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AJISS-Commentary

Japan-ROK Relations in the cul-de-sac: 30 Years of repeated "reconciliation" and "collision"

03-30-2020

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*Series: Trajectory of Heisei, way forward to Reiwa (No.3)

Japan and South Korea are in the midst of a crisis over the 1965 Japan-South Korea Treaty (1965 Treaty) system.

This situation began with the ruling by South Korea's Supreme Court over the issue of the laborers. An overview of the development is as follows.

(1) In October 2018, the Korean Supreme Court ordered Japanese companies to pay damages for protests from the Japanese government, the Moon Jae-in administration has ignored their changes in the interpretation of the 1965 Treaty and the Japan-ROK Agreement Concerning Problems in Regard to Property and Claims and Economic Cooperation (Claim Settlement Agreement).

(2) To prevent changing basic interpretations of the 1965 Treaty system, the Japanese government implemented a kind of "shock therapy" in July, using tighter export control towards South Korea.

(3) However, South Korea reacted excessively in response to the Japanese government's tighter export control on semiconductor-related materials and parts. That led to the ROK General Security of Military Information Agreement with Japan (GSOMIA).

(4) In addition, Japan's unilateral measures led the Korean public to launch a boycott of the neutral intellectuals to support the Supreme Court ruling.

Thus, the "chain of bad moves" between Japan and South Korea expanded the historical security fields, driving the Japan-South Korea relationship into a "cul-de-sac". With the upcoming general election, it seems inevitable that the dispute will be prolonged.

First of all, the genesis of historical friction between Japan and South Korea lies in a clash of two nations. While Japan's national self-portrait is that they overcame the threat of invasion in the 1894-95 Sino-Japanese War, and achieved modernization on their own, South Korea's narrative is their brave resistance against Japanese colonialism, such as the March 1st Independence Movement. Under colonial rules, Japanese rule aimed at assimilation, reflected in the annexation of Korea in 1910, which later became independent from Japan, needed to restore its identity, namely the traditional Korean culture.

Secondly, traditional Korean political culture is based on Neo-Confucianism, which emphasizes moral legitimacy. In the normalization talks, the biggest issue raised by South Korea was ideological: whether Japanese rule was legal or illegal. On the other hand, based on the tradition of samurai or feudal governance, Japanese political culture places more importance on realistic issues, namely the content of the agreements. The Korean side criticized the illegality of the annexation of 1910, while the Japanese side argued that the agreement of the annexation was legally concluded and executed.

Therefore, even after the end of World War II, Japan and South Korea could not settle their abnormal relationship, absence of diplomatic relations, continued for about 20 years. It was finally resolved in 1965 under the strong leadership of Japanese Prime Minister Eisaku Sato and Park Chung-hee based on the 1965 Treaty, and the Claim Settlement Agreement. At a time when economic development were the top priorities, the Japanese and South Korean governments normalized relations without "apology" or "reconciliation". Without the Cold War and South Korea's rapid economic growth, the two sides could not have reached the agreement with mutual compromises.

However, when the Showa era ended and the Heisei era began in January 1989, the world entered the end of the Cold War. In Europe, the main battlefield of the Cold War, the Berlin Wall fell in 1989, and Germany was reunified in August of the following year. In addition, the Soviet Union was collapsed in 1991, and the Treaty on European Union was concluded in February 1992. On the Korean hand, South Korea achieved industrialization focusing on heavy and chemical industries in the 1970s, democratization has progressed, and the Seoul Olympics were held in September 1988. From 1989 to 92, South Korea established diplomatic relations with Eastern European countries and China, and joined the United Nations together with North Korea. It was as if the era of reconciliation and postwar reconciliation had finally come after the end of the bipolar confrontation.

<Review of Heisei Period>

Since then, the Heisei era of Japan-ROK relations has progressed in two stages. In the first

"postwar reconciliation" was actively explored, while historical issues reignited against the globalization of the Korean economy and China's growing economic power in the second 1 systemic crisis in Japan-ROK relations also accelerated during this period.

An overview of the first period is as follows.

