

This column by PCI Board Member, S. Nathan Park, appeared in the Foreign Policy on Monday, March 27, 2023.

ARGUMENT

An expert's point of view on a current event.

The South Korea-Japan Forced Labor Deal Is a Shambles

Washington should stop trying to force Seoul and Tokyo together.

By [S. Nathan Park](#), a Washington-based attorney and nonresident fellow of the Quincy Institute for Responsible Statecraft.

MARCH 27, 2023, 3:45 PM

Kim Seong-ju was 15 when she was sent away from her home in Korea to Nagoya, Japan, to work in a factory for Mitsubishi Heavy Industries. At the factory, she was told to cut metal plates for aircraft parts. The machine tool severed her left index finger. Later in life, she would testify before South Korea's legislature: "I remember my Japanese overseer playing with my severed finger, repeatedly tossing it into the air and catching it. He said it was 'funny.'"

Yang Geum-deok, 13 years old at the time, worked at the same factory. Her job was to peel the rust from Japan's fighter jets and paint them. She was given no safety equipment to protect her face from the paint solvent, leaving her nearly blind in one eye. Lee Chun-sik was in school when he was sent to work at a processing plant for Nippon Steel. He barely escaped death when Allied bombers leveled the plant.

There is no meaningful dispute that Kim, Yang, and Lee, mere children at the time, were subject to forced labor—arguably to slave labor. In drafting Korean children for its war effort, imperial Japan kept up the formalities of free labor exchanged for wages. But no one was paid, and no one was free to leave, until the machinery of war itself was dismantled by defeat in 1945.

Their stories of suffering and injustice are worth remembering today because the United States is all but attempting to bury them. When South Korea and Japan announced a preliminary agreement regarding the claims of Korean forced laborers from World War II—including Kim, Yang, and Lee—in March, the United States rushed to endorse the deal that all three of the surviving former forced laborers who had bought the original claims themselves denounced. (The families of some of the deceased plaintiffs, however, are

willing to accept the deal.) In doing so, Washington is repeating its previous errors in managing the relations of two of its most important allies in East Asia, exchanging short-term gains for a long-term derailment.

U.S. leaders have been unreserved in their congratulations for the preliminary agreement. Rahm Emanuel, the U.S. ambassador to Japan, hailed the deal. U.S. President Joe Biden called the agreement “historic” and “groundbreaking.” A host of Washington-based think tanks praised the deal. Not one of them referred to the fact that the former forced laborers themselves unequivocally rejected the deal, while most polls showed approximately 60 percent of the South Korean public disapproving of the agreement.

South Korea’s conservative president, Yoon Suk-yeol, who took office in May 2022, has been eager to improve relations with Japan, which have hit a nadir since 2018, when South Korea’s Supreme Court ruled in favor of the former forced laborers, ordering Mitsubishi Heavy Industries and Nippon Steel in separate judgments to make reparations. But Yoon’s rush to craft an agreement with Japan led to an outrageously one-sided deal. Under the agreement, a foundation paid for by South Korean corporations would pay for the judgments. Neither Mitsubishi nor Nippon Steel would pay any reparations or issue any apology.

In retaliation for the Supreme Court judgments, Tokyo launched a trade war in 2019 under which it embargoed high-tech materials in order to kneecap South Korea’s semiconductor industry. Despite the agreement, the trade war will continue: When the Yoon administration announced that Japan had canceled the trade restrictions, Japanese Economy Minister Yasutoshi Nishimura went out of his way to correct Yoon, saying Tokyo was merely “reconsidering” the restriction.

Tokyo has repeatedly claimed that it did not subject any Korean to forced labor—a claim that strains both credulity and decency. Japan has also claimed that, at any rate, it already made reparations to Korean laborers when the two countries normalized diplomatic relations in 1965 and Japan paid money to South Korea in the form of grants and loans. But that stance, which Tokyo did not officially adopt until the 1990s, was plainly contradicted by Japan’s then-foreign minister, Etsusaburo Shiina, who said shortly after the normalization in 1965 that the payment made to South Korea was to “congratulate the beginning of a new nation”—not reparations.

The Yoon administration has attempted to defend the agreement as a display of magnanimous statesmanship. Shortly after the deal was announced, South

Korean Foreign Minister Park Jin said in a press conference that Seoul “took the initiative to make a bold decision.” Park compared the agreement to “a glass of water that is more than half filled” by South Korea and said: “I expect the glass will be filled by Japan’s positive response to come.”

