What is needed is to cut the linkages followed by efforts to tackle these issues one by one. Improving one might affect the resolution of another; relations can then enter into a positive cycle. This should be possible, provided there is political will on both sides. The four issues are: lack of trust between Abe and ROK President Park Geun-hye; comfort women; Takeshima/Dokdo; and Korean judicial decisions on forced labor.

There seems to be complete lack of trust between Prime Minister Abe and President Park. After nearly a year in office, most Japanese believe that Park faces a fundamental problem because she is the daughter of Park Chung-hee, who led Korea’s industrialization by utilizing his contacts with Japan and “compromising” with them. Since Park Chung-hee’s “compromised” approach to Japan and the 1965 normalization agreements with Japan are severely criticized in Korea, it isn’t easy for Park Geun-hye to exert leadership and bring the two countries closer to reconciliation. Meanwhile, Abe has a formidable entourage that believes Japan should not make any more concessions to the incessant Korean demand for apology. This combination has locked the relationship into its current poor state. But a year of frozen relations between the two leaders means that the thresholds for taking action are becoming lower. The lower the barrier of the impasse, the greater the opportunity for a first step toward mutual understanding. As a Japanese citizen I hope that the first meaningful step would be taken by Abe.

On comfort women, many things have already happened between Japan and Korea. The efforts made by Japan from the end of the 1980s, including the Kono Statement of 1993 and activities by the Asian Women’s Fund toward Korea from 1995 till 2002, are not insignificant. I find the activities of Korean NGOs that put the political objective of pursuing Japan’s legal responsibility above the personal wishes of some comfort women who accepted and appreciated Japanese apology and atonement, very problematic. Nevertheless, there is one real political agenda the two leaders share at this point in time: achieving political reconciliation between the two governments on this issue while some comfort women are still alive and can express their will. If all these women pass away without political reconciliation, this issue will remain between Japan and Korea without hope for remedy in the foreseeable future. For those who care about the long-term interest of the two countries, this is in no one’s interest. It is precisely Prime Minister Abe and President Park’s responsibility and opportunity to act. The rough concept that the two sides might be able to agree upon can be discerned from the formula reportedly discussed in the last stage of the Noda Yoshihiko-Lee Myung-bak governments: a prime minister’s apology letter and atonement money financed by Japan’s budget, a solution that the Asian Women Fund was unable to provide.

The Takeshima/ Dokdo issue is the most emotional issue

between the two countries, one that goes to the heart of Korean indignation against Japanese colonial rule and is now a source of Korean identity. At the same time, however, it is only fair to recognize that the Japanese government never has put this issue at the center of bilateral relations nor has it made any genuine diplomatic overture to change the status quo, unlike the continuous efforts to change the current situation with Russia on the Northern Territories. It should also be noted that South Korea's current position that "a territorial issue does not exist" and "therefore we are not going to discuss it" is the most rigid approach taken among the three territorial issues in Northeast Asia, only comparable to the position of the Soviet Union before Gorbachev came into power in 1985. Abe's position now on the Senkaku/Dyaoyutai is that "a territorial issue does not exist," but "the door of dialogue is always open." If domestic political pressure in Korea makes a government-to-government dialogue impossible, a track-two dialogue should be possible: the international conference that took place at SAIS, Washington in June 2009 or the Japan-Korea scholarly dialogue in September 2011 in Seoul are proof that this kind of quality dialogue can happen. The only true danger regarding this issue is the possibility that a real explosion of emotional nationalism takes place in Japan. So long as this does not happen, Korea and Japan can find a modality to coexist with the situation around the islands, and Prime Minister Abe and President Park have a clear window of opportunity.

The last issue has been triggered by the Korean Supreme Court verdict on pre-war forced labor. The judicial battle between the two countries witnessed a turning point in April 2007 when the Japanese Supreme Court ruled that international treaties that Japan concluded to resolve war-related issues not only ruled out a government's right to future claims but also those of individuals as well. As if to counter this verdict, the Korean Supreme Court ruled in May 2012 that the Korea-Japan Agreement on Claim and Economic Cooperation of 1965 did not rule out individual claims. Moreover, this ruling held that the 1965 Claim and Economic Cooperation Agreement, which prescribed that "all claims between the states and people are completely and finally resolved," does not include "unlawful activities directly linked to colonial rule or anti-humanitarian unlawful activities where Japan's state power was involved." For most Japanese, the 1965 Claim Agreement was concluded precisely to resolve claims that are related to colonial rule. The Korean Supreme Court ruling negated this understanding and put to naught resolution of claims based on the 1965 Agreement.

This ruling even goes against the Korean government's official position formulated in 2005 that cases of enforced labor are covered in the 1965 Claim Agreement. So from July 2013 onward, *Shinnitetsu* and *Mitsubishi-Juko*, the two major Japanese companies in Korea, have been found guilty of having used forced labor during colonization. Each company is appealing to the Supreme Court, but given the May 2012 verdict there is no possibility of winning. If these companies do not follow the court verdict, it seems that enforcement of the law, which is confiscation of the companies' property, is inevitable. In May 2007 after Japan's Supreme Court ruling, I argued that now that these claims are no longer subject to legal prosecution, resolution of these issues from a moral and

voluntary point of view should be encouraged. But even so, the Korean Supreme Court's ruling to void the 1965 Claim Agreement creates serious doubt about the fundamental basis of the two countries' relationship, however fragile it might have been. The Korean government calculated that there are 299 Japanese companies that could be prosecuted for using forced labor. If all these companies' property is confiscated, one by one under full media exposure, state-to-state relations between Japan and Korea would be damaged for the foreseeable future. Abe and Park, and their administrations, have the responsibility and opportunity to talk and work hard to avoid this before the worst happens.

*PacNet commentaries represent the views of the respective authors. Alternative viewpoints are always welcomed.*