In May 1990, Prime Minister Toshiki Kaifu of the Liberal Democratic Party (LDP) at a bar Tae-woo expressed "humble remorse and frank feelings of apology" regarding the past co time. With this expression, the position of the Japanese government at the time of the no relations, that the Japanese rule had been legal and justifiable, was changed to the "legal the usage of the wording of " humble remorse and frank feelings of apology " was inherited by Ministers Kiichi Miyazawa and Morihiro Hosokawa of the Japan New Party. In August 1995 Murayama of the Social Democratic Party of Japan issued a statement on the occasion of the 50th anniversary of the end of the second world war admitting that Japan had given "tremendous damage and suffering" to neighboring countries by "its colonial rule and aggression" and expressed "deep remorse and heartfelt apology." This statement was succeeded by Prime Minister Ryutaro Hashimoto of the LDP.

However, it was during the time of Prime Minister Keizo Obuchi and South Korean President Kim Dae Jung that Japan and South Korea came closest to a "postwar reconciliation". "A New Japan-ROK Partnership for the 21st Century" signed by the two leaders in October 1998 was a joint declaration agreed upon by the top leaders of Japan and South Korea, unlike the one-sided statements made by previous governments. Furthermore, when Prime Minister Obuchi expressed his "deep remorse and heartfelt apology" for the past colonial rule of the Korean Peninsula, President Kim accepted and appreciated it as a sincere history recognition by the Japanese side, and added that it was the time for the both countries to develop a future-oriented relationship based on reconciliation and good-neighborly and friendly cooperation.

In fact, immediately after the summit, President Kim Dae Jung began gradual opening up to the Japanese pop culture, including movies and music. In 2002, Japan and South Korea co-hosted the World Cup. From the following year, Korean TV dramas became hits in Japan, and their popularity spread in the field. The so-called "Korean boom" became a social phenomenon in Japan. Since then, the relationship between Japan and South Korea had been at its best until the time of Prime Minister Junichiro Koizumi. However, in 2006, when Shimane Prefecture adopted the "Takeshima Day" ordinance in March 2006, the Japanese government strongly opposed it.

On the other hand, the second phase of the Japan-ROK relations began in the latter half of the 2000s administration. It was when the South Korean judiciary started making objections to the 1965 Claims Settlement Agreement.

For example, in August 2011, the Korean Constitutional Court issued a ruling criticizing the Ministry of Foreign Affairs and Trade's "omission" over the comfort women issue. For this reason, President Lee Myung-bak had a heated debate with Prime Minister Yoshihiko Noda at the Japan-ROK Summit Meeting held in Tokyo in 2011. Furthermore, in May 2012, the Supreme Court recognized the "personal claim" of the victims and concluded that the diplomatic protection right had not been waived by the Claims Settlement Agreement.

It may be called as "transgression by judiciary" as the South Korean judiciary suddenly broke the compromise reached by the Japanese and South Korean governments after difficult negotiations.

may also be said that the checks and balances among the judiciary, the legislature, and the executive. It is not clear why the South Korean judiciary has begun the moves, but I suspect that it is "democratization of the judiciary" that has come late. If that assumption is correct, these "declarations of independence" by the judiciary, which had been ridiculed as "a servant of

Strangely, however, the proceedings of the court over the comfort women and the form progress there. President Park Geun-hye, who took over power, put a political brake on it. President Park pursued an overly critical stance against Japan on the history issue immediately after her inauguration. In March 2012, she said, "the positions of the perpetrator and the victim will be passed on to the next generation in the passage of 1000 years". and in May, she delivered a speech to the U.S. Congress, saying "we cannot see the future". In her visit to Beijing in June, she continued to criticize Japan.

To sum up, it will not be easy to find an exit from the dead-end relationship between Japan and South Korea. If South Korea finds a way to deal with the issue of the former laborers on its own, it may be able to receive preferential treatment of export control to South Korea and stabilize its relations with Japan. If the Korean side is able to make such a political concession before the general elections in April, it may lay the political foundation of the Moon Jae-in administration. Moreover, any measures that may be taken by the Korean side on the former laborer issue should be legally consistent with its Supreme Court decision.

Having considered all these factors, the following old saying might apply to the situation: "Wine poured into a new wineskin."

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