Such a response has not come. Just four days after the deal was announced, Japanese Foreign Minister Yoshimasa Hayashi told the Japanese legislature that imperial Japan’s conscription of Koreans was not “forced labor” and that the Japanese government would not issue any further apology. Legislator Kee Miki of the Japan Innovation Party took a step further, calling Japan “an innocent bystander and a victim” of the claims by Korean forced laborers, arguing that the claims were against international law. An unnamed lawmaker with the ruling Liberal Democratic Party stated the matter plainly to the Japanese daily *Sankei Shimbun*: “This is a total victory for Japan. We didn’t have to concede anything.”

Seoul’s unilateral concession may well doom the preliminary agreement. An instructive recent precedent is the 2015 agreement regarding the reparations for imperial Japan’s military sex slaves, between South Korea’s Park Geun-hye administration and Japan’s Shinzo Abe administration. The parallels are almost too on the nose: a deeply unpopular Korean president, entering into an unpopular deal opposed by the victims themselves, with a Japan that had no intention of acknowledging its crimes.

The investigation that led to Park’s impeachment revealed a previously undisclosed side deal under which the Park administration agreed to remove memorial statues for the military sex slaves, to cease using the term “sex slaves” to refer to what the Japanese military termed “comfort women,” and to attempt to halt public efforts to commemorate the sex slaves, including a 2016 event that a member of the U.S. Congress planned to host.

Meanwhile, Abe continued to maintain that the Japanese government had no legal obligation to give reparations to the former sex slaves, and Japan’s Foreign Ministry (which, at the time, was headed by Fumio Kishida, who is now the prime minister) has persisted in its official reports that so-called comfort women were not sex slaves. In late 2017, South Korea’s new president, Moon Jae-in, all but scrapped the deal, saying it “excluded the victims themselves as well as the Korean people” and was “seriously flawed in procedure and substance.”

In 2015, the Obama administration pushed strongly for the deal, hoping that South Korea and Japan could mend fences and join forces with each other and

the United States to counter China's rise. This was a mistake, as it resulted in a deal that neither South Korea nor Japan wanted. The Biden administration tacitly acknowledged this mistake by staying out of the negotiation process of the forced laborer agreement this time. Nevertheless, by endorsing South Korea's unilateral concessions while requiring nothing from Japan, Washington is repeating the same fundamental error: ignoring the pain and suffering of the victims of Japan's imperialist past.

This is the same mistake that the United States has made since 1945, when Korea reemerged as an independent state. In the aftermath of World War II, the United States had a chance to compel Japan to account for its crimes against humanity. But in what historian Syrus Jin called a "logic of quick solutions," the United States declined to do so because the exigencies of the Cold War against the Soviet Union appeared to require Japan as a bulwark. Unlike Germany's de-Nazification, most of Japan's high-ranking fascists continued to govern the country.

Today, with China emerging as a major U.S. rival, this logic of quick solutions is making a return. Against an authoritarian China, the argument goes, prosperous liberal democracies such as South Korea and Japan must set aside bygones and stand together to defend freedom in East Asia and not let bygones get in the way. But this argument fails because it overlooks how the logic of quick solutions has always worked in practice: Japan does as little as possible to acknowledge its past crimes of mass murder, sexual assault, and slave labor, while Korean victims are silenced or brushed aside in the name of high-minded realpolitik.

By rushing to endorse the deal, Washington is doing nothing to address its obvious flaws. Under South Korean law, no one can force Kim, Yang, or Lee to accept payment from anyone other than Mitsubishi or Nippon Steel to satisfy the judgments they hold against the Japanese corporations. Any diplomatic deal opposed by the former forced laborers themselves is a nonstarter because no reparation is possible. Nor is it likely that the deeply unpopular and uncharismatic Yoon—whose nickname is "a gaffe a day"—can somehow rally the Korean public into favoring a grotesque agreement in which the victim is paying the perpetrator. Much like the 2015 sex slave agreement, the forced laborer agreement is just one election away from being dissolved.

It is not too late for the United States to correct its course and avoid repeating the same mistake it has made for nearly eight decades. To start, Washington could suggest that Mitsubishi and Nippon Steel issue an apology and also pay into the foundation that would make reparations to the former forced

laborers—just as much as Mitsubishi did for former U.S. prisoners of war in 2015. More fundamentally, the United States must reconsider its indulgence of Japan’s obstinate refusal to reckon with its past. The onus to repair South Korea-Japan relations is on the former colonizer, not the former colony. Seeking justice by putting victims at the center is not simply a moral imperative; it is also in the national interest of the United States, by pursuing a genuine reconciliation between two critical allies.

S. Nathan Park is a Washington-based attorney and nonresident fellow of the Quincy Institute for Responsible Statecraft.